

# EXHIBIT 1

## ORDINANCE NO. 2015-21

**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE VIII, SIGN REGULATIONS, TO AMEND THE LEGISLATIVE FINDINGS, REGULATIONS AND PROHIBITIONS APPLICABLE TO SIGNAGE, REVISE SIGN REQUIREMENTS AND STANDARDS, SIGN REGULATIONS BY SIGN TYPE AND BY ZONING DISTRICT, AND DEFINITIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

1       **WHEREAS**, the Town Commission of the Town of Lauderdale-By-The-Sea (the “Town”) finds and determines that the Town’s land development regulations are required to regulate signs as provided by Section 163.3202(2)(f), Florida Statutes; and

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

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

10       **WHEREAS**, 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 Town as a place to live and to do business and implementing the Florida Constitution is a compelling governmental interest; and

14       **WHEREAS**, Florida law requires local governments to adopt comprehensive plans and implement them through land development regulations (also known as zoning regulations) and approval of development orders that are consistent with the comprehensive plan. See Part II of Chapter 163, Florida Statutes. Florida law specifically requires that the Town adopt sign regulations.

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See Section 163.3202(2)(f), Florida Statutes and the Town finds that complying with state law is a compelling governmental interest; and

**WHEREAS**, the Town's Comprehensive Plan has numerous provisions that require the Town to ensure the aesthetic character of the Town and to ensure traffic safety on roads within the Town through the regulation of signs and implementing the Town Comprehensive Plan is a compelling governmental interest; and

**WHEREAS**, Goals, Objectives and Policies of the Town Comprehensive Plan require the Town to maintain its scenic beauty and traffic safety through its land development regulations and actions; and

**WHEREAS**, the Town finds that excessive signage and sign clutter impairs the legibility of the environment, and undermines the effectiveness of governmental signs, traffic control devices and other required signs (such as name and address signs, directional signs, identification signs, onsite or on-premise wayfinding signs, and warning signs) that are essential to identifying locations for the delivery of emergency services and other compelling governmental purposes; and

**WHEREAS**, the intent of these sign regulations is to enhance the visual environment of the Town, ensure that Town residents and visitors can safely navigate through the Town to their intended destinations, and promote the continued well-being of the Town; and

**WHEREAS**, it is therefore the purpose of this Ordinance to promote aesthetics and the public health, safety and general welfare, and assure the adequate provision of light and air within the Town through reasonable, consistent and nondiscriminatory standards for the posting, displaying, erection, use, and maintenance of signs that are no more restrictive than necessary to achieve these governmental interests; and

**WHEREAS**, the Town finds and determines that the purpose and intent provisions of its signage regulations should be detailed so as to further describe the beneficial aesthetic, traffic safety, and other effects of the Town's sign regulations, and to reaffirm that the sign regulations

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are concerned with the secondary effects of speech and are not designed to censor speech or regulate the viewpoint of the speaker; and

**WHEREAS**, various signs that serve as signage for particular land uses are based upon content-neutral criteria in recognition of the functions served by those land uses, but not based upon any intent to favor any particular viewpoint or control the subject matter of public discourse; and

**WHEREAS**, the Town finds and determines that the sign regulations adopted hereby allow and leave open adequate alternative means of communications, such as newspaper advertising, internet advertising and communications, advertising in shoppers and pamphlets, advertising in telephone books, advertising on cable television, advertising on UHF and/or VHF television, advertising on AM and/or FM radio, advertising on satellite radio, advertising on internet radio, advertising via direct mail, and other avenues of communication available in the Town [*see State v. J & J Painting*, 167 N.J. Super. 384, 400 A.2d 1204, 1205 (Super. Ct. App. Div. 1979); *Board of Trustees of State University of New York v. Fox*, 492 U.S. 469, 477 (1989); *Green v. City of Raleigh*, 523 F.3d 293, 305-306 (4th Cir. 2007); *Naser Jewelers v. City of Concord*, 513 F.3d 27 (1st Cir. 2008); *Sullivan v. City of Augusta*, 511 F.3d 16, 43-44 (1st Cir. 2007); *La Tour v. City of Fayetteville*, 442 F.3d 1094, 1097 (8th Cir. 2006); *Reed v. Town of Gilbert*, 587 F.3d 866, 980-981 (9th Cir. 2009)]; and

