



**Village of North Palm Beach  
Planning, Zoning and Adjustment Board  
AGENDA  
Tuesday, November 12, 2024 at 6:30 pm  
Village Hall Council Chambers**

**1. Roll Call**

Cory Cross, Chair  
Scott Hicks, Vice-Chair  
Thomas Hogarth, Member  
Jonathan Haigh, Member  
Donald Solodar, Member  
Timothy Hulihan, Member  
Mark Michels, Member  
Village Staff, Attorney, and Councilmember

**2. Deletions, Additions or Modifications to the Agenda**

**3. Public Comment for Non-Agenda Items**

**4. Approval of Minutes**

a. September 10, 2024

b. October 1, 2024

**5. Declaration of Ex-parte Communications**

**6. Quasi-judicial Matters**

**a. Site Plan and Appearance Review**

**i. Old Business**

**1. [555 US Highway 1 \(Faith Lutheran Church\)](#)**

A request from Karissa DeLena from Kasper Electric, on behalf of the property owner, Faith Lutheran Church of North Palm Beach Missouri Synod, for Site Plan and Appearance Review approval to add two (2) 35' light poles along Eastwind Drive to light their parking area located at 555 US Highway 1.

**ii. New Business**

**1. [555 US Highway 1 \(Faith Lutheran Church\)](#)**

A request from the property owner, Faith Lutheran Church of North Palm Beach Missouri Synod, for Site Plan and Appearance Review approval to allow the existing fence and landscaping on the perimeter of the property located at 555 US Highway 1.

**7. Public Hearings**

**a. Old Business**

**1. [Sign Text Amendment Ordinance](#)**

Request by Village Staff for consideration of the following ordinance:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES BY REPEALING ARTICLE V, "SIGNS AND OUTDOOR DISPLAYS," IN ITS ENTIRETY; AMENDING ARTICLE III, "DISTRICT REGULATIONS," OF APPENDIX C (CHAPTER 45), "ZONING," OF THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 45-34, "C-G GENERAL COMMERCIAL DISTRICT," SECTION 45-34.1, "C-3 REGIONAL BUSINESS DISTRICT," SECTION 45-34.3, "C-NB NORTHLAKE BOULEVARD COMMERCIAL DISTRICT, AND SECTION 45-38, "I-1 LIGHT INDUSTRIAL DISTRICT," TO REMOVE SIGN REGULATIONS; AMENDING APPENDIX C (CHAPTER 45), "ZONING," OF THE VILLAGE CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE IX, "SIGNS AND OUTDOOR DISPLAYS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

## **b. New Business**

### **1. Tree Removal Permit Ordinance**

Request by Village Staff for consideration of the following ordinance:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING ARTICLE VIII, "LANDSCAPING," OF APPENDIX C (CHAPTER 45), "ZONING," OF THE VILLAGE CODE OF ORDINANCES BY ADOPTING A NEW SECTION 45-95, "TREE REMOVAL PERMIT;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

## **8. Commission Member Comments**

## **9. Staff Updates**

Next Meeting – Tuesday, December 3, 2024

## **10. Adjournment**

*All members of the public are invited to appear at the public hearing, which may be continued from time to time, and be heard on this matter.*

*If a person decides to appeal any decision made with respect to any matter considered at the subject meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which shall include the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). In accordance with the Americans with Disabilities Act, any person who may require special accommodation to participate in this meeting should contact the Village Clerk's Office at 561 841-3355 at least 72 hours prior to the meeting date.*

*This agenda represents the tentative agenda for the scheduled meeting of the Planning, Zoning and Adjustment Board. Due to the nature of governmental duties and responsibilities, the Board reserves the right to add to or delete items from this agenda.*



**THE VILLAGE OF NORTH PALM BEACH  
PLANNING, ZONING AND ADJUSTMENT BOARD  
REGULAR MEETING MINUTES  
TUESDAY, SEPTEMBER 10, 2024 at 6:30 PM**

**Present**

Cory Cross, Chair  
Jonathan Haigh, Member  
Thomas Hogarth, Member  
Timothy Hulihan, Member  
Mark Michels, Member  
Donald Solodar, Member

**Not Present**

Scott Hicks

**Village Staff**

Susan Garrett, Village Attorney  
Caryn Gardner-Young, Community Development Director  
Vice Mayor Deborah Searcy

**1. CALL TO ORDER**

Chair Cross called the meeting to order at 6:30 p.m.

**a. ROLL CALL**

Roll was called, and it was determined a quorum was present.

Ms. Gardner-Young stated Board member Scott Hicks had advised staff he would not be in attendance.

**2. DELETIONS, ADDITIONS, OR MODIFICATIONS TO THE AGENDA: None.**

**3. PUBLIC COMMENT FOR NON-AGENDA ITEMS: None.**

**4. APPROVAL OF MINUTES: None.**

**5. DECLARATION OF EX-PARTE COMMUNICATIONS: None.**

**6. QUASI-JUDICIAL MATTERS/PUBLIC HEARING**

Village Attorney Susan Garrett swore in those wishing to provide testimony.

**a. SITE PLAN AND APPEARANCE REVIEW**

**i. OLD BUSINESS**

**1. 555 US Highway 1 (Lutheran Church)**

Ms. Gardner-Young stated that this was the third time the Board had reviewed the petition, which was initially presented in November 2023. The request was for the installation of two light poles to illuminate a parking lot. In the previous meetings, the Board had requested modifications due to excessive glare affecting the surrounding neighborhoods. The applicant was present to explain the additional actions taken to address these concerns.

Chair Cross noted it was previously tabled.

Mr. Hullihan motioned to remove the item from the table, seconded by Mr. Hogarth. The **motion passed** unanimously (6-0).

Frank Russo presented a proposal on behalf of the property owner, Faith Lutheran Church of North Palm Beach, for Site Plan and Appearance Review approval to add two (2) 35-foot light poles with 200–300-watt fixtures along Eastwind Drive to light their parking area located at 555 US Highway 1.

Member comments

Mr. Hullihan asked if the lights were still tilted. Mr. Russo explained that Kasper Electric had reduced the power settings from 300 to 240 watts, installed new shields, and changed the light color from 5,000k to 4,000k as previously discussed. He confirmed the light source was now parallel to the ground.

A discussion ensued regarding the comparison of photometrics since April 2024.

Mr. Hullihan remarked that, while the comment was not directed at the applicant, it was a note for staff. He explained that the lack of proper labeling on documents made it difficult to review and be informed ahead of time. He suggested that documents should include clear labels, such as "proposed photometrics," "old photometrics," and "current photometrics" to make them easier to understand, noting the situation was frustrating.

Mr. Hogarth expressed concern that the glare issue had not been resolved. He noted that while foot-candles were measurable, glare was subjective but easy to notice. He added that if foot-candles were present outside the property line, the lenses were likely still visible.

Mr. Solodar asked if Florida Power and Light (FPL) was scheduled to visit the property. Mr. Russo confirmed that he had been in contact with FPL, and they planned to replace two existing lights: a metal halide security light at the south end of the alleyway and a smaller light at the midpoint.

Mr. Hullihan added that he would encourage installing lights with a lower temperature than 4000K, as the Village had rejected 4000K lights for its streets in favor of 3200K, though he was unsure of the exact number. He

emphasized that the bright white light from the 4000K fixtures in the parking lot was part of his objection, given the residential setting. He advised pushing FPL to install lower-temperature lights, recalling that the Village had successfully done so after some resistance.

Chair Cross welcomed public comment.

Debra Cross, 2560 Pepperwood Circle South, Ms. Cross, noted that while the lights appeared flat and reflected by the background, they still caused glare from the sidewalk, making it uncomfortable to look up. She suggested lowering the shields to reduce the glare.

Mr. Haigh commented that he had previously requested a comprehensive review of the parking lot lighting, including the new FPL fixtures, which had not yet been done. He also mentioned that the photometric plan was difficult to read and suggested reducing the luminaires on the west side poles to one each, as that might still provide sufficient coverage for the parking lot. He added that the current design attempted to cover too large an area with two tall poles and integrating it with other lighting might improve uniformity and safety.

Mr. Hullihan motioned to table the item with instruction to turn off the lights until the applicant could return with an acceptable plan. The motion was seconded by Mr. Haigh for discussion.

Mr. Haigh questioned whether the Board had the power to instruct a property owner to turn off their lights. Ms. Gardner-Young stated there would be a basis since the lights were not yet approved by the Board.

Discussion continued.

The **motion passed** (4-2), to table this matter and require the lights to be turned off with Chair Cross and Mr. Michels voting nay.

## ii. NEW BUSINESS

### 1. 800 US Highway 1 (Bank of America)

Mark Brenchley presented a proposal on behalf of the property owner, Bank of America, for a Site Plan and Appearance Review approval for rebranding of all signage, as well as a waiver for a larger monument sign at the property located at 800 US Highway 1.

#### Member comments

Mr. Haigh clarified that, according to historical Street View, the sign has been set back 70 feet from the street since at least 2007, raising curiosity as to why anyone would place a sign that far from the street. He also commented on the plant species specified in the plan, noting that the Indian Hawthorn does not thrive in Palm Beach County. He recommended

considering a different plant, suggesting Green Island Ficus as a more suitable substitute for Indian Hawthorn for the area.

Mr. Hogarth expressed concerns, stating he did not believe the monument sign request qualified for a waiver under the current conditions. He explained that there was nothing peculiar about the property and that the issue stemmed from the applicant's actions. He suspected the sign might have been part of a national package rather than a custom-made designed for the specific site. Mr. Hogarth further added that he would have preferred to see a sign that complied with the code, noting that the existing sign, though lower than most monument signs, could still be modified without requiring a waiver.

Ms. Gardner-Young clarified that for properties in the C-MU or C3 zoning district, the waiver must demonstrate a public benefit, such as high-quality architectural design, pedestrian amenities, or other improvements adjacent to the property. She emphasized that the definition of "public benefit" was open to interpretation and that the applicant needed to demonstrate such a benefit to justify the waiver. Ms. Gardner-Young also reminded the Board that the monument sign's copy area allowed by the code was 40 square feet, but the applicant was requesting 49.86 square feet, an increase of about 25%.

Mr. Hogarth reiterated his preference to see the sign comply with the existing code.

Mr. Hullihan noted that the new sign was seven feet tall, significantly larger than the existing 54-inch sign. He expressed concern about the 25% increase in sign area, questioning its public benefit. Additionally, he criticized the extensive use of red, stating that while it was attention-grabbing, it could be garish and detract from the community's aesthetics, especially with the red covering the post and stripes. Mr. Hullihan stated that if he were to approve the sign, it would need to meet the area's code limits without granting the waiver, and would insist on eliminating the red from the post.

Chair Cross acknowledged seeing both perspectives. He expressed concern with the sign being set back from the street, noting that the purpose of a monument sign is to make buildings easily identifiable from the street. While he understood the decision to move it into the parking area, he agreed that it should be limited to 40 square feet. He added that he would approve the sign exactly as proposed if the monument sign adhered to the 40-square-foot limit and he did not mind the red element.

Mr. Hullihan motion to deny the waiver, seconded by Mr. Michels. The **motion passed** unanimously (6-0).

Mr. Michels motioned to approve the sign package and the monument sign scaled to a maximum of forty (40) square feet, include an address number that adheres to code, and to change the landscaping from the Indian

Hawthorne to Green Isle Ficus or something already on the property, The **Motion** was seconded by Mr. Solodar and **passed** unanimously (6-0).

## 2. 9249 Alternative A1A (Sprinter Building)

John Roach presented a proposal from Gunster, on behalf of the property owner, New Country Motor Cars of Palm Beach, LLC, for a Minor Site Plan Amendment and Appearance Review to modify the building elevation by increasing the height of a portion of the building to 31 feet. The intent is to add 2,348 square feet of mezzanine parts storage area at 9249 Alternative A1A North Palm Beach, FL 33408.

### Member comments

Mr. Hullihan asked if the 2015 approval was still valid or had expired. Ms. Gardner-Young confirmed that it was still valid because it was approved prior to the recent adopted zoning text amendment, which set time limits for approvals. She clarified that the amendment is not applied retroactive, so the 2015 approval remains in effect.

Mr. Hullihan inquired whether lowering the roof by a foot or two could reduce the building's mass while still allowing for the mezzanine space. Mr. Roach responded that, based on his understanding, the height was necessary for the mezzanine but deferred to Mr. Ostroff for a more definitive answer. Mr. Hullihan suggested reducing the height might improve the building's appearance.

Mr. Hogarth stated it was a reasonable request.

Mr. Haigh noted that he was not present for the initial review but saw in the packet that the requirement for ADA access to the building had been waived. He questioned how this aligns with current building codes and recommended revisiting the site plan to either design an accessible route from the existing ADA spaces on the south side or add new spaces for the building staff to ensure compliance with accessibility code.

Mr. Haigh also raised concerns about not having access to the landscape or lighting plans, noting that several claims made in the project justification were not presented for review. He asked whether reapproval of the site plan was being sought. Ms. Gardner-Young clarified that site plan reapproval was not the intent, as the additional square footage related only to car repairs and the car wash, which did not affect parking or the building's footprint.

Mr. Haigh expressed concern about the tight radius at the vehicular entrance off A1A, adjacent to an FPL power pole. He suggested adding three or four feet of clearance to avoid vehicle collisions and recommended narrowing the drive aisle from 28 feet to 24 feet to prevent further conflicts.

Mr. Solodar agreed with Mr. Hayes comments.

Mr. Michels expressed appreciation for the work being done on the project's backside. While he agreed with Mr. Hullihan's comments, he noted that the

changes would not be highly visible and therefore was not a major concern. Regarding ADA compliance, he acknowledged it was not his area of expertise but suggested confirming if necessary.

Mr. Roach confirmed the ADA compliance would be part of the permitting process.

Chair Cross noted that the company supplying the split- face concrete block might no longer be in business, so a substitute may be required. He suggested clearing any substitute with staff and mentioned that the matter might need to come back before the board for approval if a new product is selected. He advised checking if the original manufacturer is still available. Chair Cross emphasized the importance of maintaining consistency with the previous approval and added that if the manufacturer is no longer an option; the intent should remain the same regarding color, material, and texture. He also agreed with the other comments made during the discussion.

The Board had no further comments and there was no input from the public.

Mr. Hogarth motioned to approve as submitted, seconded by Mr. Michels. The **motion passed** unanimously (6-0).

## 7. PUBLIC HEARINGS

### a. OLD BUSINESS

#### i. Sign Text Amendment Ordinance

Request by Village staff for consideration of the following ordinance:

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES BY REPEALING ARTICLE V, "SIGNS AND OUTDOOR DISPLAYS," IN ITS ENTIRETY; AMENDING ARTICLE III, "DISTRICT REGULATIONS," OF APPENDIX C (CHAPTER 45), "ZONING," OF THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 45-34, "C-G GENERAL COMMERCIAL DISTRICT," SECTION 45-34.1, "C-3 REGIONAL BUSINESS DISTRICT," SECTION 45-34.3, "C-NB NORTHLAKE BOULEVARD COMMERCIAL DISTRICT, AND SECTION 45-38, "I-1 LIGHT INDUSTRIAL DISTRICT," TO REMOVE SIGN REGULATIONS; AMENDING APPENDIX C (CHAPTER 45), "ZONING," OF THE VILLAGE CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE IX, "SIGNS AND OUTDOOR DISPLAYS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

City Attorney Garrett shared the staff report, including background on the recommended amendments to the Sign Code. She expressed the most significant

changes made, based on the Board's recommendations, which included the removal of the amortization period and the removal of the off-premises sign regulations.

Mr. Hullihan suggested tabling the item for a month to allow time to gather all necessary components. He expressed the need for staff to review the Board's comments, understand the direction, and ensure that their feedback had been properly incorporated before proceeding, as he found it difficult to provide meaningful input at the moment.

Mr. Hogarth began by expressing his appreciation for the effort made to incorporate his comments. He then raised concerns about the current vehicle sign regulations, noting that the language could be interpreted in two extremes—either no vehicle signs would be allowed, or all vehicle signs would be permitted. He explained that the current code's solution was too complicated, mentioning specific rules about visibility from the right of way and proximity to residential properties. He suggested simplifying the rule to allow vehicle signs as long as they are not visible from adjoining residential properties.

Chair Cross discussed the idea of subjecting vehicle signs to the same standards as the signage code. However, he pointed out challenges, such as differences between wall signs, monument signs, and the size of trucks. He mentioned that while regulating truck signage could be tricky, he personally did not mind trucks like Bears Furniture displaying their signage as long as the truck was not parked in front of the store. He questioned whether regulating signage on trucks not visible from the public would be necessary.

Ms. Gardner-Young stated that the main vehicles sign issue for was off-premises signs. She explained that if a store like Bears had their vehicle in front of their own store, she did not view that vehicle sign as an off-premises sign. However, if an unrelated vehicle, like an IHOP truck, was parked in front of Bears for an extended time, it would be considered an off-premises signage.

Discussion continued and Mr. Hogarth suggested reviewing the current code to understand its intent and simplifying it where possible.

Mr. Hogarth referred to page 21, section 145, 104, item f3, and mentioned that last month he had suggested eliminating the maximum height for street numbers at eight inches. Mr. Hogarth referred to Section 45-110 regarding sign height and suggested striking the phrase "as set by flood elevation requirements." He clarified that the height of the sign should be measured as the vertical distance from the finished grade, excluding berms, and proposed removing the reference to flood elevation requirements.

Mr. Hogarth raised a question on page 34 about the coordination of wall-mounted sign types. The item specifies that if more than two wall-mounted signs are permitted on a building, they must all be of the same construction type. He questioned why the regulation referred to "more than two" rather than just "more than one" or "multiple signs." The clarification suggested adjusting the wording to reflect "more than one" instead.

Mr. Hogarth and the Board reviewed the item at the bottom of the same page, which states that all sign copy, text, or logos, four inches or larger, must extrude from or intrude into the face of the sign by 3/8 of an inch. He recalled previous discussions on this topic and noted that the annotated version contained comments but lacked a clear resolution. The Board agreed that the best course of action would be to delete this requirement entirely, as it was unclear and did not align with many signs already in place in the Village. The consensus was to strike the section.

The Board also discussed the provision limiting building wall signs to a four-foot projection. They agreed this was excessive and suggested addressing such cases during appearance review instead of specifying a limit. After considering the attorney's advice on enforcement, they decided to strike the provision entirely, as projections would still be evaluated during appearance review.

Mr. Hogarth brought up the changeable copy sign provision on page 38, which limits the sign to 20% of the permitted sign area. He expressed concern that this restriction might be too limiting for churches and schools. He suggested striking the provision and addressing such cases on a case-by-case basis during the application process. The Board agreed with this approach and decided to remove the paragraph.

The Board discussed a section of the Village code, Section 18-34, which currently bans vehicles with commercial advertising or markings that occupying more than 10 square feet on any side of the vehicle from being parked overnight in residential zoning districts. Exceptions are made if the vehicle is covered, enclosed in a garage, or has a magnet matching the car's color placed over the sign. The same restrictions apply to utility trailers and similar items, prohibiting them from being parked in driveways, swales, or other areas in residential districts.

The Board had no further comments and there was no input from the public.

Mr. Hullihan motioned to accept Mr. Hogarth's comments and table the item, seconded by Mr. Michels. The **motion passed** unanimously (6-0)

## **b. NEW BUSINESS**

### **i. Commercial Northlake Blvd Zoning District Ordinance**

Request by Village staff for consideration of the following ordinance:

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING APPENDIX C (CHAPTER 45), "ZONING," OF THE VILLAGE CODE OF ORDINANCES BY AMENDING ARTICLE I, "IN GENERAL," SECTION 45-2, "DEFINITIONS," TO ADD A DEFINITION FOR THE TERM MARINA/PRIVATE MOORING AND AMENDING ARTICLE III, "DISTRICT REGULATIONS," SECTION 45- 35.3, "C-NB NORTHLAKE BOULEVARD COMMERCIAL DISTRICT," TO ADD MARINA/PRIVATE MOORING AS A SPECIAL EXCEPTION USE; PROVIDING FOR**

**CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ms. Gardner-Young shared the staff report and provided an overview of changes.

The Board and Ms. Gardner-Young discussed the issue of private docking along the Earman River, particularly in the C-NB district. The conversation touched on complications like docks being installed without payment of water rights, abandoned docks, and the impracticality of moorings in the area. The term "mooring" was suggested for removal in favor of "docking" and language was suggested to be added to prohibit live-aboard situations. There was also discussion about the provision of plumbing at the docks where the Board agreed that pump-out facilities should only be required at commercial marinas, not every dock. The Board further considered removing references to marinas, specifying private docking instead.

The Board had no further comments and there was no input from the public.

Mr. Michels motioned to table the item, seconded by Mr. Solodar.

Discussion continued about the need for pump-out facilities to address water pollution in the lagoons, and emphasizing the importance of requiring such facilities for commercial marina-like operations. They agreed to remove the term "marina" and focus on private docking. The Board also planned to review past approvals for consistency, acknowledging that while retroactive requirements might not be feasible, future facilities should include sewage provisions.

The **motion passed** unanimously (6-0)

**8. BOARD COMMENTS**

Mr. Hogarth and suggested that the recent discussion be presented to the Waterway Board for further review, given their expertise. Mr. Michels agreed and inquired about the Waterway Board's meeting schedule. It was clarified that they meet monthly, and although they had not yet met in September, a meeting was planned soon. The Board discussed the possibility of inviting the Waterway Board to a joint meeting and suggested involving the Environmental Committee as well. Ms. Gardner-Young agreed to coordinate with Mr. Holloway to add the item to the next Waterway Board agenda.

Mr. Haigh asked if chain link fencing is allowed in the front yard setback of a commercial business along US-1. It was confirmed that it is permitted in the C-MU district as long as it is screened. Mr. Hulihan suggested making screening a condition of approval. Mr. Haigh questioned why it would be allowed in commercial areas but not in residential districts. The discussion then shifted to reviewing chain link fencing used on playgrounds, and it was agreed that any proposed screening would need to be reviewed for adequacy, likely involving landscaping.

**9. STAFF UPDATES: None.**

## **10. ADJOURNMENT**

Chair Cross advised the next meeting was scheduled for Tuesday, October 1, 2024. With no further business before the Board, Chair Cross adjourned the meeting at 8:19 p.m.



**THE VILLAGE OF NORTH PALM BEACH  
PLANNING, ZONING AND ADJUSTMENT BOARD  
REGULAR MEETING MINUTES  
TUESDAY, OCTOBER 1, 2024 at 6:30 PM**

**Present**

Cory Cross, Chair  
Scott Hicks, Vice-Chair  
Jonathan Haigh, Member  
Thomas Hogarth, Member  
Timothy Hulihan, Member  
Mark Michaels, Member  
Donald Solodar, Member

**Village Staff**

Susan Garrett, Village Attorney  
Caryn Gardner-Young, Community Development Director  
Deborah Searcy, Vice Mayor

**1. CALL TO ORDER**

Chair Cross called the meeting to order at 6:31 p.m.

**a. ROLL CALL**

Roll was called, and it was determined a quorum was present.

**2. DELETIONS, ADDITIONS, OR MODIFICATIONS TO THE AGENDA: None.**

Ms. Gardner-Young Requested Item 9A be tabled to the next meeting.

Mr. Hulihan motioned to table Item 9A, seconded by Mr. Hicks. The **motion passed** unanimously (7-0).

**3. PUBLIC COMMENT FOR NON-AGENDA ITEMS: None.**

**4. APPROVAL OF MINUTES: None.**

**a. August 6, 2024**

Mr. Solodar motioned to approve the August 6, 2024 minutes as submitted, seconded by Mr. Haigh. The **motion passed** unanimously (7-0).

**5. DECLARATION OF EX-PARTE COMMUNICATIONS: None.**

**6. QUASI-JUDICIAL MATTERS/PUBLIC HEARING**

Village Attorney Susan Garrett swore in those wishing to provide testimony.

**a. SITE PLAN AND APPEARANCE REVIEW**

**i. NEW BUSINESS**

**LA BAMBA MONUMENT SIGN**

Ms. Gardner-Young explained that the Planning, Zoning, and Adjustment Board had previously denied a building color change but approved a new monument sign. While the building was repainted as requested, the applicant never replaced the monument sign as approved. Staff brought the item back since no complaints had been received, asking the Board whether the existing sign should remain or if the applicant should proceed with the previously approved changes. Ms. Gardner-Young noted that the applicant had been in discussions with the Village Manager and did not intend to change the sign due to branding concerns. She clarified that the purpose of the discussion was to determine if the Board's position had changed or if further action was required.

*Member comments*

Mr. Hullihan asked if the existing sign was non-compliant. Ms. Gardner-Young confirmed that the sign had not been approved by the Board and was, therefore, non-compliant. The monument sign had been up since November of the previous year without a permit, and the board-approved replacement sign was never installed. Mr. Hullihan clarified that the sign on the left had been installed without a permit, while the approved sign on the right was never updated.

Vice Mayor Searcy noted that the Business Advisory Board was in favor of keeping the existing sign. The green sign was part of a branding update for all seven La Bamba locations across South Florida, and the Business Advisory Board supported the small business by allowing them to retain their brand as part of being business-friendly.

Mr. Hogarth expressed that he was undecided but noted that the applicant had been willing to make the change when they first appeared before the Board. He felt that the applicant's approach, returning indirectly through the Business Advisory Board after a year, was not ideal. Mr. Hogarth agreed with the Board's original position, stating that the sign did not match the rest of the building and was too bold. He indicated he would not support keeping the sign.

Mr. Haigh stated that he had no issue with the green color when the matter was first brought before the Board and still had no issue with it at this time.

Mr. Hicks stated that he had no issue with the green sign either way. He asked whether there had been communication with the applicant regarding the existing lime green sign. Ms. Gardner-Young responded that, while there had been discussions with the Village Manager, the Village had not been forceful in requiring the monument sign change in order to remain business-friendly. Vice Mayor Searcy added that the applicant wanted to be

a good community partner and would change the sign if absolutely necessary, but preferred not to alter their branding for what could be considered arbitrary reasons.

Mr. Solodar stated that he had no issue with keeping the sign as is, noting that there had been no complaints in the last six months and that the Business Advisory Committee was involved and found the sign was appropriate.

Dr. Michaels agreed with leaving the sign as is, noting that the Board often accommodates other national brand signage.

Chair Cross opened public comment.

Ms. Deborah Cross, 2560 Pepperwood Circle South, stated that the sign looks nice, she was concerned that allowing it could set a precedent for other businesses in the future.

Discussion about the sign continued.

Chair Cross noted that staff had acknowledged the Board's concerns regarding how the issue was brought before them. He suggested that staff be more proactive in guiding applicants to seek approvals earlier rather than later. He remarked that this is a recurring issue with signs, paint, and other alterations, where individuals proceed without obtaining the necessary approvals. He emphasized the importance of ensuring that applicants follow the proper process.

A discussion followed regarding an appeal process.

Vice Mayor Searcy acknowledged that the Village has a reputation for not being business-friendly. She noted that while most Board members seemed fine with the green sign, they were upset about the applicant not following the proper procedure. She emphasized that, although the applicant did not adhere to the correct process, it appeared that the board was punishing them for this rather than having an issue with the sign itself. Vice Mayor Searcy stressed the importance of avoiding decisions that could reinforce the Village's reputation as being unfriendly to businesses, especially considering that the business has been a good tenant for 15 years and may have made a simple mistake by not pulling a permit.

Mr. Solodar motioned to amend the order to allow the existing design.

Mr. Solodar amended his motion to direct staff to update the previously approved order to allow the existing monument sign, seconded by Dr. Michaels. The **motion passed** (5-2), with Mr. Hullihan and Mr. Hogarth voting nay.

## 8. PUBLIC HEARINGS

### a. OLD BUSINESS

#### 1. Sign Text Amendment Ordinance

Request by Village staff for consideration of the following ordinance:

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES BY REPEALING ARTICLE V, "SIGNS AND OUTDOOR DISPLAYS," IN ITS ENTIRETY; AMENDING ARTICLE III, "DISTRICT REGULATIONS," OF APPENDIX C (CHAPTER 45), "ZONING," OF THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 45-34, "C-G GENERAL COMMERCIAL DISTRICT," SECTION 45-34.1, "C-3 REGIONAL BUSINESS DISTRICT," SECTION 45-34.3, "C-NB NORTHLAKE BOULEVARD COMMERCIAL DISTRICT, AND SECTION 45-38, "I-1 LIGHT INDUSTRIAL DISTRICT," TO REMOVE SIGN REGULATIONS; AMENDING APPENDIX C (CHAPTER 45), "ZONING," OF THE VILLAGE CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE IX, "SIGNS AND OUTDOOR DISPLAYS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

Village Attorney Garrett provided an overview of the ordinance under consideration, noting that the agenda packet included both a clean copy of the ordinance and a redlined version showing changes discussed at the previous meeting. These changes included edits made after the last meeting as well as additional modifications based on feedback from the Board. A key area of focus was vehicle signs. Changes were made to simplify the existing code while incorporating the Board's previous direction. Village Attorney Garrett noted that the Board may want to review the size limitations for vehicle signs to determine if they are appropriate. She explained that vehicle signs were previously listed as prohibited with exemptions, but have now been reclassified as signs that do not require a permit, though they must still comply with the relevant regulations.

#### Member comments

Dr. Michaels raised a question regarding the ordinance, asking if the regulation that prohibits vehicles bearing signs from being parked for more than 60 consecutive minutes within 30 feet of the public right-of-way applies to businesses like Bears Furniture. He inquired whether this would mean that if Bears parked one of their trucks in front of their business, they could only leave it there for an hour.

Chair Cross stated that delivery trucks should ideally be parked at the rear of the business, not in front. However, he acknowledged that not all businesses have space in the back and noted that businesses could seek relief through the variance process if they found the regulation burdensome.

Mr. Hicks asked for clarification on how the current vehicle sign regulations differ from the proposed changes. Ms. Gardner-Young explained that the language in the current draft reflects the existing regulations, which allow vehicles to be parked for no more than 60 minutes if visible from the public right-of-way. She added that the rule includes a 30 or 100-foot distance requirement depending on the situation, and the recommendation is for vehicles to be parked in the rear to avoid visibility from the public right-of-way.

Mr. Haigh had no comments.

Mr. Hogarth expressed appreciation for the changes made based on his feedback. However, he noted that the current sign code does not allow a 30-foot distance from the right-of-way, as he believed the requirement was 100 feet.

Ms. Gardner-Young clarified that the draft specifies 30-foot distance if the vehicle is parked in front of the business, and 100 feet if it is on another commercial property. She acknowledged that this information came from the draft but agreed to check the current code to confirm the correct distance.

Mr. Hogarth referenced the section on exempt signs, particularly those affixed to taxi cabs, buses, trailers, trucks, and other business vehicles, which had been discussed at the previous meeting. He recommended deleting G from the section.

Mr. Hogarth emphasized that the intent of the regulation was to prevent businesses from using their vehicles as additional signage where a formal sign might not exist. He expressed concern that the 30-foot distance requirement might not effectively address this issue and suggested that it may not achieve the intended goal.

Discussion continued about the intent and its impact on area businesses.

Dr. Michaels expressed support for retaining the 100-foot requirement, acknowledging the complexities and potential issues with the regulation. He agreed that if the 100-foot rule had worked for 20 years, there was no reason to change it. He suggested extending the 30-foot requirement to 100 feet where practical.

Mr. Hullihan raised a couple of points, questioning whether the ordinance should use "a" public right of way" instead of "the" public right of way, especially when a business is on a corner, like Northlake Blvd and US 1, both of which are public rights of way. He asked if it made more sense to use the indefinite article "a" instead of "the." He noted that "a public right of way" would cover multiple instances, whereas "the public right of way" sounds singular. He mentioned that this phrasing appeared in several places throughout the ordinance.

Mr. Hullihan suggested clarifying the ordinance to focus on public rights of way that the building faces, excluding alleys. He proposed using terms like "principal right of way" to address high-traffic roads such as Northlake Blvd and US 1. He emphasized that the goal was to prevent vehicle signs on both principal roads, rather than just one, especially for corner properties.

Chair Cross suggested simplifying the language by referring to "the one or two principal streets that the building faces" instead of using more complex terminology.

Vice Mayor Searcy referred to item 28 on page 18, which addressed signs placed on boats or watercraft. She mentioned that on her street, there was a boat displaying both the boat's name and the sponsor's name, raising a concern about how the ordinance would handle such signage.

A discussion followed regarding item 28, which prohibits signs placed on boats or watercraft on public or private property, except for boat names, manufacturer names, or required numbers. It was clarified that if the boat is parked in the swale, the prohibition clearly applies. However, if the boat is in the water behind a house, the ordinance might still apply, as the canal is public property.

It was suggested to leave the language as is, as item 28 already appeared to cover such situations. Concerns were raised about enforcement, particularly regarding vehicles with signs parked in driveways, but it was noted that enforcement rarely occurs.

Mr. Solodar recommended that if the item returns in November, the legal team should review item 28 for any issues. However, the general consensus was to leave the provision unchanged, as it seemed clear and effective.

There was brief consideration about easing residential requirements, but the Board agreed not to pursue changes at this time, preferring to move forward and finalize the ordinance this year rather than delay further.

Village Attorney Garrett asked for clarification on the Board's consensus regarding certain provisions. Chair Cross and Mr. Hogarth confirmed that for watercraft signs (Item 28), the Board agreed to leave the language unchanged. For vehicle signs, they decided to change the 30-foot distance requirement to 100-feet and to delete exception G, which pertained to vehicle signs. Additionally, it was agreed to rewrite the exempt vehicle sign provision to more closely align with the current code. Mr. Hullihan reiterated language should exclude alleys by using "a" right of way instead of "the" right of way. He emphasized that this distinction was critical and also recommended including language to address corner lots.

Discussion continued.

Mr. Hullihan stated the three key items to review at the next meeting. He highlighted the potential conflict on Northlake Boulevard and the right-of-way issue, as well as the removal of the exemption. He noted that signs less than 10 feet would not be regulated, while those greater than 10 feet would be subject to regulation.

Chair Cross opened public comment.

Ms. Deborah Cross, 2560 Pepperwood Circle South, raised concerns about how the sign code would apply to service vehicles, such as a Roto-Rooter truck, that might need to be parked for more than an hour to complete a job. She questioned whether such situations would create issues under the current sign code, especially if a service provider or visitor's vehicle remained beyond the time limit. While she expressed support for the sign code, she highlighted the need to consider these potential scenarios.

Dr. Michaels expressed concern that the sign code was becoming too restrictive and suggested clarifying its intent—preventing unwanted advertising—to provide clear guidelines for code enforcement.

Mr. Hullihan suggested simplifying the sign code by clearly stating its intent without excessive detail. He proposed a straightforward explanation, such as "vehicle signs should not be used as advertisements," to make the rules easier to understand and enforce.

Mr. Hogarth suggested that code enforcement officers should use discretion when issuing initial warnings. He noted that more severe actions, such as fines, would be handled by the Special Magistrate, who could consider any extenuating circumstances that might justify a vehicle's parking situation.

There was consensus to set a time limit of 120 minutes.

Mr. Solodar motioned to table the item to the next board meeting, seconded by Mr. Hullihan. The **motion passed** unanimously (7-0).

## 2. **Commercial Northlake Blvd Zoning District Ordinance**

Request by Village staff for consideration of the following ordinance:

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING APPENDIX C (CHAPTER 45), "ZONING," OF THE VILLAGE CODE OF ORDINANCES BY AMENDING ARTICLE I, "IN GENERAL," SECTION 45-2, "DEFINITIONS," TO ADD A DEFINITION FOR THE TERM MARINA/PRIVATE MOORING AND AMENDING ARTICLE III, "DISTRICT REGULATIONS," SECTION 45- 35.3, "C-NB NORTHLAKE BOULEVARD COMMERCIAL DISTRICT," TO ADD MARINA/PRIVATE MOORING AS A SPECIAL EXCEPTION USE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ms. Gardner-Young explained that the Waterways Board reviewed the item and suggested changes, including removing the term "moorings" and replace it with "docking," excluding individual sewer and water hookups, and prohibiting live-aboard arrangements. The marina and private docking were reclassified under "recreational uses" instead of separating them into residential and commercial. She requested the Board's recommendation to move the updated language forward.

Mr. Hogarth motioned for discussion.

Mr. Hogarth suggested placing the definition into the general provisions of the C-NB district, rather than in Code of Ordinance section 45-2, to avoid imposing restrictions on other zoning districts. Ms. Gardner-Young affirmed.

Mr. Hogarth questioned the phrasing, "all docks shall extend beyond the shallow water depth to the extent," suggesting it was unnecessary. He proposed simplifying

the language to, "all docks shall extend as authorized in Chapter Five of this Code." Ms. Gardner-Young agreed with this revision.

Chair Cross opened public comment. No one came forward to speak.

Mr. Hogarth amended his motion to include the conditions of removing section b2, so that the language would read, "all docks shall extend as authorized in Chapter Five of this Code" and relocating this definition into the general provisions of the zoning district. Dr. Michaels seconded the motion. The **motion passed** unanimously (7-0).

## 9. DISCUSSION ITEMS

- a. **The Village of North Palm Beach Environmental Committee asked Village Staff to present to the Village Council a zoning text amendment to create a Tree Removal Permit process for private properties. Prior to presenting this idea to the Village Council, Village Staff is seeking a recommendation by the Planning, Zoning and Adjustment Board.**

Item 9a was tabled.

- b. **2025 Meeting Schedule**

Ms. Gardner-Young clarified the November 4, 2025 meeting was moved to Wednesday November 12 due to Election and Veterans Days. However, the Board requested it be moved back to November 4, 2025 since there would be no Election Day in 2025.

## 10. BOARD COMMENTS

Mr. Hogarth and suggested initiating a code change to ensure future commercial redevelopment along riverbanks use environmentally friendly designs, like natural rock riprap, rather than solid concrete walls. He emphasized the need to align with South Florida Water Management and Corps of Engineers regulations. Dr. Michaels noted that the Waterways Board had made a similar recommendation to the Village Council, likely supported by the Environmental Committee.

Mr. Hullihan acknowledged the decision to table the Tree Removal Permit Process item, stating that while he understood and liked the intent, the ordinance needed significant revisions for clarity. He suggested looking at models from other cities for guidance and emphasized the challenge of regulating actions on private property, such as the removal of large trees, which can dramatically change a neighborhood's appearance. Mr. Hullihan also expressed concern about the conduct of an elected official who advocated for personal views during the meeting. He felt it was inappropriate for officials to use their position to directly influence Board discussions. He noted that, based on his experience, elected officials typically observe meetings as guests and speak only as recognized members of the public, not as active participants.

Mr. Haigh supported Mr. Hullihan's earlier comments about the Tree Removal Permit Process and emphasized the need to address improper tree pruning, such as "hat racking," which weakens trees and makes them more susceptible to disease. He suggested looking at codes like those in Pompano Beach, which include guidelines on proper pruning and resources for residents. He also noted that Broward County requires licenses for all tree trimmers, a practice not currently followed in Palm Beach County.

Dr. Michaels expressed support for the idea of requiring certification for arborists in the Village, citing past issues with tree management on his property. He suggested developing a plan for such certification. Dr. Michaels also raised a question about the legal limits of regulating tree removal on private property, asking to what extent the village could dictate whether a property owner can cut down a tree.

Mr. Haigh explained that a state law now allows property owners to remove trees without a permit if they are deemed hazardous. This change came after a Miami regulation requiring tree replacement led to a substantial fine for an influential individual, who then lobbied for the state statute. The current draft includes this provision.

Discussion continued.

**11. STAFF UPDATES:** None.

**12. ADJOURNMENT**

Chair Cross advised the next meeting was scheduled for Tuesday, November 12, 2024. With no further business before the Board, Chair Cross adjourned the meeting at 8:06 p.m.

Date: March 5, 2024

	<b>COMMUNITY DEVELOPMENT DEPARTMENT REPORT AND RECOMMENDATION</b>
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**Subject/Agenda Item:**

**SP-2023-15 – Eastwind Drive (Faith Lutheran Church)**

**Consideration of Approval:** A request from Karissa DeLena from Kasper Electric, on behalf of the property owner, Faith Lutheran Church of North Palm Beach Missouri Synod, for Site Plan and Appearance Review approval to add two (2) 35’ light poles with 200-300 watt fixtures along Eastwind Drive to light the parking area located on Eastwind Drive.

- Recommendation to APPROVE
- Recommendation to DENY

- Quasi-Judicial
- Legislative
- Public Hearing

<p><b>Originating Department:</b></p> <p><b>Planning &amp; Zoning</b></p> <p>Project Manager</p> <p>_____</p> <p>Caryn Gardner-Young, AICP</p>	<p><b>Reviewed By:</b></p> <p>Community Development Director</p> <p>_____</p> <p>Caryn Gardner-Young, AICP</p>
<p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>Background Narrative stamp-dated October 28, 2024</li> <li>Reference Materials stamp-dated October 28, 2024</li> <li>Genesis Lighting Proposal stamp-dated October 28, 2024</li> <li>Proposed Photometrics Plan stamp-dated October 28, 2024</li> </ul>	<p>Public Notice:</p> <p><input type="checkbox"/> Required</p> <p><input checked="" type="checkbox"/> Not Required</p> <p>Dates:</p> <p>Paper:</p> <p>Mailing</p> <p><input type="checkbox"/> Required</p> <p><input checked="" type="checkbox"/> Not Required</p> <p>Notice Distance:</p>

**I. Executive Summary**

The applicant is proposing to add two (2) 35’ light poles with 200-300 watt fixtures along Eastwind Drive to light the parking area of the Faith Lutheran Church located on Eastwind Drive. The parking area is located on a separate parcel from the Church, due to the fact that the property is

bisected by the Village’s alleyway. Unfortunately, a building permit for the light poles was approved by the Village of North Palm Beach (“Village”) without Planning and Zoning Division approval. Once the light poles were installed, the Village received complaints about the brightness of the lighting and it was discovered that Planning and Zoning Division and Planning, Zoning and Adjustment Board approval was not obtained. The applicant has since filed the necessary paperwork for Site Plan and Appearance Review approval. Per the application, the applicant claims that the purpose of the additional lighting was to aid in evening functions since the parking area was previously pitch black. No landscaping was affected by the installation of the light poles.