**WHEREAS**, in *Reed v. Town of Gilbert, Ariz.*, -U.S.-, 135 S. Ct. 2218, 2221, 192 L. Ed. 2d 236 (2015), the United States Supreme Court, in an opinion authored by Justice Thomas, and joined in by Chief Justices Roberts, Scalia, Alito, Kennedy and Sotomayer, addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs; and

**WHEREAS**, in *Reed*, Justice Alito in a concurring opinion joined in by Justices Kennedy and Sotomayer pointed out that municipalities still have the power to enact and enforce reasonable sign regulations; and

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69       **WHEREAS**, Justice Alito further noted that in addition to regulating signs put up by  
70 private actors, government entities may also erect their own signs consistent with the principles  
71 that allow governmental speech [see *Pleasant Grove City v. Summum*, 555 U.S. 460, 467-469  
72 (2009)], and that government entities may put up all manner of signs to promote safety, as well  
73 as directional signs and signs pointing out historic sites and scenic spots; and

74       **WHEREAS**, Justice Alito noted that the *Reed* decision, properly understood, will not  
75 prevent cities from regulating signs in a way that fully protects public safety and serves  
76 legitimate aesthetic objectives, including rules that distinguish between on-premises and off-  
77 premises signs; and

78       **WHEREAS**, under established Supreme Court precedent and Eleventh Circuit precedent,  
79 commercial speech may be subject to greater restrictions than noncommercial speech and that  
80 doctrine is true for both temporary signs as well as for permanent signs; and

81       **WHEREAS**, the Town finds and determines that a traffic control device sign, as defined  
82 herein, should be exempt from regulation under the Town's land development regulations for  
83 signage; and

84       **WHEREAS**, the Town finds and determines that the regulation of signs within the Town  
85 strongly contributes to the development and maintenance of a pleasing, visually attractive  
86 environment, and that these sign regulations are prepared with the intent of enhancing the  
87 environment and promoting the continued well-being of the Town; and

88       **WHEREAS**, the Town finds and determines that the regulation of signage for purposes  
89 of aesthetics has long been recognized as advancing the public welfare; and

90       **WHEREAS**, as long ago as 1954, the U.S. Supreme Court recognized that “the concept of  
91 the public welfare is broad and inclusive,” that the values it represents are “spiritual as well as  
92 physical, aesthetic as well as monetary,” and that it is within the power of the Town Commission to  
93 determine that the community should be beautiful as well as healthy, spacious as well as clean,

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well-balanced as well as carefully patrolled,” in *Berman v. Parker*, 348 U.S. 26, 33 (1954), which was followed by *State v. Miami Beach Redevelopment Agency*, 392 So. 2d 875 (Fla. 1980); and

**WHEREAS**, the Town finds and determines that aesthetics is a valid basis for zoning, and that the regulation of the size and appearance of signs and the prohibition of certain types of signs can be based upon aesthetic grounds alone as promoting the general welfare [*see Merritt v. Peters*, 65 So. 2d 861 (Fla. 1953); *Dade County v. Gould*, 99 So. 2d 236 (Fla. 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 878 (1970)]; and

**WHEREAS**, the Town finds and determines that the Town is a tourist destination on the east coast of the state with beaches on the Atlantic Ocean and that this Town has an economic base which relies heavily on tourism; and

**WHEREAS**, the Town finds that a large number of properties in the business districts are built to the front property line; and

**WHEREAS**, many commercial buildings in the Town built decades ago have roof overhangs extending over the public right-of-way, and the Town continues to permit this style of development consistent with the Town’s preferred Mid-Century Modern architecture and historic development; and

**WHEREAS**, businesses in these buildings have traditionally been allowed to utilize hanging signs, attached under the roof overhangs and perpendicular to the sidewalk projecting over the public right-of-way, if they obtain a right-of-way encroachment license from the Town; and

**WHEREAS**, the Town finds that hanging signs enhance the navigability of the business district for pedestrians, without blocking the sidewalk or otherwise impairing the access to the businesses, and further enhances the Town’s architectural character; and

**WHEREAS**, the Town finds that due to the historic pattern of commercial development, the aesthetic character of Town, and the benefits to pedestrian navigation, certain limited

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circumstances exist which support the allowance of hanging signs over the public right-of-way;  
and

**WHEREAS**, the Town finds and determines that in order to preserve the Town as a desirable community in which to live, vacation and do business, a pleasing, visually-attractive village environment is of foremost importance; and

**WHEREAS**, the Town finds and determines that the beauty of the Town's natural and built environment has provided the foundation for the economic base of the Town's development, and that the Town's sign regulations not only help create an attractive residential community for its residents, but also bolster the Town's image as a tourist destination; and

**WHEREAS**, the Town finds and determines that these sign regulations further the character and ambiance of the Town, and reflect its commitment to maintaining and improving an attractive environment; and

**WHEREAS**, the Town finds and determines that the beauty of the Town's natural and built environment has provided the foundation for the economic base of the Town's development, and that the Town's sign regulations help create an attractive residential community for its residents and tourists; and

**WHEREAS**, the Town finds and determines that the goals, objectives and policies of its plans over the years demonstrate a strong, long-term commitment to maintaining and improving the Town's attractive character and visual environment; and

**WHEREAS**, the Town finds and determines that, from a planning perspective, one of the most important community goals is to define and protect aesthetic resources and community character; and

**WHEREAS**, the Town finds and determines that the purpose of the regulation of signs as set forth in this Ordinance is to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements; and

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146       **WHEREAS**, the Town finds and determines that the sign regulations in this Ordinance  
147 are intended to lessen hazardous situations, confusion and visual clutter caused by proliferation,  
148 improper placement, illumination, animation and excessive height, area and bulk of signs which  
149 compete for the attention of pedestrian and vehicular traffic; and

150       **WHEREAS**, the Town finds and determines that these sign regulations are intended to  
151 protect the public from the dangers of unsafe signs; and

152       **WHEREAS**, the Town finds and determines that these sign regulations are intended to  
153 permit signs that are compatible with their surroundings and aid orientation, and to preclude  
154 placement of signs in a manner that conceals or obstructs adjacent land uses or signs; and

155       **WHEREAS**, the Town finds and determines that these sign regulations are intended to  
156 regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists,  
157 bicyclists or pedestrians; and

158       **WHEREAS**, the Town finds and determines that these sign regulations are intended to  
159 require signs to be constructed, installed and maintained in a safe and satisfactory manner; and

160       **WHEREAS**, the Town finds and determines that in meeting the purposes and goals  
161 established in these findings, it is appropriate to prohibit and/or to continue to prohibit certain  
162 sign types; and

163       **WHEREAS**, the Town finds and determines that the prohibition of the construction of  
164 billboards and certain other sign types, as well as the establishment and continuation of height,  
165 size and other standards for on-premise signs, is consistent with the policy set forth in the Florida  
166 Constitution that it shall be the policy of the state to conserve and protect its scenic beauty; and

167       **WHEREAS**, the Town finds that local governments may separately classify off-site and  
168 on-site advertising signs in taking steps to minimize visual pollution [*see City of Lake Wales v.*  
169 *Lamar Advertising Association of Lakeland Florida*, 414 So. 2d 1030, 1032 (Fla. 1982)]; and