**II. Site Data**

**Existing Use:** House of Worship  
**Parcel Control Numbers:** 68-43-42-16-03-008-0010  
**Parcel Size:** .70 acres  
**Existing Future Land Use Designation:** Residential  
**Existing Zoning District:** R-2

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Single Family Dwelling	Low Density Residential	Single Family Dwelling (R-1)
<i>South</i>	Multi-Family Dwelling	Low Density Residential	Multiple Family Dwelling (R-2)
<i>East</i>	Faith Lutheran Church	Commercial	Commercial Mixed Use (C-MU)
<i>West</i>	Single Family Dwellings	Low Density Residential	Single Family Dwelling (R-1)

**III. Annexation/Zoning History**

The subject parcel site is located on the east side of Eastwind Drive and is a separate parcel from the main Lutheran Church property. There are no buildings located on the site and the sole purpose of the land is to be used as a parking lot. The subject site has a future land use designation of Low Density Residential and a zoning designation of Multiple Family Dwelling District (R-2).

**IV. Applicable Code Provisions:**

**Section IV Criteria for Appearance D. Miscellaneous Structures**

## **V. Summary of Proposed Site Plan and Appearance Review Details:**

The petitioner's site plan and appearance review documents consists of:

- a. Background Narrative stamp-dated October 28, 2024
- b. Reference Materials stamp-dated October 28, 2024 (2 pages)
- c. Genesis Lighting Proposal stamp-dated October 28, 2024 (7 pages)
- d. Proposed Photometrics Plan stamp-dated October 28, 2024

## **VI. Staff Analysis:**

### ***Request:***

The petition is for Site Plan and Appearance Review approval for the following:

1. Two (2) 35' light poles with two (2) LED fixtures per pole fixed at 30' in height and color temperature 3000K

There are no specific regulations regarding light poles within a Multiple Family Dwelling Zoning District (R-2). Although Houses of Worship are permitted in this Zoning District, the Code of Ordinance does not contain regulations to avoid impacts such lighting may have on surrounding potential residential properties.

However, Section 45-36(J) addresses off-street parking in commercial and mixed-use areas. Subsection (f) provides that “if lighting of such areas is to be provided, the plans therefor shall be such that such lighting **shall reflect away from the public street at such an angle as to prevent glare or undue illumination of residential neighborhoods.**

The applicant provided new documentation on October 28<sup>th</sup> on how they are addressing the impacts of the lights affixed to the poles. Their actions are outlined in the attached Background Narrative and associated documentation, and the applicant will be available at the meeting to explain their actions.

## **VII. Appearance Code – Planning Commission Role & Responsibilities**

### **Sec. 6-36. - Powers and duties of planning commission concerning the appearance code.**

The planning commission shall have the following powers and duties:

- (1) To hold public hearings on and make recommendations for amendments to the appearance plan.
- (2) To consult with and cooperate with other committees and village departments, and any other municipal or governmental bodies on matters affecting the appearance of the village.
- (3) To study exterior design drawings, landscape and site plans and materials for any proposed public buildings, public works or other public improvements and to make

recommendations to the council or village manager as to the architectural or aesthetic aspects thereof.

- (4) To study and review preliminary and final plats and make recommendations to the village council.
- (5) To hold site plan and appearance review hearings, when required, and to issue or deny site plan and appearance approval for multiple-dwelling, commercial, mixed-use, and industrial buildings pursuant to the provisions of this division and the appearance plan in Appendix A of this code.

**Sec. 6-58. - Action of planning commission.**

Upon consideration of an application, the planning commission shall issue site plan and appearance approval upon a finding that the plan conforms to the village appearance plan and other applicable land development regulations. This approval may contain special conditions in response to unusual aspects of the application or to ensure that the approval carries out Village policies and code without undue permitting delays. If the planning commission determines that these criteria are not met, the planning commission may provide such advice, counsel, suggestions and recommendations as it may deem necessary to guide the prospective applicant in the development of a plan which would comply with the requirements and purposes of the appearance plan and other village land development regulations.

**Sec. 6-59. - Approval by planning commission.**

No building or other permit, otherwise required under the ordinances of the village, shall be approved by the community development director except upon the granting of site plan and appearance approval by the planning commission, or on appeal, approval by the Village Council (see section 6-35). The foregoing requirements shall not preclude the issuance of permits without such approval if the community development director determine that any of the following apply: Permits for single-family dwellings, permits for a village-owned facility, no external architectural features as defined in section 6-31, and any deviation from valid site plan and appearance approval are minor and not substantial.

**CODE OF ORDINANCES APPENDIX A, SECTION IV CRITERIA FOR APPEARANCE**

The purpose of these criteria is to establish a checklist of those items which affect the physical aspect of the Village environment. Pertinent to appearance is the design of the site, building and structures, planting, signs, street hardware, and miscellaneous other objects which are observed by the public.

These criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles which can result in creative solutions that will develop a satisfactory visual appearance within the Village.

## **D BUILDING DESIGN**

1. Specific architectural styles are not mandated or banned, but the village encourages new buildings to reflect or evolve the distinct local character exemplified by the North Palm Beach Country Club Clubhouse, Village Hall and the Public Safety Building. This character is derived from local and regional examples including Anglo-Caribbean architecture, Florida vernacular, and masonry modern.
2. Evaluation of appearance of a project shall be based on quality of its design and relationship to surroundings.
3. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
4. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
  - a. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those which are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways and adjoining properties.
  - b. Inappropriate materials and methods, and those which will produce inconsistency with the structure of the building, shall be avoided.
  - c. Materials shall be of durable quality.
  - d. In any design in which the structural frame is exposed to view, the structural materials shall meet the other criteria for materials.
5. Building components—such as windows, doors, eaves, and parapets—shall have good proportions and relationship to one another.
6. The village discourages walls without windows or with too few windows; all-glass walls; and facades without visual interest or with entrances that are concealed or absent.
7. Colors shall be harmonious, with bright or brilliant colors used only for accent.
8. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so as not to be visible from any public ways, including waterways, service alleys, and adjoining properties.
9. Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with building design.
10. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from public ways, including waterways, service alleys, and adjoining properties, using materials as stated in criteria for equipment screening.
11. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

12. Inappropriate, incompatible, bizarre, and exotic designs shall be avoided.
13. The provisions of the North Palm Beach Village Code in regard to bulk regulations and standards, and those portions of the Village Code which directly affect appearance, shall be part of the criteria of this subsection.

**G MAINTENANCE—PLANNING AND DESIGN FACTORS**

1. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
2. Materials and finishes shall be selected for their durability and wear as well as for their beauty.  
  
Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.
3. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Such configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

**H FACTORS FOR EVALUATION**

The following factors and characteristics relating to a development, and which affect appearance, will govern the Appearance Board's evaluation of a design submission after the Board has been advised by the Office of the Building Official that the plan conforms to Village ordinances:

LOGIC OF DESIGN

EXTERIOR SPACE UTILIZATION

ARCHITECTURAL CHARACTER

ATTRACTIVENESS

MATERIAL SELECTION

HARMONY AND COMPATIBILITY

CIRCULATION—VEHICULAR AND PEDESTRIAN

MAINTENANCE ASPECTS

**VIII. Conclusion & Findings of Fact:**

The Planning, Zoning and Adjustment Board must determine if the Applicant has met the prerequisites for granting Site Plan and Appearance Review approval as outlined in the staff report. If the Planning, Zoning and Adjustment Board approves the Site Plan and Appearance Review petition, staff suggests the following conditions:

1. The most stringent requirements of Exhibit “A” Community Development Department Report and Recommendation dated March 5, 2024 and last amended November 8, 2024, and strict compliance with the Exhibits listed below, which are attached hereto and made part hereof as Exhibit “B”
  - a. Background Narrative stamp-dated October 28, 2024
  - b. Reference Materials stamp-dated October 28, 2024 (2 pages)
  - c. Genesis Lighting Proposal stamp-dated October 28, 2024 (7 pages)
  - d. Proposed Photometrics Plan stamp-dated October 28, 2024
2. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or a Certificate of Completion.
3. The conditions of approval shall be binding on the Applicant and its successors in interest and assigns, and a violation of such conditions shall constitute a violation of the Village Code of Ordinances. They may be enforced by the Village as outlined in Article VI, Chapter 2 of the Village Code or as otherwise authorized by law.
4. The Applicant shall be bound by all oral and written representations made on the record and as part of the application process, irrespective of whether such representations are included as formal conditions.

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**PLANNING AND ZONING ADJUSTMENT BOARD ACTION – April 2, 2024**

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On a Motion by Board Member Haigh and Seconded by Board Member Cross, the Planning, Zoning and Adjustment Board approved unanimously to table this petition.

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**PLANNING AND ZONING ADJUSTMENT BOARD ACTION – May 7, 2024**

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On a Motion by Board Member Solodar and Seconded by Board Member Hullihan, the Planning, Zoning and Adjustment Board approved unanimously to table this petition.

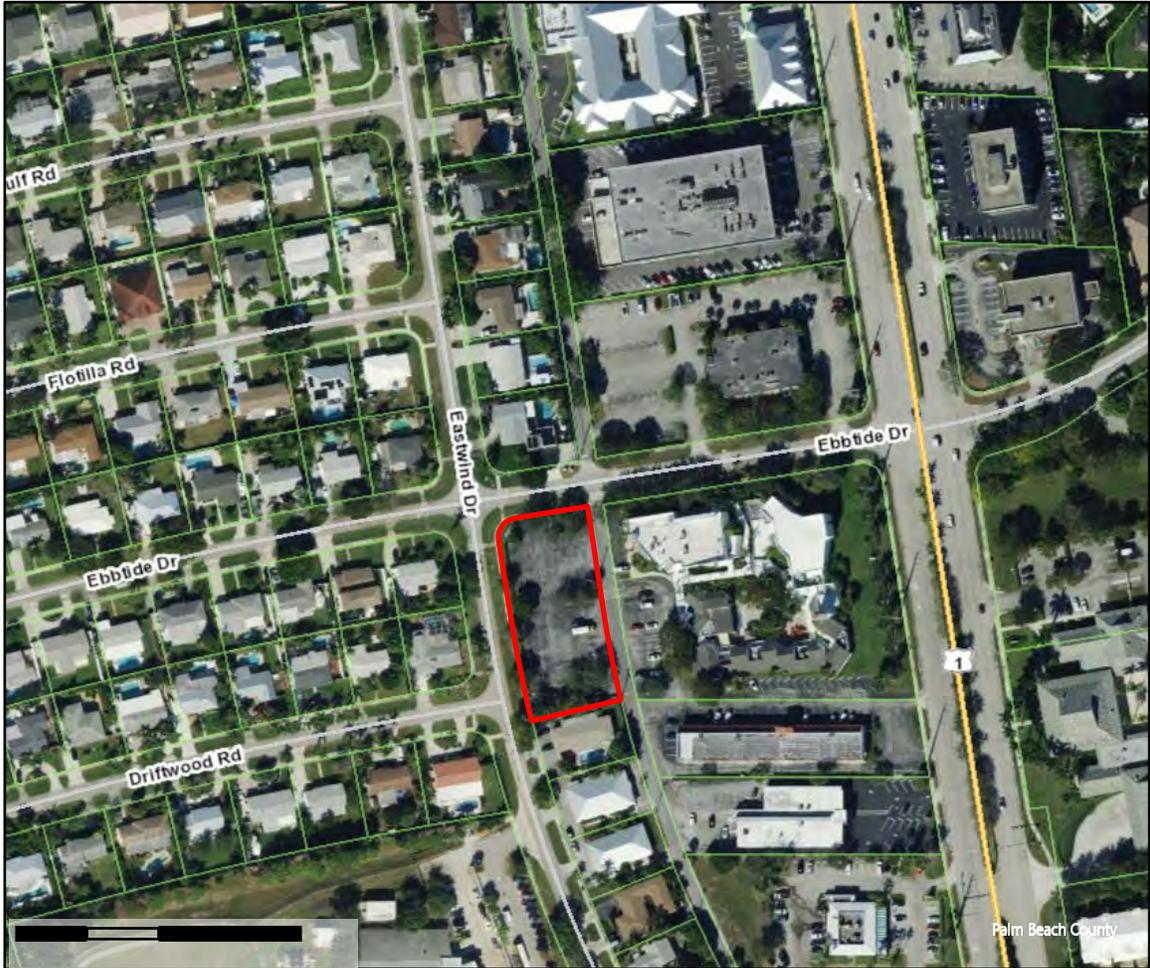
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**PLANNING AND ZONING ADJUSTMENT BOARD ACTION – September 10, 2024**

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On a Motion by Board Member Hullihan and Seconded by Board Member Hogarth, the Planning, Zoning and Adjustment Board approved unanimously to table this petition and to require that the lights be shut off until the Board approves the lighting.

Location Map





## VILLAGE OF NORTH PALM BEACH, FLORIDA

### ORDER GRANTING SITE PLAN AND APPEARANCE APPROVAL

Applicant: Faith Lutheran Church of North Palm Beach Missouri Synod (property owner)

Property Location: Eastwind Drive, North Palm Beach, FL 33408 (“Property”)

Legal Description: NORTH PALM BEACH VILLAGE OF REPL BLK 8 LTS 1 TO 3 INC BLK 8

Request: Approval for addition of two 35’ light poles with 200-300 watt fixtures

THIS MATTER came before the Planning, Zoning and Adjustment Board for hearing on November 12, 2024. After considering the testimony and other evidence presented by the Applicant and Village Staff, the Planning, Zoning and Adjustment Board hereby makes the following findings of fact:

1. Applicant’s request meets the requirements for Site Plan and Appearance approval as set forth in Article II of Chapter 6 of the Village Code of Ordinances and Appendix A (“Appearance Plan”).

Based on the foregoing findings of fact, it is ORDERED by the Planning, Zoning and Adjustment Board that the Applicants’ request for Site Plan and Appearance approval is hereby **APPROVED** subject to the following conditions:

- A. The most stringent requirements of Exhibit “A” Community Development Department Report and Recommendation dated March 5, 2024 and last amended November 8, 2024, and strict compliance with the Exhibits listed below, which are attached hereto and made part hereof as Exhibit “B”
  - a. Background Narrative stamp-dated October 28, 2024
  - b. Reference Materials stamp-dated October 28, 2024 (2 pages)
  - c. Genesis Lighting Proposal stamp-dated October 28, 2024 (7 pages)
  - d. Proposed Photometrics Plan stamp-dated October 28, 2024
- B. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or a Certificate of Completion.
- C. The conditions of approval shall be binding on the Applicant and its successors in interest and assigns, and a violation of such conditions shall constitute a violation of the Village

Code of Ordinances. They may be enforced by the Village as outlined in Article VI, Chapter 2 of the Village Code or as otherwise authorized by law.

- D. The Applicant shall be bound by all oral and written representations made on the record and as part of the application process, irrespective of whether such representations are included as formal conditions.

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

VILLAGE OF NORTH PALM BEACH

By: \_\_\_\_\_  
Cory Cross, Chairperson

ATTEST:

\_\_\_\_\_  
Caryn Gardner-Young, Community Development Director

Copies to:  
Karissa Delena, petitioner agent  
Caryn Gardner-Young, Community Development Director  
Leonard G. Rubin, Village Attorney

OCT 28 2024

**Amendment to Site Plan and Appearance Review Application Originally Submitted by Kasper  
Electrical on Behalf of Faith Lutheran Church for Parking Lot Lighting at 555 US Hwy 1,**

Prepared by Frank Russo, Board of Trustees, Faith Lutheran Church  
Submitted to Village of North Palm Beach Community Development on 10/28/24

**BACKGROUND**

At their meeting on September 10, the Planning, Zoning, and Adjustment Board reviewed additional information related to an amended site plan and appearance review (SPAR) application for illumination of the main parking lot of Faith Lutheran Church, 555 US Hwy 1. The original SPAR and a subsequent amendment were filed by the construction contractor, Kasper Electric, who constructed the lighting with a building permit that was issued while the SPAR application was still pending approval by the Board. Kasper has made numerous modifications to the installation to satisfy the objections of the Board concerning undue illumination and glare in the neighboring residential area. These adjustments included directing the lighted plane of the LED luminaires directly downward, restricting the hours of operation from 6 pm to 10 pm each night, reducing the power setting of each of the four luminaires (two per pole) from 300 W to 240 W, and reducing the light color temperature of each luminaire from 5000K to 4000K. However, after reviewing the results of these adjustments, the Board does not yet consider this lighting installation to be in compliance with Village codes. The Board considers the glare of the lights to be unacceptable, citing the height of the luminaires, at 35 feet above the pavement, as a major cause. They also agree the light color temperature of 4000K for the existing luminaires is unacceptable and needs to be set to 3000K. The Board has decided to table further review of the amended SPAR application until their next meeting, on November 12. Faith Lutheran Church will be providing details of a modified installation to Community Development for that review. The Board also directed the lights be kept off until after they have approved an amended SPAR, and following the meeting, the supply breaker for the lights was turned off.

For the amended application, Kasper Electric is preparing to remove the existing dual LED luminaires from the poles and replace those with different dual LED luminaires, with new shielding and a light color temperature of 3000K, at a height of approximately 30 feet. A special mounting bracket will be used to mount the luminaires at the lower height, since this would be a much less expensive option than cutting the poles to size. The photometrics of the new luminaires will reduce the undue illumination below 0.33 lumens per square foot at all grid points in the adjacent residential areas, which will meet the requirements of the Palm Beach County codes for parking lot lighting in residential areas. New shields and a lower height should also reduce glare to acceptable levels.

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REFERENCE MATERIALS

I. Current Installation

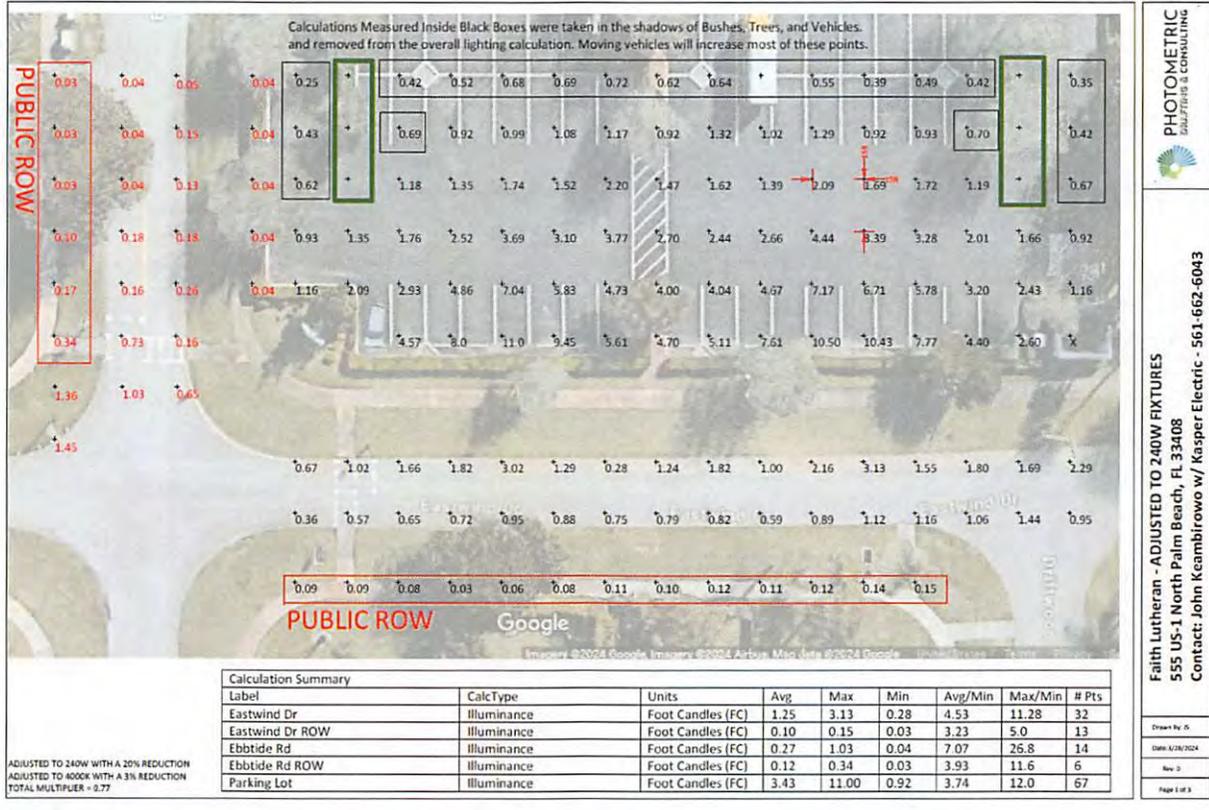
A. Present installation of luminaires and shielding



B. Night time appearance of existing lighting



C. Present photometrics calculations for luminaires set at 240 W and 4000K



II. Proposed Modification

- A. Specifications of new luminaires and shields (attachment)
- B. New photometrics calculations (attachment)

VILLAGE OF  
NORTH PALM BEACH

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**Date: Aug 22, 2024**

Genesis Lighting  
14101 NW 8th street  
Sunrise FL 33325  
Phone: (954) 306-3931  
Fax:

Job Name  
**FAITH LUTHERAN**  
GENLIGHT24-62399  
NORTH PALM BEACH FL

Bid Date  
Aug 22, 2024

Submittal Date  
Aug 22, 2024

*Distributor:*  
K&M RIVIERA BEACH  
7641 Central Ind Ave  
Riviera Beach FL 33404

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NORTH PALM BEACH

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# Transmittal

Genesis Lighting  
14101 NW 8th street  
Sunrise FL 33325  
Phone: (954) 306-3931  
From: **CHRIS MARCH**

**Project** FAITH LUTHERAN  
**Quote#** GENLIGHT24-62399  
**Location** NORTH PALM BEACH FL  
**To** K&M RIVIERA BEACH  
7641 Central Ind Ave  
Riviera Beach FL 33404  
Contact: BENJAMIN HART

ATTACHED WE ARE SENDING YOU 1 COPY OF THE FOLLOWING ITEM:

- |                                   |  |        |
|-----------------------------------|--|--------|
| <input type="checkbox"/> Drawings | <input type="checkbox"/> Specifications        | Other: |
| <input type="checkbox"/> Prints   | <input type="checkbox"/> Information           |        |
| <input type="checkbox"/> Plans    | <input checked="" type="checkbox"/> Submittals |        |

THESE ARE TRANSMITTED FOR:

- |  |   |                                 |
|--|---|---------------------------------|
| <input type="checkbox"/> Prior Approval        | <input type="checkbox"/> Resubmittal for Approval | <input type="checkbox"/> Record |
| <input checked="" type="checkbox"/> Approval   | <input type="checkbox"/> Corrections              | Bids due on:                    |
| <input type="checkbox"/> Approval as Submitted | <input type="checkbox"/> Your Use                 | Other:                          |
| <input type="checkbox"/> Approval as Noted     | <input type="checkbox"/> Review and Comment       |                                 |

Type	MFG	Part
S2	XTRALIGHT	VNTM-35000L-40K-DIM-4S-N-BZ-XX-HSS
SF	XTRALIGHT	VNT-ASF-BZ

VILLAGE OF  
NORTH PALM BEACH

**OCT 28 2024**

COMMUNITY DEVELOPMENT  
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Submitted by Genesis Lighting		<b>Catalog Number:</b> VNTM-35000L-40K-DIM-4M-N-BZ-XX-HSS	<b>Type:</b> <b>S2</b>
	<b>Job Name:</b> FAITH LUTHERAN Distributor: K&M RIVIERA BEACH (Riviera Beach)	<b>Notes:</b>	GENLIGHT24-62399



PROJECT INFORMATION

Project Name	Type
Catalog #	Date

## VIENTO AREA LUMINARE



APPLICATIONS

- Area Lighting
- Retail Spaces
- Street Lighting
- Auto Dealerships & Sales Lots
- Parks & Recreation Areas
- Safety & Security

APPROVALS

- ETL Listed
- Complies with UL 1598 and CSA C22.2
- Suitable for wet locations
- 3G Vibration Rated
- IP66 Rated
- BAA Compliant
- RoHS Compliant
- ATAL Tested [www.ata-labs.com](http://www.ata-labs.com)
- Select models DLC Qualified. For a complete list of DLC Qualified products visit [www.xtralight.com/dlc](http://www.xtralight.com/dlc) or [qpl.designlights.org](http://qpl.designlights.org)

VILLAGE OF NORTH PALM BEACH

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FEATURES

- Lumen packages ranging from 5000L to 55000L.
- Outstanding photometric performance results in excellent uniformity, optimal pole spacing and lower power density.
- Low profile architectural design offers a contemporary appearance with excellent light output.
- Enhanced foot candles delivered utilizing multiple optical options.
- Full cut-off optics with zero uplight.

CONSTRUCTION

- Thermal management achieved with a one-piece die-cast aluminum has integral heat sink fins and a hinged electrical compartment.
- Thermoset powder coat, available in bronze, white or custom colors (consult factory)
- IP66, precision molded, polycarbonate optics providing impact resistance and UV stabilization.
- Upgraded door to provide better protection from water intrusion.

ELECTRICAL

- Voltage: 120-277V or 347-480V AC input
- Driver: Class 1, constant current, calibrated to lumen package (0-10V dimming standard)
- Surge Protection: 20kA standard.
- Operating temperature: -40°C to +50°C (-40°F to +122°F)

CONTROLS

- Programmable smart sensor and twist-lock receptacle control options available.

MOUNTING

- Integral arm with key hole slot facilitates quick and easy installation.
- Adjustable slip fitter, round pole adaptor, universal pole adaptor, and other mounting options available as accessories.

WARRANTY

- Backed by XtraLight's limited 5-year warranty.

ORDER LOGIC

SAMPLE CATALOG NUMBER: VNTL-55000L-50K-DIM-5SN-BZ

SIZE	MODEL	CCT <sup>1</sup>	DRIVER	OPTICS	ORIENTATION	FINISH	CONTROLS	OPTIONS					
S Small	5000L	30K 3000K	DIM Dim 0-10V, 120-277V	2M Type II Medium	N Normal (forward)	BZ Bronze	XX No Fixture Controls	HSS House-side Shield					
	10000L	40K 4000K							IS3 IR Smart Sensor, 20"H/40"D	ASF <sup>5</sup> Adjustable Slip Fitter Cord Whip			
	15000L	50K 5000K							IS7 IR Smart Sensor, 40"H/100"D	3 <sup>6</sup> NEMA 3-Pin Twist-Lock Receptacle			
M Medium	15000L	HVD to off	HVD Dim 0-10V, 347-480V	4S Type IV Short	L Left	CC <sup>4</sup> Custom Color	BS3 Bluetooth Smart Sensor, 20"H/40"D	5 <sup>6</sup> NEMA 5-Pin Twist-Lock Receptacle					
	20000L								5S <sup>1</sup> Type V Square	R Right	BS7 Bluetooth Smart Sensor, 40"H/100"D	7 <sup>6</sup> NEMA 7-Pin Twist-Lock Receptacle	
	25000L												CAS Casambi Controlled
	30000L												
35000L	SYN Synapse Controlled												
L Large	30000L	SWX Sensorworx Controlled	CUS Custom Sensor (Factory Installed)										
	35000L												
	40000L												
	45000L												
	50000L												
55000L													

1. Custom CCT available from 2700K - 6500K.  
 2. Some models may not be available with DIMO (Dim to off).  
 3. The 5S (Type V Square) optic option is not available with L (Left) or R (Right) orientations.  
 4. Provide the desired RAL number for custom colors.  
 5. The ASF (Adjustable Slip Fitter Cord Whip) must be paired with the Adjustable Slip Fitter accessory (sold separately).  
 6. Photocell not included.



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Page 1/5 Rev. 031924  
 VNT

Submitted by Genesis Lighting



**Job Name:**  
FAITH LUTHERAN  
Distributor: K&M RIVIERA BEACH (Riviera Beach)

**Catalog Number:**  
VNTM-35000L-40K-DIM-4M-N-BZ-XX-HSS  
**Notes:**

**Type:**

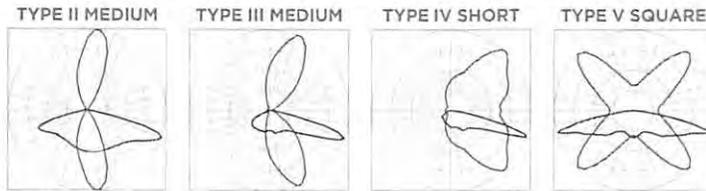
**S2**

GENLIGHT24-62399

# VIENTO AREA LUMINARE VNT

VILLAGE OF  
NORTH PALM BEACH

ISO LINES



• Red: Horizontal / Blue: Vertical

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PHOTOMETRIC DATA

STANDARD

SIZE	MODEL	OPTICS	3000K		4000K		5000K		WATTAGE	BUG RATING
			LUMENS	EFFICACY	LUMENS	EFFICACY	LUMENS	EFFICACY		
VNTS SMALL	5000L	2M	5418	151	5644	156	5559	154	36	B2-U0-G2
		3M	5113	142	5326	148	5246	146		B2-U0-G3
		4S	5054	140	5265	146	5186	144		B1-U0-G3
		5S	5172	144	5387	149	5306	147		B3-U0-G2
	10000L	2M	11533	152	12014	158	11834	156	76	B3-U0-G3
		3M	10855	143	11307	149	11137	147		B2-U0-G2
		4S	10765	142	11214	148	11046	145		B2-U0-G4
		5S	11005	145	11464	151	11292	149		B4-U0-G3
	15000L	2M	15802	145	16460	152	16213	149	109	B3-U0-G3
		3M	15022	138	15648	144	15413	141		B3-U0-G3
		4S	14911	137	15532	143	15299	140		B3-U0-G5
		5S	15252	140	15887	146	15649	144		B4-U0-G3
18000L	2M	18315	142	19078	147	18792	146	129	B3-U0-G3	
	3M	17206	133	17923	139	17654	137		B3-U0-G3	
	4S	17270	134	17990	139	17720	137		B3-U0-G5	
	5S	17461	135	18189	141	17916	139		B4-U0-G3	
VNTM MEDIUM	15000L	2M	15802	146	16460	152	16213	150	108	B3-U0-G3
		3M	15022	139	15648	145	15413	143		B3-U0-G3
		4S	14911	138	15532	143	15299	142		B3-U0-G5
		5S	15252	141	15887	146	15649	145		B4-U0-G3
	20000L	2M	23067	152	24028	158	23668	156	152	B3-U0-G3
		3M	21709	143	22614	149	22275	147		B3-U0-G3
		4S	21531	142	22428	148	22092	145		B3-U0-G5
		5S	22011	145	22928	151	22584	149		B4-U0-G3
	25000L	2M	25861	144	26939	149	26535	147	180	B4-U0-G4
		3M	23574	131	24556	136	24188	134		B4-U0-G3
		4S	23645	131	24630	136	24261	135		B3-U0-G4
		5S	24347	135	25362	141	24981	139		B5-U0-G3
30000L	2M	31340	144	32646	151	32156	148	217	B4-U0-G4	
	3M	29674	137	30910	142	30446	140		B4-U0-G4	
	4S	29881	138	31126	144	30659	141		B4-U0-G5	
	5S	30148	139	31404	145	30933	143		B5-U0-G4	
35000L	2M	35492	143	36971	148	36416	146	249	B4-U0-G4	
	3M	33668	135	35071	141	34545	139		B4-U0-G3	
	4S	33458	134	34852	140	34329	138		B4-U0-G5	
	5S	34451	138	35886	144	35348	142		B5-U0-G4	

• Some Photometric Data is extrapolated and subject to change.



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VNT



**Job Name:**  
 FAITH LUTHERAN  
 Distributor: K&M RIVIERA BEACH (Riviera Beach)

**Catalog Number:**  
 VNT-ASF-BZ

Notes:

**Type:**

**SF**

GENLIGHT24-62399

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# VIENTO AREA LUMINARE

## VNT

**ACCESSORIES (SOLD SEPARATELY)**

<p><b>VNT-ASF</b> <input type="text"/></p> <p><b>FINISH</b></p> <p><b>BZ</b> Bronze  <b>WH</b> White  <b>CC</b> Custom Color</p>	<p><b>DESCRIPTION</b></p> <ul style="list-style-type: none"> <li>Adjustable Slip Fitter</li> <li>Must select (ASF) in the order logic under the Options section.</li> <li>180° range of motion in 10° increments.</li> <li>EPA: 0.127 sq. ft. - 6.0 LB</li> </ul>																													
<p><b>VNT-RPA</b> <input type="text"/></p> <p><b>FINISH</b></p> <p><b>BZ</b> Bronze  <b>WH</b> White  <b>CC</b> Custom Color</p>	<p><b>DESCRIPTION</b></p> <ul style="list-style-type: none"> <li>Round Pole Adaptor</li> <li>Allows up to four Viento fixtures to be mounted to one pole.</li> <li>3" to 5" Diameter</li> <li>EPA: 0.03 sq. ft. - 0.75 LB</li> </ul>																													
<p><b>VNT-WB</b> <input type="text"/></p> <p><b>FINISH</b></p> <p><b>BZ</b> Bronze  <b>WH</b> White  <b>CC</b> Custom Color</p>	<p><b>DESCRIPTION</b></p> <ul style="list-style-type: none"> <li>Wall Bracket</li> </ul>																													
<p><b>VNT-TWB</b> <input type="text"/></p> <p><b>FINISH</b></p> <p><b>BZ</b> Bronze  <b>WH</b> White  <b>CC</b> Custom Color</p>	<p><b>DESCRIPTION</b></p> <ul style="list-style-type: none"> <li>Tenon Wall Bracket Horizontal Mount</li> <li>8" Square Plate - 2 3/8" OD</li> <li>Must be ordered with the Adjustable Slip Fitter (ASF) accessory.</li> </ul>																													
<p><b>VNT-SSA</b> <input type="text"/></p> <p><b>FINISH</b></p> <p><b>BZ</b> Bronze  <b>WH</b> White  <b>CC</b> Custom Color</p>	<p><b>DESCRIPTION</b></p> <ul style="list-style-type: none"> <li>Sholder-to-Sholder Adaptor</li> <li>EPA: 0.90 sq. ft. - 27 LB</li> </ul>																													
<p><b>VNT-TMA</b> <input type="text"/></p> <table border="1"> <thead> <tr> <th>POLE</th> <th>FINISH</th> <th>SIZE</th> <th>MOUNTING</th> </tr> </thead> <tbody> <tr> <td>S Square</td> <td>BZ Bronze</td> <td>4 4"</td> <td>01 1 Fixture</td> </tr> <tr> <td>R Round</td> <td>WH White</td> <td>5 5"</td> <td>28 2 Fixtures at 180°</td> </tr> <tr> <td></td> <td></td> <td>6 6"</td> <td>29 2 Fixtures at 90°</td> </tr> <tr> <td></td> <td></td> <td></td> <td>39 3 Fixtures at 90°</td> </tr> <tr> <td></td> <td></td> <td></td> <td>32 3 Fixtures at 180°</td> </tr> <tr> <td></td> <td></td> <td></td> <td>49 4 Fixtures at 90°</td> </tr> </tbody> </table>	POLE	FINISH	SIZE	MOUNTING	S Square	BZ Bronze	4 4"	01 1 Fixture	R Round	WH White	5 5"	28 2 Fixtures at 180°			6 6"	29 2 Fixtures at 90°				39 3 Fixtures at 90°				32 3 Fixtures at 180°				49 4 Fixtures at 90°	<p><b>DESCRIPTION</b></p> <ul style="list-style-type: none"> <li>Tenon Mount Adaptor</li> <li>Dimensions (S): 4"/5"/6"</li> <li>Dimensions (R): 4"/5" DIA</li> <li>EPA: 0.4 sq. ft. 10 - 16 LB</li> <li>VNT-TMAR includes Round Pole Adaptor (VNT-RPA) depending on mounting count.</li> </ul>	
POLE	FINISH	SIZE	MOUNTING																											
S Square	BZ Bronze	4 4"	01 1 Fixture																											
R Round	WH White	5 5"	28 2 Fixtures at 180°																											
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<p><b>VNT-UPM</b> <input type="text"/></p> <table border="1"> <thead> <tr> <th>POLE</th> <th>FINISH</th> </tr> </thead> <tbody> <tr> <td>SQ Square</td> <td>BZ Bronze</td> </tr> <tr> <td>RD Round</td> <td>WH White</td> </tr> </tbody> </table>	POLE	FINISH	SQ Square	BZ Bronze	RD Round	WH White	<p><b>DESCRIPTION</b></p> <ul style="list-style-type: none"> <li>Universal Pole Mount Adaptor</li> </ul>																							
POLE	FINISH																													
SQ Square	BZ Bronze																													
RD Round	WH White																													



# VIENTO HOUSE SIDE SHIELD INSTALLATION

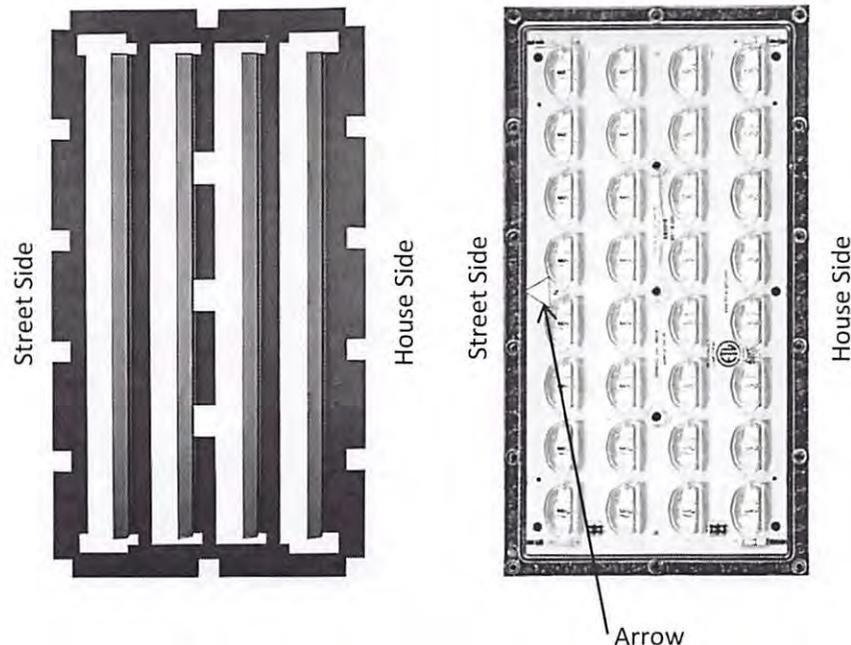
Each House Side Shield (HSS) has double sided high temperature VHB tape on the back to attach to the optics on your Viento.

VILLAGE OF  
NORTH PALM BEACH

OCT 28 2024

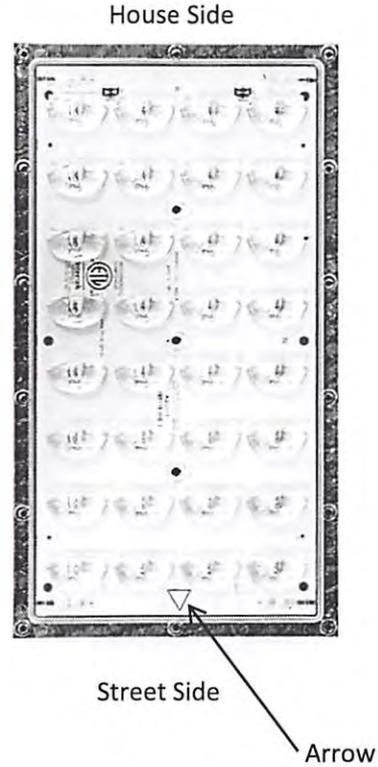
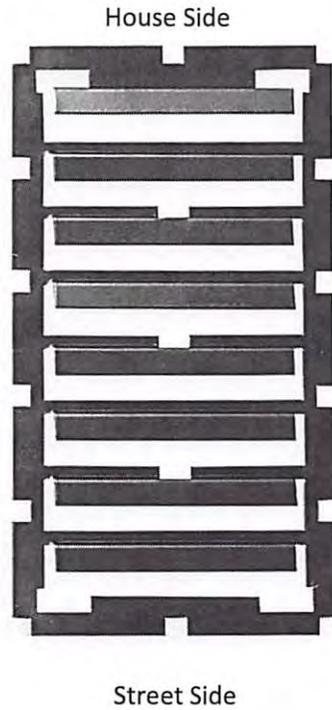
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1. Remove backing from each piece of VHB tape on the back of the HSS.
2. Carefully place the HSS over the optics in the direction shown below.
  - The arrow on the optic is pointing toward “street side”, or the direction in which the light is being aimed.
  - The open side of each louver on the HSS should be facing the same direction as the arrow.
  - The closed side of the louvers is toward the “house side” of the optics, opposite of the arrow.
3. When the HSS is oriented correctly, press firmly onto the optic.
  - \*Please note, as soon as the VHB tape comes in contact with the optic, it will not be able to be removed. Carefully determine correct direction of the louvers before removing tape and pressing in place.\*



Normal Optics Shown

# VIENTO HOUSE SIDE SHIELD INSTALLATION



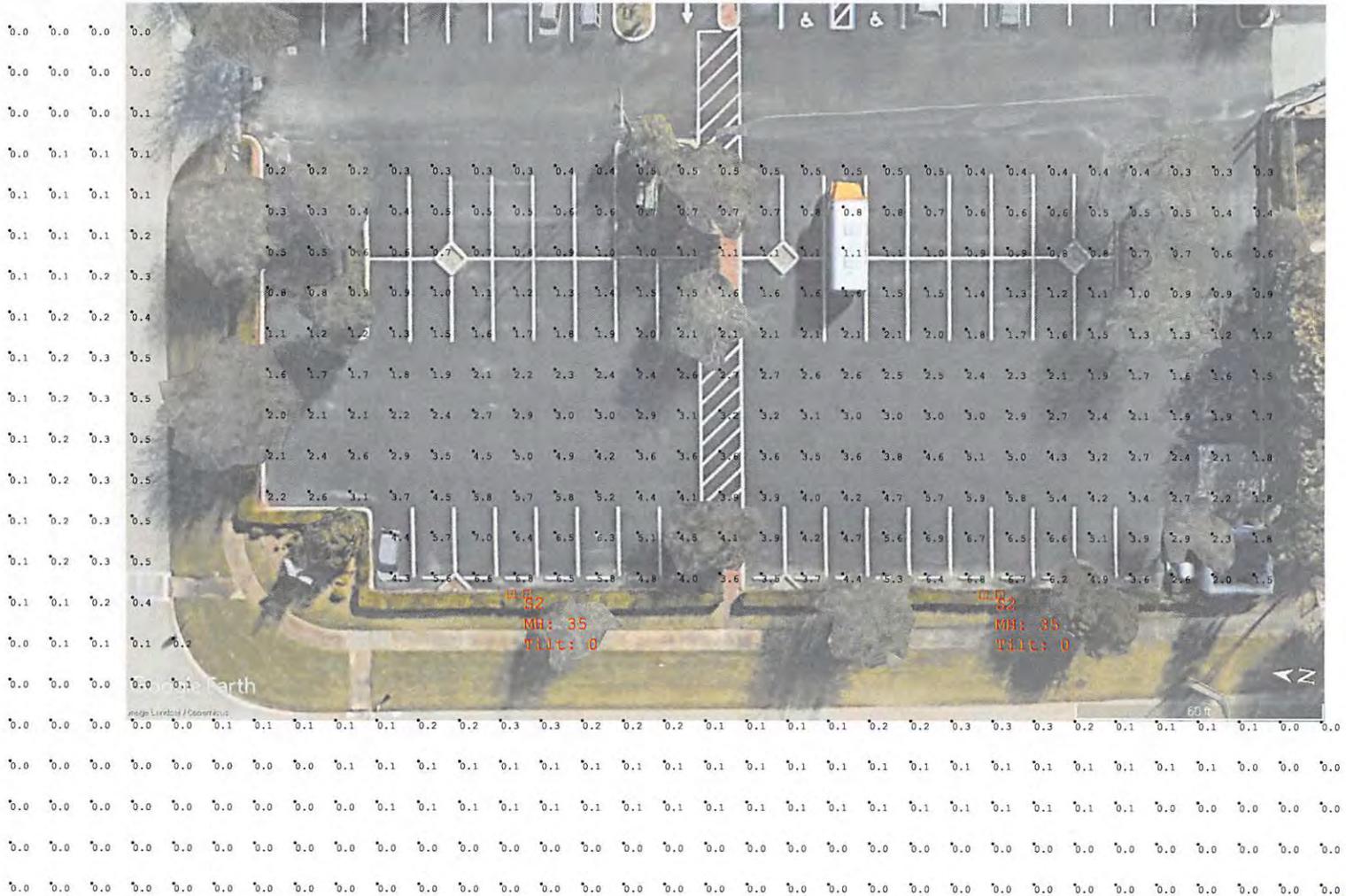
Rotated Optics Shown

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IN0024 06/23/2017 Rev. 2



Proposed Photometrics

Luminaire Schedule				LLF	Luminaire Lumens	Luminaire Watts	Total Watts	
Symbol	Qty	Label	Arrangement	Description				
S	2	S2	Twin	Xtra Light VNTM-350001-40K-DIM-4M-N-XX-HSS, 20Forward Throw	0.900	23260	253.2	1012.8

Calculation Summary						
Label	CalcType	Units	Avg	Max	Min	Max/Min
Parking Lot	Illuminance	Fc	2.40	7.0	0.2	12.00
Roadway Spill	Illuminance	Fc	0.08	0.5	0.0	N.A.