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170       **WHEREAS**, the Town finds and determines that a prohibition on the erection of off-site  
171 outdoor advertising signs will reduce the number of driver distractions and the number of  
172 aesthetic eyesores along the roadways and highways of the Town [*see, e.g., E. B. Elliott Adv. Co.*  
173 *v. Metropolitan Dade County*, 425 F.2d 1141, 1154 (5th Cir. 1970), *cert. denied*, 400 U.S. 878  
174 (1970)]; and

175       **WHEREAS**, the Town finds and determines that in order to preserve, protect and  
176 promote the safety and general welfare of the residents of the Town, it is necessary to regulate  
177 off-site advertising signs, so as to prohibit the construction of off-site signs and billboards in all  
178 zoning districts, and to provide that the foregoing provisions shall be severable; and

179       **WHEREAS**, the Town hereby finds and determines that anything beside the road which  
180 tends to distract the driver of a motor vehicle directly affects traffic safety, and that signs, which  
181 divert the attention of the driver and occupants of motor vehicles from the highway to objects  
182 away from it, may reasonably be found to increase the danger of accidents, and agrees with the  
183 courts that have reached the same determination [*see In re Opinion of the Justices*, 103 N.H. 268,  
184 169 A.2d 762 (1961); *Newman Signs, Inc. v. Hjelle*, 268 N.W.2d 741 (N.D.1978)]; and

185       **WHEREAS**, the Town finds and determines that the Town has allowed noncommercial  
186 speech to appear wherever commercial speech appears; and the Town desires to continue that  
187 practice through the specific inclusion of a substitution clause that expressly allows non-  
188 commercial messages to be substituted for commercial messages; and

189       **WHEREAS**, the Town finds and determines that, by confirming in this Ordinance that  
190 noncommercial messages are allowed wherever commercial messages are permitted, the Town  
191 will continue to overcome any constitutional objection that its ordinance impermissibly favors  
192 commercial speech noncommercial speech [*see Outdoor Systems, Inc. v. City of Lenexa*, 67 F.  
193 Supp. 2d 1231, 1236-1237 (D. Kan. 1999)]; and

194       **WHEREAS**, the Town finds and determines that under Florida law, whenever a portion  
195 of a statute or ordinance is declared unconstitutional, the remainder of the act will be permitted  
196 to stand provided (1) the unconstitutional provisions can be separated from the remaining valid



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provisions, (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void, (3) the good and the bad features are not so inseparable in substance that it can be said that the legislative body would have passed the one without the other, and (4) an act complete in itself remains after the valid provisions are stricken [*see, e.g., Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)]; and

**WHEREAS**, the Town finds and determines that there have been several judicial decisions where courts have not given full effect to severability clauses that applied to sign regulations and where the courts have expressed uncertainty over whether the legislative body intended that severability would apply to certain factual situations despite the presumption that would ordinarily flow from the presence of a severability clause; and

**WHEREAS**, the Town finds and determines that the Town has consistently adopted and enacted severability provisions in connection with its code provisions, and that the Town wishes to ensure that severability provisions apply to its land development regulations, including its sign regulations; and

**WHEREAS**, the Town finds and determines that the Code's severability clauses were adopted with the intent of upholding and sustaining as much of the Town's regulations, including its sign regulations, as possible in the event that any portion thereof (including any section, sentence, clause or phrase) be held invalid or unconstitutional by any court of competent jurisdiction; and

**WHEREAS**, the Town finds and determines that there must be an ample record of its intention that the presence of a severability clause in connection with the Town's sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any provision is invalid or unconstitutional for any reason whatsoever; and

**WHEREAS**, the Town finds and determines that there must be an ample record that it intends that the height and size limitations on freestanding and other signs continue in effect regardless of the invalidity or unconstitutionality of any, or even all other, provisions of the

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223 Town's sign regulations, other ordinance code provisions, or other laws, for any reason (s)  
224 whatsoever; and

225 **WHEREAS**, the Town finds and determines that there must be an ample record that it  
226 intends that each prohibited sign-type continue in effect regardless of the invalidity or  
227 unconstitutionality of any, or even all, other provisions of the Town's sign regulations, other  
228 ordinance code provisions, or other laws, for any reason(s) whatsoever; and