Photometrics generated from any file other than properly engineered DWG Files, including but not limited to Google Earth, PDFs, and DWG files converted from PDF using a conversion program, are for proof of concept only. They are not intended to be submitted for Permit with any city or county as they will likely be rejected. Genesis Lighting is not responsible for any issues caused by using proof of concept photometrics for any purchases or permits. Properly engineered drawings should always be obtained before submitting for permit or ordering product.

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VILLAGE OF  
NORTH PALM BEACH

 <span style="font-weight: bold; font-size: 1.2em; margin-left: 20px;">COMMUNITY DEVELOPMENT DEPARTMENT REPORT AND RECOMMENDATION</span>
---

**Subject/ Agenda Item:**

**SP-2024-09 – 301 Ebbtide (Faith Lutheran School)**

**Consideration of Approval:** A request from Pilar Tucker, the director of the Faith Lutheran School, on behalf of the property owner, Faith Lutheran Church of North Palm Beach Missouri Synod Inc., for Site Plan and Appearance Review approval to retain the existing chain link fence and vegetation used for screening around the parking lot at the Faith Lutheran School, located at 301 Ebbtide Drive.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

<p><b>Originating Department:</b></p> <p><b>Planning &amp; Zoning</b></p> <p>Project Manager</p> <p>_____</p> <p>Mariah Hampton</p>	<p><b>Reviewed By:</b></p> <p>Community Development Director</p> <p>_____</p> <p>Caryn Gardner-Young, AICP</p>
<p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>Site Plan and Appearance Review Application</li> <li>Reason for Fence Narrative</li> <li>Planting Plan</li> <li>Survey</li> <li>Fencing Specifications</li> <li>Planting details with expected height maturity</li> </ul>	<p>Public Notice:</p> <p><input type="checkbox"/> Required</p> <p><input checked="" type="checkbox"/> Not Required</p> <p>Dates:</p> <p>Paper:</p> <p>Mailing</p> <p><input type="checkbox"/> Required</p> <p><input checked="" type="checkbox"/> Not Required</p> <p>Notice Distance:</p>

**I. Executive Summary**

The applicant is requesting to retain an existing fence that was installed along US Highway 1 with hedges that are being used to screen the fence. The justification for the request is that during pick up and drop off times, children would play and run around the parking lot, and many parents were concerned with children being able to run directly into the vehicular right-of-way.

To address possible safety concerns, the Faith Lutheran School installed a chain link fence between the school grounds and US Highway 1 in June of 2024 through a building permit. Unfortunately, the permit was approved in error and issued to the applicant without the fence having adequate screening from the right-of-way. Site perimeters are required to include landscaping in order to be deemed code compliant.

**II. Site Data**

**Existing Use:** School  
**Parcel Control Numbers:** 68-43-42-16-02-009-0010  
**Parcel Size:** 1.65 acres  
**Existing Future Land Use Designation:** Commercial  
**Existing Zoning District:** Commercial Mixed Use (C-MU)

<b>Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:</b>			
<b>Direction</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning District</b>
<i>North</i>	Office Building Non-Medical	Commercial	Commercial Mixed-Use (C-MU)
<i>South</i>	Faith Lutheran Church	Commercial	Commercial Mixed-Use (C-MU)
<i>East</i>	Financial	Commercial	Commercial Mixed Use (C-MU)
<i>West</i>	Single Family Dwellings	Low Density Residential	Single Family Dwelling (R-1)

**III. Annexation/Zoning History**

The subject parcel site is located on the north side of Ebbtide Drive and west side of US Highway 1. The subject site has a future land use designation of Commercial and a zoning designation of Commercial Mixed-Use (C-MU).

**III. Applicable Code Provisions:**

**Sec. 45-87. - Criteria for required landscaping. A. *Required landscaped areas.***

**Sec. 45-87. - Criteria for required landscaping. L. *Shrubs and hedges.***

**Section 45-90. – B. Landscape requirements for site perimeters. 2. *Shrubs.***

**Section 45-90. – B. Landscape requirements for site perimeters. 6. *Walls and fences within right-of-way buffer.***

**V. Summary of Proposed Site Plan and Appearance Review Details:**

The applicant’s site plan and appearance review application consists of:

1. Narrative prepared by Pilar Tucker and stamp-dated 9/18/2024
2. Planting Plan prepared by Matthew Henshaw stamp-dated 9/18/2024
3. Survey
4. Fencing Specifications prepared by Pick It Fence Co stamp dated 9/18/2024
5. Plant Specifications Palm Beach Nursery stamp dated 7/08/2024

**VI. Staff Analysis:**

***Request:***

The petition is for Site Plan and Appearance Review approval for the following:

1. A 48” black chain link fence that extends 167 linear feet around parking lot facing US Highway 1
2. Native 7-gallon cocoplum (*Chrysobalanus Icaco* 'Red Tip') shrubs that are 30-33” on center

Prior to the installation of the fence, ficus hedges were installed. However, the Applicant determined that the ficus hedges were not healthy so they were removed. A parent of the school donated funds to install the existing fence and cocoplum plantings.

***Standards and Staff Findings:***

The Village’s Code of Ordinances requires site perimeters to provide landscaping.

The petitioner planted shrubs to be used as the required landscaping mentioned in Sec. 45-87, which in turn refers to Section 45-90. – B. Landscape requirements for site perimeters.

**Sec. 45-87. - Criteria for required landscaping.**

***L. Shrubs and hedges.***

1. At least fifty (50) percent of all required hedges and shrubs shall be classified as native species (see [section 45-84](#)).
2. At the time of installation, required hedges and shrubs shall be a minimum of twenty-four (24) inches in height, or eighteen (18) inches in height for native species, spaced at a maximum of thirty-six (36) inches on center.
3. Required hedges shall form a solid, continuous visual screen of at least three (3) feet in height within two (2) years of planting.
4. Hedges used in combination with nonliving landscape barriers to meet the six (6) feet screen requirements in [section 45-88](#) shall be installed at the height necessary to provide the total six (6) foot screen within (2) years of planting.

The shrubs installed are cocoplum (*Chrysobalanus Icaco* 'Red Tip'), which is a Florida native species. At the time of installation, the shrubs were at least 24” inches in height and spaced at a maximum of 36 inches on center. See photos below.



Figure 1: Installation Height 24-30"



Figure 2: Spaced 30-34" apart

Requirement number 3 and 4 of Section 45-87. L. cannot be addressed until matriculation of the plants after two years. Therefore, a condition of approval for the hedges to be reviewed after two years to ensure the required height matriculation is obtained was included. Thus, the request meets the requirements of Section 45-87.

**Sec. 45-90. - Landscape requirements for site perimeters.**

**6. Walls and fences within right-of-way buffer.**

- a. If a wall or fence is used, the required landscaping shall be located between the wall or fence and the right-of-way.
- b. Walls and fences shall not encroach upon easements, unless approved in writing by the easement holder.
- c. Wall or fences shall be setback a minimum of ten (10) feet from the edge of the ultimate right-of-way unless a wall with a continuous footer is used, then the wall shall be setback to provide a minimum of ten (10) clear feet for planting.

The petitioner has installed a four feet (4') black chain link fence, beyond the required 10' setback (22'), to be used as a site perimeter for their parking lot. Thus, the request meets the requirements of Section 45-90.6.

**VII. APPEARANCE Code – Planning Commission Role & Responsibilities**

**Sec. 6-36. - Powers and duties of planning commission concerning the appearance code.**

The planning commission shall have the following powers and duties:

- (1) To hold public hearings on and make recommendations for amendments to the appearance plan.

- (2) To consult with and cooperate with other committees and village departments, and any other municipal or governmental bodies on matters affecting the appearance of the village.
- (3) To study exterior design drawings, landscape and site plans and materials for any proposed public buildings, public works or other public improvements and to make recommendations to the council or village manager as to the architectural or aesthetic aspects thereof.
- (4) To study and review preliminary and final plats and make recommendations to the village council.
- (5) To hold site plan and appearance review hearings, when required, and to issue or deny site plan and appearance approval for multiple-dwelling, commercial, mixed-use, and industrial buildings pursuant to the provisions of this division and the appearance plan in Appendix A of this code.

**Sec. 6-58. - Action of planning commission.**

Upon consideration of an application, the planning commission shall issue site plan and appearance approval upon a finding that the plan conforms to the village appearance plan and other applicable land development regulations. This approval may contain special conditions in response to unusual aspects of the application or to ensure that the approval carries out Village policies and code without undue permitting delays. If the planning commission determines that these criteria are not met, the planning commission may provide such advice, counsel, suggestions and recommendations as it may deem necessary to guide the prospective applicant in the development of a plan which would comply with the requirements and purposes of the appearance plan and other village land development regulations.

**Sec. 6-59. - Approval by planning commission.**

No building or other permit, otherwise required under the ordinances of the village, shall be approved by the community development director except upon the granting of site plan and appearance approval by the planning commission, or on appeal, approval by the Village Council (see section 6-35). The foregoing requirements shall not preclude the issuance of permits without such approval if the community development director determine that any of the following apply: Permits for single-family dwellings, permits for a village-owned facility, no external architectural features as defined in section 6-31, and any deviation from valid site plan and appearance approval are minor and not substantial.

**CODE OF ORDINANCES APPENDIX A, SECTION IV CRITERIA FOR APPEARANCE**

The purpose of these criteria is to establish a checklist of those items which affect the physical aspect of the Village environment. Pertinent to appearance is the design of the site, building and structures, planting, signs, street hardware, and miscellaneous other objects which are observed by the public.

These criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles which can result in creative solutions that will develop a satisfactory visual appearance within the Village.

**D BUILDING DESIGN**

1. Specific architectural styles are not mandated or banned, but the village encourages new buildings to reflect or evolve the distinct local character exemplified by the North Palm Beach Country Club Clubhouse, Village Hall and the Public Safety Building. This character is derived from local and regional examples including Anglo-Caribbean architecture, Florida vernacular, and masonry modern.
2. Evaluation of appearance of a project shall be based on quality of its design and relationship to surroundings.
3. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
4. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
  - a. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those which are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways and adjoining properties.
  - b. Inappropriate materials and methods, and those which will produce inconsistency with the structure of the building, shall be avoided.
  - c. Materials shall be of durable quality.
  - d. In any design in which the structural frame is exposed to view, the structural materials shall meet the other criteria for materials.
5. Building components—such as windows, doors, eaves, and parapets—shall have good proportions and relationship to one another.
6. The village discourages walls without windows or with too few windows; all-glass walls; and facades without visual interest or with entrances that are concealed or absent.
7. Colors shall be harmonious, with bright or brilliant colors used only for accent.
8. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so as not to be visible from any public ways, including waterways, service alleys, and adjoining properties.
9. Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with building design.
10. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from public ways, including waterways, service alleys, and adjoining properties, using materials as stated in criteria for equipment screening.
11. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.
12. Inappropriate, incompatible, bizarre, and exotic designs shall be avoided.

13. The provisions of the North Palm Beach Village Code in regard to bulk regulations and standards, and those portions of the Village Code which directly affect appearance, shall be part of the criteria of this subsection.

## **G MAINTENANCE—PLANNING AND DESIGN FACTORS**

1. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
2. Materials and finishes shall be selected for their durability and wear as well as for their beauty.

Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.

Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Such configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

## **H FACTORS FOR EVALUATION**

The following factors and characteristics relating to a development, and which affect appearance, will govern the Appearance Board's evaluation of a design submission after the Board has been advised by the Office of the Building Official that the plan conforms to Village ordinances:

LOGIC OF DESIGN

EXTERIOR SPACE UTILIZATION

ARCHITECTURAL CHARACTER

ATTRACTIVENESS

MATERIAL SELECTION

HARMONY AND COMPATIBILITY

CIRCULATION—VEHICULAR AND PEDESTRIAN

MAINTENANCE ASPECTS

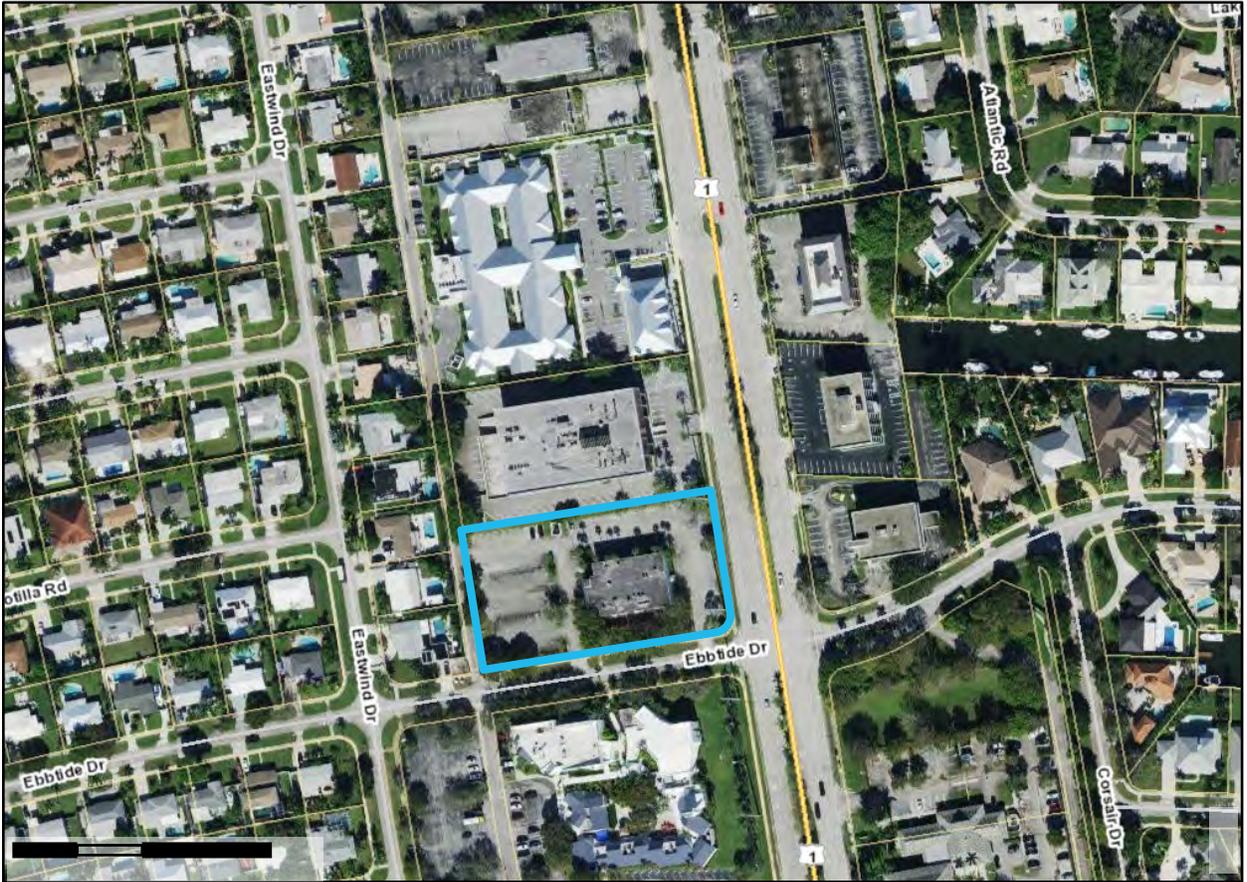
## **VII. Conclusion and Findings of Fact:**

The Planning, Zoning and Adjustment Board must determine if the Applicant has met the prerequisites for the granting of Site Plan and Appearance Review approval as outlined in the staff report. If the Planning, Zoning and Adjustment Board approves the Site Plan and Appearance Review petition, staff suggests the following conditions:

1. The most stringent requirements of Exhibit "A" Community Development Department Report and Recommendation dated October 24, 2024, and strict compliance with the Exhibits listed below, which are attached hereto and made part hereof as Exhibit "B"

- a. Site Plan and Appearance Application completed by Pilar Tucker and stamped-dated 9/18/2024
  - b. Reason for fence narrative prepared by Pilar Tucker and stamp-dated 9/18/2024
  - c. Planting Plan prepared by Matthew Henshaw and stamped-dated 12/27/2024
  - d. Survey
  - e. Fencing Specifications prepared by ChainLinkFenceFBC and stamp-dated 7/08/2024
  - f. Plant Specifications Palm Beach Nursery and stamp-dated 7/08/2024
2. The required hedges shall form a solid, continuous visual screen of at least three (3) feet in height within two (2) years of planting which will be inspected by the Community Development Department. (Planning and Zoning)
  3. All installed landscape shall be maintained on a regular basis, to include weeding, watering, fertilizing, pruning, mowing, edging, mulching, replacement of dead or missing landscaping, removal of prohibited plants, and other horticultural practices that are needed to keep landscaping in good condition, free from disease, insect pests, weeds, refuse, and debris. (Planning and Building)
  4. The site plan shall be revised as necessary to reflect all conditions of approval and re-submitted prior to the issuance of building permits. (Planning and Zoning)
  5. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or a Certificate of Completion. (Planning and Building)
  6. The Applicant shall be bound by all oral and written representations made on the record and as part of the application process, irrespective of whether such representations are included as formal conditions.

Location Map





## VILLAGE OF NORTH PALM BEACH, FLORIDA

### ORDER GRANTING SITE PLAN AND APPEARANCE APPROVAL

Applicant: Faith Lutheran Church of North Palm Beach Missouri Synod (property owner)

Property Location: 301 Ebbtide, North Palm Beach, FL 33408 (“Property”)

Legal Description: VILLAGE OF NORTH PALM BCH NO 1S 200 FT OF BLK 9

Request: Approval of previously installed chain-link fence and vegetation used for screening of parking area.

THIS MATTER came before the Planning, Zoning and Adjustment Board for hearing on November 12, 2024. After considering the testimony and other evidence presented by the Applicant and Village Staff, the Planning, Zoning and Adjustment Board hereby makes the following findings of fact:

1. Applicant’s request meets the requirements for Site Plan and Appearance approval as set forth in Article II of Chapter 6 of the Village Code of Ordinances and Appendix A (“Appearance Plan”).

Based on the foregoing findings of fact, it is ORDERED by the Planning, Zoning and Adjustment Board that the Applicants’ request for Site Plan and Appearance approval is hereby **APPROVED** subject to the following conditions:

- A. The most stringent requirements of Exhibit “A” Community Development Department Report and Recommendation dated October 24, 2024, and strict compliance with the Exhibits listed below, which are attached hereto and made part hereof as Exhibit “B”
  - a. Site Plan and Appearance Application completed by Pilar Tucker and stamped-dated 9/18/2024
  - b. Reason for fence narrative prepared by Pilar Tucker and stamp-dated 9/18/2024
  - c. Planting Plan prepared by Matthew Henshaw and stamped-dated 12/27/2024
  - d. Survey
  - e. Fencing Specifications prepared by ChainLinkFenceFBC and stamp-dated 7/08/2024
  - f. Plant Specifications Palm Beach Nursery and stamp-dated 7/08/2024

- B. The required hedges shall form a solid, continuous visual screen of at least three (3) feet in height within two (2) years of planting which will be inspected by the Community Development Department. (Planning and Zoning)
- C. All installed landscape shall be maintained on a regular basis, to include weeding, watering, fertilizing, pruning, mowing, edging, mulching, replacement of dead or missing landscaping, removal of prohibited plants, and other horticultural practices that are needed to keep landscaping in good condition, free from disease, insect pests, weeds, refuse, and debris. (Planning and Building)
- D. The site plan shall be revised as necessary to reflect all conditions of approval and re-submitted prior to the issuance of building permits. (Planning and Zoning)
- E. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or a Certificate of Completion. (Planning and Building)
- F. The Applicant shall be bound by all oral and written representations made on the record and as part of the application process, irrespective of whether such representations are included as formal conditions.

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

VILLAGE OF NORTH PALM BEACH

By: \_\_\_\_\_  
Cory Cross, Chairperson

ATTEST:

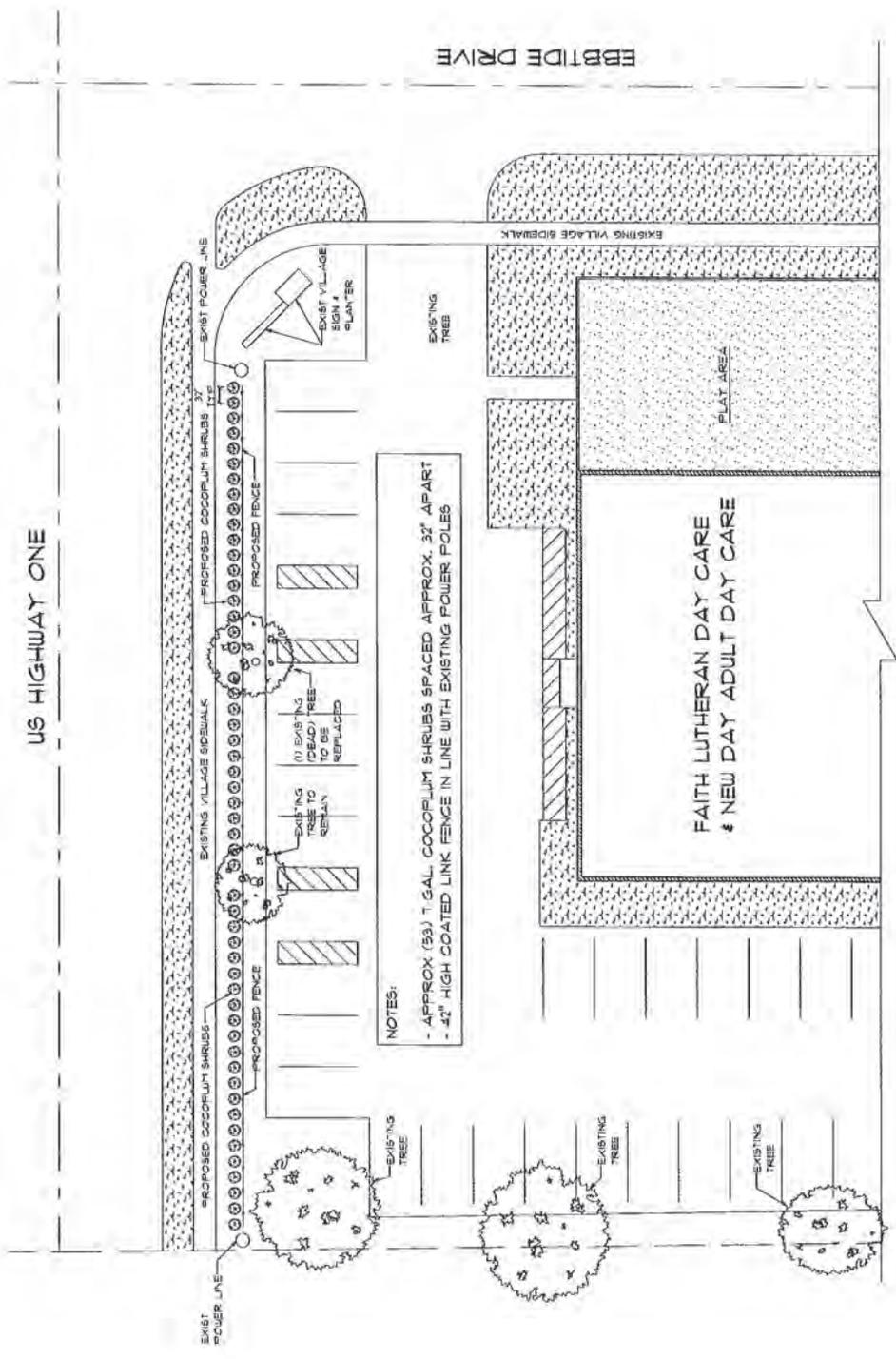
\_\_\_\_\_  
Caryn Gardner-Young, Community Development Director

Copies to:  
Karissa Delena, petitioner agent  
Caryn Gardner-Young, Community Development Director  
Leonard G. Rubin, Village Attorney



REVISIONS

US HIGHWAY ONE



PLANTING PLAN  
SCALE: 1" = 20'



DRAFTING BY:  
 MATTHEW HENSHAW  
 6033 UNDERER STREET  
 JUPITER, FL 33458  
 561-318-8052

FAITH LUTHERAN  
 301 EBBTIDE DRIVE  
 NORTH PALM BCH, FL 33408

DATE PLOTTED  
 December 7, 2011  
 DRAWING NUMBER  
 11-1111  
 1-1111

L-1

PLANTING PLAN



# Faith Lutheran

ONE FAITH ONE LORD

Faith Lutheran Church  
Faith Lutheran School  
New Day Adult Care Center

 <b>PICK-IT FENCE CO., INC.</b> RESIDENTIAL & COMMERCIAL Mailing: P.O. Box 1290, Loxahatchee, FL 33470 2980 Buck Ridge Trail, Loxahatchee, FL 33470 Office (561) 795-8972 pickitfenceco@aol.com • www.pickitfenceinc.com <small>Licensed • Insured</small>		Attn: <u>Pilar</u> Name: <u>Faith Lutheran</u> Date: <u>1-25-24</u> Job Address: <u>301 Ebbtide Dr.</u> <u>NPB FL 33408</u> Home Phone: _____ Work Phone: <u>561-842-2487</u>	
Easements: <input type="checkbox"/> YES <input type="checkbox"/> NO Pool Barrier: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<b>NOTES</b> Fence → 2433' Permit - \$150 + (cop) Noc - \$75 easements - \$75	
<b>SPECIFICATIONS</b> <input type="checkbox"/> WOOD FENCE STYLE _____ TYPE _____ POSTS _____ BACK RAILS _____ TOP _____ NAILS _____ BEAUTY <input type="checkbox"/> IN <input type="checkbox"/> OUT <input type="checkbox"/> EXCEPT RETURNS <input type="checkbox"/> STEEL FENCE <input type="checkbox"/> OTHER _____ <input type="checkbox"/> FENCE HEIGHT <u>4'</u> <input type="checkbox"/> FENCE FABRIC <u>2" x 9 1/2 x 48" B0</u> <input type="checkbox"/> TOP RAIL O.D. <u>1 3/8 x 0.5 B'</u> <input type="checkbox"/> LINE POSTS O.D. <u>1 3/8 x 0.5 B'</u> <input type="checkbox"/> CORNER POSTS O.D. <u>2 1/2 x 0.5 B'</u> <input type="checkbox"/> GATE POSTS O.D. <u>NA</u> <input type="checkbox"/> BARB WIRE _____ <input type="checkbox"/> TENSION WIRE _____ <input type="checkbox"/> WALK GATES _____ <input type="checkbox"/> DRIVE GATES _____ <input type="checkbox"/> ROLL GATES _____ <input type="checkbox"/> FENCE CONTOUR <input type="checkbox"/> AIRLINE _____ <input type="checkbox"/> GRADE _____ TOTAL FOOTAGE <u>167'</u>		O Power pole ~~~~~ 167' ~~~~~ Bushed Parking Lot	
PERMIT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		PICK-IT FENCE CO. INC. <u>STP</u>	
TOTAL PRICE _____ DEPOSIT _____ BALANCE ON COMPLETION _____		ACCEPTANCE BY OWNER OR AUTHORIZED REPRESENTATIVE: _____ Date: _____	
THIS PROPOSAL BECOMES A CONTRACT UPON CUSTOMER SIGNATURE AND ADDITIONAL TERMS ON BACK OF CONTRACT ARE ACKNOWLEDGED AND ACCEPTED. ANY BALANCE OWED IS DUE ON COMPLETION OF WORK.			



Possible Wholesale Provider  
 Palm Beach Nursery (786) 255 - 2832 <http://www.floridaplantnurseries.com/>

**Rates on Red Tip Cocoplum Hedges**

Value	Red Tip Cocoplum Sizes and Prices	Value
Red Tip Cocoplum Size	Price each	Height
3 Gallon	\$6	1.5-2 Feet
<b>7 Gallon</b>	<b>\$25</b>	<b>3-3.5 Feet</b>
15 Gallon	\$55	4-4.5 Feet
25 Gallon	\$95	5-6 Feet



**Fence provider**

[Chain Link Fence Installation in Palm Beach, FL | Pick-It Fence \(pickitfenceinc.com\)](#)

Proposal is on next page

September 13, 2023

Hi,

Faith Lutheran Church, owner of the property at 301 Ebbtide, cut down our hedge since it was not thriving on our US Hwy #1 frontage. We also removed a dead tree. We would like to make our location at 301 Ebbtide safer for our students and families and also beautify US Hwy #1. We are planning to install 53 red-tipped cocoplum, a native plant. We plan on purchasing 7-gal plants, 24-30 inches tall when planted, and space them 36 inches apart along our 158 feet frontage. We will keep the thriving tree. We will also make sure that our sprinkler system is functional at all times.

Is it also possible to install a 36-48" black, chain link fence behind our hedges? The fence would only be along US #1. It would make our parking lot more secure from drivers not paying attention and running over the sidewalk and onto our parking lot, putting our young students and families in danger (not that it has happened). It is eerie to see the traffic whizzing by with nothing between us and the traffic. Eventually, the plants would cover the fence and it would not be seen from the US Hwy #1 side.

If you have any questions, please contact me at [ptucker@faithnpb.com](mailto:ptucker@faithnpb.com) or by phone 561-842-2487.

Thank you for any assistance in this matter as it would benefit the village and our church and school families.

Yours in Christ,



Pilar Tucker,  
Administrative Director  
Faith Lutheran School



**Faith Lutheran**  
ONE FAITH ONE LORD

VILLAGE OF  
NORTH PALM BEACH

SEP 18 2024

COMMUNITY DEVELOPMENT  
RECEIVED

Faith Lutheran Church  
Faith Lutheran School  
New Day Adult Care Center

September 18, 2024

To Whom It May Concern,

Around the middle of June, 2024, we submitted an application to install a chain link fence and new native cocoplum shrubbery to the parking lot of our Care Center bordering US Highway One. The fence was added because several parents were concerned about the safety of children in the parking lot. Children will be children and run in the parking lot and the parents feared they would bolt out onto US 1. The ficus hedges that were there were not healthy, so they were removed. A parent graciously donated the funds to install the fence and plants. We have had many parents and neighborhood community members compliment us on adding the fence and native plants. They were happy there is now a barrier between US 1 and our school parking lot.

Our intent was to simply to follow town ordinance ARTICLE VIII., Section 45-81;

**1.Improve and sustain the aesthetic appearance of the village through creative landscaping which helps to harmonize and enhance the natural and built environment.**

As per ARTICLE VIII., Section 45-84, plant material chosen was Florida graded number 1 cocoplum, a low maintenance, native species, installed with sound workmanship and nursery practices.

Furthermore, ARTICLE VIII, Section 45-87, letter "L" specifically states:

*Shrubs and hedges.*

1. At least fifty (50) percent of all required hedges and shrubs shall be classified as native species
2. At the time of installation, required hedges and shrubs shall be a minimum of twenty-four (24) inches in height, or eighteen (18) inches in height for native species, spaced at a maximum of thirty-six (36) inches on center.
3. Required hedges shall form a solid, continuous visual screen of at least three (3) feet in height within two (2) years of planting.
4. Hedges used in combination with nonliving landscape barriers to meet the six (6) feet screen requirements in [section 45-88](#) shall be installed at the height necessary to provide the total six (6) foot screen within (2) years of planting.

Per these ordinances by the Village of North Palm Beach, we followed every rule needed for our new plantings, all native cocoplum are 30-33" on center (well under the required 36"), all 7-gallon plants, well over the required 24" planting height and our Laurel oak, another native species, is well over the required 8' height and 3' crown. All plant material is Florida grade 1 (borderline Florida fancy) and were installed with sound workmanship and nursery practices.

555 US Highway One ■ North Palm Beach, FL 33408-4901 ■ Ph: 561.848.4737 ■ Fax: 561.881.1613 ■ [www.faithnpb.com](http://www.faithnpb.com)

Faith School: 561.842.2487 ■ New Day Adult Care: 561.844.0012



# Faith Lutheran

ONE FAITH ONE LORD

Faith Lutheran Church  
Faith Lutheran School  
New Day Adult Care Center

As you already know, these plants will provide a total 6' screen well before the given time frame of 2 years after planting. They were planted on August 3, 2024, 46 days ago. The plants are getting plenty of water and our landscaper suggested we also fertilize them. That will help them grow better. Our plants have lots of new growth on them. They are filling in nicely. Our plan moving forward is to follow the guidance of the landscaper who installed them and wait until the given timeframe of two years to see if further action needs to be taken.

Sincerely,  
Pilar Tucker,

Director, Faith Lutheran School



A photo of the plants on 8/3/24, the day they were installed.



**Faith Lutheran**  
ONE FAITH ONE LORD

Faith Lutheran Church  
Faith Lutheran School  
New Day Adult Care Center

VILLAGE OF  
NORTH PALM BEACH

SEP 18 2024

COMMUNITY DEVELOPMENT  
RECEIVED



Another area of the plants on 8/3/24



Our new Laurel Oak to replace the one that died and was cut down.



# Faith Lutheran

ONE FAITH ONE LORD

Faith Lutheran Church  
Faith Lutheran School  
New Day Adult Care Center

8/17/24



VILLAGE OF  
NORTH PALM BEACH

SEP 18 2024

COMMUNITY DEVELOPMENT  
RECEIVED



555 US Highway One ■ North Palm Beach, FL 33408-4901 ■ Ph: 561.848.4737 ■ Fax: 561.881.1613 ■ [www.faiithnpb.com](http://www.faiithnpb.com)

Faith School: 561.842.2487 ■ New Day Adult Care: 561.844.0012



**Faith Lutheran**  
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Faith Lutheran Church  
Faith Lutheran School  
New Day Adult Care Center



When they were planted, they were 24-30" tall.  
Now some are over 36".



VILLAGE OF  
NORTH PALM BEACH

SEP 18 2024

COMMUNITY DEVELOPMENT  
TECHNICAL



**Faith Lutheran**  
ONE FAITH ONE LORD

Faith Lutheran Church  
Faith Lutheran School  
New Day Adult Care Center

They were spaced 30-34" apart.



We had calculated 53 plants, and we purchased and installed 60.

VILLAGE OF  
NORTH PALM BEACH

SEP 18 2024

COMMUNITY DEVELOPMENT  
RECEIVED

555 US Highway One ■ North Palm Beach, FL 33408-4901 ■ Ph: 561.848.4737 ■ Fax: 561.881.1613 ■ [www.faithnpb.com](http://www.faithnpb.com)

Faith School: 561.842.2487 ■ New Day Adult Care: 561.844.0012

February 7, 2024

Hi,

Here is our proposed plan for creating a safe barrier between Southbound US 1 and Faith Lutheran School at the corner of Ebbtide.

We propose to install a 42" or 48" black or green chain link fence along Southbound US 1 and Ebbtide Drive. We have about 154 linear foot frontage.

- location - the fence will be on the edge of our parking lot on the grass along US 1. The plants will be in front of the fence on (the east side of the fence) on US 1. Once the plants are tall enough, they will hide the fencing; *(please see photos below with descriptions);*
- Number, type, and size of plants - about 53-54 7-gallon native red-tipped cocoplum plants are needed and will be spaced 30-36 inches apart;
- site plan - the plan is attached.



The fence would align with the end of the parking lot.



It would be in the grassy area east of the parking curb.



The plants will replace the existing growth and will eventually hide the fence from public view.



The tree that died was removed and will be replaced.

**Property Detail**

**Location Address :** 301 EBBTIDE DR  
**Municipality :** NORTH PALM BEACH  
**Parcel Control Number :** 68-43-42-16-02-009-0010  
**Subdivision :** NORTH PALM BEACH VILLAGE OF PL 1 IN PB 24 PGS 202 TO 206 INC  
**Official Records Book/Page :** 10109 / 0858  
**Sale Date :** NOV-1997  
**Legal Description :** VILLAGE OF NORTH PALM BCH NO 1S 200 FT OF BLK 9

**Owner Information**

**Owner(s)**

FAITH LUTHERAN CHURCH OF  
 NORTH PALM BEACH MISSOURI SYNOD INC

**Mailing Address**

555 US HIGHWAY 1  
 NORTH PALM BEACH FL 33408 4901

**Sales Information**

Sales Date	Price	OR Book/Page	Sale Type	Owner
NOV-1997	\$750,000	10109 / 00858	WARRANTY DEED	FAITH LUTHERAN CHURCH OF
JUL-1985	\$1,115,000	04598 / 01252	WARRANTY DEED	
JAN-1984	\$684,000	04135 / 00990	WARRANTY DEED	

**Exemption Information**

Applicant/Owner(s)	Year	Detail
	2024	

**Property Information**

**Number of Units :** 0  
**\*Total Square Feet :** 14800  
**Acres :** 1.6539  
**Property Use Code :** 1900—MEDICAL OFFICE- BUILDING UP TO 4 STORIES  
**Zoning :** C-MU—COMMERCIAL MIXED USE (68-NORTH PALM BEACH)

**Appraisals**

Tax Year	2023	2022	2021	2020	2019
Improvement Value	\$1,712,725	\$1,606,255	\$1,350,610	\$1,370,358	\$1,284,828
Land Value	\$1,162,806	\$1,107,332	\$949,553	\$949,553	\$904,165
Total Market Value	\$2,875,531	\$2,713,587	\$2,300,163	\$2,319,911	\$2,188,993

**Assessed and Taxable Values**

Tax Year	2023	2022	2021	2020	2019
Assessed Value	\$2,783,197	\$2,530,179	\$2,300,163	\$2,319,911	\$2,188,993
Exemption Amount	\$2,783,197	\$2,530,179	\$2,300,163	\$2,319,911	\$1,996,362
Taxable Value	\$0	\$0	\$0	\$0	\$192,631

**Taxes**

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	\$0	\$0	\$0	\$0	\$4,086
NON AD VALOREM	\$4,059	\$3,911	\$3,763	\$2,812	\$2,916
TOTAL TAX	\$4,059	\$3,911	\$3,763	\$2,812	\$7,001

Dorothy Jacks, CFA, AAS PALM BEACH COUNTY PROPERTY APPRAISER [www.pbcpcpa.gov](http://www.pbcpcpa.gov)



THE VILLAGE OF NORTH PALM BEACH  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 420 U.S. HWY 1 • SUITE 21 • NORTH PALM BEACH, FLORIDA 33408  
 PHONE 561.841.3365 • FAX 561.841.8242 • WWW.VILLAGE-NPB.ORG

VILLAGE OF  
 NORTH PALM BEACH  
 SEP 18 2024  
 COMMUNITY DEVELOPMENT  
 RECEIVED

**SITE PLAN AND APPEARANCE REVIEW**

To Be Completed by the Village of North Palm Beach Staff			
Received By			
Fee Paid (check Yes or No)	YES		NO
Completed Documentation (see page 2)	YES		NO

**DEADLINE:** Submission and fee must be received by 3:00 PM on the day of the deadline. Refer to the Community Development Department for submission deadlines. To ensure quality submittal, this project will only be added an agenda when a complete submission has been provided to the department. Incomplete submittals will not be accepted.