229 **WHEREAS**, the Town Commission desires to modify and update certain sign regulations  
230 in order to respond to recent caselaw including *Reed v. Town of Gilbert*, \_\_\_U.S.\_\_\_, 135 S. Ct.  
231 2218, 192 L. Ed. 2d 236 (2015); and

232 **WHEREAS**, the Town Commission makes the detailed findings set forth in Section 30-500  
233 of Section 2 of this Ordinance as to the purpose of the Town's sign regulations, and the substantial  
234 and compelling governmental interests that are advanced by these regulations.

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

237 **WHEREAS**, the Town Commission reiterates its desire that there be an ample and  
238 unequivocal record of its intention that the severability clauses it has adopted related to its sign  
239 regulations shall be applied to the maximum extent possible, even if less speech would result from a  
240 determination that any exceptions, limitations, variances, or other sign provisions are invalid or  
241 unconstitutional for any reason whatsoever; and

242 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has  
243 reviewed this Ordinance at a duly noticed hearing on November 18, 2015, and recommended  
244 Approval with modifications; and

245 **WHEREAS**, the Town Commission conducted a first and second reading of this Ordinance  
246 at duly noticed public hearings, as required by law, and after having received input from and  
247 participation by interested members of the public and staff, the Town Commission has determined

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that this Ordinance is consistent with the Town's Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

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

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

**SECTION 2. Amendment.** Article VIII, Sign Regulations, Chapter 30, Zoning, is hereby amended to read as follows<sup>1</sup>:

### **ARTICLE VIII. - SIGN REGULATIONS**

#### **Sec. 30-500. – Purpose, scope and intent.**

**(a) Purpose.** In accordance with the U.S. Supreme Court's cases on sign regulation, the regulations in this article 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 Town'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. These cases and their holdings include, but are not limited to:

**(1) *Reed v. Town of Gilbert*, U.S. , 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015) on the topic of noncommercial temporary signs;**

**(2) *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981) on the topic of commercial signs and offpremise signs;**

**(3) *City of Ladue v. Gilleo*, 512 U.S. 43 (1994) on the topic of political protest signs in residential areas;**

**(4) *Linmark Assocs., Inc. v. Township of Willingboro*, 431 U.S. 85 (1977) on the topic of real estate signs in residential areas;**

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<sup>1</sup> Additions to text are shown in underline. Deletions to text are shown in ~~strikethrough~~.

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(5) *Burson v. Freeman*, 504 U.S. 191 (1992) on the topic of election signs near polling places;

(6) *Central Hudson Gas & Electric Corp. v. Public Service Commission*, 447 U.S. 557 (1980) on the topic of regulation of commercial speech; and

(7) *City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984) on the topic of signs on public property.

### (b) Scope.

(1) The provisions of this article shall govern the number, size, location, and character of all signs which may be permitted under the terms of this article. No signs shall be permitted on a plot or parcel except in accordance with the provisions of this article.

(2) This article does not regulate government signs on government property, including traffic control devices.

(3) In the event of any conflict between this article and any declaration of covenants, bylaws, or other restrictions applying to any property within the Town, the language affording the more restrictive interpretation shall apply.

(4) The Town specifically finds that these sign regulations are narrowly tailored to achieve the compelling and substantial governmental interests of traffic safety and aesthetics, and that there is no other way for the Town to further these interests.

### (c) Intent.

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

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(2) This article establishes comprehensive regulations for the control of signs in order to preserve, protect, and promote the public health, safety and general welfare. More specifically, this article is intended to assist in achieving the following objectives:

(a.) To authorize the use of signs that:

(1.) Are compatible with their surroundings and the zoning district in which they are located and aid orientation and ensure pedestrian and traffic safety;

(2.) Project the image, character and style the Town desires to promote;

(3.) ~~Are appropriate to the type of establishment or activity to which they pertain;~~ Reduce the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive area of signs which compete for the attention of pedestrian and vehicular traffic and are not necessary to aid in wayfinding.