\*Subject to compliance with the public notice requirements for development applications and approvals set forth in Section 21-3(a) of the Village Code of Ordinances (see page 4)

The undersigned property owner is applying for a SPR relating to the following (check all that apply):	
<input type="checkbox"/>	Paint Colors/Materials (Sec. 6-31)
<input type="checkbox"/>	Signs and Outdoor Displays (Article V)
<input checked="" type="checkbox"/>	Fencing (Sec. 45-36)
<input type="checkbox"/>	Waiver (C-MU or C-NB zoning district) [Sec. 45-51]
<input type="checkbox"/>	Site Plan (Major or Minor) [Sec. 6-31]
<input type="checkbox"/>	Facade Change (Sec. 6-31)
<input type="checkbox"/>	Other External Architectural Feature (Sec. 6-31)

PROPERTY INFORMATION		
Street Address: 301 Ebbtide Dr	PCN Number: 68-43-4216-02-009-0010	Zoning District:
Subdivision: Village of North Palm Beach	Block: 9	Lot: 1
Representative or Agent's interest in property (Owner, Lessee, Etc): Member		
Date of Pre-Application Meeting Requested: June 4th		
Has a previous application been filed? No		
Project Name: 301-Fence		
Owner's Representative or Agent		Landowner (Owner of Record)
Business Name (if applicable):		Business Name (if applicable):
Print Name and Title: Michael Smith, Member		Print Name and Title: Benjamin Schuermann
Signature: [Signature]		Signature: [Signature]
Date: 5/2/24		Date: 5/2/24
Street Address: 543 Rookery PL		Street Address: 820 Buttonwood Rd NPB
Mailing Address City/ State/ Zip: Jupiter FL 33458		Mailing Address City/ State/ Zip: , 33408
Phone Number: 404 435 0329		Phone Number: 561 385 6648
Email: MIKESMITH78520@GMAIL.COM		Email:

\*\*All information submitted in connection with this application becomes a permanent part of the public records of the Village of North Palm Beach\*\*

**DOCUMENTATION CHECKLIST**

*Provide one (1) electronic copy and two (2) hard copies of the following application materials:*

	Completed application with owner and applicant/agent signatures
	Proof of property ownership (in the form of a copy of an original recorded deed or title insurance policy)
	Legal description in Word format, including the PCN number
	Accurate, certified topographic survey of the property and adjacent road(s) with crown spot grades. Elevations must reference NAVD88 Datum.
	Plat Showing property dimensions, easements, lot and block number
	Narrative describing what is being requested, location of proposed work, all use and parking standards per applicable ordinance being addressed, and justification of how the project meets the Village's Appearance Plan (Appendix A)
	Narrative describing the nature of the waiver request, the extent to which it departs from a standard zoning regulation, and the basis for which it is sought.
Dimensioned, Scaled, and Signed and Sealed Plans	Site Plan showing all site conditions, proposed work, dimensions of all structures, setbacks, and parking. A data table must be included identifying site address, zoning, land use, setbacks, FAR and all other applicable land development regulations.
	Conceptual Civil Plans (Paving, Grading, Drainage; Water & Sanitary Sewer) with calculations, proposed flow direction and amount of drainage flow.
	Landscape Plan including type of irrigation, Florida-Friendly techniques, botanical, and common name of species. Indicate all required and provided quantities and size of landscape materials on the plan. The landscape plan should reflect all easements, utilities, and drainage features. Details and specifications can be provided on a separate sheet.
	Irrigation Plan
	Floor Plan(s) identify the units, unit size and type of rooms, common areas, amenities and required fire escape spaces.
	Traffic Circulation Plan showing ingress and egress for both general and emergency vehicles
	Colored Elevations (minimum of 4 sides), identifying corresponding colors and materials <u>and</u> illustrating screening of roof-mounted mechanical equipment on all sides as completed. Label North, South, East, and West.
	Photometric Plan showing the site lighting and foot-candle calculations for parking areas/buildings
	Colored Renderings of the building (minimum of 4 sides)
	Colored Renderings of the building including the context landscaping (minimum of 4 sides)
	Product samples may be brought to the hearing by the applicant.
	Color samples/chips
	Master Sign Concept / Sign Plan if applicable
	Palm Beach County Traffic Concurrency, FDOT Conceptual Driveway Permit, School Concurrency Application
	Financial Responsibility Form
	Digital submittal in PDF format of all of the above (via CD or USB drive)

*Below is a summary of Article VI, Sec. 45-51 (For the complete language, please refer to the Code of Ordinances)*

**WAIVERS**

In the C-MU and C-NB zoning districts, waivers may be requested from certain regulations in this code. An applicant requesting a waiver shall demonstrate that the waiver provides a public benefit, including, by way of example, high quality architectural design, pedestrian amenities, not cost dedication of rights-of-way, construction of public parking, public art or other improvements adjacent to the property, preservation of environmental sensitive lands, provision of public parks and/or open spaces, or mixed uses which reduce impacts on village services.

*Below is a summary of Appendix A, Section IV (For the complete language, please refer to the Code of Ordinances)*

**RELATIONSHIP OF BUILDINGS TO SITE**

The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, pedestrian movement, and parking areas.

Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged to provide an interesting relationship between buildings

The height and scale of each building shall be compatible with its site and adjoining buildings.
Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
In relating buildings to site, the provisions of the Zoning Ordinance in regard to bulk regulations, standards, and off-street parking shall be part of this criteria. This shall also apply to subsection B which follows.
<b>RELATIONSHIP OF BUILDING AND SITE TO ADJOINING AREA</b>
Adjacent buildings of different architectural styles shall be made compatible by such means as screens, site breaks, and materials.
Attractive landscape transition to adjoining properties shall be provided.
Harmony in texture, lines, and masses is required. Monotony shall be avoided.
Buildings shall have similar scale to those in the surrounding area.
<b>LANDSCAPE AND SITE TREATMENT</b>
Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.
The provisions of the North Palm Beach Village Code, Chapter 41, and those portions of the Village Code which directly affect appearance, shall be part of the criteria of this subsection.
<b>BUILDING DESIGN</b>
Architectural style is not restricted—evaluation of appearance of a project shall be based on quality of its design and relationship to surroundings.
Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those which are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways and adjoining properties. Inappropriate materials and methods, and those which will produce inconsistency with the structure of the building, shall be avoided. Materials shall be of durable quality. In any design in which the structural frame is exposed to view, the structural materials shall meet the other criteria for materials.
Building components—such as windows, doors, eaves, and parapets—shall have good proportions and relationship to one another.
Colors shall be harmonious, with bright or brilliant colors used only for accent.
Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so as not to be visible from any public ways, including waterways, service alleys, and adjoining properties.
Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with building design.
Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from public ways, including waterways, service alleys, and adjoining properties, using materials as stated in criteria for equipment screening.
Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.
Inappropriate, incompatible, bizarre, and exotic designs shall be avoided.
The provisions of the North Palm Beach Village Code in regard to bulk regulations and standards, and those portions of the Village Code which directly affect appearance, shall be part of the criteria of this subsection.
<b>SIGNS</b>
Wall signs shall be part of the architectural concept. Size, color, lettering, location, and arrangement shall be harmonious with the building design, and shall be compatible with signs on adjoining buildings. Signs shall have good proportions.
Ground signs shall be designed to be compatible with the architecture of the building. The same criteria applicable to wall signs shall apply to ground signs.
Identification signs of a prototype design shall conform to the criteria for building and ground signs.
Materials used in signs shall have good architectural character and be harmonious with building design and surrounding landscape.
Every sign shall have good scale in its design and in its visual relationship to buildings and surroundings.
Colors shall be used harmoniously and with restraint. Excessive brightness and brilliant colors shall be avoided. Lighting

shall be harmonious with the design. If external spot or floor lighting is used, it shall be arranged so that light source is shielded from view.
The sign provisions of the North Palm Beach Village Code shall be part of the criteria of this subsection.
<b>MISCELLANEOUS STRUCTURES AND STREET HARDWARE</b>
1. Miscellaneous structures include any structures, other than buildings, visible to view from any public way or ways. Street hardware includes all objects not commonly referred to as structures and located in streets and public ways and outside of buildings. (See Section VIII, DEFINITIONS)
2. Miscellaneous structures and street hardware located on private property shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
3. Miscellaneous structures and street hardware located in public ways and other public property shall be harmonious with design of adjacent buildings and other structures and Village landscape.
4. Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to site, landscape, buildings, and signs.
5. The provisions of the Village of North Palm Beach Village Code in regard to bulk regulations and standards, and those portions of the Village Code which directly affect appearance, shall be part of the criteria of this subsection.
<b>MAINTENANCE—PLANNING AND DESIGN FACTORS</b>
Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.
Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Such configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

Public notice requirements for development applications and approvals [Sec. 21-3(a)]						
	Mail*	Newspaper*	Post*	Mail*	Newspaper	Post*
<i>Rezoning</i>	10	7	15	10	Statutory notice for ordinance adoption	15
<i>Large-scale Comprehensive Plan Amendment</i>	10	7	15	10	Statutory notice for ordinance adoption	15
<i>Small-scale Comprehensive Plan Amendment</i>	10	7	15	10	Statutory notice for ordinance adoption	15
<i>Variance**</i>	7	7	10	N/A	N/A	N/A
<i>Waiver</i>						
<i>Planned Unit Development</i>	10	7	15	10	Statutory notice for ordinance adoption	15
<i>Special Exception Use</i>	10	7	15	10	Notice of public hearing or statutory notice for ordinance adoption (if within a PUD)	15

\* Number of calendar days prior to date of public hearing.

\*\* The notice requirements for variances shall include all variances relating to the zoning code (Chapter 45), the dock and waterway regulations (Chapter 5), and the sign regulations (Chapter 6).

REQUIRED SIGNATURES

By signing below, the undersigned certifies that I have read and understand the requirements for my property and that all of the information contained in this application and all documents submitted are true to the best of my knowledge and belief. Furthermore, I understand that the application (and all attachments) become part of the official records of the Village of North Palm Beach and will not be returned and that all review fees are non-refundable. **Note: Property owner signature REQUIRED if statement of authority and/or written consent is not attached. Statement of authority and/or written consent is required for all agents and/or applicants from the property owner.**

*[Handwritten Signature]*

Benjamin Schwemmer 5/2/24

Signature(s) of property owner(s)

Print Name

Date

The foregoing was sworn to, subscribed and acknowledged before me this 5/2/2024  
(Date)

By means of physical presence / online notarization

by: Jennifer Iacobucci  
(Name of Person Making the Statement)

who is personally known to me  or who has produced driver's license as identification and

*[Handwritten Signature]*  
(Signature of Notary)



*[Handwritten Signature]*

Michael Smith 5/2/24

Signature(s) of applicant/agent

Print Name

Date

The foregoing was sworn to, subscribed and acknowledged before me this 5/2/2024  
(Date)

By means of physical presence / online notarization

by: Jennifer Iacobucci  
(Name of Person Making the Statement)

who is personally known to me  or who has produced driver's license as identification and

*[Handwritten Signature]*  
(Signature of Notary)



**VILLAGE OF NORTH PALM BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

---

TO: Members of the Planning, Zoning and Adjustment Board  
FROM: Susan M. Garrett, Assistant Village Attorney  
THROUGH: Caryn Gardner-Young, Community Development Director  
DATE: November 12, 2024  
SUBJECT: **Signage Code Text Amendment**

---

**Background:**

This Ordinance aims to remove the current sign code in Chapter 6 of the Code of Ordinances and replace it with a more legally sufficient, customer service-friendly, and readable sign code in Section 45 of the Zoning Code. First, the Ordinance includes updated language to ensure compliance with recent developments in the law. Second, the Ordinance is made more user-friendly by assembling all sign-related regulations in one location, rather than split between two different chapters of the code. In addition, the Ordinance provides charts setting out all basic sign requirements according to zoning district, making this information more readily accessible to applicants.

The proposed amendments to the Village's sign ordinance have been reviewed and discussed by the Planning, Zoning and Adjustment Board at a Workshop held on June 4, 2024 and at the August 6, September 10, and October 1 Board Meetings on. Comments and recommendations received from the Board have been incorporated into the revised ordinance.

**Discussion:**

At the October 1 meeting, the Board's discussion focused on code provisions governing vehicle signs. In particular, the Board recommended adding language to clarify that the intent of the vehicle sign regulations was to prevent vehicle signs from being used to circumvent regulations limiting the number and size of commercial signs and prohibiting most off-premises signage. As requested, a proposed update to sec. 45-104.G., incorporating the Board's recommendations, was distributed on October 15, 2024. As revised, the provision regulates only vehicle signs exceeding ten (10) square feet total sign area per vehicle. Vehicle signs totaling ten (10) square feet or less per vehicle are exempt from regulation, as indicated in sec. 45-103, *Exempt signs*.

**Recommendation:**

Village Staff is asking the Planning, Zoning, and Adjustment Board to review and recommend approval of the proposed Ordinance.

**REDLINED COPY**  
**SIGN CODE ORDINANCE**



1 general commercial district,” to read as follows (additional language underlined and deleted  
2 language ~~stricken through~~):

3  
4 **Sec. 45-34. C-G general commercial district.**

5  
6 \* \* \*

7  
8 C. *Use and operating restrictions.* Every commercial use located within the C-  
9 G district shall be so operated as to comply with the following performance  
10 standards:

- 11  
12 1. No industrial equipment or vehicles shall be sold, leased, rented or  
13 otherwise stored within the C-G district. For purposes herein,  
14 industrial equipment is defined as equipment used primarily for  
15 purposes other than transportation or hauling. Trucks other than  
16 pickup trucks, vans and jeeps shall be displayed in areas separated  
17 from a public right-of-way by a building.
- 18  
19 2. No vehicle shall be parked for display purposes with its hood or  
20 trunk open, nor elevated off the ground in any way. Vehicles shall  
21 not be parked in any right-of-way or driveway.
- 22  
23 ~~3. Advertising, flags, pennants, streamers, balloons, signs or vehicle  
24 stock numbers shall not be displayed on any vehicle or equipment.  
25 Similar objects or advertising designed to attract the public's  
26 attention shall not be displayed outdoors on any lot, building,  
27 vehicle or equipment.~~
- 28  
29 4 3. Any areas designated for the off-loading of vehicles or for loading  
30 and deliveries shall be located to the rear of buildings and shall be  
31 located so as to contain noise on-site. These areas shall not be  
32 located closer than one hundred (100) feet from any residentially  
33 zoned lot and shall be appropriately designated, marked and signed.

34  
35 \* \* \*

36  
37 Section 4. The Village Council hereby amends Article III, “District Regulations,” of  
38 Appendix C (Chapter 45) of the Village Code of Ordinances by amending Section 45-34.1, “C-3  
39 regional business district,” to read as follows (additional language underlined and deleted language  
40 ~~stricken through~~):

41  
42 **Sec. 45-34.1. C-3 regional business district.**

43  
44 \* \* \*

1 (7) ~~Reserved. Signs. In addition to the other provisions of sections 6-111 through 6-117 of this Code, but notwithstanding any conflicting~~  
2 ~~standards found therein, signs in the C-3 zoning district shall comply with~~  
3 ~~the following regulations unless modified through the special C-3 PUD~~  
4 ~~procedures.~~  
5

6  
7 a. ~~Ground signs are mounted on a monolithic base and are independent~~  
8 ~~of any building for support. They are permitted only when the sign~~  
9 ~~and base are monolithic and have essentially the same contour from~~  
10 ~~grade to top. Ground signs that meet the following regulations are~~  
11 ~~permitted in the C-3 district only along U.S. Route 1 and Northlake~~  
12 ~~Boulevard:~~  
13

14 1. ~~Maximum number of ground signs: One (1) ground sign~~  
15 ~~along U.S. Route 1 and one (1) ground sign along Northlake~~  
16 ~~Boulevard, regardless of jurisdiction, North Palm Beach or~~  
17 ~~Lake Park.~~  
18

19 2. ~~Maximum height of ground sign base: Three (3) feet.~~  
20

21 3. ~~Maximum height of ground signs: Thirteen (13) feet~~  
22 ~~including the base, measured from the finished grade nearest~~  
23 ~~the base (excluding berms).~~  
24

25 4. ~~Maximum size of ground signs: One hundred (100) square~~  
26 ~~feet; copy may be placed on two (2) sides of a ground sign~~  
27 ~~without counting the area twice.~~  
28

29 b. ~~Pole signs are not attached to any building and are supported upon~~  
30 ~~the ground by poles or braces. Pole signs are not permitted in the C-~~  
31 ~~3 district.~~  
32

33 c. ~~Wall signs are those that are attached to the exterior of a building or~~  
34 ~~structure in such a manner that the wall becomes the supporting~~  
35 ~~structure, and may form the background surface, of the sign. Wall~~  
36 ~~signs are permitted in the C-3 district provided they meet the~~  
37 ~~following regulations:~~  
38

39 1. ~~Maximum depth of wall signs: Wall signs may not be painted~~  
40 ~~directly on the wall and may not project more than two (2)~~  
41 ~~feet from the building to which they are fastened.~~  
42

43 2. ~~Allowable slope of wall signs: Wall signs may not be~~  
44 ~~attached to walls that slope more than forty five (45) degrees~~  
45 ~~from a vertical plane.~~  
46

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3. ~~Maximum height of wall signs:~~ Eighteen (18) feet measured from the finished grade nearest the wall, except that on a building of more than two (2) stories, a single wall sign is allowed above eighteen (18) feet. No wall sign may extend above the top of the wall to which it is attached.
4. ~~Maximum number of wall signs:~~ One (1) permanent wall sign is permitted for each business which has direct ground level walk in access from a public or private roadway or sidewalk, and one (1) additional permanent wall sign identifying the building is permitted for each multiple occupancy complex.
5. ~~Maximum size of wall signs:~~ Five (5) percent of the area of the wall to which it is attached; or seven (7) percent if the front building setback is greater than seventy (70) feet; or ten (10) percent if the front building setback is greater than one hundred (100) feet. However, in no case shall a wall sign exceed one hundred (100) square feet in size.
- d. ~~Roof signs are erected and constructed wholly on and over the roof of a building, and are supported by the roof structure or are an integral part of the roof. Roof signs are not permitted in the C-3 district.~~
- e. ~~Size computations:~~ When these regulations establish the maximum size of a sign, it shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign any backdrop or structure against which it is placed.
- f. ~~Allowable colors:~~ Notwithstanding the regulations in chapter 6 of this Code, color tones utilized for all signs complying with these regulations shall be compatible with surrounding area.
- g. ~~Lighting:~~ Signs containing illumination shall be turned off by 12:00 a.m. (midnight) each night, or when the business closes, whichever is later.
- h. ~~Appeals:~~ Notwithstanding conflicting appeal procedures found elsewhere in this Code, all requests for modifications to sign regulations in the C-3 zoning district shall be made through the special C-3 PUD procedures found below in 45-34.1(10).

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(10) *Special C-3 planned unit development (PUD) provisions.* It is the intention of the village to provide a mechanism and process to promote the redevelopment of the obsolete and underutilized areas of the C-3 zoning district with large-scale, master-planned projects that promote: a mix of uses; connectivity; pedestrian-oriented development; removal of surface parking; creation of public/civic gathering spaces; and shopping, entertainment, and restaurant uses within the form of an urban neighborhood incorporating residential development as an integral use. These projects promote the economic and redevelopment goals of the village, and the village has created these planned unit development (PUD) provisions to facilitate these goals. The development regulations applicable within the PUD are not permitted or allowed by right and shall only apply if the village council determines that each of the threshold criteria is met. Properties located in the C-3 zoning district that do not meet the threshold criteria set forth below may utilize the general PUD provisions of section 45-35.1 of this code as set forth in section 45-35.1(D). Properties located in the C-3 zoning district that do meet each of the threshold criteria below may, at the option of the property owner, utilize the following special PUD regulations:

\* \* \*

~~q. — *Sign standards:* All projects shall provide a sign plan that shall be reviewed and approved by the village during site plan and appearance approval. Pedestrian oriented signs are strongly encouraged and no ground signs shall be permitted as part of the PUD.~~

~~r. — *Lighting standards:* A photometric plan shall be provided during site plan and appearance review. The plan shall include all luminaire specifications, pole locations, and foot candle levels on directly adjacent properties. Light trespass shall be limited to the largest extent possible.~~

Section 5. The Village Council hereby amends Article III, “District Regulations,” of Appendix C (Chapter 45) of the Village Code of Ordinances by amending Section 45-35.3, “C-NB Northlake Boulevard commercial district,” by repealing Article 7, “Signage and Outdoor Displays,” in its entirety.

Section 6. The Village Council hereby amends Article III, “District Regulations,” of Appendix C (Chapter 45) of the Village Code of Ordinances by amending Section 45-38, “I-1 light industrial district,” to read as follows (deleted language is ~~stricken through~~):

1 A. *Intent.* The purpose and intent of the I-1 light industrial district is to  
2 implement the Light Industrial/Business future land use category, as  
3 established in the Village of North Palm Beach Comprehensive Plan. The  
4 I-1 district provides areas in appropriate locations for certain types of  
5 businesses, light manufacturing, processing or fabrication of non-  
6 objectionable products not involving the use of material, processes or  
7 machinery likely to cause undesirable effects upon the environment or on  
8 nearby or adjacent residential or commercial properties.

9 \* \* \*

10  
11  
12 ~~P. *Signs.* All signs, permanent and temporary, shall be located a minimum of~~  
13 ~~ten (10) feet from the ultimate rights-of-way line of the adjacent street or~~  
14 ~~road, as defined by the Village or Palm Beach County, as appropriate.~~

15  
16 ~~1. *Permit required.* All signs shall require the issuance of a building~~  
17 ~~permit prior to erection and in accordance with the procedures~~  
18 ~~established by the Village for the issuance of building permits.~~

19  
20 ~~2. *All building permit applications for signage in the I-1 District shall*~~  
21 ~~*comply with Article V, Signs and Outdoor Displays of the Village*~~  
22 ~~*Code.*~~

23  
24 ~~3. *Where distinctions among uses are made in Article V, uses in the I-*~~  
25 ~~*1 District shall be considered to be commercial uses.*~~

26  
27 Section 7. The Village Council hereby amends Appendix C (Chapter 45), "Zoning," of the  
28 Village Code of Ordinances by adopting a new Article IX, "Signs and Outdoor Displays," to read  
29 as follows:

30  
31 ARTICLE IX. SIGNS AND OUTDOOR DISPLAYS

32  
33 **Sec. 45-100. Purpose and scope of regulations.**

34  
35 A. *In General.* The purpose of this article is to establish regulations for the  
36 systematic control of signs and advertising displays within the village. The  
37 regulations and requirements as herein set forth are intended to preserve the  
38 residential character of the village; to protect and promote the general  
39 health, safety, and welfare of the public; to protect property values; and to  
40 assist in the safe, economic, and aesthetic development of business by  
41 creating an attractive economic and business climate.

42  
43 1. *Property value protection.* Signs should not create a nuisance to the  
44 occupancy or use of other properties due to their size, height,  
45 brightness, or movement. They should be in harmony with  
46 buildings, the neighborhood, and other conforming signs in the area.

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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 subareas.

3. *Preservation of the community's beauty.* Smaller residential municipalities such as the village rely heavily on their natural surroundings and beautification efforts to retain their unique character. This concern is reflected through the active and objective regulations of the appearance and design of signs.

B. *Scope.* The provisions of this article shall regulate the location, number, size, use, appearance, construction, and maintenance of all signs permitted in each zoning district. This article is not intended to and does not apply to signs constructed, maintained, or otherwise posted, owned, or leased by the village, Palm Beach County, the State of Florida, or the federal government and does not regulate official traffic control devices.

C. *Purpose:* The regulations in this chapter are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may adversely affect the village's substantial and compelling governmental interests in preserving scenic beauty and community aesthetics, and in vehicular and pedestrian safety in conformance with the First Amendment to the United States Constitution. It is therefore the purpose of this article to promote aesthetics and the public health, safety, and general welfare, and assure the adequate provision of light and air within the village through reasonable, consistent, and nondiscriminatory standards for the posting, displaying, construction, use, and maintenance of signs and sign structures that are no more restrictive than necessary to achieve these governmental interests.

D. *Findings.* The village council, acting in its legislative capacity for the purpose of regulating signage, hereby makes the following findings of fact:

The reasonable regulation of the location, number, size, use, appearance, construction, and maintenance of signs within the village serves a compelling governmental interest, for the following reasons:

1. *Florida Constitution.* Article II, Section 7 of the Florida Constitution provides that "[i]t shall be the policy of the state to conserve and protect its natural resources and scenic beauty. . . ." A beautiful environment preserves and enhances the desirability of the

1 village as a place to live and to do business. Implementing the  
2 Florida Constitution is a compelling governmental interest.

- 3  
4 2. *Florida Statutes.* Florida law requires municipalities to adopt  
5 comprehensive plans and implement them through land  
6 development regulations (also known as zoning regulations) and  
7 approval of development orders that are consistent with the  
8 comprehensive plan. See Part II of Chapter 163, Florida Statutes.  
9 Florida law specifically requires that municipalities adopt sign  
10 regulations. See Section 163.3202(2)(f), Florida Statutes.  
11 Complying with state law is a compelling governmental interest.  
12

13 The village council specifically finds that these sign regulations are  
14 narrowly tailored to achieve the compelling and substantial governmental  
15 interests of traffic safety and aesthetics, and that there is no less restrictive  
16 method for the village to further these interests.  
17

18 **Sec. 45-101. Definitions.**  
19

20 For the purposes of this article, the following words or terms shall have the  
21 meaning ascribed to them in this section, except where the context clearly indicates  
22 otherwise:  
23

24 *Abandoned sign.* A building, freestanding, or off premises sign that: (a) for  
25 a period of thirty (30) or more consecutive days, (1) no longer correctly advertises,  
26 identifies, displays, directs, or attracts attention to an object, institution,  
27 organization, business, product, service, or event on the premises upon which the  
28 sign is located; (2) identifies a time, event or purpose that has passed or no longer  
29 applies; or (3) contains missing letters or other components of the sign, rendering  
30 the sign indecipherable or (b) for a period of six (6) consecutive months, includes  
31 a sign structure that bears no sign or a sign face that bears no copy.  
32

33 *Address sign.* A sign indicating only the common street address. For the  
34 purposes of this definition, a nameplate shall be construed to be an address sign.  
35

36 *"A" frame sign/Sandwich board sign.* A freestanding sign, which is  
37 ordinarily in the shape of an "A" or some variation thereof, which is readily  
38 moveable, and is not permanently attached to the ground or any structure thereof.  
39

40 *Animated sign.* A sign, which utilizes motion of any part by any means,  
41 including wind power, or displays flashing, oscillating or intermittent lights,  
42 animated animal figures or characters.  
43

44 *Awning.* An architectural projection that provides weather protection,  
45 identity and/or decoration and is wholly supported by the building to which it is  
46 attached. An awning is comprised of a lightweight, rigid, or retractable skeleton  
47 over which an approved cover is attached.

1  
2           *Awning sign.* A sign painted on, printed on or attached flat against the  
3 surface of an awning.  
4

5           *Back lit awning.* An internally illuminated awning with translucent  
6 covering.  
7

8           *Banner sign.* Any sign (that cannot be considered a flag), intended to be  
9 suspended for display, either with or without frames, having characters, letters,  
10 illustrations, or ornamentations applied to cloth, paper, plastic, balloons, or fabric  
11 of any kind with such material acting as a backing.  
12

13           *Building directory sign.* A sign necessary for pedestrian and traffic safety,  
14 regulation, control, wayfinding, and circulation, indicating the location of an  
15 activity or service, incidental to a use, but not advertising the use in any manner.  
16

17           *Building identification sign.* A sign necessary for pedestrian and traffic  
18 safety, regulation, control, wayfinding, and circulation, in which the copy is limited  
19 to the name and address of a building or institution.  
20

21           *Building wall sign.* A sign displayed upon or attached to any part of the  
22 exterior of a building (including walls, windows, doors, parapets, awnings, and roof  
23 slopes of forty-five (45) degrees or steeper), constructed parallel to, and extending  
24 not more than twenty-four (24) inches from, the building facade to which it is  
25 affixed. A sign that is projected onto a building facade (e.g., video projection, 3D  
26 projection mapping, and other methods of casting images) is also a building wall  
27 sign.  
28

29           *Cabinet sign (or box sign).* A building sign which is an enclosed cabinet  
30 with copy on one or more sides and which may enclose an integrated light source  
31 that can shine through the sides or face of the sign.  
32

33           *Canopy.* A roof-like structure, generally self-supporting, that may be  
34 freestanding or attached to a principal structure, providing shade and weather  
35 protection, typically utilized in locations such as over drive-thru lanes, walkways,  
36 entrances, and gasoline pumps.  
37

38           *Changeable copy sign.* A sign which is visible from outside a building and  
39 which is characterized by changeable copy, regardless of method of attachment of  
40 the copy.  
41

42           *Channel letters.* Custom-made metal or plastic letters commonly used in  
43 exterior signage on public and commercial buildings, and often internally  
44 illuminated.  
45

1            *Channel letter sign.* A sign comprised of individually fabricated, three-  
2 dimensional letters with metal sides and backing, and typically an acrylic or  
3 polycarbonate face, where each letter is mounted directly to a supporting structure.  
4 Any internal illumination is directed through the translucent face of the letter except  
5 for a "reverse channel letter sign," which utilizes a translucent back that directs the  
6 light onto the wall or similar surface upon which the letter is mounted, typically  
7 with an offset from the mounting surface that produces a "halo" effect.  
8

9            *Commercial message.* Any sign that, directly or indirectly, names,  
10 advertises, or calls attention to a business, product, service, or other commercial  
11 activity.  
12

13            *Construction sign.* A temporary sign identifying those engaged in  
14 construction on any building site. This includes the builder, contractor, developer,  
15 architect, engineer, painter, plumber or other persons or artisans involved in such  
16 construction.  
17

18            *Copy.* The linguistic or graphic content of a sign.  
19

20            *Digital sign:* A sign that utilizes an electronic display including but not  
21 limited to liquid crystal display or light emitting diodes (LCD or LED), plasma  
22 display, or projected images that can be changed automatically.  
23

24            *Directional sign or wayfinding sign:* An on-premises sign designed to guide  
25 or direct pedestrians or vehicular traffic.  
26

27            *Discontinuance of occupancy.* The occupant identified on a sign has ceased  
28 to operate, offer services or products, or conduct activity consistent with a current  
29 BTR or certificate of use in the location indicated by the sign, for a period of thirty  
30 (30) consecutive days. It shall not be a "discontinuance of occupancy" when an  
31 occupant first provides the village manager with written notification that the use  
32 will be closed for renovation, summer season, or other defined period after which  
33 the occupant will resume activity, provided that the occupant does resume the  
34 activity on the specified date, as may be extended by the village manager upon  
35 request by the occupant.  
36

37            *Double-faced sign.* A single sign with two faces that are parallel to each  
38 other.  
39

40            *Electric sign.* Any sign containing electric wiring.  
41

42            *Electronic changeable copy sign.* A sign that utilizes an electronic display  
43 including, but not limited to, liquid crystal display or light emitting diodes (LCD or  
44 LED), plasma display, or projected images, on which the copy is changed  
45 electronically. The following definitions pertain to electronic signs.  
46

1. *Dwell time.* The minimum amount of time that a message must be static on an electronic sign. The dwell times shall not include any transition time.
2. *Static.* A display that is fixed, and unchanging, with no portion of the display being in motion, flashing or changing in color or light intensity.
3. *Transition.* A visual effect used on an electronic sign to change from one (1) message to another.

*Election sign.* A temporary sign that is displayed during the thirty (30) day period immediately preceding any local, state, or federal election.

*Entry feature sign:* An architectural feature or element with signage that is typically located at the entrance to a development project, but is not attached to a perimeter wall.

*Facade.* The entire building wall, including wall face, parapet, fascia, windows, doors, and facade projections on any single elevation.

*Flag.* Any fabric displaying a message, color(s), logo, or other design, which is attached to a flagpole at one side of the flag, with the length of the flag perpendicular to a singular flagpole when fully extended.

*Frontage.* The length of the property line of any one parcel along the principal street or waterway on which it borders.

*Grade, finished.* A reference plane representing the highest point of the crown of any public or private street or roadway, which lies contiguous to the property or building site. In the event that the abutting streets or roadways are unimproved, grade shall be measured from the nearest paved roadway.

*Ground sign (also known as a freestanding sign).* Any sign that is erected on the ground, when no part of the sign is attached to any part of a building or structure. A ground sign shall be supported by a base no greater than three (3) feet in height. Pole signs are not permitted ground signs.

*Harmful to minors.* Any description, depiction, or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:

1. Predominately appeals to the prurient, shameful, or morbid interest of minors in sex; and

- 1           2.    Is patently offensive to contemporary standards in the adult  
2           community as a whole with respect to what is suitable sexual  
3           material for minors; and  
4
- 5           3.    Taken as a whole, lacks serious literary, artistic, political, or  
6           scientific value.  
7

8   The term "harmful to minors" shall also include any non-erotic word or picture  
9   when it:

- 10           1.   Is patently offensive to contemporary standards in the adult  
11           community as a whole with respect to what is suitable for viewing  
12           by minors; and  
13
- 14           2.   Taken as a whole, lacks serious literary, artistic, political, or  
15           scientific value.  
16

17           *Height of a sign.* The height of a sign shall be measured as the vertical  
18           distance from the finished grade, excluding berms, at the base of the supporting  
19           structure to the top of the sign, or its frame or supporting structure, whichever is  
20           higher.  
21

22           *Human sign (or living sign).* A sign or a form of commercial message held  
23           by or attached to a human or character (animated or otherwise) for the purposes of  
24           advertising or otherwise drawing attention to an individual, business, commodity,  
25           service, or product. This can also include a person or a live or animated character  
26           dressed in costume or wearing a commercial message for the purpose of advertising  
27           or drawing attention to an individual business commodity service or product.  
28

29           *Identification sign.* A sign that is used to display the name, address, and  
30           number of a building, institution, or person and to communicate the activity carried  
31           on in the building or institution.  
32

33           *Illegal sign.* Any sign placed, erected, or installed that is prohibited by this  
34           article or that lacks proper approval or permits from the village as required by this  
35           article.  
36

37           *Illuminated sign.* A sign which contains a source of light or which is  
38           designed or arranged to reflect light from an artificial source, including indirect  
39           lighting, neon, incandescent lights, backlighting, and shall also include signs with  
40           reflectors that depend upon automobile headlights for an image.  
41  
42  
43  
44

1            *Install or place a sign.* To construct, reconstruct, build, relocate, raise,  
2 assemble, place, affix, attach, create, paint, draw, or in any other way bring into  
3 being or establish a sign, but shall not include routine maintenance.

4  
5            *Logo.* Any symbol, trademark, picture, or other graphic representation,  
6 which is used to signify or identify the particular business or organization.

7  
8            *Marquee.* A structure projecting from, and completely supported by, a  
9 building, and which extends beyond the building line or property line and fully or  
10 partially covers a sidewalk, public entrance, or other pedestrian way.

11  
12            *Marquee sign* means any sign painted or printed onto or otherwise attached  
13 to a marquee.

14  
15            *Master sign plan.* A comprehensive document that contains a set of sign  
16 criteria unique to a specific shopping center, commercial property, building or  
17 development. It includes drawings and plans that illustrate the sign program for the  
18 overall development, including, but not limited to, size, location, type, architectural  
19 design, dimensions, and other design standards including materials, color, and sign  
20 illumination.

21  
22            *Memorial sign.* A building or freestanding sign memorializing a person,  
23 structure, site, or event.

24  
25            *Menu board sign.* A sign erected as part of a drive-through facility and used  
26 to display and order products and services available in association with the drive-  
27 through business.

28  
29            *Neon tube sign.* A sign electrically lighted by exposed tubes containing inert  
30 gas and visible from outside of a building.

31  
32            *Mobile sign.* A sign mounted on top or on the rear of a vehicle or bicycle or  
33 a sign attached to or located on a trailer or other equipment towed by a vehicle or  
34 bicycle; signs of a portable or mobile nature attached after-market, including signs  
35 mounted on top of or on the rear of a vehicle, and signs attached to or located on a  
36 trailer or other equipment towed by a vehicle. A mobile sign shall not be construed  
37 to include any sign mounted on a vehicle or trailer by the original manufacturer.

38  
39            *Monument sign.* A freestanding sign located at a commercial center that is  
40 detached from a building and has a support structure that is a solid-appearing base  
41 constructed of a permanent material, such as concrete block or brick.

42  
43            *Nonconforming sign.* A sign existing at the effective date of the adoption of  
44 this article, which could not be built under the terms of this article.

1            *Occupant (occupancy)*. The use of a building or structure, or any portion  
2 thereof for commercial transactions.

3  
4            *Off-site/off-premises sign*. A sign advertising an establishment,  
5 merchandise, service, or entertainment, which is not sold, produced, manufactured,  
6 or furnished at the property on which the sign is located.

7  
8            *Outline neon lighting*. An arrangement of electric discharge tubing to  
9 outline or call attention to certain features such as the shape of a building or the  
10 decoration of a window.

11  
12           *Painted wall sign*. A sign painted on a wall or on any other surface or part  
13 of a building or structure.

14  
15           *Parapet*. A false front or wall extending above the roofline.

16  
17           *Parcel*. A unit of land within legally established property lines.

18  
19           *Permanent*. Designed, constructed, and intended for more than short-term  
20 use.

21  
22           *Pole sign*. A permanent freestanding sign mounted on a pole that is more  
23 than three feet in height (prohibited).

24  
25           *Portable sign*. Any sign which is manifestly designed to be transported by  
26 trailer or on its own wheels, including signs with removable wheels and signs  
27 painted on or affixed to a vehicle.

28  
29           *Post and panel sign*. A sign made up of one or more panels mounted  
30 between two posts.

31  
32           *Projecting sign*. A sign attached to a building extending more than twenty-  
33 four (24) inches beyond the building or wall face to which it is attached. Also  
34 referred to as a vertical blade sign.

35  
36           *Real estate sign*. Any sign installed by the owner or his agent on a temporary  
37 basis, advertising the real property upon which the sign is located for rent or for  
38 sale.

39  
40           *Residential transitory sign*. A sign which may be displayed on residential  
41 property for a period of time less than three (3) weeks and often shorter.  
42 Residential transitory signs shall comply with all of the requirements applicable  
43 to temporary signs, and if deemed a safety hazard may be removed without notice  
44 by any public personnel.

1           *Right-of-way.* A strip of land, dedicated or deeded to the perpetual  
2 use of the public occupied, or intended to be occupied, by a street, crosswalk,  
3 railroad, canal, road, electric transmission line, oil or gas pipeline, water supply  
4 main, sanitary sewer, storm drain, or for any other special use.

5  
6           *Roofline.* A horizontal line intersecting the highest point or points of a roof.

7  
8           *Roof sign.* A sign placed above the roofline of a building or on or against a  
9 roof slope of less than forty-five (45) degrees.

10  
11           *Sign.* Any writing, pictorial presentation, number, illustration, or  
12 decoration, flag, banner or pennant, balloon, search light, or other device which is  
13 used to announce, direct attention to, identify, advertise, or otherwise make  
14 anything known. The term sign shall not be deemed to include the terms "building"  
15 or "landscaping," or any architectural embellishment of a building not intended to  
16 communicate information.

17  
18           *Sign face.* The part of a sign that is or may be used for copy.

19  
20           *Sign face area.* The area of any regular geometric shape, which contains the  
21 entire surface area of a sign upon which copy may be placed.

22  
23           *Sign structure.* Any construction used or designed to support a sign.

24  
25           *Snipe sign.* A sign constructed of any material that is attached to a utility  
26 pole, tree, fence, light post, stake, or similar object located or situated on public or  
27 private property.

28  
29           *Special event sign.* A temporary sign displayed in connection with the  
30 opening of a business, a community event, and community program or festival.

31  
32           *Street.* A public or private right-of-way for vehicular traffic, including, but  
33 not limited to, highways, thoroughfares, lanes, roads, ways, and boulevards.

34  
35           *Temporary sign.* A sign, which is intended to be displayed for a limited time  
36 only, including real estate signs, construction signs, special events signs, and other  
37 temporary signage as described herein.

38  
39           *Traffic control device.* A sign, signal, marking, or other device used to  
40 regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway,  
41 private road open to public travel, pedestrian facility, or shared use path by  
42 authority of a public agency or official having jurisdiction placed by a public body  
43 or, in the case of a private road open to public transit, by authority of the private  
44 owner or private official having jurisdiction.

1           *Traffic-control sign.* A sign constructed or approved by a government entity  
2 used to direct and assist vehicle operators and pedestrians in the guidance and  
3 navigational tasks required to traverse safely any facility open to public travel.  
4

5           *Under canopy sign.* A building sign, which is mounted, attached, or  
6 suspended perpendicular to the building beneath an awning, canopy, or marquee.  
7

8           *Unit.* That part of a multiple occupancy complex housing one occupant.  
9

10           *Window sign.* Any sign, including logos, graphics, pictures, advertising,  
11 and lettering (excluding the business address), which is within thirty-six (36) inches  
12 of a building opening or a transparent or translucent covered opening (for example,  
13 a window, door or arch), and which is facing such opening so that the message on  
14 the sign is visible from outside the building. This includes business identification,  
15 logos or symbols, and commercial messages on window treatments, solar screens,  
16 and perforated vinyl or tint films.  
17

18           *Wall sign.* See *building wall sign.*  
19

20 **45-102. Prohibited signs.**  
21

22 A.    *Generally.* It shall be unlawful to install, place or keep any sign not  
23 expressly authorized by, or exempted from, this article.  
24

25 B.    *Specifically.* The following signs are expressly prohibited:  
26

- 27       1.    Signs that are in violation of the Florida Building Code.
- 28       2.    Any sign that constitutes a safety hazard.
- 29       3.    Blank temporary signs.
- 30       4.    Signs with visible moving, revolving, or rotating parts or visible  
31           mechanical movement of any description or other apparent visible  
32           movement achieved by electrical, electronic, or mechanical means.
- 33       5.    Signs with the optical illusion of movement by means of a design  
34           that presents a pattern capable of giving the illusion of motion or  
35           changing of copy.
- 36       6.    Signs with lights or illuminations that flash, move, rotate, scintillate,  
37           blink, flicker, or vary in intensity or color.
- 38       7.    Outline neon lighting used on commercially developed parcels for  
39           commercial purposes.  
40  
41  
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46

- 1 8. Signs, commonly referred to as wind signs, consisting of one or  
2 more banners, flags, pennants, ribbons, spinners, streamers, or  
3 captive balloons, or other objects or materials fastened in such a  
4 manner as to move upon being subjected to pressure by wind.  
5
- 6 9. Signs that incorporate projected images, emit any sound that is  
7 intended to attract attention, or involve the use of live animals.  
8
- 9 10. Signs that emit audible sound, odor, or visible matter such as smoke  
10 or steam.  
11
- 12 11. Signs or sign structures that interfere in any way with free use of any  
13 fire escape, emergency exit, standpipe, or that obstruct any window  
14 to such an extent that light or ventilation is reduced to a point below  
15 that required by any provision of this code or other ordinance of the  
16 village.  
17
- 18 12. Signs that resemble any official sign or marker erected by any  
19 governmental agency, or that by reason of position, shape, or color,  
20 would conflict with the proper functioning of any traffic sign or  
21 signal, or illumination that may be reasonably confused with or  
22 construed as, or conceal, a traffic-control device, or signs located  
23 within ten (10) feet of public right-of-way or one hundred (100) feet  
24 of traffic-control lights, that contain red or green lights that might  
25 be confused with traffic control lights.  
26
- 27 13. Signs that obstruct the vision of pedestrians, cyclists, or motorists  
28 traveling on or entering public streets.  
29
- 30 14. Signs that are of such intensity or brilliance as to cause glare or  
31 impair the vision of any motorist, cyclist, or pedestrian using or  
32 entering a public way, or that are a hazard or a nuisance to occupants  
33 of any property because of glare or other characteristics.  
34
- 35 15. Signs that contain any lighting or control mechanism that causes  
36 interference with radio, television, or other communication signals.  
37
- 38 16. Searchlights used to advertise or promote a business or to attract  
39 customers to a property.  
40
- 41 17. Signs that are painted, pasted, or printed on any curbstone, flagstone,  
42 pavement, or any portion of any sidewalk or street, except house  
43 numbers and traffic control signs.  
44
- 45 18. Signs placed upon benches, bus shelters, or waste receptacles,  
46 except as may be authorized by the village.  
47

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19. Signs erected on public property, other than signs erected by a public authority for public purposes.
20. Signs erected over or across any public street or right-of-way except as may otherwise be expressly authorized by this article, and except governmental signs erected by the village.
21. Signs displaying copy that is harmful to minors.
22. Portable signs.
23. Marquee signs.
24. Roof signs.
25. Painted signs or murals on walls or roofs of buildings.
26. Neon tube signs located inside or outside a building.
27. Off-site/off-premises signs, except as provided in section 45-107.
28. Signs placed on boats or watercraft that are located on public or private property other than the boat's or watercraft's name, the manufacturer's name or required license numbers.
29. Time-temperature-date signs.
30. Snipe signs.
31. Signs attached to or displayed on vehicles, except as permitted by sec. [45-103.G. and sec. 45-104.G.](#) of this Article.
32. Abandoned signs.
33. Inflatable signs and balloons, unless expressly authorized by a special events permit issued by the village.
34. "A" frame/sandwich board signs.
35. Signs on fences.
36. Pole signs.
37. Changeable copy signs, except as permitted by section 45-112 of this article.

1           38. Any other sign not specifically permitted by this article.  
2  
3

4       **Sec. 45-103. Exempt signs.**  
5

6       The following signs are exempt from these sign regulations, and from the  
7       requirement in this code that a permit be obtained for the erection of permanent  
8       signs, provided they are not placed or constructed to create a hazard of any kind:  
9

- 10       A. Signs located internally to a site that are not visible from any street or  
11       adjoining property, including waterways.  
12  
13       B. Signs necessary to promote health, safety and welfare, and other regulatory,  
14       statutory, traffic control, or directional signs erected on public property with  
15       permission as appropriate from the State of Florida, the United States  
16       government, Palm Beach County, or the village.  
17  
18       C. Legal notices and official instruments.  
19  
20       D. Government identification signs.  
21  
22       E. Memorial signs, names of buildings and dates of erection when cut into any  
23       masonry surface or when constructed of bronze or other incombustible  
24       materials and attached to the surface of a building.  
25  
26       F. Signs incorporated into machinery or equipment by a manufacturer or  
27       distributor, which identify or advertise only the product or service dispensed  
28       by the machine or equipment, such as signs customarily affixed to  
29       newspaper racks, telephone booths, and gasoline pumps.  
30  
31       G. ~~Signs affixed to taxicabs, buses, trailers, trucks, or other business vehicles,~~  
32       ~~for the purpose of identifying the owner or operator and business function~~  
33       ~~of the vehicle. Vehicle signs totaling ten (10) square feet or less per vehicle.~~  
34       For vehicle signs totaling in excess of ten (10) square feet per vehicle, see  
35       sec. 45-104.G of this chapter.  
36  
37       H. Public warning signs to indicate the dangers of trespassing, swimming,  
38       animals, or similar hazards.  
39  
40       I. Signs carried by a person.  
41  
42       J. Religious displays.  
43  
44       K. Sponsorship signs, i.e., signs supporting a non-profit or government  
45       organization (temporary sign), if approved through the special events or  
46       temporary use process.  
47

- 1 L. Parking space numbers and labels for reserved spaces, if approved as part  
2 of the site plan.  
3  
4 M. Names and addresses on mailboxes.  
5  
6  
7 N. Decorative flags and bunting for a celebration, convention, or  
8 commemoration of significance to the entire community when authorized  
9 by the village manager for a period not to exceed thirty (30) days.  
10  
11 O. Holiday lights and decorations, erected during the appropriate holiday  
12 season, shall comply with all building and electrical codes. Holiday lights  
13 and decorations may be erected no earlier than four (4) weeks prior to the  
14 subject holiday, with the exception of the Christmas/Hanukkah holidays.  
15 Christmas/Hanukkah lights and decorations may be erected no earlier than  
16 October 15th. All holiday lights and decorations must be removed within  
17 two (2) weeks following the holiday.  
18  
19 P. Merchandise displays behind storefront windows so long as no part of the  
20 display moves or contains flashing lights.  
21

22 **Sec. 45-104. Permanent Signs – Sign permit not required.**  
23

- 24 A. *Flags.*  
25  
26 1. *Number.* Not more than three (3) flags or insignias of governmental,  
27 religious, charitable, fraternal, or other organizations may be  
28 permanently displayed on any one parcel of land.  
29  
30 2. *Size.* The maximum distance from top to bottom of any flag or flags  
31 shall be thirty (30) percent of the total height of the flagpole, or in  
32 the absence of a flagpole, thirty (30) percent of the distance from the  
33 top of the flag or insignia to the ground. The maximum height of a  
34 flagpole within the R-1 single-family dwelling district and the R-2  
35 multiple-family dwelling district shall be twenty (20) feet. The  
36 maximum height of a flagpole within the R-3 apartment dwelling  
37 district and all non-residential zoning districts shall be thirty-five  
38 (35) feet.  
39  
40 B. *Utility signs.* Public utility signs that identify the location of underground  
41 utility lines and facilities, high voltage lines and facilities, and other utility  
42 facilities and appurtenances are permitted so long as they do not exceed  
43 three (3) feet in height, and so long as the sign face does not exceed one-  
44 half (½) square foot.  
45

1 C. *Removable signs.* A removable sign affixed by permanent brackets within  
2 the sign face area of a ground sign indicating that units within the same  
3 parcel are for sale or for lease and including a contact phone number. The  
4 brackets and sign cannot cover any other portion of the sign copy, including  
5 any lettering, logo, or address.  
6

7  
8 E. *Window signs.* The combined area of permanent and temporary signs on or  
9 behind windows shall not exceed twenty (20) percent of the total window  
10 area at the same floor level on the side of the building or unit, which the  
11 signs are displayed.  
12

13 F. *Street numbers.*

14  
15 1. *Generally.* Every building in the village shall have its street number  
16 so affixed to the building or the premises upon which the building  
17 is located that it is both visible and legible from the public street.  
18

19 2. *Commercial buildings.* Every commercial building with a wall  
20 facing an alley shall have each individual tenancy street number  
21 affixed to the building above or next to the rear door serving each  
22 tenancy so that the number is both visible and legible from the alley.  
23 The street numbers shall be reflective.  
24

25 3. *Height—Color.* All street numbers shall be a minimum of three (3)  
26 inches in height on residential buildings and a minimum of six (6)  
27 inches on commercial buildings. All street numbers shall be a  
28 sharply contrasting color with the building.  
29

30 4. *Maintenance.* It shall be the duty of the owner of the building to  
31 maintain the numbers on the building in good condition.  
32

33 G. *Vehicle signs.* ~~Vehicle signs are allowed subject to the following~~  
34 ~~requirements:~~

35  
36 1. *Purpose and intent.* It is the intent of these sign regulations that vehicle  
37 signs be permitted for the purpose of identifying and advertising the  
38 businesses and individuals who own and/or use the vehicles while  
39 actively engaged in providing commercial services. Vehicle signs are  
40 not to be used for the primary purpose of off-site advertising, or to  
41 circumvent applicable sign allowance limitations for on-site signage.  
42

43 2. Vehicle signs must be painted on or flush-mounted to the side or rear  
44 panel(s) of the vehicle, with the exception of taxicab roof signs.  
45

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1 3. Vehicle signs shall not exceed with a total sign area on any vehicle in  
2 excess of ten (10) square feet per vehicle, are subject to the following  
3 regulations when parked on the same commercial property as the  
4 business being advertised:

5  
6 a. The vehicle may not remain parked for more than one hundred  
7 twenty (120) consecutive minutes within one hundred (100) feet of  
8 a public right-of-way, or, if the building stands less than one  
9 hundred (100) feet from a public right-of-way, the vehicle may not  
10 be parked less than two-thirds (2/3) of the distance from such right-  
11 of-way; and

12 b. When parked within one hundred (100) feet of a public right-of-way,  
13 the vehicle must not be visible from any principal street that the  
14 building faces. In the case of corner lots, the building may face two  
15 principal streets.

16 ~~(2)~~  
17 ~~(3) When not actively in use for the conduct of business, vehicles bearing~~  
18 ~~signs may not be parked for more than sixty (60) consecutive minutes:~~  
19 ~~(a) Within thirty (30) feet of the public right of way, if parked on the~~  
20 ~~premises of the business being advertised; or~~  
21 ~~(b) Within one hundred (100) feet of the public right of way, if parked~~  
22 ~~on any other commercially zoned property.~~

23 4. Vehicles displaying signage pursuant to this section may be parked on  
24 other commercial properties only while actively engaged in conducting  
25 business on that property, subject to all other applicable parking  
26 restrictions under this code.

27  
28 ~~(3)-5. When parked in residential zoning districts, V~~ vehicles displaying  
29 signage pursuant to this section shall also comply with section 18-34 of  
30 this code as well as all other with respect to parking applicable parking  
31 regulations.

32  
33  
34 **Sec. 45-105. Administration and Enforcement.**

35  
36 A. These sign regulations are intended to complement the requirements of the  
37 building codes adopted by the village. All signs are subject to permitting  
38 requirements, district sign allowances, and other regulations under this  
39 article, except to the extent expressly exempted herein. Wherever there is  
40 inconsistency between these regulations and the building code, the more  
41 stringent requirements shall apply.  
42

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1 B. A sign permit is required for all signs except signs that are exempt signs  
2 pursuant to section 45-103, permanent signs for which no permit is required  
3 pursuant to section 45-104, or temporary signs governed by section 45-114.  
4

5 C. *Persons authorized to perform work.* The work necessary to construct,  
6 install, place, illuminate, paint, or modify signage within the village shall  
7 conform with the following:  
8

9 1. The following work may be performed by a property owner or  
10 lessee:  
11

12 a. Painting the face of any freestanding or wall sign;  
13

14 b. Installation or attachment of any individual letters, which  
15 does not require electrical service or structural modification  
16 of the surface or wall to which such letters are being  
17 attached; or  
18

19 2. The following work shall be performed by a sign contractor, general  
20 contractor, or building contractor licensed with the village to  
21 perform such work:  
22

23 a. Construction, installation, or electrical connection of any  
24 sign which is illuminated;  
25

26 b. Construction, installation, or placement of any freestanding  
27 sign requiring wind load calculations;  
28

29 c. Construction, installation, or placement of any sign which is  
30 located above a pedestrian walkway or on the front fascia of  
31 a canopy over a pedestrian walkway;  
32

33 d. Construction, or installation of any projecting sign permitted  
34 by this article which shall be designed by a Florida registered  
35 architect or engineer.  
36

37 D. *Unsafe signs.*  
38

39 1. If the building official determines any sign or sign structure to be in  
40 an unsafe condition, he/she shall immediately notify the owner of  
41 such sign in writing, and the owner shall correct such condition  
42 within forty-eight (48) hours.  
43

44 2. If the correction has not been made within forty-eight (48) hours,  
45 the building official may have the sign removed if it creates a danger  
46 to the public safety or have any necessary repairs or maintenance

1 performed at the expense of the sign owner or owner or lessee of the  
2 property upon which the sign is located.  
3  
4

5 E. *Variances.* Any increase or decrease in the dimensional restrictions (size,  
6 height, setbacks, sign copy area, type face, and other measurable standards)  
7 or other deviation from the requirements set forth in this article shall  
8 require a variance approved by the Planning, Zoning and Adjustment  
9 Board. Any increase in the height or size of a sign or the required setback  
10 shall not exceed thirty percent (30%) of the requirements of this code.  
11

12 1. The Planning, Zoning and Adjustment Board shall hear and rule on  
13 all applications for variances to this article. All the provisions of  
14 article VI, chapter 45 of this code, shall apply to applications for  
15 variance to this code.  
16

17 2. All applications for variances to dimensional regulations established  
18 by this article shall be filed with the community development  
19 department upon a form supplied by the village. The application shall  
20 be accompanied by the filing fee established in the master fee  
21 schedule.  
22

23 3. Public notice of all hearings conducted in accordance with this  
24 section shall be provided as required by section 21-3 of this code.  
25

26 F. *Maintenance; Removal.*  
27

28 1. All signs, including their supports, braces, guys and anchors,  
29 electrical parts, and lighting fixtures, and all painted and display  
30 areas, shall be maintained in accordance with the requirements of  
31 the building code and shall present a neat and clean appearance. The  
32 vegetation around the base of ground signs shall be neatly trimmed  
33 and free of unsightly weeds, and no rubbish or debris that would  
34 constitute a fire or health hazard shall be permitted under or near the  
35 sign. Examples of unacceptable maintenance and repair include the  
36 following:  
37

38 a. Cracked, ripped, or peeling paint present on more than ten  
39 percent (10%) of the surface area of a sign;  
40

41 b. Bent, broken, loose, or otherwise insufficiently attached  
42 supports, struts, or other appendages;  
43

44 c. Partial illumination for more than fourteen (14) calendar  
45 days;  
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- d. Obstruction of sign face by weeds, vines, or other vegetative matter; and
  - e. Maintaining a position that is more than fifteen (15) degrees from vertical for more than ten (10) successive calendar days.
2. In all cases, the sign's aesthetic appearance shall be maintained in its originally approved condition, subject to the regulations of this article governing nonconforming signs, as applicable.
3. *Discontinuance of Occupancy.*
- a. Evidence of discontinuance of occupancy shall include failure to: maintain a valid certificate of use or business tax receipt; occupy the location indicated by the sign for thirty (30) days; maintain the listed phone number in service; answer the listed phone number; or, in combination with any of the preceding, pay a utility bill.
  - b. It shall not be a "discontinuance of occupancy" where an occupant first provides the village manager with written notification that the use will be closed for renovation, summer season, or some other defined period after which the occupant will resume activity, provided that the occupant does resume the activity on the specified date, as may be extended by the village manager upon request by the occupant.
  - c. Prior to a discontinuance of occupancy, all signs relating to the occupant shall be removed as provided in this section. Failure to comply with this section shall subject the sign to removal and disposition pursuant to the provisions of this article.
    - (1) All signs attached to a building shall be removed, including window signs and awning signs. Upon removal of a sign from a surface, the surface shall be restored to its original condition, including the filling and repainting of anchor holes to match the surrounding surface. An awning shall be refinished as necessary to eliminate any evidence of the removed sign, including faded color on the valance outlining the former copy.

1 (2) The face of a ground sign cabinet shall be removed  
2 and replaced with a new sign face having an opaque  
3 background of a neutral color, and constructed of a  
4 material that complements the sign structure and  
5 building. Any channel letters shall be removed and  
6 the background surface restored pursuant to  
7 subsection (1). Single-occupant identity signs shall  
8 not be illuminated during any period that occupancy  
9 has been discontinued. In the case of a multiple-  
10 occupant sign, the panel of an occupancy that has  
11 been discontinued shall be replaced with a new panel  
12 (either a blank panel, or a panel of an occupancy that  
13 is active) of a material and color that matches the  
14 other panels.  
15

16 G. *Enforcement.* The community development director or the building official,  
17 or their respective designee(s), may initiate code enforcement actions under  
18 chapter 2, article VI to obtain compliance with this code.  
19

20 H. *Review of administrative decisions.* Any final decision of an administrative  
21 official under this article may be appealed to the Planning, Zoning and  
22 Adjustment board as provided in section 45-52, except for code  
23 enforcement actions which are governed by Article VI of the village code.  
24

25 **Section 45-106. Nonconforming signs; amortization; abandoned signs.**  
26

27 All signs lawfully in existence as of the date of adoption of this article, which do  
28 not conform to the provisions of this article, are declared nonconforming signs. It  
29 is the intent of this article to recognize that the eventual elimination of  
30 nonconforming signs as expeditiously and fairly as possible is as much a subject of  
31 health, safety, and welfare as is the prohibition of new signs that would violate the  
32 provisions of this article.  
33

34 A. *Legal nonconforming signs.* Signs that become nonconforming upon  
35 adoption of this article may be maintained as legal nonconforming signs for the  
36 duration of the amortization period as provided in subsection C. below, subject to  
37 the following requirements:  
38

39 1. A legal nonconforming sign may continue to be utilized only in the  
40 manner and to the extent that it existed at the time of the adoption of this  
41 article or any amendment thereof.

42 2. A legal nonconforming sign may not be altered in any manner not  
43 in conformance with this article. This prohibition does not apply to  
44 reasonable repair and maintenance of the sign or to a face change provided  
45 that no structural alterations are required to change the sign copy area.

1 3. Legal nonconforming signs that are located on a parcel of property  
2 that is severed from a larger parcel of property and acquired by a public  
3 entity for public use by condemnation, purchase, or dedication may be  
4 relocated on the remaining parcel without extinguishing the legal  
5 nonconforming status of that sign provided that the nonconforming sign:

- 6 a. Is not increased in area or height to exceed the limits of the  
7 zoning district in which it is located;
- 8 b. Remains structurally unchanged except for reasonable  
9 repairs or alterations;
- 10 c. Is placed in the most similar position on the remaining  
11 property that it occupied prior to the relocation; and
- 12 d. Is relocated in a manner to comply with all applicable  
13 safety requirements.

14 After relocation pursuant to this subsection, the legal nonconforming sign  
15 shall be subject to all provisions of this section in its new location.

16 4. Any nonconforming sign shall be removed or rebuilt in full  
17 conformity to the terms of this article if it is damaged or allowed to  
18 deteriorate to such an extent that the cost of repair or restoration is fifty  
19 percent (50%) or more of the cost of replacement of such sign.

20  
21 B. *Signs for a legal nonconforming use.*

22 1. New or additional signs for a nonconforming use shall not be  
23 permitted. A change in ownership shall require a nonconforming sign to  
24 be removed or brought into conformity.

25 2. A nonconforming sign for a nonconforming use that ceases to be  
26 used for a period of thirty (30) consecutive days or is replaced by a  
27 conforming use, shall be considered a prohibited sign and shall be  
28 removed or brought into conformance upon establishment of a conforming  
29 use.

30  
31  
32  
33 D. *Abandoned signs.*

34 1. Sign structures that remain vacant, unoccupied, or devoid of any  
35 message, or display a message pertaining to a time, event, or purpose  
36 that no longer applies, shall be deemed to be abandoned.

37  
38 2. A nonconforming sign deemed abandoned shall immediately  
39 terminate the right to maintain such sign.  
40  
41

- 1           3.     Within thirty (30) days after a sign structure has been deemed  
2           abandoned, it shall be the responsibility of the property owner or the  
3           property owner's authorized agent to remove the abandoned sign and  
4           to patch and conceal all damage to any other structure resulting from  
5           the removal of the sign.  
6  
7           4.     Any abandoned sign shall be taken down and removed by the  
8           owner, agent, or person having the beneficial use of the building  
9           or structure upon which sign may be found within ten (10) days  
10          after written notification from the community development  
11          department. Upon failure to comply with such notice within the  
12          specified time in such order, the community development  
13          department is hereby authorized to cause removal of such sign, and  
14          any expenses incident thereto shall be paid by the owner of the  
15          building or structure to which said sign is attached.  
16  
17          5.     Removal of an abandoned nonconforming sign shall include all sign  
18          support components, angle irons, poles, and other remnants of the  
19          discontinued sign that are not currently in use, or proposed for  
20          immediate reuse as evidenced by a sign permit application for a  
21          permitted sign.  
22

23     **Section 45-107. Reserved.**  
24

25  
26     **Section 45-108. Master Sign Plan Process.**  
27

- 28  
29     A.     *Master sign plan.* A master sign plan shall serve as the controlling  
30     document for review of all applications for sign approval within a  
31     designated development including shopping centers or multi-use buildings  
32     or where multiple signs are proposed for a single site or project to ensure  
33     the compatibility of sign types, locations, sizes, colors and lettering styles,  
34     as well as compatibility and cohesiveness. Renovations and redevelopment  
35     of existing commercial buildings and projects for shopping centers, multi-  
36     use buildings or where multiple signs are proposed on a single site shall also  
37     require submittal of a master sign plan. Applications for site development  
38     or site improvement plan approval shall be accompanied by a graphic and  
39     narrative representation of the master signage plan to be utilized on the site.  
40     Existing commercial buildings and projects shall submit a master sign plan  
41     to the village within five years of the effective date of this article, unless  
42     there is already an existing master sign plan approved by the village, which  
43     covers all aspects of a master sign plan. Building permits for new signs shall  
44     not be issued for commercial buildings which have not submitted a master  
45     sign plan. The master sign plan may be amended and resubmitted for  
46     approval to reflect style changes or changing tenant needs.

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The purpose and intent of a master sign plan is to provide a master record of signs on a parcel, ensure compatible signage, and to create unification of signage within parcels, excluding planned development out-parcels, which may be treated separately. All master sign plans shall be approved by the Planning, Zoning and Adjustment Board and shall comply with the following:

1. The master sign plan shall be approved prior to the issuance of a sign permit.
2. The master sign plan shall indicate the type, location, size, dimensions, illumination, color, materials, and architectural style, including the address requirements of the building code and this article. The locations shall be illustrated on elevations and on a site development plan.
3. When applicable, landscape plans and details shall be part of the plan and shall comply with the landscape standards of this code.
4. If a technical deviation is required, the request can be made part of the application for a master sign plan.

B. *Master Sign plan criteria.* In reviewing the master sign plan, the Planning, Zoning and Adjustment Board shall determine if the following criteria have been met:

1. The signage for the project is in keeping with the overall architecture and character of the building development.
2. The signage for the project is designed to meet the directional needs of the project for communication, identification, way finding, and ensure that regulatory and informational messages are in keeping with the overall architectural theme of the development or project;
3. The signage proposed is legible, conspicuous, and easily readable;
4. The visibility and impact of the type of sign, number of signs, design, size, method of, construction, illumination and location of the proposed signs comply with the minimum standards of this section, and do not adversely impact adjoining properties or create a hazard of health risk; and
5. The proposed signage is consistent and not in conflict with the intent and interests of the village.

- 1 C. *Submittal.* A master sign plan or request for a technical deviation shall be  
2 reviewed and approved by the Planning, Zoning and Adjustment Board. All  
3 applications and supporting documentation as listed on the community  
4 development department application shall be submitted to the department  
5 in a format determined by the village. The community development  
6 department shall review the application and create a staff report or memo,  
7 which shall include a recommendation. The staff report shall be provided to  
8 the applicant prior to the meeting. An authorized representative of the  
9 applicant must attend the Planning, Zoning and Adjustment board meeting.  
10 If a representative is not present, then the board has the right to postpone  
11 the agenda item to a future meeting date.  
12
- 13 D. *Fees.* Master sign plan requests shall be charged in accordance with the  
14 development application fee schedule and paid to village at the time of  
15 submittal.  
16
- 17 E. *Effect of master sign plan approval.*  
18
- 19 1. After approval of a master sign plan or amendment, all new  
20 signs and alterations to signs shall comply with the master sign plan,  
21 and any violation of such approved plan shall be a violation of this  
22 chapter. In case of any conflict between a provision of a master sign  
23 plan and one or more provisions of this article, the stricter of the two  
24 shall apply.  
25
- 26 2. The village shall not consider a request to deviate from an approved  
27 master sign plan. However, a master sign plan may be amended or  
28 replaced by a new master sign plan. Amendments that are specific  
29 to a single occupancy shall not be approved unless the proposed  
30 amendment responds to the unique location or architecture of the  
31 occupancy that is not generally applicable elsewhere in the property  
32 subject to the master sign plan. The Planning, Zoning and  
33 Adjustment Board shall evaluate any proposed amendment within  
34 the context of the entire approved master sign plan.  
35  
36
- 37 F. *Multi-tenant signs.* For commercial projects occupied by multiple retail or  
38 service establishments where the total area of the project, including  
39 outparcels, exceeds five (5) acres, a ground sign may, subject to Planning,  
40 Zoning and Adjustment Board review and approval of the sign design in  
41 accordance with the criteria set forth in this article, depict the name of the  
42 project and the names of up to five (5) tenants or occupants of the project.  
43 A "for sale" or "for lease" sign may be substituted for one (1) of the tenant  
44 or occupant signs if the space within the project is being actively marketed  
45 for sale or lease.  
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**Section 45-109. Sign permit process.**

A. *Permits required:* Except as otherwise provided in this article, it shall be unlawful for any person to erect, construct, enlarge, post, alter, maintain, move, or convert any sign in the village, or cause the same to be done, without first obtaining a sign permit for each such sign as required by this article. These requirements shall not be construed to require any permit for the repainting, cleaning, and other normal maintenance or repair of a sign or sign structure for which a sign permit has previously been issued, so long as the sign or sign structure is not modified in any way. All signs shall be constructed in accordance with the building code, including obtaining all required building permits. No sign shall be approved for use unless it has been inspected and found to comply with all the requirements of this section and applicable codes.

B. *Approval.* After submittal of a complete application and the requisite application fee(s), the following signs, when determined by the building official to be consistent with and in compliance with the criteria set forth herein, shall receive a sign permit without review by the Planning, Zoning and Adjustment Board:

- 1. Model sales office signs and model name signs;
- 2. Signs in a shopping center, planned commercial development, planned industrial development, or planned office park, which are consistent with a previously approved master signage plan for the development;
- 3. Temporary signs not exempted from permitting by section 45-114(B).

All other signs shall require permits approved by the Planning, Zoning and Adjustment Board.

C. *Sign permit application:* Applications for a sign permit shall be made in a format and upon forms provided by the village and shall provide the following information:

- 1. Name, address, and telephone number of the property owner. No person shall erect, construct, or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building if any, or their authorized representatives.
- 2. Name, address, and telephone number of the contractor.

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3. Property address, property control number (PCN), and legal description of the building, structure, or lot to which or upon which the sign is to be installed or affixed.
4. A drawing to scale showing the design, colors, and materials of the sign, including dimensions, sign size, sign copy/area, method of attachment, source of illumination, and showing the relationship to any building or structure to which it is, or is proposed to be, installed or affixed, (elevation) or to which it relates, signed and sealed by a professional architect or engineer registered in the State of Florida.
5. A fully dimensioned survey or site plan, to scale, indicating the location of the sign relative to property lines, rights-of-way, streets, easements, sidewalks, and other buildings or structures, including any ground mounted signs, on the premises.
6. If a monument sign, landscape plan showing the screening of the base or foundation of the sign.
7. Cost estimate.

D. *Application procedure and review (original submittal):* A sign permit application on a form provided by village shall be electronically filed together with all documentation as provided for in this section. Upon the electronic submission of a complete sign permit application and all required documentation, the village shall review the application based on whether it complies with this article and all other code requirements, or an approved master sign plan, if applicable, and provide comments to the applicant through the electronic review portal.

E. *Application procedure and review (resubmittals):* Upon resubmission of the sign permit application through the electronic review portal, the village shall determine whether the applicant's revisions comply with this article and all other code requirements. If the revisions do not comply with this article, the village will again provide the applicant comments through the electronic review portal. This process shall continue until the applicant has submitted an application that meets all applicable requirements. If the application meets all requirements of this article and other code requirements or an approved master sign plan, if applicable, the sign permit shall be approved. If the application fails to meet the requirements of the code, the application shall be denied.

F. *Application fees:* Sign permit application fees for signs shall be charged in accordance with the building division fee schedule and paid to the village for each sign for which a permit is required by this article. Application fees

1 shall be paid at time of application and any such sign permit fees are  
2 required to be paid prior to a permit being issued.

3  
4 **Sec. 45-110. Sign regulations – In general.**  
5

6 A. *Physical sign types allowed.* Except as may be otherwise provided in this  
7 section, a permanent sign may be a permanent ground (freestanding) sign, ,  
8 a permanent building wall sign, or a window sign .  
9

10 B. *Measurement and Dimensions.*

11  
12 1. *Computation of sign area and number.* The area of each face of a  
13 sign shall be the area of the smallest circle, triangle, or  
14 parallelogram, which contains all content, background, and  
15 structural elements of the sign. Sign area shall not include structural  
16 elements, which function solely as support for the sign or cover of  
17 structural elements.  
18

19 2. *Certain support structures exempted from computation of area*  
20 *of freestanding signs.* Support structures which are part of a  
21 decorative landscape wall or screen wall shall not be considered part  
22 of a freestanding sign.  
23

24 3. *Determination of the number of signs.* Any collection of sign  
25 content, sign background, and sign structure may be considered to  
26 be one sign face if the area of such sign face is measured as only one  
27 circle or only one triangle or only one parallelogram, provided that  
28 the area so measured conforms to the maximum sign area  
29 requirements of this article.  
30

31 4. *Façade area.* The façade area shall be measured by determining the  
32 area within a two-dimensional geometric figure coinciding with the  
33 edges of the walls, windows, doors, parapets, marquees, and roof  
34 slopes greater than forty-five (45) degrees that form a side of a  
35 building or unit.  
36

37 5. *Back-to-back signs.* Where two (2) sign faces are placed back-to-  
38 back on a single sign structure, and the faces are at no point more  
39 than four (4) feet apart, the area of the sign shall be counted as the  
40 area of one (1) of the faces.  
41

42 6. *Sign height.* The height of a sign shall be measured as the vertical  
43 distance from the finished grade, excluding berms, at the base of  
44 the supporting structure to the top of the sign, or its frame or  
45 supporting structure, whichever is higher.  
46

1 C. *Content*

2  
3 Signs permitted pursuant to this article may contain any message, which is not  
4 harmful to minors as defined in this chapter, or otherwise contrary to law. A  
5 permanent accessory sign may only display any combination of the following:  
6

- 7 1. Street address number and/or name.
- 8
- 9 2. A logo symbol for the building or the building occupant, which  
10 does not exceed fifty percent (50%) of the allowable sign area.
- 11
- 12 3. Letters depicting the nature of the business and that are a maximum  
13 of fifty percent (50%) of the height of the letters depicting the name  
14 of the building or building occupant.
- 15

16 D. *Placement and aesthetic appearance.*

- 17 1. It is the intent of these sign regulations to preserve and enhance the  
18 aesthetic quality of the environment by reducing the visual  
19 discordance which can result from:  
20

- 21 a. The haphazard placement of signs on buildings; and
- 22
- 23 b. The use of an array of different sign constructions on one  
24 building.
- 25

26 It is recognized that this intent may be met by approaches other than  
27 those specifically set forth in this section. Accordingly, this section  
28 makes provisions for approval of signs which conform to the intent  
29 of this section but which do not conform to the specific requirements  
30 of this section.

- 31 2. *Placement of signs attached to building walls in relation to building*  
32 *lines.* Signs shall be placed on a building so as not to break important  
33 horizontal or vertical building lines. This requirement will be  
34 considered met if none of the following types of lines are broken:  
35

- 36 a. Cornice line;
- 37
- 38 b. Lintel lines, actual and extended;
- 39
- 40 c. Sill lines, actual and extended;
- 41
- 42 d. Belt course lines;
- 43
- 44 e. Column and pilaster lines including but not limited to  
45 building recesses.  
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This requirement may be considered met even if one or more of the types of lines in subsection (2) above are broken, if the building is designed so that a permitted sign cannot be located without breaking one or more of the above lines and the sign or signs are placed to minimize the breaking of important building lines.

3. *Coordination of construction type of wall-mounted signs.* Whenever more than one (1) wall-mounted sign is permitted on any one building, and all must be of the same construction type (cabinet, individual pan-channel letters, individual reverse pan-channel letters, or other). In addition, all must have the same base line if they are individual letters mounted on the building facade, and must have the same base and top line if they are of any other construction type.
4. *Finish of sign background and sign structure.* Low freestanding signs shall have a background and structure, which are of materials, colors, and finishes that are used extensively for the building to which the sign is accessory. Materials, colors, and finishes will be considered to be used extensively if they cover more of the non-glass portions of the highly visible surfaces of the building than does any other material, or if they cover at least thirty percent (30%) of the non-glass portions of the highly visible surfaces of the building.
5. *Placement standards.*
  - a. *In right-of-way.* Supports for signs or sign structures shall not be placed in or upon a public right-of-way or public easement
  - b. *Over right-of-way.* No ground sign shall project over a public right-of-way.
  - c. *Blocking exits, fire escapes, etc.* No sign or sign structure shall be erected that impedes the use of any fire escape, emergency exit, or standpipe.
  - d. All ground sign shall be erected within landscaped areas. Minimum distance from the edge of the landscaped area to the sign base shall be three (3) feet. The landscaping shall consist of shrubbery a minimum of thirty (30) inches high creating a hedge or individual shrubs of the same or varying species thirty (30) inches high spaced not more than eighteen (18) inches apart at their base.

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6. *Appearance Plan.* Per the village’s appearance plan:

- a. All signs shall be part of the architectural concept. Size, color, lettering, location, and arrangement shall be harmonious with the building design and shall be compatible with signs on adjoining buildings. Signs shall have good proportions.
- b. Ground signs shall be designed to be compatible with the architecture of the building. The same criteria applicable to wall signs shall apply to ground signs.
- c. Identification signs of a prototype design shall conform to the criteria for building and ground signs.
- d. Materials used in signs shall have good architectural character and be harmonious with building design and surrounding landscape.
- e. Every sign shall have good scale in its design and in its visual relationship to buildings and surroundings.
- f. Colors shall be used harmoniously and with restraint. Excessive brightness and brilliant colors shall be avoided. Lighting shall be harmonious with the design. If external spot or floor lighting is used, it shall be arranged so that the light source is shielded from view.

E. *Structural Requirements.*

- 1. All structural, electrical, and mechanical components utilized in the construction, installation or placement, and operation of signs shall be concealed except for vertical supports of other supporting components which are designed and arranged to be an integral part of the aesthetic composition of a sign. Raceway/wireway mounting of letters and J-boxes are prohibited unless existing structural building conditions, such as certain glass structures, warrant this type of mounting.
- 2. Clearance standards
  - a. Canopy signs hung from a canopy, bracket arm or covered structure shall have a minimum vertical clearance of nine (9) feet above grade to the bottom of the sign.

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- b. All signs over vehicular ways shall provide a minimum of thirteen (13) feet, six (6) inches of clearance.
  - 3. A building wall sign shall not project more than four (4) feet perpendicularly from the surface to which it is attached nor shall it extend beyond any edge of the surface to which it is attached or disrupt a major architectural feature of the building.
  - 4. All wood permitted to be used, whether for new permanent signs, for replacement of existing permanent signs, or for any part thereof, shall be rot and termite resistant.
  - 5. Wires visibly connected to individual letters shall be permitted.
  - 6. Every sign and all components of such sign shall be kept in good structural condition and be in conformance with the applicable building code at the time of permitting.
  - 7. Every sign shall be constructed in a manner as to comply with the wind load requirements of the Florida Building Code. . All sign contractors shall sign a certificate stating wind loading will meet requirements of this chapter where signs under thirty-two (32) square feet are submitted. ~~For signs thirty-two (32) square feet or over, the applicant shall provide a certification sealed by a state registered engineer or architect stating that the design will meet the requirements of this code as submitted.~~

29 F. *Dimensional and distance requirements.*

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- 1. The height of a permanent sign shall not extend beyond the building height including parapets.
  - 2. Signs shall not obstruct sight distance triangles mandated by this code or as determined by the Florida Department of Transportation roadway design criteria, as may be amended from time to time.
  - 3. Once a sign is erected, no additional signs may be attached to or displayed on any sign on a temporary or permanent basis.
  - 4. No sign shall create a traffic or fire hazard, be dangerous to the general welfare, or interfere with the free use of public rights-of-way.

- 1           5.    Sign locations shall not interfere with public alarms, signals, or  
2           signs. No sign or support shall be placed in such position or manner  
3           as to obstruct or interfere, either physically or visually, with any  
4           fire alarm, police alarm, traffic signal or sign, or any devices  
5           maintained by or under public authority.  
6

7    **Sec. 45-111. Sign Illumination.**  
8

- 9    A.    All permanent signs, other than window signs, may be internally  
10       illuminated, backlit, or externally illuminated unless otherwise provided in  
11       this article.  
12
- 13   B.    Temporary signs shall not be illuminated unless otherwise provided in this  
14       article.  
15
- 16   C.    Lighted signs shall be automatically controlled to be disconnected daily at  
17       midnight or at the close of business if the advertised closing time is later  
18       than midnight.  
19
- 20   D.    *Intensity.*  
21
- 22       1.    The intensity of sign illumination (brightness of a sign) shall not  
23       exceed 700 candelas per square meter (cd/m<sup>2</sup>) for any sign.  
24
- 25       2.    Intensity shall be measured from the period beginning one-half hour  
26       after apparent sunset and ending one-half hour before apparent  
27       sunrise, both as determined by the National Oceanic and  
28       Atmospheric Administration (NOAA), United State Department of  
29       Commerce for Miami, Florida for the specific date of measurement.  
30
- 31       3.    Intensity shall be measured by a foot-candle meter held at a pre-set  
32       distance from the sign determined as follows: the square root of the  
33       product of the sign area (in square feet) and 100 ( $\sqrt{A * 100} = D$ ,  
34       where A = sign area and D = distance in feet).  
35
- 36   E.    *Design.* Illumination of a sign using an exposed, unshielded light source is  
37       not permitted. All lighting for signs shall be designed to prevent light  
38       spillage outside the boundaries of the sign face, and shall not be of such  
39       intensity or brilliance as to cause glare or visual distraction.  
40
- 41   F.    *Uniformity.*  
42
- 43       1.    Lighting on all permanent signs throughout a single development or  
44       project shall be consistent in terms of color or intensity, unless  
45       differentiation is specifically provided for pursuant to an

1 approved master sign plan in which there is variety in facade design  
2 or building type.

- 3  
4 2. Lighting shall be evenly diffused throughout a sign so as not to  
5 produce areas with blotchy or differential illumination (i.e.,  
6 "hotspots" or "cold spots").  
7

8 G. *External illumination.*

- 9  
10 1. External illumination shall be permitted only for address signs,  
11 ground identity signs, ingress/egress signs, wayfinding signs, and  
12 limited instances where such lighting is specifically authorized  
13 pursuant to a master sign plan or sign permit, which shall only be  
14 granted for signs mounted on buildings through use of architectural,  
15 overhead, full-cutoff lighting fixtures integrated into the design of  
16 the sign or facade.  
17  
18 2. External illumination shall be stationary and directed only upon  
19 the sign face and architectural elements of the sign structure.  
20  
21 3. The source of the light used in external illumination shall be  
22 screened from view of public streets and residential uses, including  
23 upper story residential uses. The light intensity shall not cause glare  
24 or light spillover onto other property or a public street.  
25  
26 4. No illuminated signs shall face a residential use in such a way as  
27 to be a distraction at night to the persons living in the residential  
28 structure.  
29  
30 5. Only white light shall be used to illuminate signs.

31 H. *Internally illuminated ground sign cabinets.* Internally illuminated cabinets  
32 may be incorporated into permanent ground signs provided that only  
33 the sign copy is illuminated and the background material is opaque.  
34 Changeable copy signs, where permitted, are not subject to the restrictions  
35 of this subsection.  
36

37  
38 I. *Internally illuminated wall cabinet signs.* Internally illuminated wall  
39 cabinet signs, where authorized pursuant, shall be constructed with an  
40 opaque background so that only the copy is illuminated  
41

42 **Sec. 45-112. Changeable Copy Signs.**

43  
44 Changeable copy signs shall be regulated under the following guidelines. This  
45 section shall not include electronic message boards and the like, which are

1 prohibited under this chapter or deemed exempted from these regulations. Such  
2 signs shall be permitted in the following manner:

- 3  
4
- 5 A. Motor vehicle service stations and convenience stores with gasoline pumps  
6 may utilize up to twenty percent (20%) of permitted sign area for  
7 changeable prices of gasoline and the words “cash” and “credit” only.  
8
  - 9 B. Movie theaters and other performance or entertainment facilities may utilize  
10 up to eighty percent (80%) of permitted sign area for display of names of  
11 films, plays, or other performances currently showing. Such changeable  
12 copy areas shall be included as part of the permitted sign area.  
13
  - 14 C. Changeable copy signs shall be prohibited for office, industrial, and  
15 residential uses but allowed for public, charitable and religious institutions  
16 and signs in the Public zoning district.  
17
  - 18 D. Use of changeable copy signs as part of permitted wall sign area is  
19 prohibited  
20
  - 21 E. *Dwell time*. The changeable copy may change no more than once every ten  
22 seconds.  
23
  - 24 F. Electronic number changeable copy signage.  
25
    - 26 1. Freestanding monument signs are permitted electronic number  
27 changeable copy for a price section only. Such electronic copy area  
28 shall be for static display only. Flashing, animated, coursing and the  
29 appearance of any movement other than an instantaneous change  
30 from one price to another are explicitly prohibited.  
31
    - 32 2. Electronic number changeable copy (LED or similar) signage  
33 displays shall not have the capability to have dynamic displays even  
34 if not used. Only one (1) continuous LED (or similar) display area  
35 for numbers only is allowed on a sign face and may include the time  
36 or temperature. Multiple-copy signs adjacent to each other are  
37 permissible in a sign face.  
38
    - 39 3. Only the numbers themselves may be lit with the remaining  
40 background non-lit or black. No neon or similar lighting shall be  
41 permitted in conjunction with a sign using electronic number  
42 changeable copy signage.  
43
    - 44 4. Brightness or glare shall be controlled to avoid distractions to  
45 vehicular traffic, pedestrians, and adjoining properties. Adjustments  
46 shall be made upon written request from the village.