(4.) Establish size, number and placement limitations to ensure signage is the minimum reasonably necessary to identify a residential or business location, the nature of such uses and to allow smooth, safe navigation to these locations with signs that aAre legible in the circumstances in which they are seen; and

(5.) Are not distracting or cluttered in a manner that disturbs the safe and free flow of vehicular and pedestrian movement.

6. are effective in performing the function of identifying and safely directing pedestrian and vehicular traffic to a destination;

7. do not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;

(b.) To enhance the economic vitality of existing businesses and foster quality redevelopment by promoting the reasonable, orderly, and effective display of signs;

(c.) To encourage sound sign display practices, and to mitigate the objectionable effects of competition in respect to the size and placement of signs;

(d.) To enhance the physical appearance of the Town by protecting the man-made and natural beauty of the area;

(e.) To preserve the value of private property by assuring the compatibility of signs with nearby land uses; and

f. Allow for traffic control devices and government signs without regulation consistent with national standards, because they promote highway safety

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and efficiency by providing for the orderly movement of road users on streets and highways, and by notifying road users of regulations and providing nationally consistent warnings and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream and modes of travel, while regulating private signs to ensure that their size, location and other attributes do not impair the effectiveness of such traffic control devices;

g. To prohibit the display of private signs on government property or right-of-way;

h. Not regulate signs more than necessary to accomplish the compelling and substantial governmental objectives described herein; and

i.(f) To enable fair and consistent enforcement of these sign regulations.

### Sec. 30-501. – Applicability.

This article shall apply to all property and land within the jurisdiction of the Town of Lauderdale-By-The-Sea. It is unlawful for any person, firm, or corporation that owns, occupies, or controls property in the Town of Lauderdale-By-The-Sea to construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered, a sign within the Town except in conformance with this article.

### Sec. 30-502. - Exempt signs.

(a) *Exempt from regulation under this article.* The following signs are exempt from this article and further, may be erected and displayed without securing a sign permit, provided they are not placed or constructed so as to create a hazard of any kind, subject nonetheless to meeting all other applicable land-use and building-safety codes, regulations and permit requirements and being kept at all times in good repair, freshly painted, and in a neat and clean condition.

(1) Any sign not visible from any street, property (other than the subject site), beach or water body;

(2) Any sign contained within a building and set back from any window at least ten feet;

(3) Wayfinding, directional, hazard and traffic control and similar signs required or installed by a government agency;

(4) Legal notices required to be posted by law or ordinance;

(5) Signs required to be posted by a government regulation or law enforcement agency; and

(b) *Exempt from permitting.* The Town has a compelling interest in allowing the following signs in order to comply with State and local laws and to promote public safety on Town property and/or in the street right-of-way. The following signs may

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be installed without a sign permit, provided they meet the requirements listed below and are otherwise in conformance with this article. Under certain circumstances these signs may require a building permit ~~or right-of-way encroachment permit~~. Contact the Town's Development Services Department for permitting requirements prior to installing any of the signs listed below. Any sign which does not meet the criteria of this section and is not specifically permitted elsewhere in this article is prohibited.

~~(a) Any sign not visible from any street, property (other than the subject site), beach or water body;~~

~~(b) Any sign contained within a building and set back from any window at least ten feet;~~

~~(1e)~~ Customary ~~price~~ tags and labels not exceeding 15 square inches in size on merchandise in display windows;

~~(d) Date/time and temperature indicator: one per plot, no larger than four square feet in size;~~

~~(2e)~~ Decals ~~such as payment acceptance, brand and service decals~~, limited to eight per business, not to exceed eight square inches each. Decals shall count toward the 25 percent window coverage maximum;

~~(3f)~~ *Flags:*

~~a.(1)~~ On residential property up to a cumulative maximum of 40 square feet; and

~~b.(2)~~ Up to four flags on non-residential property, up to a cumulative maximum not to exceed one square foot of flag per linear foot of the front lot line.