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- 5. All electronic copy number signs shall be installed with an ambient light monitor.
- 6. Dimmer control electronic number changeable copy signs must have an automatic dimmer control that automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
- 7. *Brightness.* No electronic number changeable copy sign shall exceed a brightness level of 0.3 foot-candles above ambient light conditions, as measured using a foot-candle (Lux) meter at a preset distance depending on sign area. The measurement distance shall be calculated with the following formula: The square root of the product of the sign area times 100. Example:  $\sqrt{(30 \text{ square feet} \times 100)}$  54 feet.
- 8. The maximum height of changeable numbers shall be twelve (12) inches.

H. *Photometric plan.* Each application for a digital sign shall be accompanied by a photometric plan. The photometric plan shall demonstrate the digital sign's maximum light intensity, in foot-candles above ambient light, at locations identified by the applicant or village staff that may be impacted within three hundred (300) feet of the proposed digital sign location. This plan may be reviewed by a third-party lighting specialist selected by the village, and all costs associated with third party review shall be paid by the applicant to the village.

**Sec. 45-113. Sign Allowances By Zoning District.**

- A. *Sign allowances (number, area, height, and setbacks).* Permitted signs shall be subject to limitations as to total number of signs and maximum dimensions based upon the zoning district where the sign will be located. Measurement determinations shall be made as provided in section 45-110(B) of this article.
- B. The following chart sets out sign allowances for all zoning districts except the Commercial Northlake (C-NB) zoning district:

**Table 45-1  
Permitted Signs by District Zoning<sup>1</sup>**

Zoning Districts	Residential Single Family R-1, R-2	Residential Multi-Family R-3	Commercial C-T, C-S, C-G and PUD	Regional Commercial C-3	Industrial I-1
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<b>Permanent Ground Sign</b>					
Number	None	One (1) with more than 4 dwelling units	One (1) per parcel right of way frontage	One (1)	One (1) per parcel right of way frontage
Sign area	None	Maximum 32 square feet	5' setback – 30 sq. feet 10' setback – 36 sq. ft. 20' setback – 40 sq. feet 30' setback – 45 sq. feet	Maximum Hundred (100) square feet	5' setback – 30 sq. feet 10' setback – 36 sq. ft. 20' setback – 40 sq. feet 30' setback – 45 sq. feet
Sign Height	None	Maximum Eight (8) feet	10' or less setback – 8' 20' or greater setback – 10'	Three (3) feet for base and 13' total including base	10' or less setback – 8' 20' or greater setback – 10'
<b>Permanent Building Sign</b>					
Number	None	One – ground floor access		One (1) per tenant with ground floor access and one (1) identifying building	
Sign area	None	Maximum 25' setback – 5% of façade area 70' setback – 7% of façade area 100' setback – 10% of façade area	Maximum 25' setback – 5% of façade area 70' setback – 7% of façade area 100' setback – 10% of façade area	Maximum 25' setback – 5% of façade area 70' setback – 7% of façade area 100' setback – 10% of façade area	Maximum 25' setback – 5% of façade area 70' setback – 7% of façade area 100' setback – 10% of façade area

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**Notes:**

1. Additional signs. The following additional signs are permitted: Locational and directional signs at outdoor public recreation park and sporting events which may include the advertising logo of the entity sponsoring the activity or event being held on publicly owned property, including, but not limited to youth athletic associations, organized team competitions, swimming meets, tennis tournaments, and golf course benches with direction and ball washing facilities at each tee.

C. *Other signs (all zoning districts except C-NB).*

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1. *Directional or wayfinding signs.* One (1) parking area directional sign may be erected at each point of ingress and egress to a parking lot or parking area. Such signs shall not exceed two (2) square feet in background area nor exceed three (3) feet in height. Such signs shall not create a traffic or pedestrian hazard.
  2. *Signs at entrances to residential developments.*
    - a. The placement of such entry signs shall consider the location of public utilities, sidewalks, and future street widening.
    - b. The developer shall ensure that such signs shall be maintained perpetually by the developer, the owner of the sign, a community association, or some other person or entity legally accountable under a maintenance arrangement approved by the village council. If no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for their maintenance, the developer or owner shall remove the signs.
    - c. The sign shall only include the name of the development.
  3. *Automated Teller Machine (ATM) machine signage.*
    - a. ATMs are permitted one (1) sign per machine not to exceed eight (8) square feet in sign area.
    - b. The ATM sign shall be located adjacent to the machine and shall not exceed nine (9) feet in height.
    - c. ATM signs shall display only the business name and/or business logo offering or maintaining the ATM.

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**Sec. 45-114. Temporary signs.**

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A. *General standards:*

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1. There are generally four (4) types of temporary signs that the village will permit on private property on a temporary basis. The first type of temporary sign is erected prior to the time a permanent sign can be erected and may be generally displayed prior to the time a permanent sign may be placed. These signs typically relate to the development or sale of vacant or improving property. The second type of temporary sign is one which may be placed after permanent signs are placed. Typically, these signs relate to

1 promotions of the property such as the sale or lease of property.  
2 The third type of temporary sign that may be placed on property is  
3 a temporary, non-commercial sign. The fourth kind of temporary  
4 sign is a transitory sign.  
5

- 6 2. Temporary signs shall be constructed of durable, weatherproof  
7 material.  
8
- 9 3. A temporary sign shall not directly or indirectly create a traffic or  
10 fire hazard, interfere with the free and unobstructed use of streets,  
11 sidewalks, or building entrances, or obstruct clear vision at the  
12 intersection of any streets, drives, or public or private vehicular  
13 access ways or so that it may be confused with authorized traffic  
14 signs or devices.  
15
- 16 4. All signs shall be setback a minimum of five (5) feet from the  
17 property line, unless otherwise specified in this section, and shall  
18 provide a minimum eighteen (18) inch clearance from rights-of-  
19 way, curbs, sidewalks, and landscaping materials. The village may  
20 require a larger clearance if deemed necessary by the village  
21 engineer.  
22
- 23 5. All signs shall be freestanding signs unless other sign types are  
24 expressly authorized in other sections of this chapter. Temporary  
25 building signs are prohibited unless authorized under a Special  
26 Events Permit.  
27
- 28 6. Temporary signs shall be removed within twenty-four (24) hours  
29 of the issuance of a hurricane warning for any portion of the village  
30 by the National Hurricane Center of the National Oceanic and  
31 Atmospheric Association (NOAA).  
32

33 B. *Temporary non-commercial signs – no permit required.*  
34

- 35 1. A property owner may place a sign or signs totaling no more than  
36 four (4) square feet on the property, compliant with the minimum  
37 setbacks, at any time.  
38
- 39 2. *Additional temporary non-commercial sign before an election:*  
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41 a. One temporary noncommercial sign totaling no more than  
42 five square feet per one quarter (0.25) acre of land may be  
43 located on the owner's property for a period of thirty (30)  
44 days prior to an election taking place in the jurisdiction  
45

- 1 where the property on which the sign(s) is(are) placed is  
2 located.  
3
- 4 b. Where the size of the property is smaller than 0.25 acres and  
5 has a lawfully existing principal building, one temporary  
6 noncommercial sign totaling no more than (5) five square  
7 feet may be located on the owner's property for a period of  
8 thirty (30) days prior to an election affecting the property on  
9 which the sign is located.  
10
- 11 c. Temporary non-commercial signs shall be removed within  
12 seven (7) days following the election or referendum vote.  
13
- 14 3. *Additional temporary signs when a property is being offered for sale*  
15 *or lease:* One temporary sign, totaling no more than three (3) square  
16 feet, may be located on a property:  
17
- 18 a. When that property is being offered for sale or lease through  
19 a licensed real estate agent; or  
20
- 21 b. If not offered for sale or lease through a licensed real estate  
22 agent, when the sign is owned by the property owner and that  
23 property is offered for sale by the owner; and  
24
- 25 c. Such signs may remain for a period of fifteen (15) days  
26 following the date on which a contract of sale has been  
27 executed.  
28
- 29 4. *Additional temporary sign when a property being offered for sale or*  
30 *lease is open to the public:* One temporary sign, totaling no more  
31 than three (3) square feet, may be located on the owner's property  
32 on the day prior to and on the day when a property owner is opening  
33 the property to the public.  
34
- 35 C. *Temporary signs –zoning permit required.* The following signs authorized  
36 by this subsection require a zoning permit for a temporary sign.  
37  
38  
39
- 40 2. *Post and panel sign, commercial and noncommercial:*  
41
- 42 a. A maximum of one (1) sign per street frontage per property  
43 with a maximum height of eight (8) feet. The sign shall be  
44 oriented parallel with the street frontage to permit visibility  
45 of only one sign face.  
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- b. For residential properties of one (1) acre or less, a post and panel sign is not permitted. For commercial properties one (1) acre or less or residential properties greater than one (1) acre in size, a maximum cumulative sign area of sixteen (16) square feet is permitted. For commercial properties greater than one (1) acre in size, a maximum cumulative sign area of thirty-two (32) square feet is permitted.
- c. The sign shall be permitted:
  - (1) During times that the commercial property is being developed or marketed for sale or lease until the property is sold or leased; or
  - (2) While there is an active building permit on the property until a certificate of occupancy/completion is issued; or
  - (3) The first thirty (30) days after an opening of a new business; or
  - (4) For a period of thirty (30) days prior to an election in accordance with the additional temporary non-commercial signs before an election regulations above.

2. *Building banner sign, commercial:*

- a. A maximum of one (1) banner per ground floor tenant of a commercial building with a maximum sign area of thirty-two (32) square feet if authorized through a special events permit. Signs shall be securely fastened to the building facade and shall not extend above the roofline or parapet.
- b. Banner placement is limited in duration to no more than fourteen (14) days prior to and fourteen (14) days after the date of the event or activity to which they relate, or the first thirty (30) days after an opening of a new business.
- c. When a temporary banner is associated with the manufacturing and installation of a permanent affixed sign, the banner shall be removed within sixty days, or immediately upon installation of the permanent sign, whichever first occurs.

**Sec.45-115. Transitory signs,**

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A. *Residential transitory signs.* Residential transitory signs are directional signs intended to facilitate garage sales, open houses, moving sales, yard sales, and similar events, subject to the following requirements.

1. In addition to one (1) sign at the residence where the activity is occurring, no more than three (3) directional signs may be permitted within the swale area of any two (2) lane street bounded on both sides by residential properties.
2. Directional signs will not be permitted in the median or on any sidewalk, and must be set back at least five (5) feet from edge of pavement.
3. The signs may not exceed four (4) square feet in area and four feet in height measure to the top of the sign.
4. The signs must be erected and taken down on the same calendar day.
5. The signs may only be posted on a Saturday or Sunday or legal holiday, and shall on each day be limited to a display period no earlier than 5:00 a.m. and no later than 5:00 p.m.
6. The signs may only be staked to or pressed into the ground.
7. Where the public interest in the road right-of-way is limited to an easement, the consent of the owner of the underlying property is required to post signs in the right-of-way.

B. *Transitory special event signs, banners, and directional signs.*

1. The special event must be located within the municipal limits of the village.
2. A temporary special event permit must be approved by the village. The permit may list locations where special event signage may be displayed on private or public property. For private property locations, a letter from the property owner with a diagram showing the designated location for the sign must be submitted to the village along with the permit application for the event. For public property locations, the consent of the governmental agency owning or controlling such property is required (if the public interest is an easement, the consent of the landowner shall likewise be required).
3. One (1) sign not to exceed sixteen (16) square feet in area, directing the attention of the public to the special event may be permitted on

1 each street frontage of the property where the special event occurs.  
2 One (1) banner for the special event, not to exceed forty (40) square  
3 feet in area, directing the attention of the public to the special  
4 event, may be permitted to be attached to a building housing the  
5 event, or may be attached to a perimeter wall or fence adjacent to  
6 a street frontage on the property where the event is located. A  
7 special event sign or banner may be erected two (2) weeks prior to  
8 the event and must be removed within two (2) days after the event.  
9

- 10 4. Special event signs can contain the names or logo of a specific  
11 agency or business that is sponsoring the event/activity. Special  
12 event directional signs shall not exceed four (4) square feet per sign  
13 face and may be constructed of plastic or paper. Special event  
14 directional signs can be placed the day before the event begins and  
15 must be removed no later than the day after the event.  
16

17 **Sec. 45-116. Commercial Northlake (C-NB) District.**  
18

19 A. *Business signs permitted.* A permanent sign advertising a business or  
20 establishment shall consist of the following:  
21

- 22 1. A canopy or awning sign;  
23  
24 2. A ground or monument sign with one (1) or two (2) faces;  
25  
26 3. A wall sign with one (1) face; and/or  
27  
28 4. A window sign not to exceed twenty (20) percent of the total  
29 window area covered.  
30

31 B. *Sign type and criteria.*  
32

- 33 1. *Canopy or awning* signs. Notwithstanding limitations of this  
34 article on the projection of signs from the wall of a building,  
35 signs shall be permitted on canopies and awnings subject to the  
36 following:  
37  
38 a. The sign shall indicate only the name of the building or the  
39 name of the principal occupant of the building;  
40  
41 b. The sign shall be painted or printed directly on the canopy  
42 or awning; and  
43  
44 c. The sign shall be counted in determining the area of wall-  
45 mounted signs permitted on the wall from which the  
46 canopy or awning projects.

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2. *Ground signs.* The name, logo, and address of parcel of land as per the following standards:
  - a. A minimum of one (1) sign for parcel of land.
  - b. *Overall.* For parcels with greater than three hundred (300) linear feet of street frontage, one (1) additional sign for each additional seven hundred (700) linear feet of street frontage to include intersecting roadways.
  - c. *Outparcels.* Outparcels of a commercial center are permitted to have one (1) ground sign:
    - (1) If the outparcel has direct access to Northlake Boulevard.
    - (2) Overall.
      - i. If the outparcel is entitled to a ground sign, street frontage calculations for the outparcel should not be included in the street frontage calculations for the adjacent commercial center.
      - ii. Outparcel information may be provided in the permitted commercial center ground signs if internally accessed pursuant to regulations of this article.
  - d. The maximum area of a ground sign is sixty (60) square feet.
  - e. The maximum height of a ground sign is ten (10) feet.
  - f. *Minimum setbacks.* The minimum setbacks for ground signs are as follows:
    - (1) Two hundred (200) feet between signs located within the same parcel of land.
    - (2) Fifty (50) feet from sign to a non-right-of-way property line.
    - (3) Five (5) feet from the public right-of-way.

- 1 (4) Eight (8) feet from utility transmission lines.  
 2  
 3 (5) Four (4) feet from the edge of pavement or curb  
 4 when placed in an ingress/egress median.  
 5  
 6 g. *Street frontage.* Street frontage is measured as the linear  
 7 length of a property line adjacent to a public right-of-way.  
 8  
 9 3. *Wall signs.* The name, logo, and address of the business to which  
 10 the sign is accessory and other related information. No wall  
 11 sign shall be painted directly onto the building.  
 12  
 13 C. *Permissible size, height, location, and number of permitted business signs.*  
 14  
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**Table 45-2  
 Permitted Business Signs**

Sign Type	Maximum Number	Maximum Number of Sign Faces	Maximum Area (Sign Face)	Max. Height/Dimensions	Other Limits
Canopy or awning	1 per front or side	1	3 sq. ft.	none	Signage considered a wall sign Copy shall not exceed 6" in height
					Functional awning: (shade/cover) calculate sq. ft. by enclosing copy Non-functional: (decorative only) sign is entire awning
Ground/Monument (Overall)	Parcels with > 300 l.f. of street frontage	2 per sign	40 sq. ft.	10 ft. height	20 ft. min. from public right-of-way
	1 additional sign per each additional 700 l.f. of street frontage		45 sq. ft.	10 ft. height	30 ft. min. from public right-of-way
			60 sq. ft.	10 ft. ht./15 ft. width	50 ft. min. from ROW. and interior property lines
					Sign copy not to exceed building identification and 1 tenant
					Requires 3 ft. min. solid sign base without copy
					200' between signs within the same parcel of land.
					50' from sign to non-ROW property line
					8' min. from utility lines
					min. 4 ft. from edge of pavement or curb when placed in an ingress/egress median

Wall mounted (front wall)	1 sign per business per street frontage with a max. of 2 signs per business	1	1 sq. ft. per 1-1/2 × the length of wall sign is attached to.	Mounting height is 6" below roof at sign location or 18 ft. max. height on up to 2 story bldg.	
Wall mounted (side/rear wall)		1	lesser of 50% of max. area of front wall or 1 sq. ft. per 1-1/2 × the length of wall the sign is attached to		
Wall mounted (side/rear-residential adjacent)		1	lesser of 25% of max. area of front wall or 1 sq. ft. per 1-1/2 × the length of wall the sign is attached to		
Wall mounted (overall)					Shall not cover or partially cover a required wall opening
					Shall not project more than 18 inches from the building
					Mounted flush with wall
					First floor location only
					3' min. between wall signs
					Wall signs shall not exist with projecting signs

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D. *Restrictions.* Advertising for the following purposes may be displayed:

1. *Construction* signs. To identify development construction in progress.
  - a. Such message shall not be displayed more than sixty (60) days prior to the beginning of actual construction of the project and shall be removed when construction is completed.
  - b. If a message is displayed pursuant to this section, but construction is not initiated within sixty (60) days after the message is displayed, or if construction is discontinued for a period of more than sixty (60) days, the message shall be removed, pending initiation or continuation of construction activities.

- 1 c. Upon final certificate of occupancy of a completed  
 2 residential or nonresidential structure, such sign shall be  
 3 removed.  
 4  
 5 2. *For-sale* signs. Such signs shall comply with the regulations of  
 6 this article.  
 7  
 8 3. *Grand opening* signs. To announce the opening of a new business  
 9 or the change of ownership of an established business shall be  
 10 permitted in addition to other signs, which may be permitted by  
 11 this regulation. Signs shall not remain in place for more than seven  
 12 (7) days commencing immediately upon the opening of a new  
 13 business or the change of ownership of an established business.  
 14  
 15 4. *Special event* signs. Such signs shall be placed no more than fifteen  
 16 (15) days prior to the beginning of the event and provided further  
 17 that all such signs shall be removed within forty-eight (48) hours  
 18 after the event. Approval of the size and locations of the signs by  
 19 the village is required.  
 20  
 21 D. *Permissible size, height, location, and number of temporary signs.*  
 22  
 23  
 24

**Table 45-3  
 Permitted Temporary Signs**

Sign Type	Max. Number	Max. # of Signs Faces	Maximum Area	Maximum Height/Dimensions	Other Limitations
Construction	1 per 500 linear feet	1	32 sq. ft.	8 ft.	20' min. setback from property line and right-of-way time frame: 60 days before/removal at the certificate of occupancy
For-sale					Signs shall comply with the regulations of the village.
Grand Opening	1 per parcel	1	32 sq. ft.	6 ft.	20' min. setback from property line and right-of-way time frame: 7 calendar days total
Special Event	1 per parcel	2	32 sq. ft.	8 ft.	20' min. setback from property line and right-of-way time frame: 15 days before/48 hours after.

- 25  
 26 E. *Accessory Signs permitted.* A permanent accessory sign may be a ground  
 27 or monument sign with one (1) or two (2) faces or wall signs with one (1)  
 28 face.  
 29  
 30 1. *Accessory sign types and criteria.*  
 31  
 32 a. *Gasoline* signs.  
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b. *Parking area directional* signs. Parking area directional signs may be erected at each point of ingress and egress to a parking lot or parking area shall not be counted as part of an occupant's allowable sign area. Directional signs shall be subject to the following:

- (1) Such signs shall not exceed two (2) square feet in background area nor extend to a height greater than three (3) feet above ground.
- (2) Only one (1) such sign shall be allowed at each point of ingress and egress, and such signs shall not create a traffic or pedestrian hazard.
- (3) No names or logos are permitted on the sign.

c. *Parking area instructional and related* signs. The direction of traffic flow within a parking or loading area, ingress and egress points, areas where no parking is permitted, identification of parking spaces reserved for other specific groups or for individuals, and other similar information.

2. *Permissible size, height, location, and number of permitted accessory signs.*

**Table 45-4  
Permitted Accessory Signs**

Sign Type	Max. Number	Max. # of Signs Faces	Max. Area	Max. Height/Dimensions	Other Limits
Building Directory	1 per building for occupants not accessible to street frontage	1	18 sq. ft.	6 ft. height	2 or more buildings on same parcel or development Internal illumination only Location with twenty-five (25) ft. of main entry to building Changeable copy permitted
Gasoline price	1 per station	2	15 sq. ft. per side	none	20 min. from all property lines May include changeable copy
Flags (free standing)	3 flags max	2 per flag	ht. of flag is 30% of pole ht.	20 ft. height of pole	max. dimension of flag is 5' x 10'

			length is (2x) max. allowable ht.		min. setback is 103% of pole ht.
Flags (from structure)	1 flag max	2 per flag	(same as flag- free standing)		10 ft. above highest structure
Parking area instructional	as needed	2	4 sq. ft./face	6 ft. height freestanding or 12 ft. height if wall-mounted	max. 3 ft. above crown of paving or road
					2 ft. from lot line
					copy limited to exit, entrance, exit only, etc.
					Internal illumination only
					5 ft. from public right-of- way
Parking directional	1 per ingress of regress	2	2 sq. ft./face	3 ft. height freestanding	
				4 ft. max. height from crown of paving or road	

**Sec. 45-117. Severability.**

- A. *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article.
- B. *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection A above, or elsewhere in this article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- C. *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection A. above, or elsewhere in this article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this

1 article that pertains to prohibited signs, including specifically those signs  
2 and sign types prohibited and not allowed under this article. Furthermore, if  
3 any part, section, subsection, paragraph, subparagraph, sentence, phrase,  
4 clause, term, or word of this article is declared unconstitutional by the valid  
5 judgment or decree of any court of competent jurisdiction, the declaration  
6 of such unconstitutionality shall not affect any other part, section,  
7 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or  
8 word of this article , thereby ensuring that as many prohibited sign-types as  
9 may be constitutionally prohibited continue to be prohibited.

10 Section 8. The provisions of this Ordinance shall become and be made a part of the Code of  
11 the Village of North Palm Beach, Florida.

12  
13  
14 Section 9. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for  
15 any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void,  
16 such holding shall not affect the remainder of this Ordinance.

17  
18 Section 10. All ordinances or parts of ordinances and resolutions or parts of resolutions in  
19 conflict herewith are hereby repealed to the extent of such conflict.

20  
21 Section 11. This Ordinance shall take effect immediately upon adoption.

22  
23 PLACED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

24  
25 PLACED ON SECOND, FINAL READING AND PASSED THIS \_\_\_\_ DAY OF  
26 \_\_\_\_\_, 2024.

27  
28  
29  
30 (Village Seal)

\_\_\_\_\_  
MAYOR

31  
32  
33 ATTEST:

34  
35 \_\_\_\_\_  
36 VILLAGE CLERK  
37  
38

1 APPROVED AS TO FORM AND  
2 LEGAL SUFFICIENCY:

3

4

5 \_\_\_\_\_

VILLAGE ATTORNEY

**CLEAN COPY**  
**SIGN CODE ORDINANCE**

1 **ORDINANCE NO. 2024-\_\_\_**

2  
3 AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF  
4 NORTH PALM BEACH, FLORIDA, AMENDING CHAPTER 6, "BUILDINGS  
5 AND BUILDING REGULATIONS," OF THE VILLAGE CODE OF  
6 ORDINANCES BY REPEALING ARTICLE V, "SIGNS AND OUTDOOR  
7 DISPLAYS," IN ITS ENTIRETY; AMENDING ARTICLE III, "DISTRICT  
8 REGULATIONS," OF APPENDIX C (CHAPTER 45), "ZONING," OF THE  
9 VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 45-34, "C-G  
10 GENERAL COMMERCIAL DISTRICT," SECTION 45-34.1, "C-3 REGIONAL  
11 BUSINESS DISTRICT," SECTION 45-34.3, "C-NB NORTHLAKE  
12 BOULEVARD COMMERCIAL DISTRICT, AND SECTION 45-38, "I-1 LIGHT  
13 INDUSTRIAL DISTRICT," TO REMOVE SIGN REGULATIONS; AMENDING  
14 APPENDIX C (CHAPTER 45), "ZONING," OF THE VILLAGE CODE OF  
15 ORDINANCES BY ADOPTING A NEW ARTICLE IX, "SIGNS AND  
16 OUTDOOR DISPLAYS;" PROVIDING FOR SEVERABILITY; PROVIDING  
17 FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR  
18 OTHER PURPOSES.

19  
20 WHEREAS, the Village Council wishes to update and consolidate the Village's regulations for  
21 signage and outdoor displays to: preserve the residential character of the Village; to protect and  
22 promote the public health, safety, and welfare; protect property values; create an attractive  
23 economic and business climate; and comply with all legal and constitutional requirements  
24 applicable to such regulations; and

25  
26 WHEREAS, on August 6, 2024, the Planning, Zoning and Adjustment Board, sitting as the Local  
27 Planning Agency, conducted a public hearing to review this Ordinance and provide a  
28 recommendation to the Village Council; and

29  
30 WHEREAS, having considered the recommendation of the Planning, Zoning and Adjustment  
31 Board and conducted all required advertised public hearings, the Village Council determines that  
32 the adoption of this Ordinance is in the interests of the health, safety, and welfare of the residents  
33 of the Village of North Palm Beach.

34  
35 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE  
36 OF NORTH PALM BEACH, FLORIDA as follows:

37  
38 Section 1. The foregoing recitals are ratified as true and correct and are incorporated herein.

39  
40 Section 2. The Village Council hereby amends Chapter 6, "Buildings and Building  
41 Regulations," of the Village Code of Ordinances by repealing Article V, "Signs and Outdoor  
42 Displays," in its entirety.

43  
44 Section 3. The Village Council hereby amends Article III, "District Regulations," of  
45 Appendix C (Chapter 45) of the Village Code of Ordinances by amending Section 45-34, "C-G

1 general commercial district,” to read as follows (additional language underlined and deleted  
2 language ~~stricken through~~):

3  
4 **Sec. 45-34. C-G general commercial district.**

5  
6 \* \* \*

7  
8 C. *Use and operating restrictions.* Every commercial use located within the C-  
9 G district shall be so operated as to comply with the following performance  
10 standards:

11  
12 1. No industrial equipment or vehicles shall be sold, leased, rented or  
13 otherwise stored within the C-G district. For purposes herein,  
14 industrial equipment is defined as equipment used primarily for  
15 purposes other than transportation or hauling. Trucks other than  
16 pickup trucks, vans and jeeps shall be displayed in areas separated  
17 from a public right-of-way by a building.

18  
19 2. No vehicle shall be parked for display purposes with its hood or  
20 trunk open, nor elevated off the ground in any way. Vehicles shall  
21 not be parked in any right-of-way or driveway.

22  
23 3. ~~Advertising, flags, pennants, streamers, balloons, signs or vehicle~~  
24 ~~stock numbers shall not be displayed on any vehicle or equipment.~~  
25 ~~Similar objects or advertising designed to attract the public's~~  
26 ~~attention shall not be displayed outdoors on any lot, building,~~  
27 ~~vehicle or equipment.~~

28  
29 4 3. Any areas designated for the off-loading of vehicles or for loading  
30 and deliveries shall be located to the rear of buildings and shall be  
31 located so as to contain noise on-site. These areas shall not be  
32 located closer than one hundred (100) feet from any residentially  
33 zoned lot and shall be appropriately designated, marked and signed.

34  
35 \* \* \*

36  
37 Section 4. The Village Council hereby amends Article III, “District Regulations,” of  
38 Appendix C (Chapter 45) of the Village Code of Ordinances by amending Section 45-34.1, “C-3  
39 regional business district,” to read as follows (additional language underlined and deleted language  
40 ~~stricken through~~):

41  
42 **Sec. 45-34.1. C-3 regional business district.**

43  
44 \* \* \*

1 (7) ~~Reserved. Signs. In addition to the other provisions of sections 6-~~  
2 ~~111 through 6 117 of this Code, but notwithstanding any conflicting~~  
3 ~~standards found therein, signs in the C-3 zoning district shall comply with~~  
4 ~~the following regulations unless modified through the special C-3 PUD~~  
5 ~~procedures.~~

6  
7 a. ~~Ground signs are mounted on a monolithic base and are independent~~  
8 ~~of any building for support. They are permitted only when the sign~~  
9 ~~and base are monolithic and have essentially the same contour from~~  
10 ~~grade to top. Ground signs that meet the following regulations are~~  
11 ~~permitted in the C-3 district only along U.S. Route 1 and Northlake~~  
12 ~~Boulevard:~~

13  
14 1. ~~Maximum number of ground signs: One (1) ground sign~~  
15 ~~along U.S. Route 1 and one (1) ground sign along Northlake~~  
16 ~~Boulevard, regardless of jurisdiction, North Palm Beach or~~  
17 ~~Lake Park.~~

18  
19 2. ~~Maximum height of ground sign base: Three (3) feet.~~

20  
21 3. ~~Maximum height of ground signs: Thirteen (13) feet~~  
22 ~~including the base, measured from the finished grade nearest~~  
23 ~~the base (excluding berms).~~

24  
25 4. ~~Maximum size of ground signs: One hundred (100) square~~  
26 ~~feet; copy may be placed on two (2) sides of a ground sign~~  
27 ~~without counting the area twice.~~

28  
29 b. ~~Pole signs are not attached to any building and are supported upon~~  
30 ~~the ground by poles or braces. Pole signs are not permitted in the C-~~  
31 ~~3 district.~~

32  
33 c. ~~Wall signs are those that are attached to the exterior of a building or~~  
34 ~~structure in such a manner that the wall becomes the supporting~~  
35 ~~structure, and may form the background surface, of the sign. Wall~~  
36 ~~signs are permitted in the C-3 district provided they meet the~~  
37 ~~following regulations:~~

38  
39 1. ~~Maximum depth of wall signs: Wall signs may not be painted~~  
40 ~~directly on the wall and may not project more than two (2)~~  
41 ~~feet from the building to which they are fastened.~~

42  
43 2. ~~Allowable slope of wall signs: Wall signs may not be~~  
44 ~~attached to walls that slope more than forty-five (45) degrees~~  
45 ~~from a vertical plane.~~

1 3. ~~Maximum height of wall signs:~~ Eighteen (18) feet measured  
2 from the finished grade nearest the wall, except that on a  
3 building of more than two (2) stories, a single wall sign is  
4 allowed above eighteen (18) feet. No wall sign may extend  
5 above the top of the wall to which it is attached.  
6

7 4. ~~Maximum number of wall signs:~~ One (1) permanent wall  
8 sign is permitted for each business which has direct ground  
9 level walk in access from a public or private roadway or  
10 sidewalk, and one (1) additional permanent wall sign  
11 identifying the building is permitted for each multiple  
12 occupancy complex.  
13

14 5. ~~Maximum size of wall signs:~~ Five (5) percent of the area of  
15 the wall to which it is attached; or seven (7) percent if the  
16 front building setback is greater than seventy (70) feet; or ten  
17 (10) percent if the front building setback is greater than one  
18 hundred (100) feet. However, in no case shall a wall sign  
19 exceed one hundred (100) square feet in size.  
20

21 d. ~~Roof signs are erected and constructed wholly on and over the roof~~  
22 ~~of a building, and are supported by the roof structure or are an~~  
23 ~~integral part of the roof. Roof signs are not permitted in the C-3~~  
24 ~~district.~~  
25

26 e. ~~Size computations:~~ When these regulations establish the maximum  
27 size of a sign, it shall be computed by means of the smallest square,  
28 circle, rectangle, triangle, or combination thereof that will  
29 encompass the extreme limits of the writing, representation,  
30 emblem, or other display, together with any material or color  
31 forming an integral part of the background of the display or used to  
32 differentiate the sign any backdrop or structure against which it is  
33 placed.  
34

35 f. ~~Allowable colors:~~ Notwithstanding the regulations in chapter 6 of  
36 this Code, color tones utilized for all signs complying with these  
37 regulations shall be compatible with surrounding area.  
38

39 g. ~~Lighting:~~ Signs containing illumination shall be turned off by 12:00  
40 a.m. (midnight) each night, or when the business closes, whichever  
41 is later.  
42

43 h. ~~Appeals:~~ Notwithstanding conflicting appeal procedures found  
44 elsewhere in this Code, all requests for modifications to sign  
45 regulations in the C-3 zoning district shall be made through the  
46 special C-3 PUD procedures found below in 45-34.1(10).

\* \* \*

(10) *Special C-3 planned unit development (PUD) provisions.* It is the intention of the village to provide a mechanism and process to promote the redevelopment of the obsolete and underutilized areas of the C-3 zoning district with large-scale, master-planned projects that promote: a mix of uses; connectivity; pedestrian-oriented development; removal of surface parking; creation of public/civic gathering spaces; and shopping, entertainment, and restaurant uses within the form of an urban neighborhood incorporating residential development as an integral use. These projects promote the economic and redevelopment goals of the village, and the village has created these planned unit development (PUD) provisions to facilitate these goals. The development regulations applicable within the PUD are not permitted or allowed by right and shall only apply if the village council determines that each of the threshold criteria is met. Properties located in the C-3 zoning district that do not meet the threshold criteria set forth below may utilize the general PUD provisions of section 45-35.1 of this code as set forth in section 45-35.1(D). Properties located in the C-3 zoning district that do meet each of the threshold criteria below may, at the option of the property owner, utilize the following special PUD regulations:

\* \* \*

~~q. — *Sign standards:* All projects shall provide a sign plan that shall be reviewed and approved by the village during site plan and appearance approval. Pedestrian oriented signs are strongly encouraged and no ground signs shall be permitted as part of the PUD.~~

~~r. — *Lighting standards:* A photometric plan shall be provided during site plan and appearance review. The plan shall include all luminaire specifications, pole locations, and foot-candle levels on directly adjacent properties. Light trespass shall be limited to the largest extent possible.~~

Section 5. The Village Council hereby amends Article III, “District Regulations,” of Appendix C (Chapter 45) of the Village Code of Ordinances by amending Section 45-35.3, “C-NB Northlake Boulevard commercial district,” by repealing Article 7, “Signage and Outdoor Displays,” in its entirety.

Section 6. The Village Council hereby amends Article III, “District Regulations,” of Appendix C (Chapter 45) of the Village Code of Ordinances by amending Section 45-38, “I-1 light industrial district,” to read as follows (deleted language is ~~stricken through~~):

1 A. *Intent.* The purpose and intent of the I-1 light industrial district is to  
2 implement the Light Industrial/Business future land use category, as  
3 established in the Village of North Palm Beach Comprehensive Plan. The  
4 I-1 district provides areas in appropriate locations for certain types of  
5 businesses, light manufacturing, processing or fabrication of non-  
6 objectionable products not involving the use of material, processes or  
7 machinery likely to cause undesirable effects upon the environment or on  
8 nearby or adjacent residential or commercial properties.

9  
10 \* \* \*

11  
12 ~~P. *Signs.* All signs, permanent and temporary, shall be located a minimum of~~  
13 ~~ten (10) feet from the ultimate rights-of-way line of the adjacent street or~~  
14 ~~road, as defined by the Village or Palm Beach County, as appropriate.~~

15  
16 ~~1. *Permit required.* All signs shall require the issuance of a building~~  
17 ~~permit prior to erection and in accordance with the procedures~~  
18 ~~established by the Village for the issuance of building permits.~~

19  
20 ~~2. *All building permit applications for signage in the I-1 District shall*~~  
21 ~~*comply with Article V, Signs and Outdoor Displays of the Village*~~  
22 ~~*Code.*~~

23  
24 ~~3. *Where distinctions among uses are made in Article V, uses in the I-*~~  
25 ~~*1 District shall be considered to be commercial uses.*~~

26  
27 Section 7. The Village Council hereby amends Appendix C (Chapter 45), “Zoning,” of the  
28 Village Code of Ordinances by adopting a new Article IX, “Signs and Outdoor Displays,” to read  
29 as follows:

30  
31 **ARTICLE IX. SIGNS AND OUTDOOR DISPLAYS**

32  
33 **Sec. 45-100. Purpose and scope of regulations.**

34  
35 A. *In General.* The purpose of this article is to establish regulations for the  
36 systematic control of signs and advertising displays within the village. The  
37 regulations and requirements as herein set forth are intended to preserve the  
38 residential character of the village; to protect and promote the general  
39 health, safety, and welfare of the public; to protect property values; and to  
40 assist in the safe, economic, and aesthetic development of business by  
41 creating an attractive economic and business climate.

42  
43 1. *Property value protection.* Signs should not create a nuisance to the  
44 occupancy or use of other properties due to their size, height,  
45 brightness, or movement. They should be in harmony with  
46 buildings, the neighborhood, and other conforming signs in the area.

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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 subareas.

3. *Preservation of the community's beauty.* Smaller residential municipalities such as the village rely heavily on their natural surroundings and beautification efforts to retain their unique character. This concern is reflected through the active and objective regulations of the appearance and design of signs.

B. *Scope.* The provisions of this article shall regulate the location, number, size, use, appearance, construction, and maintenance of all signs permitted in each zoning district. This article is not intended to and does not apply to signs constructed, maintained, or otherwise posted, owned, or leased by the village, Palm Beach County, the State of Florida, or the federal government and does not regulate official traffic control devices.

C. *Purpose:* The regulations in this chapter are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may adversely affect the village's substantial and compelling governmental interests in preserving scenic beauty and community aesthetics, and in vehicular and pedestrian safety in conformance with the First Amendment to the United States Constitution. It is therefore the purpose of this article to promote aesthetics and the public health, safety, and general welfare, and assure the adequate provision of light and air within the village through reasonable, consistent, and nondiscriminatory standards for the posting, displaying, construction, use, and maintenance of signs and sign structures that are no more restrictive than necessary to achieve these governmental interests.

D. *Findings.* The village council, acting in its legislative capacity for the purpose of regulating signage, hereby makes the following findings of fact:

The reasonable regulation of the location, number, size, use, appearance, construction, and maintenance of signs within the village serves a compelling governmental interest, for the following reasons:

1. *Florida Constitution.* Article II, Section 7 of the Florida Constitution provides that “[i]t shall be the policy of the state to conserve and protect its natural resources and scenic beauty. . . .” A beautiful environment preserves and enhances the desirability of the

1 village as a place to live and to do business. Implementing the  
2 Florida Constitution is a compelling governmental interest.

- 3  
4 2. *Florida Statutes.* Florida law requires municipalities to adopt  
5 comprehensive plans and implement them through land  
6 development regulations (also known as zoning regulations) and  
7 approval of development orders that are consistent with the  
8 comprehensive plan. See Part II of Chapter 163, Florida Statutes.  
9 Florida law specifically requires that municipalities adopt sign  
10 regulations. See Section 163.3202(2)(f), Florida Statutes.  
11 Complying with state law is a compelling governmental interest.

12  
13 The village council specifically finds that these sign regulations are  
14 narrowly tailored to achieve the compelling and substantial governmental  
15 interests of traffic safety and aesthetics, and that there is no less restrictive  
16 method for the village to further these interests.

17  
18 **Sec. 45-101. Definitions.**

19  
20 For the purposes of this article, the following words or terms shall have the  
21 meaning ascribed to them in this section, except where the context clearly indicates  
22 otherwise:

23  
24 *Abandoned sign.* A building, freestanding, or off premises sign that: (a) for  
25 a period of thirty (30) or more consecutive days, (1) no longer correctly advertises,  
26 identifies, displays, directs, or attracts attention to an object, institution,  
27 organization, business, product, service, or event on the premises upon which the  
28 sign is located; (2) identifies a time, event or purpose that has passed or no longer  
29 applies; or (3) contains missing letters or other components of the sign, rendering  
30 the sign indecipherable or (b) for a period of six (6) consecutive months, includes  
31 a sign structure that bears no sign or a sign face that bears no copy.

32  
33 *Address sign.* A sign indicating only the common street address. For the  
34 purposes of this definition, a nameplate shall be construed to be an address sign.

35  
36 *"A" frame sign/Sandwich board sign.* A freestanding sign, which is  
37 ordinarily in the shape of an "A" or some variation thereof, which is readily  
38 moveable, and is not permanently attached to the ground or any structure thereof.

39  
40 *Animated sign.* A sign, which utilizes motion of any part by any means,  
41 including wind power, or displays flashing, oscillating or intermittent lights,  
42 animated animal figures or characters.

43  
44 *Awning.* An architectural projection that provides weather protection,  
45 identity and/or decoration and is wholly supported by the building to which it is  
46 attached. An awning is comprised of a lightweight, rigid, or retractable skeleton  
47 over which an approved cover is attached.

1  
2           *Awning sign.* A sign painted on, printed on or attached flat against the  
3 surface of an awning.

4  
5           *Back lit awning.* An internally illuminated awning with translucent  
6 covering.

7  
8           *Banner sign.* Any sign (that cannot be considered a flag), intended to be  
9 suspended for display, either with or without frames, having characters, letters,  
10 illustrations, or ornamentations applied to cloth, paper, plastic, balloons, or fabric  
11 of any kind with such material acting as a backing.

12  
13           *Building directory sign.* A sign necessary for pedestrian and traffic safety,  
14 regulation, control, wayfinding, and circulation, indicating the location of an  
15 activity or service, incidental to a use, but not advertising the use in any manner.

16  
17           *Building identification sign.* A sign necessary for pedestrian and traffic  
18 safety, regulation, control, wayfinding, and circulation, in which the copy is limited  
19 to the name and address of a building or institution.

20  
21           *Building wall sign.* A sign displayed upon or attached to any part of the  
22 exterior of a building (including walls, windows, doors, parapets, awnings, and roof  
23 slopes of forty-five (45) degrees or steeper), constructed parallel to, and extending  
24 not more than twenty-four (24) inches from, the building facade to which it is  
25 affixed. A sign that is projected onto a building facade (e.g., video projection, 3D  
26 projection mapping, and other methods of casting images) is also a building wall  
27 sign.

28  
29           *Cabinet sign (or box sign).* A building sign which is an enclosed cabinet  
30 with copy on one or more sides and which may enclose an integrated light source  
31 that can shine through the sides or face of the sign.

32  
33           *Canopy.* A roof-like structure, generally self-supporting, that may be  
34 freestanding or attached to a principal structure, providing shade and weather  
35 protection, typically utilized in locations such as over drive-thru lanes, walkways,  
36 entrances, and gasoline pumps.

37  
38           *Changeable copy sign.* A sign which is visible from outside a building and  
39 which is characterized by changeable copy, regardless of method of attachment of  
40 the copy.

41  
42           *Channel letters.* Custom-made metal or plastic letters commonly used in  
43 exterior signage on public and commercial buildings, and often internally  
44 illuminated.

1           *Channel letter sign.* A sign comprised of individually fabricated, three-  
2 dimensional letters with metal sides and backing, and typically an acrylic or  
3 polycarbonate face, where each letter is mounted directly to a supporting structure.  
4 Any internal illumination is directed through the translucent face of the letter except  
5 for a "reverse channel letter sign," which utilizes a translucent back that directs the  
6 light onto the wall or similar surface upon which the letter is mounted, typically  
7 with an offset from the mounting surface that produces a "halo" effect.

8  
9           *Commercial message.* Any sign that, directly or indirectly, names,  
10 advertises, or calls attention to a business, product, service, or other commercial  
11 activity.

12  
13           *Construction sign.* A temporary sign identifying those engaged in  
14 construction on any building site. This includes the builder, contractor, developer,  
15 architect, engineer, painter, plumber or other persons or artisans involved in such  
16 construction.

17  
18           *Copy.* The linguistic or graphic content of a sign.

19  
20           *Digital sign:* A sign that utilizes an electronic display including but not  
21 limited to liquid crystal display or light emitting diodes (LCD or LED), plasma  
22 display, or projected images that can be changed automatically.

23  
24           *Directional sign or wayfinding sign:* An on-premises sign designed to guide  
25 or direct pedestrians or vehicular traffic.

26  
27           *Discontinuance of occupancy.* The occupant identified on a sign has ceased  
28 to operate, offer services or products, or conduct activity consistent with a current  
29 BTR or certificate of use in the location indicated by the sign, for a period of thirty  
30 (30) consecutive days. It shall not be a "discontinuance of occupancy" when an  
31 occupant first provides the village manager with written notification that the use  
32 will be closed for renovation, summer season, or other defined period after which  
33 the occupant will resume activity, provided that the occupant does resume the  
34 activity on the specified date, as may be extended by the village manager upon  
35 request by the occupant.

36  
37           *Double-faced sign.* A single sign with two faces that are parallel to each  
38 other.

39  
40           *Electric sign.* Any sign containing electric wiring.

41  
42           *Electronic changeable copy sign.* A sign that utilizes an electronic display  
43 including, but not limited to, liquid crystal display or light emitting diodes (LCD or  
44 LED), plasma display, or projected images, on which the copy is changed  
45 electronically. The following definitions pertain to electronic signs.

- 1           1.       *Dwell time.* The minimum amount of time that a message must be  
2                           static on an electronic sign. The dwell times shall not include any  
3                           transition time.
- 4
- 5           2.       *Static.* A display that is fixed and unchanging, with no portion of the  
6                           display being in motion, flashing or changing in color or light  
7                           intensity.
- 8
- 9           3.       *Transition.* A visual effect used on an electronic sign to change from  
10                          one (1) message to another.

11

12                   *Election sign.* A temporary sign that is displayed during the thirty (30) day  
13                   period immediately preceding any local, state, or federal election.

14

15                   *Entry feature sign:* An architectural feature or element with signage that is  
16                   typically located at the entrance to a development project, but is not attached to a  
17                   perimeter wall.

18

19                   *Façade.* The entire building wall, including wall face, parapet, fascia,  
20                   windows, doors, and facade projections on any single elevation.

21

22                   *Flag.* Any fabric displaying a message, color(s), logo, or other design,  
23                   which is attached to a flagpole at one side of the flag, with the length of the flag  
24                   perpendicular to a singular flagpole when fully extended.

25

26                   *Frontage.* The length of the property line of any one parcel along the  
27                   principal street or waterway on which it borders.

28

29                   *Grade, finished.* A reference plane representing the highest point of the  
30                   crown of any public or private street or roadway, which lies contiguous to the  
31                   property or building site. In the event that the abutting streets or roadways are  
32                   unimproved, grade shall be measured from the nearest paved roadway.

33

34                   *Ground sign (also known as a freestanding sign).* Any sign that is erected  
35                   on the ground, when no part of the sign is attached to any part of a building or  
36                   structure. A ground sign shall be supported by a base no greater than three (3) feet  
37                   in height. Pole signs are not permitted ground signs.

38

39                   *Harmful to minors.* Any description, depiction, or representation, in  
40                   whatever form, of nudity, sexual conduct, or sexual excitement, when it:

41

- 42           1.       Predominately appeals to the prurient, shameful, or morbid interest  
43                          of minors in sex; and
- 44

- 1           2.     Is patently offensive to contemporary standards in the adult  
2                     community as a whole with respect to what is suitable sexual  
3                     material for minors; and  
4
- 5           3.     Taken as a whole, lacks serious literary, artistic, political, or  
6                     scientific value.  
7

8     The term "harmful to minors" shall also include any non-erotic word or picture  
9     when it:

- 10           1.     Is patently offensive to contemporary standards in the adult  
11                     community as a whole with respect to what is suitable for viewing  
12                     by minors; and  
13
- 14           2.     Taken as a whole, lacks serious literary, artistic, political, or  
15                     scientific value.  
16

17  
18           *Height of a sign.* The height of a sign shall be measured as the vertical  
19     distance from the finished grade, excluding berms, at the base of the supporting  
20     structure to the top of the sign, or its frame or supporting structure, whichever is  
21     higher.  
22

23           *Human sign (or living sign).* A sign or a form of commercial message held  
24     by or attached to a human or character (animated or otherwise) for the purposes of  
25     advertising or otherwise drawing attention to an individual, business, commodity,  
26     service, or product. This can also include a person or a live or animated character  
27     dressed in costume or wearing a commercial message for the purpose of advertising  
28     or drawing attention to an individual business commodity service or product.  
29

30           *Identification sign.* A sign that is used to display the name, address, and  
31     number of a building, institution, or person and to communicate the activity carried  
32     on in the building or institution.  
33

34           *Illegal sign.* Any sign placed, erected, or installed that is prohibited by this  
35     article or that lacks proper approval or permits from the village as required by this  
36     article.  
37

38           *Illuminated sign.* A sign which contains a source of light or which is  
39     designed or arranged to reflect light from an artificial source, including indirect  
40     lighting, neon, incandescent lights, backlighting, and shall also include signs with  
41     reflectors that depend upon automobile headlights for an image.  
42  
43  
44

1           *Install or place a sign.* To construct, reconstruct, build, relocate, raise,  
2 assemble, place, affix, attach, create, paint, draw, or in any other way bring into  
3 being or establish a sign, but shall not include routine maintenance.  
4

5           *Logo.* Any symbol, trademark, picture, or other graphic representation,  
6 which is used to signify or identify the particular business or organization.  
7

8           *Marquee.* A structure projecting from, and completely supported by, a  
9 building, and which extends beyond the building line or property line and fully or  
10 partially covers a sidewalk, public entrance, or other pedestrian way.  
11

12           *Marquee sign* means any sign painted or printed onto or otherwise attached  
13 to a marquee.  
14

15           *Master sign plan.* A comprehensive document that contains a set of sign  
16 criteria unique to a specific shopping center, commercial property, building or  
17 development. It includes drawings and plans that illustrate the sign program for the  
18 overall development, including, but not limited to, size, location, type, architectural  
19 design, dimensions, and other design standards including materials, color, and sign  
20 illumination.  
21

22           *Memorial sign.* A building or freestanding sign memorializing a person,  
23 structure, site, or event.  
24

25           *Menu board sign.* A sign erected as part of a drive-through facility and used  
26 to display and order products and services available in association with the drive-  
27 through business.  
28

29           *Neon tube sign.* A sign electrically lighted by exposed tubes containing inert  
30 gas and visible from outside of a building.  
31

32           *Mobile sign.* A sign mounted on top or on the rear of a vehicle or bicycle or  
33 a sign attached to or located on a trailer or other equipment towed by a vehicle or  
34 bicycle; signs of a portable or mobile nature attached after-market, including signs  
35 mounted on top of or on the rear of a vehicle, and signs attached to or located on a  
36 trailer or other equipment towed by a vehicle. A mobile sign shall not be construed  
37 to include any sign mounted on a vehicle or trailer by the original manufacturer.  
38

39           *Monument sign.* A freestanding sign located at a commercial center that is  
40 detached from a building and has a support structure that is a solid-appearing base  
41 constructed of a permanent material, such as concrete block or brick.  
42

43           *Nonconforming sign.* A sign existing at the effective date of the adoption of  
44 this article, which could not be built under the terms of this article.  
45

1            *Occupant (occupancy).* The use of a building or structure, or any portion  
2 thereof for commercial transactions.

3  
4            *Off-site/off-premises sign.* A sign advertising an establishment,  
5 merchandise, service, or entertainment, which is not sold, produced, manufactured,  
6 or furnished at the property on which the sign is located.

7  
8            *Outline neon lighting.* An arrangement of electric discharge tubing to  
9 outline or call attention to certain features such as the shape of a building or the  
10 decoration of a window.

11  
12           *Painted wall sign.* A sign painted on a wall or on any other surface or part  
13 of a building or structure.

14           *Parapet.* A false front or wall extending above the roofline.

15  
16           *Parcel.* A unit of land within legally established property lines.

17  
18           *Permanent.* Designed, constructed, and intended for more than short-term  
19 use.

20  
21           *Pole sign.* A permanent freestanding sign mounted on a pole that is more  
22 than three feet in height (prohibited).

23  
24           *Portable sign.* Any sign which is manifestly designed to be transported by  
25 trailer or on its own wheels, including signs with removable wheels and signs  
26 painted on or affixed to a vehicle.

27  
28           *Post and panel sign.* A sign made up of one or more panels mounted  
29 between two posts.

30  
31           *Projecting sign.* A sign attached to a building extending more than twenty-  
32 four (24) inches beyond the building or wall face to which it is attached. Also  
33 referred to as a vertical blade sign.

34  
35           *Real estate sign.* Any sign installed by the owner or his agent on a temporary  
36 basis, advertising the real property upon which the sign is located for rent or for  
37 sale.

38  
39           *Residential transitory sign.* A sign which may be displayed on residential  
40 property for a period of time less than three (3) weeks and often shorter.  
41 Residential transitory signs shall comply with all of the requirements applicable  
42 to temporary signs, and if deemed a safety hazard may be removed without notice  
43 by any public personnel.

1            *Right-of-way.* A strip of land, dedicated or deeded to the perpetual  
2 use of the public occupied, or intended to be occupied, by a street, crosswalk,  
3 railroad, canal, road, electric transmission line, oil or gas pipeline, water supply  
4 main, sanitary sewer, storm drain, or for any other special use.

5  
6            *Roofline.* A horizontal line intersecting the highest point or points of a roof.  
7

8            *Roof sign.* A sign placed above the roofline of a building or on or against a  
9 roof slope of less than forty-five (45) degrees.

10  
11           *Sign.* Any writing, pictorial presentation, number, illustration, or  
12 decoration, flag, banner or pennant, balloon, search light, or other device which is  
13 used to announce, direct attention to, identify, advertise, or otherwise make  
14 anything known. The term sign shall not be deemed to include the terms "building"  
15 or "landscaping," or any architectural embellishment of a building not intended to  
16 communicate information.

17  
18           *Sign face.* The part of a sign that is or may be used for copy.  
19

20           *Sign face area.* The area of any regular geometric shape, which contains the  
21 entire surface area of a sign upon which copy may be placed.

22  
23           *Sign structure.* Any construction used or designed to support a sign.

24  
25           *Snipe sign.* A sign constructed of any material that is attached to a utility  
26 pole, tree, fence, light post, stake, or similar object located or situated on public or  
27 private property.

28  
29           *Special event sign.* A temporary sign displayed in connection with the  
30 opening of a business, a community event, and community program or festival.

31  
32           *Street.* A public or private right-of-way for vehicular traffic, including, but  
33 not limited to, highways, thoroughfares, lanes, roads, ways, and boulevards.

34  
35           *Temporary sign.* A sign, which is intended to be displayed for a limited time  
36 only, including real estate signs, construction signs, special events signs, and other  
37 temporary signage as described herein.

38  
39           *Traffic control device.* A sign, signal, marking, or other device used to  
40 regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway,  
41 private road open to public travel, pedestrian facility, or shared use path by  
42 authority of a public agency or official having jurisdiction placed by a public body  
43 or, in the case of a private road open to public transit, by authority of the private  
44 owner or private official having jurisdiction.

1           *Traffic-control sign.* A sign constructed or approved by a government entity  
2 used to direct and assist vehicle operators and pedestrians in the guidance and  
3 navigational tasks required to traverse safely any facility open to public travel.  
4

5           *Under canopy sign.* A building sign, which is mounted, attached, or  
6 suspended perpendicular to the building beneath an awning, canopy, or marquee.  
7

8           *Unit.* That part of a multiple occupancy complex housing one occupant.  
9

10           *Window sign.* Any sign, including logos, graphics, pictures, advertising,  
11 and lettering (excluding the business address), which is within thirty-six (36) inches  
12 of a building opening or a transparent or translucent covered opening (for example,  
13 a window, door or arch), and which is facing such opening so that the message on  
14 the sign is visible from outside the building. This includes business identification,  
15 logos or symbols, and commercial messages on window treatments, solar screens,  
16 and perforated vinyl or tint films.  
17

18           *Wall sign.* See *building wall sign.*  
19

20       **45-102. Prohibited signs.**  
21

22       A.     *Generally.* It shall be unlawful to install, place or keep any sign not  
23 expressly authorized by, or exempted from, this article.  
24

25       B.     *Specifically.* The following signs are expressly prohibited:  
26

- 27           1.     Signs that are in violation of the Florida Building Code.
- 28           2.     Any sign that constitutes a safety hazard.
- 29           3.     Blank temporary signs.
- 30           4.     Signs with visible moving, revolving, or rotating parts or visible  
31               mechanical movement of any description or other apparent visible  
32               movement achieved by electrical, electronic, or mechanical means.
- 33           5.     Signs with the optical illusion of movement by means of a design  
34               that presents a pattern capable of giving the illusion of motion or  
35               changing of copy.  
36           6.     Signs with lights or illuminations that flash, move, rotate, scintillate,  
37               blink, flicker, or vary in intensity or color.
- 38           7.     Outline neon lighting used on commercially developed parcels for  
39               commercial purposes.  
40           41           42           43           44           45           46

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8. Signs, commonly referred to as wind signs, consisting of one or more banners, flags, pennants, ribbons, spinners, streamers, or captive balloons, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind.
9. Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
10. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
11. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this code or other ordinance of the village.
12. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape, or color, would conflict with the proper functioning of any traffic sign or signal, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device, or signs located within ten (10) feet of public right-of-way or one hundred (100) feet of traffic-control lights, that contain red or green lights that might be confused with traffic control lights.
13. Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
14. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
15. Signs that contain any lighting or control mechanism that causes interference with radio, television, or other communication signals.
16. Searchlights used to advertise or promote a business or to attract customers to a property.
17. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.
18. Signs placed upon benches, bus shelters, or waste receptacles, except as may be authorized by the village.

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- 19. Signs erected on public property, other than signs erected by a public authority for public purposes.
- 20. Signs erected over or across any public street or right-of-way except as may otherwise be expressly authorized by this article, and except governmental signs erected by the village.
- 21. Signs displaying copy that is harmful to minors.
- 22. Portable signs.
- 23. Marquee signs.
- 24. Roof signs.
- 25. Painted signs or murals on walls or roofs of buildings.
- 26. Neon tube signs located inside or outside a building.
- 27. Off-site/off-premises signs, except as provided in section 45-107.
- 28. Signs placed on boats or watercraft that are located on public or private property other than the boat's or watercraft's name, the manufacturer's name or required license numbers.
- 29. Time-temperature-date signs.
- 30. Snipe signs.
- 31. Signs attached to or displayed on vehicles, except as permitted by sec. 45-103.G. and sec. 45-104.G. of this Article.
- 32. Abandoned signs.
- 33. Inflatable signs and balloons, unless expressly authorized by a special events permit issued by the village.
- 34. "A" frame/sandwich board signs.
- 35. Signs on fences.
- 36. Pole signs.
- 37. Changeable copy signs, except as permitted by section 45-112 of this article.

1                   38. Any other sign not specifically permitted by this article.  
2  
3

4                   **Sec. 45-103. Exempt signs.**  
5

6                   The following signs are exempt from these sign regulations, and from the  
7                   requirement in this code that a permit be obtained for the erection of permanent  
8                   signs, provided they are not placed or constructed to create a hazard of any kind:  
9

- 10                  A. Signs located internally to a site that are not visible from any street or  
11                  adjoining property, including waterways.  
12
- 13                  B. Signs necessary to promote health, safety and welfare, and other regulatory,  
14                  statutory, traffic control, or directional signs erected on public property with  
15                  permission as appropriate from the State of Florida, the United States  
16                  government, Palm Beach County, or the village.  
17
- 18                  C. Legal notices and official instruments.  
19
- 20                  D. Government identification signs.  
21
- 22                  E. Memorial signs, names of buildings and dates of erection when cut into any  
23                  masonry surface or when constructed of bronze or other incombustible  
24                  materials and attached to the surface of a building.  
25
- 26                  F. Signs incorporated into machinery or equipment by a manufacturer or  
27                  distributor, which identify or advertise only the product or service dispensed  
28                  by the machine or equipment, such as signs customarily affixed to  
29                  newspaper racks, telephone booths, and gasoline pumps.  
30
- 31                  G. Vehicle signs totaling ten (10) square feet or less per vehicle. For vehicle  
32                  signs totaling in excess of ten (10) square feet per vehicle, see sec. 45-104.G  
33                  of this chapter.  
34
- 35                  H. Public warning signs to indicate the dangers of trespassing, swimming,  
36                  animals, or similar hazards.  
37
- 38                  I. Signs carried by a person.  
39
- 40                  J. Religious displays.  
41
- 42                  K. Sponsorship signs, i.e., signs supporting a non-profit or government  
43                  organization (temporary sign), if approved through the special events or  
44                  temporary use process.  
45
- 46                  L. Parking space numbers and labels for reserved spaces, if approved as part  
47                  of the site plan.

- 1  
2 M. Names and addresses on mailboxes.  
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5 N. Decorative flags and bunting for a celebration, convention, or  
6 commemoration of significance to the entire community when authorized  
7 by the village manager for a period not to exceed thirty (30) days.  
8  
9 O. Holiday lights and decorations, erected during the appropriate holiday  
10 season, shall comply with all building and electrical codes. Holiday lights  
11 and decorations may be erected no earlier than four (4) weeks prior to the  
12 subject holiday, with the exception of the Christmas/Hanukkah holidays.  
13 Christmas/Hanukkah lights and decorations may be erected no earlier than  
14 October 15th. All holiday lights and decorations must be removed within  
15 two (2) weeks following the holiday.  
16  
17 P. Merchandise displays behind storefront windows so long as no part of the  
18 display moves or contains flashing lights.  
19

20 **Sec. 45-104. Permanent Signs – Sign permit not required.**

- 21  
22 A. *Flags.*  
23  
24 1. *Number.* Not more than three (3) flags or insignias of governmental,  
25 religious, charitable, fraternal, or other organizations may be  
26 permanently displayed on any one parcel of land.  
27  
28 2. *Size.* The maximum distance from top to bottom of any flag or flags  
29 shall be thirty (30) percent of the total height of the flagpole, or in  
30 the absence of a flagpole, thirty (30) percent of the distance from the  
31 top of the flag or insignia to the ground. The maximum height of a  
32 flagpole within the R-1 single-family dwelling district and the R-2  
33 multiple-family dwelling district shall be twenty (20) feet. The  
34 maximum height of a flagpole within the R-3 apartment dwelling  
35 district and all non-residential zoning districts shall be thirty-five  
36 (35) feet.  
37  
38 B. *Utility signs.* Public utility signs that identify the location of underground  
39 utility lines and facilities, high voltage lines and facilities, and other utility  
40 facilities and appurtenances are permitted so long as they do not exceed  
41 three (3) feet in height, and so long as the sign face does not exceed one-  
42 half (½) square foot.  
43  
44 C. *Removable signs.* A removable sign affixed by permanent brackets within  
45 the sign face area of a ground sign indicating that units within the same  
46 parcel are for sale or for lease and including a contact phone number. The

1 brackets and sign cannot cover any other portion of the sign copy, including  
2 any lettering, logo, or address.

3  
4  
5 E. *Window signs.* The combined area of permanent and temporary signs on or  
6 behind windows shall not exceed twenty (20) percent of the total window  
7 area at the same floor level on the side of the building or unit, which the  
8 signs are displayed.

9  
10 F. *Street numbers.*

11  
12 1. *Generally.* Every building in the village shall have its street number  
13 so affixed to the building or the premises upon which the building  
14 is located that it is both visible and legible from the public street.

15  
16 2. *Commercial buildings.* Every commercial building with a wall  
17 facing an alley shall have each individual tenancy street number  
18 affixed to the building above or next to the rear door serving each  
19 tenancy so that the number is both visible and legible from the alley.  
20 The street numbers shall be reflective.

21  
22 3. *Height—Color.* All street numbers shall be a minimum of three (3)  
23 inches in height on residential buildings and a minimum of six (6)  
24 inches on commercial buildings. All street numbers shall be a  
25 sharply contrasting color with the building.

26  
27 4. *Maintenance.* It shall be the duty of the owner of the building to  
28 maintain the numbers on the building in good condition.

29  
30 1. **G. *Vehicle signs. Purpose and intent.*** It is the intent of these sign  
31 regulations that vehicle signs be permitted for the purpose of identifying  
32 and advertising the businesses and individuals who own and/or use the  
33 vehicles while actively engaged in providing commercial services.  
34 Vehicle signs are not to be used for the primary purpose of off-site  
35 advertising, or to circumvent applicable sign allowance limitations for  
36 on-site signage.

37  
38 2. Vehicle signs must be painted on or flush-mounted to the side or rear  
39 panel(s) of the vehicle, with the exception of taxicab roof signs.

40  
41 3. Vehicle signs with a total sign area on any vehicle in excess of ten (10)  
42 square feet are subject to the following regulations when parked on the  
43 same commercial property as the business being advertised:

44  
45 a. The vehicle may not remain parked for more than one hundred  
46 twenty (120) consecutive minutes within one hundred (100) feet of

1 a public right-of-way, or, if the building stands less than one  
2 hundred (100) feet from a public right-of-way, the vehicle may not  
3 be parked less than two-thirds (2/3) of the distance from such right-  
4 of-way; and

5 b. When parked within one hundred (100) feet of a public right-of-way,  
6 the vehicle must not be visible from any principal street that the  
7 building faces. In the case of corner lots, the building may face two  
8 principal streets.

9 4. Vehicles displaying signage pursuant to this section may be parked on  
10 other commercial properties only while actively engaged in conducting  
11 business on that property, subject to all other applicable parking  
12 restrictions under this code.

13  
14 5. When parked in residential zoning districts, vehicles displaying signage  
15 pursuant to this section shall also comply with section 18-34 of this code  
16 as well as all other applicable parking regulations.  
17  
18

19 **Sec. 45-105. Administration and Enforcement.**  
20

21 A. These sign regulations are intended to complement the requirements of the  
22 building codes adopted by the village. All signs are subject to permitting  
23 requirements, district sign allowances, and other regulations under this  
24 article, except to the extent expressly exempted herein. Wherever there is  
25 inconsistency between these regulations and the building code, the more  
26 stringent requirements shall apply.  
27

28 B. A sign permit is required for all signs except signs that are exempt signs  
29 pursuant to section 45-103, permanent signs for which no permit is required  
30 pursuant to section 45-104, or temporary signs governed by section 45-114.  
31

32 C. *Persons authorized to perform work.* The work necessary to construct,  
33 install, place, illuminate, paint, or modify signage within the village shall  
34 conform with the following:  
35

36 1. The following work may be performed by a property owner or  
37 lessee:

38 a. Painting the face of any freestanding or wall sign;  
39

40 b. Installation or attachment of any individual letters, which  
41 does not require electrical service or structural modification  
42 of the surface or wall to which such letters are being  
43 attached; or  
44  
45

1           2.     The following work shall be performed by a sign contractor, general  
2           contractor, or building contractor licensed with the village to  
3           perform such work:

4  
5           a.     Construction, installation, or electrical connection of any  
6           sign which is illuminated;

7  
8           b.     Construction, installation, or placement of any freestanding  
9           sign requiring wind load calculations;

10  
11          c.     Construction, installation, or placement of any sign which is  
12          located above a pedestrian walkway or on the front fascia of  
13          a canopy over a pedestrian walkway;

14  
15          d.     Construction, or installation of any projecting sign permitted  
16          by this article which shall be designed by a Florida registered  
17          architect or engineer.

18  
19     D.     *Unsafe signs.*

20  
21          1.     If the building official determines any sign or sign structure to be in  
22          an unsafe condition, he/she shall immediately notify the owner of  
23          such sign in writing, and the owner shall correct such condition  
24          within forty-eight (48) hours.

25  
26          2.     If the correction has not been made within forty-eight (48) hours,  
27          the building official may have the sign removed if it creates a danger  
28          to the public safety or have any necessary repairs or maintenance  
29          performed at the expense of the sign owner or owner or lessee of the  
30          property upon which the sign is located.

31  
32  
33     E.     *Variances.* Any increase or decrease in the dimensional restrictions (size,  
34           height, setbacks, sign copy area, type face, and other measurable standards)  
35           or other deviation from the requirements set forth in this article shall  
36           require a variance approved by the Planning, Zoning and Adjustment  
37           Board. Any increase in the height or size of a sign or the required setback  
38           shall not exceed thirty percent (30%) of the requirements of this code.

39  
40          1.     The Planning, Zoning and Adjustment Board shall hear and rule on  
41          all applications for variances to this article. All the provisions of  
42          article VI, chapter 45 of this code, shall apply to applications for  
43          variance to this code.

44  
45          2.     All applications for variances to dimensional regulations established  
46          by this article shall be filed with the community development

1 department upon a form supplied by the village. The application shall  
2 be accompanied by the filing fee established in the master fee  
3 schedule.  
4

- 5 3 Public notice of all hearings conducted in accordance with this  
6 section shall be provided as required by section 21-3 of this code.  
7

8 F. *Maintenance; Removal.*  
9

- 10 1. All signs, including their supports, braces, guys and anchors,  
11 electrical parts, and lighting fixtures, and all painted and display  
12 areas, shall be maintained in accordance with the requirements of  
13 the building code and shall present a neat and clean appearance. The  
14 vegetation around the base of ground signs shall be neatly trimmed  
15 and free of unsightly weeds, and no rubbish or debris that would  
16 constitute a fire or health hazard shall be permitted under or near the  
17 sign. Examples of unacceptable maintenance and repair include the  
18 following:  
19

- 20 a. Cracked, ripped, or peeling paint present on more than ten  
21 percent (10%) of the surface area of a sign;  
22  
23 b. Bent, broken, loose, or otherwise insufficiently attached  
24 supports, struts, or other appendages;  
25  
26 c. Partial illumination for more than fourteen (14) calendar  
27 days;  
28  
29 d. Obstruction of sign face by weeds, vines, or other  
30 vegetative matter; and  
31  
32 e. Maintaining a position that is more than fifteen (15)  
33 degrees from vertical for more than ten (10) successive  
34 calendar days.  
35

- 36 2. In all cases, the sign's aesthetic appearance shall be maintained in its  
37 originally approved condition, subject to the regulations of this  
38 article governing nonconforming signs, as applicable.  
39

40 3. *Discontinuance of Occupancy.*  
41

- 42 a. Evidence of discontinuance of occupancy shall include  
43 failure to: maintain a valid certificate of use or business tax  
44 receipt; occupy the location indicated by the sign for thirty  
45 (30) days; maintain the listed phone number in service;

1 answer the listed phone number; or, in combination with any  
2 of the preceding, pay a utility bill.

3  
4 b. It shall not be a "discontinuance of occupancy" where an  
5 occupant first provides the village manager with written  
6 notification that the use will be closed for renovation,  
7 summer season, or some other defined period after which the  
8 occupant will resume activity, provided that the occupant  
9 does resume the activity on the specified date, as may be  
10 extended by the village manager upon request by the  
11 occupant.

12  
13 c. Prior to a discontinuance of occupancy, all signs relating to  
14 the occupant shall be removed as provided in this section.  
15 Failure to comply with this section shall subject the sign to  
16 removal and disposition pursuant to the provisions of this  
17 article.

18  
19 (1) All signs attached to a building shall be removed,  
20 including window signs and awning signs. Upon  
21 removal of a sign from a surface, the surface shall be  
22 restored to its original condition, including the filling  
23 and repainting of anchor holes to match the  
24 surrounding surface. An awning shall be refinished  
25 as necessary to eliminate any evidence of the  
26 removed sign, including faded color on the valance  
27 outlining the former copy.

28  
29 (2) The face of a ground sign cabinet shall be removed  
30 and replaced with a new sign face having an opaque  
31 background of a neutral color, and constructed of a  
32 material that complements the sign structure and  
33 building. Any channel letters shall be removed and  
34 the background surface restored pursuant to  
35 subsection (1). Single-occupant identity signs shall  
36 not be illuminated during any period that occupancy  
37 has been discontinued. In the case of a multiple-  
38 occupant sign, the panel of an occupancy that has  
39 been discontinued shall be replaced with a new panel  
40 (either a blank panel, or a panel of an occupancy that  
41 is active) of a material and color that matches the  
42 other panels.

43  
44 G. *Enforcement.* The community development director or the building official,  
45 or their respective designee(s), may initiate code enforcement actions under  
46 chapter 2, article VI to obtain compliance with this code.

1  
2 H. *Review of administrative decisions.* Any final decision of an administrative  
3 official under this article may be appealed to the Planning, Zoning and  
4 Adjustment board as provided in section 45-52, except for code  
5 enforcement actions which are governed by Article VI of the village code.  
6

7 **Section 45-106. Nonconforming signs; amortization; abandoned signs.**  
8

9 All signs lawfully in existence as of the date of adoption of this article, which do  
10 not conform to the provisions of this article, are declared nonconforming signs. It  
11 is the intent of this article to recognize that the eventual elimination of  
12 nonconforming signs as expeditiously and fairly as possible is as much a subject of  
13 health, safety, and welfare as is the prohibition of new signs that would violate the  
14 provisions of this article.  
15

16 A. *Legal nonconforming signs.* Signs that become nonconforming upon  
17 adoption of this article may be maintained as legal nonconforming signs for the  
18 duration of the amortization period as provided in subsection C. below, subject to  
19 the following requirements:  
20

21 1. A legal nonconforming sign may continue to be utilized only in the  
22 manner and to the extent that it existed at the time of the adoption of this  
23 article or any amendment thereof.

24 2. A legal nonconforming sign may not be altered in any manner not  
25 in conformance with this article. This prohibition does not apply to  
26 reasonable repair and maintenance of the sign or to a face change provided  
27 that no structural alterations are required to change the sign copy area.

28 3. Legal nonconforming signs that are located on a parcel of property  
29 that is severed from a larger parcel of property and acquired by a public  
30 entity for public use by condemnation, purchase, or dedication may be  
31 relocated on the remaining parcel without extinguishing the legal  
32 nonconforming status of that sign provided that the nonconforming sign:

33 a. Is not increased in area or height to exceed the limits of the  
34 zoning district in which it is located;

35 b. Remains structurally unchanged except for reasonable  
36 repairs or alterations;

37 c. Is placed in the most similar position on the remaining  
38 property that it occupied prior to the relocation; and

39 d. Is relocated in a manner to comply with all applicable  
40 safety requirements.

41 After relocation pursuant to this subsection, the legal nonconforming sign  
42 shall be subject to all provisions of this section in its new location.

1 4. Any nonconforming sign shall be removed or rebuilt in full  
2 conformity to the terms of this article if it is damaged or allowed to  
3 deteriorate to such an extent that the cost of repair or restoration is fifty  
4 percent (50%) or more of the cost of replacement of such sign.

5  
6 B. *Signs for a legal nonconforming use.*

7 1. New or additional signs for a nonconforming use shall not be  
8 permitted. A change in ownership shall require a nonconforming sign to  
9 be removed or brought into conformity.

10 2. A nonconforming sign for a nonconforming use that ceases to be  
11 used for a period of thirty (30) consecutive days or is replaced by a  
12 conforming use, shall be considered a prohibited sign and shall be  
13 removed or brought into conformance upon establishment of a conforming  
14 use.

15  
16  
17  
18 D. *Abandoned signs.*

19  
20 1. Sign structures that remain vacant, unoccupied, or devoid of any  
21 message, or display a message pertaining to a time, event, or purpose  
22 that no longer applies, shall be deemed to be abandoned.

23  
24 2. A nonconforming sign deemed abandoned shall immediately  
25 terminate the right to maintain such sign.

26  
27 3. Within thirty (30) days after a sign structure has been deemed  
28 abandoned, it shall be the responsibility of the property owner or the  
29 property owner's authorized agent to remove the abandoned sign and  
30 to patch and conceal all damage to any other structure resulting from  
31 the removal of the sign.

32  
33 4. Any abandoned sign shall be taken down and removed by the  
34 owner, agent, or person having the beneficial use of the building  
35 or structure upon which sign may be found within ten (10) days  
36 after written notification from the community development  
37 department. Upon failure to comply with such notice within the  
38 specified time in such order, the community development  
39 department is hereby authorized to cause removal of such sign, and  
40 any expenses incident thereto shall be paid by the owner of the  
41 building or structure to which said sign is attached.

42  
43 5. Removal of an abandoned nonconforming sign shall include all sign  
44 support components, angle irons, poles, and other remnants of the  
45 discontinued sign that are not currently in use, or proposed for

1 immediate reuse as evidenced by a sign permit application for a  
2 permitted sign.

3  
4 **Section 45-107. Reserved.**

5  
6  
7  
8 **Section 45-108. Master Sign Plan Process.**

9  
10 A. *Master sign plan.* A master sign plan shall serve as the controlling  
11 document for review of all applications for sign approval within a  
12 designated development including shopping centers or multi-use buildings  
13 or where multiple signs are proposed for a single site or project to ensure  
14 the compatibility of sign types, locations, sizes, colors and lettering styles,  
15 as well as compatibility and cohesiveness. Renovations and redevelopment  
16 of existing commercial buildings and projects for shopping centers, multi-  
17 use buildings or where multiple signs are proposed on a single site shall also  
18 require submittal of a master sign plan. Applications for site development  
19 or site improvement plan approval shall be accompanied by a graphic and  
20 narrative representation of the master signage plan to be utilized on the site.  
21 Existing commercial buildings and projects shall submit a master sign plan  
22 to the village within five years of the effective date of this article, unless  
23 there is already an existing master sign plan approved by the village, which  
24 covers all aspects of a master sign plan. Building permits for new signs shall  
25 not be issued for commercial buildings which have not submitted a master  
26 sign plan. The master sign plan may be amended and resubmitted for  
27 approval to reflect style changes or changing tenant needs.

28  
29 The purpose and intent of a master sign plan is to provide a master record  
30 of signs on a parcel, ensure compatible signage, and to create unification of  
31 signage within parcels, excluding planned development out-parcels, which  
32 may be treated separately. All master sign plans shall be approved by the  
33 Planning, Zoning and Adjustment Board and shall comply with the  
34 following:

- 35  
36 1. The master sign plan shall be approved prior to the issuance of a  
37 sign permit.  
38 2. The master sign plan shall indicate the type, location, size,  
39 dimensions, illumination, color, materials, and architectural style,  
40 including the address requirements of the building code and this  
41 article. The locations shall be illustrated on elevations and on a site  
42 development plan.  
43  
44 3. When applicable, landscape plans and details shall be part of the  
45 plan and shall comply with the landscape standards of this code.  
46

1 4. If a technical deviation is required, the request can be made part of  
2 the application for a master sign plan.  
3

4  
5 B. *Master Sign plan criteria.* In reviewing the master sign plan, the Planning,  
6 Zoning and Adjustment Board shall determine if the following criteria have  
7 been met:  
8

9 1. The signage for the project is in keeping with the overall architecture  
10 and character of the building development.  
11

12 2. The signage for the project is designed to meet the directional needs  
13 of the project for communication, identification, way finding, and  
14 ensure that regulatory and informational messages are in keeping  
15 with the overall architectural theme of the development or project;  
16

17 3. The signage proposed is legible, conspicuous, and easily readable;  
18

19 4. The visibility and impact of the type of sign, number of signs,  
20 design, size, method of, construction, illumination and location of  
21 the proposed signs comply with the minimum standards of this  
22 section, and do not adversely impact adjoining properties or create  
23 a hazard of health risk; and  
24

25 5. The proposed signage is consistent and not in conflict with the intent  
26 and interests of the village.  
27

28 C. *Submittal.* A master sign plan or request for a technical deviation shall be  
29 reviewed and approved by the Planning, Zoning and Adjustment Board. All  
30 applications and supporting documentation as listed on the community  
31 development department application shall be submitted to the department  
32 in a format determined by the village. The community development  
33 department shall review the application and create a staff report or memo,  
34 which shall include a recommendation. The staff report shall be provided to  
35 the applicant prior to the meeting. An authorized representative of the  
36 applicant must attend the Planning, Zoning and Adjustment board meeting.  
37 If a representative is not present, then the board has the right to postpone  
38 the agenda item to a future meeting date.  
39

40 D. *Fees.* Master sign plan requests shall be charged in accordance with the  
41 development application fee schedule and paid to village at the time of  
42 submittal.  
43

44 E. *Effect of master sign plan approval.*  
45

1 1. After approval of a master sign plan or amendment, all new  
2 signs and alterations to signs shall comply with the master sign plan,  
3 and any violation of such approved plan shall be a violation of this  
4 chapter. In case of any conflict between a provision of a master sign  
5 plan and one or more provisions of this article, the stricter of the two  
6 shall apply.  
7

8 2. The village shall not consider a request to deviate from an approved  
9 master sign plan. However, a master sign plan may be amended or  
10 replaced by a new master sign plan. Amendments that are specific  
11 to a single occupancy shall not be approved unless the proposed  
12 amendment responds to the unique location or architecture of the  
13 occupancy that is not generally applicable elsewhere in the property  
14 subject to the master sign plan. The Planning, Zoning and  
15 Adjustment Board shall evaluate any proposed amendment within  
16 the context of the entire approved master sign plan.  
17

18  
19 F. *Multi-tenant signs.* For commercial projects occupied by multiple retail or  
20 service establishments where the total area of the project, including  
21 outparcels, exceeds five (5) acres, a ground sign may, subject to Planning,  
22 Zoning and Adjustment Board review and approval of the sign design in  
23 accordance with the criteria set forth in this article, depict the name of the  
24 project and the names of up to five (5) tenants or occupants of the project.  
25 A "for sale" or "for lease" sign may be substituted for one (1) of the tenant  
26 or occupant signs if the space within the project is being actively marketed  
27 for sale or lease.  
28

29  
30 **Section 45-109. Sign permit process.**  
31

32 A. *Permits required:* Except as otherwise provided in this article, it shall be  
33 unlawful for any person to erect, construct, enlarge, post, alter, maintain,  
34 move, or convert any sign in the village, or cause the same to be done,  
35 without first obtaining a sign permit for each such sign as required by this  
36 article. These requirements shall not be construed to require any permit for  
37 the repainting, cleaning, and other normal maintenance or repair of a sign  
38 or sign structure for which a sign permit has previously been issued, so long  
39 as the sign or sign structure is not modified in any way. All signs shall be  
40 constructed in accordance with the building code, including obtaining all  
41 required building permits. No sign shall be approved for use unless it has  
42 been inspected and found to comply with all the requirements of this section  
43 and applicable codes.  
44

45 B. *Approval.* After submittal of a complete application and the requisite  
46 application fee(s), the following signs, when determined by the building

1 official to be consistent with and in compliance with the criteria set forth  
2 herein, shall receive a sign permit without review by the Planning, Zoning  
3 and Adjustment Board:  
4

- 5 1. Model sales office signs and model name signs;
- 6
- 7 2. Signs in a shopping center, planned commercial development,  
8 planned industrial development, or planned office park, which are  
9 consistent with a previously approved master signage plan for the  
10 development;  
11
- 12 3. Temporary signs not exempted from permitting by section 45-  
13 114(B).  
14

15 All other signs shall require permits approved by the Planning, Zoning and  
16 Adjustment Board.  
17

18 C. *Sign permit application:* Applications for a sign permit shall be made in a  
19 format and upon forms provided by the village and shall provide the  
20 following information:  
21

- 22 1. Name, address, and telephone number of the property owner. No  
23 person shall erect, construct, or maintain any sign upon any property  
24 or building without the consent of the owner or person entitled to  
25 possession of the property or building if any, or their authorized  
26 representatives.  
27
- 28 2. Name, address, and telephone number of the contractor.  
29
- 30 3. Property address, property control number (PCN), and legal  
31 description of the building, structure, or lot to which or upon which  
32 the sign is to be installed or affixed.  
33
- 34 4. A drawing to scale showing the design, colors, and materials of the  
35 sign, including dimensions, sign size, sign copy/area, method of  
36 attachment, source of illumination, and showing the relationship to  
37 any building or structure to which it is, or is proposed to be, installed  
38 or affixed, (elevation) or to which it relates, signed and sealed by a  
39 professional architect or engineer registered in the State of Florida.  
40
- 41 5. A fully dimensioned survey or site plan, to scale, indicating the  
42 location of the sign relative to property lines, rights-of-way, streets,  
43 easements, sidewalks, and other buildings or structures, including  
44 any ground mounted signs, on the premises.  
45

1           6.     If a monument sign, landscape plan showing the screening of the  
2                     base or foundation of the sign.

3  
4           7.     Cost estimate.

5  
6     D.     *Application procedure and review (original submittal)*: A sign permit  
7             application on a form provided by village shall be electronically filed  
8             together with all documentation as provided for in this section. Upon the  
9             electronic submission of a complete sign permit application and all required  
10            documentation, the village shall review the application based on whether it  
11            complies with this article and all other code requirements, or an approved  
12            master sign plan, if applicable, and provide comments to the applicant  
13            through the electronic review portal.

14  
15    E.     *Application procedure and review (resubmittals)*: Upon resubmission of  
16             the sign permit application through the electronic review portal, the village  
17             shall determine whether the applicant's revisions comply with this article  
18             and all other code requirements. If the revisions do not comply with this  
19             article, the village will again provide the applicant comments through the  
20             electronic review portal. This process shall continue until the applicant has  
21             submitted an application that meets all applicable requirements. If the  
22             application meets all requirements of this article and other code  
23             requirements or an approved master sign plan, if applicable, the sign permit  
24             shall be approved. If the application fails to meet the requirements of the  
25             code, the application shall be denied.

26  
27    F.     *Application fees*: Sign permit application fees for signs shall be charged in  
28             accordance with the building division fee schedule and paid to the village  
29             for each sign for which a permit is required by this article. Application fees  
30             shall be paid at time of application and any such sign permit fees are  
31             required to be paid prior to a permit being issued.

32  
33    **Sec. 45-110. Sign regulations – In general.**

34  
35    A.     *Physical sign types allowed*. Except as may be otherwise provided in this  
36             section, a permanent sign may be a permanent ground (freestanding) sign, ,  
37             a permanent building wall sign, or a window sign .

38  
39    B.     *Measurement and Dimensions*.

40  
41        1.     *Computation of sign area and number*. The area of each face of a  
42             sign shall be the area of the smallest circle, triangle, or  
43             parallelogram, which contains all content, background, and  
44             structural elements of the sign. Sign area shall not include structural  
45             elements, which function solely as support for the sign or cover of  
46             structural elements.

2. *Certain support structures exempted from computation of area of freestanding signs.* Support structures which are part of a decorative landscape wall or screen wall shall not be considered part of a freestanding sign.
3. *Determination of the number of signs.* Any collection of sign content, sign background, and sign structure may be considered to be one sign face if the area of such sign face is measured as only one circle or only one triangle or only one parallelogram, provided that the area so measured conforms to the maximum sign area requirements of this article.
4. *Façade area.* The façade area shall be measured by determining the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes greater than forty-five (45) degrees that form a side of a building or unit.
5. *Back-to-back signs.* Where two (2) sign faces are placed back-to-back on a single sign structure, and the faces are at no point more than four (4) feet apart, the area of the sign shall be counted as the area of one (1) of the faces.
6. *Sign height.* The height of a sign shall be measured as the vertical distance from the finished grade, excluding berms, at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

C. *Content*

Signs permitted pursuant to this article may contain any message, which is not harmful to minors as defined in this chapter, or otherwise contrary to law. A permanent accessory sign may only display any combination of the following:

1. Street address number and/or name.
2. A logo symbol for the building or the building occupant, which does not exceed fifty percent (50%) of the allowable sign area.
3. Letters depicting the nature of the business and that are a maximum of fifty percent (50%) of the height of the letters depicting the name of the building or building occupant.

D. *Placement and aesthetic appearance.*

1 1. It is the intent of these sign regulations to preserve and enhance the  
2 aesthetic quality of the environment by reducing the visual  
3 discordance which can result from:

- 4  
5 a. The haphazard placement of signs on buildings; and  
6  
7 b. The use of an array of different sign constructions on one  
8 building.

9 It is recognized that this intent may be met by approaches other than  
10 those specifically set forth in this section. Accordingly, this section  
11 makes provisions for approval of signs which conform to the intent  
12 of this section but which do not conform to the specific requirements  
13 of this section.  
14

15 2. *Placement of signs attached to building walls in relation to building*  
16 *lines.* Signs shall be placed on a building so as not to break important  
17 horizontal or vertical building lines. This requirement will be  
18 considered met if none of the following types of lines are broken:

- 19  
20 a. Cornice line;  
21  
22 b. Lintel lines, actual and extended;  
23  
24 c. Sill lines, actual and extended;  
25  
26 d. Belt course lines;  
27  
28 e. Column and pilaster lines including but not limited to  
29 building recesses.  
30

31 This requirement may be considered met even if one or more of the  
32 types of lines in subsection (2) above are broken, if the building is  
33 designed so that a permitted sign cannot be located without breaking  
34 one or more of the above lines and the sign or signs are placed to  
35 minimize the breaking of important building lines.  
36

37  
38 3. *Coordination of construction type of wall-mounted signs.* Whenever  
39 more than one (1) wall-mounted sign is permitted on any one  
40 building, and all must be of the same construction type (cabinet,  
41 individual pan-channel letters, individual reverse pan-channel  
42 letters, or other). In addition, all must have the same base line if they  
43 are individual letters mounted on the building facade, and must have  
44 the same base and top line if they are of any other construction type.  
45

1 4. *Finish of sign background and sign structure.* Low freestanding  
2 signs shall have a background and structure, which are of materials,  
3 colors, and finishes that are used extensively for the building to  
4 which the sign is accessory. Materials, colors, and finishes will be  
5 considered to be used extensively if they cover more of the non-  
6 glass portions of the highly visible surfaces of the building than does  
7 any other material, or if they cover at least thirty percent (30%) of  
8 the non-glass portions of the highly visible surfaces of the building.  
9

10 5. *Placement standards.*

11  
12 a. *In right-of-way.* Supports for signs or sign structures shall  
13 not be placed in or upon a public right-of-way or public  
14 easement

15  
16 b. *Over right-of-way.* No ground sign shall project over a  
17 public right-of-way.

18  
19 c. *Blocking exits, fire escapes, etc.* No sign or sign structure  
20 shall be erected that impedes the use of any fire escape,  
21 emergency exit, or standpipe.  
22

23 d. All ground sign shall be erected within landscaped areas.  
24 Minimum distance from the edge of the landscaped area to  
25 the sign base shall be three (3) feet. The landscaping shall  
26 consist of shrubbery a minimum of thirty (30) inches high  
27 creating a hedge or individual shrubs of the same or varying  
28 species thirty (30) inches high spaced not more than  
29 eighteen (18) inches apart at their base.  
30

31 6. *Appearance Plan.* Per the village's appearance plan:

32  
33 a. All signs shall be part of the architectural concept. Size,  
34 color, lettering, location, and arrangement shall be  
35 harmonious with the building design and shall be  
36 compatible with signs on adjoining buildings. Signs shall  
37 have good proportions.  
38

39 b. Ground signs shall be designed to be compatible with the  
40 architecture of the building. The same criteria applicable to  
41 wall signs shall apply to ground signs.  
42

43 c. Identification signs of a prototype design shall conform to  
44 the criteria for building and ground signs.  
45

- d. Materials used in signs shall have good architectural character and be harmonious with building design and surrounding landscape.
- e. Every sign shall have good scale in its design and in its visual relationship to buildings and surroundings.
- f. Colors shall be used harmoniously and with restraint. Excessive brightness and brilliant colors shall be avoided. Lighting shall be harmonious with the design. If external spot or floor lighting is used, it shall be arranged so that the light source is shielded from view.

E. *Structural Requirements.*

- 1. All structural, electrical, and mechanical components utilized in the construction, installation or placement, and operation of signs shall be concealed except for vertical supports of other supporting components which are designed and arranged to be an integral part of the aesthetic composition of a sign. Raceway/wireway mounting of letters and J-boxes are prohibited unless existing structural building conditions, such as certain glass structures, warrant this type of mounting.
- 2. Clearance standards
  - a. Canopy signs hung from a canopy, bracket arm or covered structure shall have a minimum vertical clearance of nine (9) feet above grade to the bottom of the sign.
  - b. All signs over vehicular ways shall provide a minimum of thirteen (13) feet, six (6) inches of clearance.
- 3. A building wall sign shall not project more than four (4) feet perpendicularly from the surface to which it is attached nor shall it extend beyond any edge of the surface to which it is attached or disrupt a major architectural feature of the building.
- 4. All wood permitted to be used, whether for new permanent signs, for replacement of existing permanent signs, or for any part thereof, shall be rot and termite resistant.
- 5. Wires visibly connected to individual letters shall be permitted.

1 6. Every sign and all components of such sign shall be kept in good  
2 structural condition and be in conformance with the applicable  
3 building code at the time of permitting.  
4

5 7. Every sign shall be constructed in a manner as to comply with the  
6 wind load requirements of the Florida Building Code. . All sign  
7 contractors shall sign a certificate stating wind loading will meet  
8 requirements of this chapter where signs under thirty-two (32)  
9 square feet are submitted. For signs thirty-two (32) square feet or  
10 over, the applicant shall provide a certification sealed by a state  
11 registered engineer or architect stating that the design will meet the  
12 requirements of this code as submitted.  
13

14 F. *Dimensional and distance requirements.*  
15

16 1. The height of a permanent sign shall not extend beyond the  
17 building height including parapets.  
18

19  
20 2. Signs shall not obstruct sight distance triangles mandated by this  
21 code or as determined by the Florida Department of Transportation  
22 roadway design criteria, as may be amended from time to time.  
23

24 3. Once a sign is erected, no additional signs may be attached to or  
25 displayed on any sign on a temporary or permanent basis.  
26

27 4. No sign shall create a traffic or fire hazard, be dangerous to the  
28 general welfare, or interfere with the free use of public rights-of-  
29 way.  
30

31 5. Sign locations shall not interfere with public alarms, signals, or  
32 signs. No sign or support shall be placed in such position or manner  
33 as to obstruct or interfere, either physically or visually, with any  
34 fire alarm, police alarm, traffic signal or sign, or any devices  
35 maintained by or under public authority.  
36

37 **Sec. 45-111. Sign Illumination.**  
38

39 A. All permanent signs, other than window signs, may be internally  
40 illuminated, backlit, or externally illuminated unless otherwise provided in  
41 this article.  
42

43 B. Temporary signs shall not be illuminated unless otherwise provided in this  
44 article.  
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C. Lighted signs shall be automatically controlled to be disconnected daily at midnight or at the close of business if the advertised closing time is later than midnight.

D. *Intensity.*

1. The intensity of sign illumination (brightness of a sign) shall not exceed 700 candelas per square meter (cd/m<sup>2</sup>) for any sign.
2. Intensity shall be measured from the period beginning one-half hour after apparent sunset and ending one-half hour before apparent sunrise, both as determined by the National Oceanic and Atmospheric Administration (NOAA), United State Department of Commerce for Miami, Florida for the specific date of measurement.
3. Intensity shall be measured by a foot-candle meter held at a pre-set distance from the sign determined as follows: the square root of the product of the sign area (in square feet) and 100 ( $\sqrt{A * 100} = D$ , where A = sign area and D = distance in feet).

E. *Design.* Illumination of a sign using an exposed, unshielded light source is not permitted. All lighting for signs shall be designed to prevent light spillage outside the boundaries of the sign face, and shall not be of such intensity or brilliance as to cause glare or visual distraction.

F. *Uniformity.*

1. Lighting on all permanent signs throughout a single development or project shall be consistent in terms of color or intensity, unless differentiation is specifically provided for pursuant to an approved master sign plan in which there is variety in facade design or building type.
2. Lighting shall be evenly diffused throughout a sign so as not to produce areas with blotchy or differential illumination (i.e., "hotspots" or "cold spots").

G. *External illumination.*

1. External illumination shall be permitted only for address signs, ground identity signs, ingress/egress signs, wayfinding signs, and limited instances where such lighting is specifically authorized pursuant to a master sign plan or sign permit, which shall only be granted for signs mounted on buildings through use of architectural, overhead, full-cutoff lighting fixtures integrated into the design of the sign or facade.

2. External illumination shall be stationary and directed only upon the sign face and architectural elements of the sign structure.
3. The source of the light used in external illumination shall be screened from view of public streets and residential uses, including upper story residential uses. The light intensity shall not cause glare or light spillover onto other property or a public street.
4. No illuminated signs shall face a residential use in such a way as to be a distraction at night to the persons living in the residential structure.
5. Only white light shall be used to illuminate signs.

H. *Internally illuminated ground sign cabinets.* Internally illuminated cabinets may be incorporated into permanent ground signs provided that only the sign copy is illuminated and the background material is opaque. Changeable copy signs, where permitted, are not subject to the restrictions of this subsection.

I. *Internally illuminated wall cabinet signs.* Internally illuminated wall cabinet signs, where authorized pursuant, shall be constructed with an opaque background so that only the copy is illuminated

**Sec. 45-112. Changeable Copy Signs.**

Changeable copy signs shall be regulated under the following guidelines. This section shall not include electronic message boards and the like, which are prohibited under this chapter or deemed exempted from these regulations. Such signs shall be permitted in the following manner:

- A. Motor vehicle service stations and convenience stores with gasoline pumps may utilize up to twenty percent (20%) of permitted sign area for changeable prices of gasoline and the words “cash” and “credit” only.
- B. Movie theaters and other performance or entertainment facilities may utilize up to eighty percent (80%) of permitted sign area for display of names of films, plays, or other performances currently showing. Such changeable copy areas shall be included as part of the permitted sign area.
- C. Changeable copy signs shall be prohibited for office, industrial, and residential uses but allowed for public, charitable and religious institutions and signs in the Public zoning district.

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- D. Use of changeable copy signs as part of permitted wall sign area is prohibited
- E. *Dwell time.* The changeable copy may change no more than once every ten seconds.
- F. Electronic number changeable copy signage.
  - 1. Freestanding monument signs are permitted electronic number changeable copy for a price section only. Such electronic copy area shall be for static display only. Flashing, animated, coursing and the appearance of any movement other than an instantaneous change from one price to another are explicitly prohibited.
  - 2. Electronic number changeable copy (LED or similar) signage displays shall not have the capability to have dynamic displays even if not used. Only one (1) continuous LED (or similar) display area for numbers only is allowed on a sign face and may include the time or temperature. Multiple-copy signs adjacent to each other are permissible in a sign face.
  - 3. Only the numbers themselves may be lit with the remaining background non-lit or black. No neon or similar lighting shall be permitted in conjunction with a sign using electronic number changeable copy signage.
  - 4. Brightness or glare shall be controlled to avoid distractions to vehicular traffic, pedestrians, and adjoining properties. Adjustments shall be made upon written request from the village.
  - 5. All electronic copy number signs shall be installed with an ambient light monitor.
  - 6. Dimmer control electronic number changeable copy signs must have an automatic dimmer control that automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
  - 7. *Brightness.* No electronic number changeable copy sign shall exceed a brightness level of 0.3 foot-candles above ambient light conditions, as measured using a foot-candle (Lux) meter at a preset distance depending on sign area. The measurement distance shall be calculated with the following formula: The square root of the product of the sign area times 100. Example:  $\sqrt{(30 \text{ square feet} \times 100)}$  54 feet.

8. The maximum height of changeable numbers shall be twelve (12) inches.

H. *Photometric plan.* Each application for a digital sign shall be accompanied by a photometric plan. The photometric plan shall demonstrate the digital sign's maximum light intensity, in foot-candles above ambient light, at locations identified by the applicant or village staff that may be impacted within three hundred (300) feet of the proposed digital sign location. This plan may be reviewed by a third-party lighting specialist selected by the village, and all costs associated with third party review shall be paid by the applicant to the village.

**Sec. 45-113. Sign Allowances By Zoning District.**

A. *Sign allowances (number, area, height, and setbacks).* Permitted signs shall be subject to limitations as to total number of signs and maximum dimensions based upon the zoning district where the sign will be located. Measurement determinations shall be made as provided in section 45-110(B) of this article.

B. The following chart sets out sign allowances for all zoning districts except the Commercial Northlake (C-NB) zoning district:

**Table 45-1  
Permitted Signs by District Zoning<sup>1</sup>**

Zoning Districts	Residential Single Family R-1, R-2	Residential Multi-Family R-3	Commercial C-T, C-S, C-G and PUD	Regional Commercial C-3	Industrial I-1
Permanent Ground Sign					
Number	None	One (1) with more than 4 dwelling units	One (1) per parcel right of way frontage	One (1)	One (1) per parcel right of way frontage
Sign area	None	Maximum 32 square feet	5' setback – 30 sq. feet 10' setback – 36 sq. ft. 20' setback – 40 sq. feet 30' setback – 45 sq. feet	Maximum Hundred (100) square feet	5' setback – 30 sq. feet 10' setback – 36 sq. ft. 20' setback – 40 sq. feet 30' setback – 45 sq. feet
Sign Height	None	Maximum Eight (8) feet	10' or less setback – 8' 20' or greater setback – 10'	Three (3) feet for base and 13' total including base	10' or less setback – 8' 20' or greater setback – 10'
Permanent Building Sign					

Number	None	One – ground floor access		One (1) per tenant with ground floor access and one (1) identifying building	
Sign area	None	Maximum 25' setback – 5% of façade area 70' setback – 7% of façade area 100' setback – 10% of façade area	Maximum 25' setback – 5% of façade area 70' setback – 7% of façade area 100' setback – 10% of façade area	Maximum 25' setback – 5% of façade area 70' setback – 7% of façade area 100' setback – 10% of façade area	Maximum 25' setback – 5% of façade area 70' setback – 7% of façade area 100' setback – 10% of façade area

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**Notes:**

**1.** Additional signs. The following additional signs are permitted: Locational and directional signs at outdoor public recreation park and sporting events which may include the advertising logo of the entity sponsoring the activity or event being held on publicly owned property, including, but not limited to youth athletic associations, organized team competitions, swimming meets, tennis tournaments, and golf course benches with direction and ball washing facilities at each tee.

**C.** *Other signs (all zoning districts except C-NB).*



1 promotions of the property such as the sale or lease of property.  
2 The third type of temporary sign that may be placed on property is  
3 a temporary, non-commercial sign. The fourth kind of temporary  
4 sign is a transitory sign.

- 5
- 6 2. Temporary signs shall be constructed of durable, weatherproof  
7 material.
- 8
- 9 3. A temporary sign shall not directly or indirectly create a traffic or  
10 fire hazard, interfere with the free and unobstructed use of streets,  
11 sidewalks, or building entrances, or obstruct clear vision at the  
12 intersection of any streets, drives, or public or private vehicular  
13 access ways or so that it may be confused with authorized traffic  
14 signs or devices.
- 15
- 16 4. All signs shall be setback a minimum of five (5) feet from the  
17 property line, unless otherwise specified in this section, and shall  
18 provide a minimum eighteen (18) inch clearance from rights-of-  
19 way, curbs, sidewalks, and landscaping materials. The village may  
20 require a larger clearance if deemed necessary by the village  
21 engineer.
- 22
- 23 5. All signs shall be freestanding signs unless other sign types are  
24 expressly authorized in other sections of this chapter. Temporary  
25 building signs are prohibited unless authorized under a Special  
26 Events Permit.
- 27
- 28 6. Temporary signs shall be removed within twenty-four (24) hours  
29 of the issuance of a hurricane warning for any portion of the village  
30 by the National Hurricane Center of the National Oceanic and  
31 Atmospheric Association (NOAA).
- 32

33 B. *Temporary non-commercial signs – no permit required.*

- 34
- 35 1. A property owner may place a sign or signs totaling no more than  
36 four (4) square feet on the property, compliant with the minimum  
37 setbacks, at any time.
- 38
- 39
- 40 2. *Additional temporary non-commercial sign before an election:*
- 41
- 42 a. One temporary noncommercial sign totaling no more than  
43 five square feet per one quarter (0.25) acre of land may be  
44 located on the owner's property for a period of thirty (30)  
45 days prior to an election taking place in the jurisdiction

1 where the property on which the sign(s) is(are) placed is  
2 located.

3  
4 b. Where the size of the property is smaller than 0.25 acres and  
5 has a lawfully existing principal building, one temporary  
6 noncommercial sign totaling no more than (5) five square  
7 feet may be located on the owner's property for a period of  
8 thirty (30) days prior to an election affecting the property on  
9 which the sign is located.

10  
11 c. Temporary non-commercial signs shall be removed within  
12 seven (7) days following the election or referendum vote.  
13

14 3. *Additional temporary signs when a property is being offered for sale*  
15 *or lease:* One temporary sign, totaling no more than three (3) square  
16 feet, may be located on a property:  
17

18 a. When that property is being offered for sale or lease through  
19 a licensed real estate agent; or  
20

21 b. If not offered for sale or lease through a licensed real estate  
22 agent, when the sign is owned by the property owner and that  
23 property is offered for sale by the owner; and  
24

25 c. Such signs may remain for a period of fifteen (15) days  
26 following the date on which a contract of sale has been  
27 executed.  
28

29 4. *Additional temporary sign when a property being offered for sale or*  
30 *lease is open to the public:* One temporary sign, totaling no more  
31 than three (3) square feet, may be located on the owner's property  
32 on the day prior to and on the day when a property owner is opening  
33 the property to the public.  
34

35 C. *Temporary signs –zoning permit required.* The following signs authorized  
36 by this subsection require a zoning permit for a temporary sign.  
37

38  
39  
40 2. *Post and panel sign, commercial and noncommercial:*

41  
42 a. A maximum of one (1) sign per street frontage per property  
43 with a maximum height of eight (8) feet. The sign shall be  
44 oriented parallel with the street frontage to permit visibility  
45 of only one sign face.  
46

1 b. For residential properties of one (1) acre or less, a post and  
2 panel sign is not permitted. For commercial properties one  
3 (1) acre or less or residential properties greater than one (1)  
4 acre in size, a maximum cumulative sign area of sixteen (16)  
5 square feet is permitted. For commercial properties greater  
6 than one (1) acre in size, a maximum cumulative sign area  
7 of thirty-two (32) square feet is permitted.

8  
9 c. The sign shall be permitted:

10  
11 (1) During times that the commercial property is being  
12 developed or marketed for sale or lease until the  
13 property is sold or leased; or

14  
15 (2) While there is an active building permit on the  
16 property until a certificate of occupancy/completion  
17 is issued; or

18  
19 (3) The first thirty (30) days after an opening of a new  
20 business; or

21  
22 (4) For a period of thirty (30) days prior to an election in  
23 accordance with the additional temporary non-  
24 commercial signs before an election regulations  
25 above.

26  
27 2. *Building banner sign, commercial:*

28  
29 a. A maximum of one (1) banner per ground floor tenant of a  
30 commercial building with a maximum sign area of thirty-two  
31 (32) square feet if authorized through a special events  
32 permit. Signs shall be securely fastened to the building  
33 facade and shall not extend above the roofline or parapet.

34  
35 b. Banner placement is limited in duration to no more than  
36 fourteen (14) days prior to and fourteen (14) days after the  
37 date of the event or activity to which they relate, or the first  
38 thirty (30) days after an opening of a new business.

39  
40 c. When a temporary banner is associated with the  
41 manufacturing and installation of a permanent affixed sign,  
42 the banner shall be removed within sixty days, or  
43 immediately upon installation of the permanent sign,  
44 whichever first occurs.

45  
46 **Sec.45-115. Transitory signs,**

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A. *Residential transitory signs.* Residential transitory signs are directional signs intended to facilitate garage sales, open houses, moving sales, yard sales, and similar events, subject to the following requirements.

1. In addition to one (1) sign at the residence where the activity is occurring, no more than three (3) directional signs may be permitted within the swale area of any two (2) lane street bounded on both sides by residential properties.
2. Directional signs will not be permitted in the median or on any sidewalk, and must be set back at least five (5) feet from edge of pavement.
3. The signs may not exceed four (4) square feet in area and four feet in height measure to the top of the sign.
4. The signs must be erected and taken down on the same calendar day.
5. The signs may only be posted on a Saturday or Sunday or legal holiday, and shall on each day be limited to a display period no earlier than 5:00 a.m. and no later than 5:00 p.m.
6. The signs may only be staked to or pressed into the ground.
7. Where the public interest in the road right-of-way is limited to an easement, the consent of the owner of the underlying property is required to post signs in the right-of-way.

B. *Transitory special event signs, banners, and directional signs.*

1. The special event must be located within the municipal limits of the village.
2. A temporary special event permit must be approved by the village. The permit may list locations where special event signage may be displayed on private or public property. For private property locations, a letter from the property owner with a diagram showing the designated location for the sign must be submitted to the village along with the permit application for the event. For public property locations, the consent of the governmental agency owning or controlling such property is required (if the public interest is an easement, the consent of the landowner shall likewise be required).
3. One (1) sign not to exceed sixteen (16) square feet in area, directing the attention of the public to the special event may be permitted on

1 each street frontage of the property where the special event occurs.  
2 One (1) banner for the special event, not to exceed forty (40) square  
3 feet in area, directing the attention of the public to the special  
4 event, may be permitted to be attached to a building housing the  
5 event, or may be attached to a perimeter wall or fence adjacent to  
6 a street frontage on the property where the event is located. A  
7 special event sign or banner may be erected two (2) weeks prior to  
8 the event and must be removed within two (2) days after the event.  
9

- 10 4. Special event signs can contain the names or logo of a specific  
11 agency or business that is sponsoring the event/activity. Special  
12 event directional signs shall not exceed four (4) square feet per sign  
13 face and may be constructed of plastic or paper. Special event  
14 directional signs can be placed the day before the event begins and  
15 must be removed no later than the day after the event.  
16

17 **Sec. 45-116. Commercial Northlake (C-NB) District.**  
18

19 A. *Business signs permitted.* A permanent sign advertising a business or  
20 establishment shall consist of the following:  
21

- 22 1. A canopy or awning sign;  
23  
24 2. A ground or monument sign with one (1) or two (2) faces;  
25  
26 3. A wall sign with one (1) face; and/or  
27  
28 4. A window sign not to exceed twenty (20) percent of the total  
29 window area covered.  
30

31 B. *Sign type and criteria.*  
32

- 33 1. *Canopy or awning* signs. Notwithstanding limitations of this  
34 article on the projection of signs from the wall of a building,  
35 signs shall be permitted on canopies and awnings subject to the  
36 following:  
37  
38 a. The sign shall indicate only the name of the building or the  
39 name of the principal occupant of the building;  
40  
41 b. The sign shall be painted or printed directly on the canopy  
42 or awning; and  
43  
44 c. The sign shall be counted in determining the area of wall-  
45 mounted signs permitted on the wall from which the  
46 canopy or awning projects.

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- 2. *Ground signs.* The name, logo, and address of parcel of land as per the following standards:
  - a. A minimum of one (1) sign for parcel of land.
  - b. *Overall.* For parcels with greater than three hundred (300) linear feet of street frontage, one (1) additional sign for each additional seven hundred (700) linear feet of street frontage to include intersecting roadways.
  - c. *Outparcels.* Outparcels of a commercial center are permitted to have one (1) ground sign:
    - (1) If the outparcel has direct access to Northlake Boulevard.
    - (2) Overall.
      - i. If the outparcel is entitled to a ground sign, street frontage calculations for the outparcel should not be included in the street frontage calculations for the adjacent commercial center.
      - ii. Outparcel information may be provided in the permitted commercial center ground signs if internally accessed pursuant to regulations of this article.
  - d. The maximum area of a ground sign is sixty (60) square feet.
  - e. The maximum height of a ground sign is ten (10) feet.
  - f. *Minimum setbacks.* The minimum setbacks for ground signs are as follows:
    - (1) Two hundred (200) feet between signs located within the same parcel of land.
    - (2) Fifty (50) feet from sign to a non-right-of-way property line.
    - (3) Five (5) feet from the public right-of-way.

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- (4) Eight (8) feet from utility transmission lines.
- (5) Four (4) feet from the edge of pavement or curb when placed in an ingress/egress median.
- g. *Street frontage.* Street frontage is measured as the linear length of a property line adjacent to a public right-of-way.
- 3. *Wall signs.* The name, logo, and address of the business to which the sign is accessory and other related information. No wall sign shall be painted directly onto the building.

C. *Permissible size, height, location, and number of permitted business signs.*

**Table 45-2  
Permitted Business Signs**

Sign Type	Maximum Number	Maximum Number of Sign Faces	Maximum Area (Sign Face)	Max. Height/Dimensions	Other Limits
Canopy or awning	1 per front or side	1	3 sq. ft.	none	Signage considered a wall sign Copy shall not exceed 6" in height Functional awning: (shade/cover) calculate sq. ft. by enclosing copy Non-functional: (decorative only) sign is entire awning
Ground/Monument (Overall)	Parcels with > 300 l.f. of street frontage	2 per sign	40 sq. ft.	10 ft. height	20 ft. min. from public right-of-way
	1 additional sign per each additional 700 l.f. of street frontage		45 sq. ft.	10 ft. height	30 ft. min. from public right-of-way
			60 sq. ft.	10 ft. ht./15 ft. width	50 ft. min. from ROW. and interior property lines
					Sign copy not to exceed building identification and 1 tenant
					Requires 3 ft. min. solid sign base without copy
					200' between signs within the same parcel of land.
					50' from sign to non-ROW property line
					8' min. from utility lines
					min. 4 ft. from edge of pavement or curb when placed in an ingress/egress median

Wall mounted (front wall)	1 sign per business per street frontage with a max. of 2 signs per business	1	1 sq. ft. per 1-½ × the length of wall sign is attached to.	Mounting height is 6" below roof at sign location or 18 ft. max. height on up to 2 story bldg.	
Wall mounted (side/rear wall)		1	lesser of 50% of max. area of front wall or 1 sq. ft. per 1-½ × the length of wall the sign is attached to		
Wall mounted (side/rear-residential adjacent)		1	lesser of 25% of max. area of front wall or 1 sq. ft. per 1-½ × the length of wall the sign is attached to		
Wall mounted (overall)					Shall not cover or partially cover a required wall opening
					Shall not project more than 18 inches from the building
					Mounted flush with wall
					First floor location only
					3' min. between wall signs
					Wall signs shall not exist with projecting signs

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D. *Restrictions.* Advertising for the following purposes may be displayed:

1. *Construction signs.* To identify development construction in progress.
  - a. Such message shall not be displayed more than sixty (60) days prior to the beginning of actual construction of the project and shall be removed when construction is completed.
  - b. If a message is displayed pursuant to this section, but construction is not initiated within sixty (60) days after the message is displayed, or if construction is discontinued for a period of more than sixty (60) days, the message shall be removed, pending initiation or continuation of construction activities.

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- c. Upon final certificate of occupancy of a completed residential or nonresidential structure, such sign shall be removed.
- 2. *For-sale* signs. Such signs shall comply with the regulations of this article.
- 3. *Grand opening* signs. To announce the opening of a new business or the change of ownership of an established business shall be permitted in addition to other signs, which may be permitted by this regulation. Signs shall not remain in place for more than seven (7) days commencing immediately upon the opening of a new business or the change of ownership of an established business.
- 4. *Special event* signs. Such signs shall be placed no more than fifteen (15) days prior to the beginning of the event and provided further that all such signs shall be removed within forty-eight (48) hours after the event. Approval of the size and locations of the signs by the village is required.

D. *Permissible size, height, location, and number of temporary signs.*

**Table 45-3  
Permitted Temporary Signs**

Sign Type	Max. Number	Max. # of Signs Faces	Maximum Area	Maximum Height/Dimensions	Other Limitations
Construction	1 per 500 linear feet	1	32 sq. ft.	8 ft.	20' min. setback from property line and right-of-way time frame: 60 days before/removal at the certificate of occupancy
For-sale					Signs shall comply with the regulations of the village.
Grand Opening	1 per parcel	1	32 sq. ft.	6 ft.	20' min. setback from property line and right-of-way time frame: 7 calendar days total
Special Event	1 per parcel	2	32 sq. ft.	8 ft.	20' min. setback from property line and right-of-way time frame: 15 days before/48 hours after.

E. *Accessory Signs permitted.* A permanent accessory sign may be a ground or monument sign with one (1) or two (2) faces or wall signs with one (1) face.

- 1. *Accessory sign types and criteria.*
  - a. *Gasoline* signs.

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- b. *Parking area directional* signs. Parking area directional signs may be erected at each point of ingress and egress to a parking lot or parking area shall not be counted as part of an occupant's allowable sign area. Directional signs shall be subject to the following:
  - (1) Such signs shall not exceed two (2) square feet in background area nor extend to a height greater than three (3) feet above ground.
  - (2) Only one (1) such sign shall be allowed at each point of ingress and egress, and such signs shall not create a traffic or pedestrian hazard.
  - (3) No names or logos are permitted on the sign.
- c. *Parking area instructional and related* signs. The direction of traffic flow within a parking or loading area, ingress and egress points, areas where no parking is permitted, identification of parking spaces reserved for other specific groups or for individuals, and other similar information.

2. *Permissible size, height, location, and number of permitted accessory signs.*

**Table 45-4  
Permitted Accessory Signs**

Sign Type	Max. Number	Max. # of Signs Faces	Max. Area	Max. Height/Dimensions	Other Limits
Building Directory	1 per building for occupants not accessible to street frontage	1	18 sq. ft.	6 ft. height	2 or more buildings on same parcel or development Internal illumination only Location with twenty-five (25) ft. of main entry to building Changeable copy permitted
Gasoline price	1 per station	2	15 sq. ft. per side	none	20 min. from all property lines May include changeable copy
Flags (free standing)	3 flags max	2 per flag	ht. of flag is 30% of pole ht.	20 ft. height of pole	max. dimension of flag is 5' x 10'

			length is (2x) max. allowable ht.		min. setback is 103% of pole ht.
Flags (from structure)	1 flag max	2 per flag	(same as flag- free standing)		10 ft. above highest structure
Parking area instructional	as needed	2	4 sq. ft./face	6 ft. height freestanding or 12 ft. height if wall-mounted	max. 3 ft. above crown of paving or road
					2 ft. from lot line
					copy limited to exit, entrance, exit only, etc.
					Internal illumination only
					5 ft. from public right-of- way
Parking directional	1 per ingress of regress	2	2 sq. ft./face	3 ft. height freestanding	
				4 ft. max. height from crown of paving or road	

**Sec. 45-117. Severability.**

A. *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article.

B. *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection A above, or elsewhere in this article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

C. *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection A. above, or elsewhere in this article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this

1 article that pertains to prohibited signs, including specifically those signs  
2 and sign types prohibited and not allowed under this article. Furthermore, if  
3 any part, section, subsection, paragraph, subparagraph, sentence, phrase,  
4 clause, term, or word of this article is declared unconstitutional by the valid  
5 judgment or decree of any court of competent jurisdiction, the declaration  
6 of such unconstitutionality shall not affect any other part, section,  
7 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or  
8 word of this article , thereby ensuring that as many prohibited sign-types as  
9 may be constitutionally prohibited continue to be prohibited.

10  
11 Section 8. The provisions of this Ordinance shall become and be made a part of the Code of  
12 the Village of North Palm Beach, Florida.

13  
14 Section 9. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for  
15 any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void,  
16 such holding shall not affect the remainder of this Ordinance.

17  
18 Section 10. All ordinances or parts of ordinances and resolutions or parts of resolutions in  
19 conflict herewith are hereby repealed to the extent of such conflict.

20  
21 Section 11. This Ordinance shall take effect immediately upon adoption.

22  
23 PLACED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

24  
25 PLACED ON SECOND, FINAL READING AND PASSED THIS \_\_\_\_\_ DAY OF  
26 \_\_\_\_\_, 2024.

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30 (Village Seal)

\_\_\_\_\_ MAYOR

31  
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33 ATTEST:

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35 \_\_\_\_\_  
36 VILLAGE CLERK  
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1 APPROVED AS TO FORM AND  
2 LEGAL SUFFICIENCY:

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VILLAGE ATTORNEY

**VILLAGE OF NORTH PALM BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

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TO: Members of the Planning, Zoning and Adjustment Board  
FROM: Caryn Gardner-Young, Community Development Director  
CC: Leonard G. Rubin, Village Attorney  
DATE: November 12, 2024  
SUBJECT: **Ordinance Creating a Tree Removal Permit Process for Private Properties**

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Florida is renowned for its stunning natural landscapes, with towering trees that provide shade, beauty, and vital ecological benefits. The importance of tree preservation is that trees play a crucial role in maintaining a healthy ecosystem, providing oxygen, preventing soil erosion, and serving as habitats for countless species of wildlife. In Florida, where the subtropical climate nurtures a diverse array of tree species, responsible management and conservation efforts are essential to sustaining this natural treasure.

The Village of North Palm Beach (Village) Environmental Committee asked Village Staff to present to the Village Council a zoning text amendment to create a Tree Removal Permit process for private properties. Presently, the Village regulates trees on commercial properties and trees planted in the Right-of-Way. A resident must obtain approval from the Public Works Department to install landscaping within the Right-of-Way, which includes the Village's swales. Commercial properties are required to remain in compliance with their approved landscape plans, specify the location, type, and number of trees on the property. However, the Village does not regulate trees on private property.

The Village has typically supported minimal regulations on single-family and duplex lots; consequently, the attached Ordinance limits the tree removal process to specimen trees only. A specimen tree is being defined as a tree which has a diameter larger than 18 inches. Any tree under 18 inches, where there is no approved landscape plan, would not require the owner to obtain a Tree Removal Permit.

A Tree Removal Permit, if adopted, would require a property owner to provide a justification for the tree removal and propose tree replacement(s). Village Staff would review the Tree Removal Permit, at a minimal fee, and perform an inspection to confirm compliance with the approved Tree Removal Permit.

However, there is one exception to the required permit. State Statute specifically exempts a property owner from obtaining a Village permit if the tree is located on a single-family detached building lot, and the property owner has documentation from a certified arborist or licensed landscape architect to declare the tree is a risk in accordance with Best Management Practices.

Village Staff performed a survey on how other municipalities regulate trees on private property. A Tree Removal Permit for single family or duplex properties is not required in Palm Beach Gardens, Palm Beach County, Boca Raton, and Lake Park (except for specimen trees). Other municipalities, such as Royal Palm Beach, Greenacres, Lake Worth Beach and Riviera Beach, do require a Tree Removal Permit

**Recommendation:**

The Village Staff requests that the Planning, Zoning and Adjustment Board review the proposed Ordinance requiring a Tree Removal Permit for specimen trees on private property and provide a recommendation to the Village Council.



1 1. As referenced in section 163.045, Florida Statutes, this section shall not  
2 apply to the removal of a tree on residential property if the property  
3 owner possesses documentation from an arborist certified by the  
4 International Society of Arboriculture or a Florida licensed landscape  
5 architect that the tree poses an unacceptable risk to persons or property.

6  
7 a. A tree poses an unacceptable risk if removal is the only means  
8 of practically mitigating its risk below moderate, as determined  
9 by the tree risk assessment procedures outlined in Best  
10 Management Practices - Tree Risk Assessment, Second Edition  
11 (2017).

12  
13 b. Residential property shall be defined as a single-family,  
14 detached building located on a lot that is actively used for  
15 single-family residential purposes and that is either a  
16 conforming use or a legally recognized nonconforming use in  
17 accordance with the village's zoning regulations.

18  
19 c. Those parcels or lots that comprise the common elements or  
20 community property, in whole or in part, of a planned unit  
21 development or a mixed-use development shall not be defined  
22 as or deemed to be residential property for the purposes of this  
23 exemption.

24  
25 2. This section shall not apply to the removal of any tree with a diameter  
26 of less than eighteen (18) inches from private property where there is  
27 no approved landscaped plan.

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29 C. Requirements. Each permit application for tree removal shall include the  
30 following and be accompanied by the fee established by the village council:

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32 1. A survey showing the tree or trees to be removed, any relocated trees,  
33 and any trees proposed for installation;

34  
35 2. A statement indicating why the removal of the tree or trees is necessary,  
36 and that all work will be conducted in accordance with the provisions  
37 of this article and any other applicable village codes or requirements;  
38 and

39  
40 3. Any additional information required by the village.

41  
42 D. Any trees being removed, which were installed as part of an approved  
43 landscape plan, will be required to be replaced with the same number of trees  
44 and shall comply with the specifications of this article.

45  
46 E. A permit for tree removal may be issued when the required application data is  
47 supplied and the following conditions exist, as applicable:  
48

- 1           1.     The tree constitutes an unreasonable impediment to continuance or  
2           development of a permitted use of the property by virtue of its location  
3           in a buildable area or yard area where structures or improvements are  
4           to be placed and, at the determination of the village, suitable  
5           alternatives do not exist;  
6
- 7           2.     The tree: (i) is diseased, injured, in danger of falling; (ii) is located too  
8           close to an existing or proposed structure so as to endanger the  
9           structure; (iii) interferes with utility services; (iv) creates unsafe vision  
10           clearances; or (v) conflicts with other ordinances or regulations;  
11
- 12           3.     The tree is dead or has been destroyed;  
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- 14           4.     The village requires the tree to be removed;  
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- 16           5.     The tree proposed to be removed is growing too close in proximity to  
17           another tree to permit normal growth and development of the affected  
18           tree;  
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- 20           6.     The community development director or designee has determined that  
21           removal will be in the public interest; or  
22
- 23           7.     A prohibited tree species listed as an Exotic Pest & Invasive Plant by  
24           the Florida Invasive Species Council is present on the property (in the  
25           event of removal of a prohibited tree species, no fee shall be required).  
26

27 Section 3.     The provisions of this Ordinance shall become and be made a part of the Code of the  
28 Village of North Palm Beach, Florida.

29  
30 Section 4.     If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for  
31 any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such  
32 holding shall not affect the remainder of this Ordinance.  
33

34 Section 5.     All ordinances or parts of ordinances and resolutions or parts of resolutions in conflict  
35 herewith are hereby repealed to the extent of such conflict.  
36

37 Section 6.     This Ordinance shall take effect immediately upon adoption.  
38

39 PLACED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.  
40

41 PLACED ON SECOND, FINAL READING AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_  
42 \_\_\_\_\_, 2024.  
43  
44

45 (Village Seal)

\_\_\_\_\_   
MAYOR

1 ATTEST:

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3

4

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VILLAGE CLERK

5

6 APPROVED AS TO FORM AND

7 LEGAL SUFFICIENCY:

8

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10

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VILLAGE ATTORNEY