~~(g) Informational signs such as hours of operation and open/closed signs, limited to two per business, not to exceed a total of three square feet each;~~

~~(h) Wayfinding, directional, hazard and traffic control and similar signs required or installed by a government agency;~~

~~(i) Legal notices required to be posted by law or ordinance;~~

~~(4j)~~ *Name and address signs:*

~~a.(1)~~ Letters or numerals shall be no more than six inches in height;

~~b.(2)~~ Each name and address sign shall not to exceed two square feet in sign area;

~~c.(3)~~ Every building shall display an address sign that is clearly visible from the street;

~~d.(4)~~ Buildings that have rear door access to an alley or parking lot shall also display an address sign that is clearly visible from the alley or parking lot; and

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e.(5) See additional regulations per zoning district, as provided in section 30-508, Sign regulations by zoning districts.

~~(k) "No admittance," "exit only" and similar signs applied onto or next to rear or emergency doors with letters no more than six inches in height;~~

~~(5l) Noncommercial signs:~~

~~a. not to exceed a cumulative total area of:~~

~~1. 4 square feet per residential property; and~~

~~2. 16 square feet per non-residential property (residential or non-residential) or business establishment; and~~

~~b. additional temporary noncommercial signage shall be allowed for the ninety (90) days prior to and seven (7) calendar days following any federal, state of Florida, Broward county, or Town election, not to exceed:~~

~~1. three (3) square feet per sign, but not to exceed a cumulative total of 12 additional square feet per frontage (street or waterway) in residential districts;~~

~~2. twelve (12) square feet per sign, but not to exceed a cumulative total of 21 square feet per frontage (street or waterway) in commercial zoning districts.~~

~~3. all non-commercial signage permitted by this subsection above shall count as one temporary sign.~~

~~(6m) "No parking," "no trespassing" and similar signs, and Warning or danger signs, no larger than four square feet in size, up to a cumulative maximum of sixteen square feet per property;~~

~~(n) Political candidate and election issue signs:~~

~~(1) May not be erected upon public right-of-way or government-owned or leased property except that they may be placed immediately adjacent to the private property of the person posting signs if posted in compliance with the following:~~

~~a. In the B1 or B1A district, signs may be placed with no setback from the edge of the paved street or the sidewalk;~~

~~b. In all other zoning districts:~~

~~1. If there is no sidewalk in front of the property, signs shall be set back at least five feet from the edge of the paved street; or~~

~~2. If there is a sidewalk in front of the property, signs shall be set back at least two feet from the property side of the sidewalk;~~



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c. On property at the Town Municipal Complex on election day, signs may be placed within three feet of any campaign tent, and up to ten signs per candidate or issue may be posted elsewhere on the Complex, subject to all State and federal restrictions;

(2) Shall be of a temporary nature and shall not exceed an overall size of:

a. 3 square feet in residential zoning districts; or

b. 12 square feet per sign, not to exceed a total of 21 square feet per right-of-way in commercial zoning districts.

(3) The candidate, or in the case of an election issue sign, the property owner, shall be responsible for removing the signs within seven days after the date of the election;

(4) May not be erected or placed upon parkways, utility poles, or trees; and

(5) Properties shall be limited to one political sign per street frontage and waterway and all legal temporary political signs on a single property shall count as one temporary sign;

(7e) *Real estate sign:*

(1) The name and phone number of the person or company responsible for placing and removing the sign shall be listed on the sign;

a.(2) Real estate signs located in residential zoning districts shall be no larger than three square feet;

b.(3) Real estate signs located in commercial zoning districts shall be no larger than 12 square feet.

c.(4) When mounted upon the ground, with a frame or holder and post, the height of the frame or holder and post shall not exceed 48 inches in height;

d.(5) Properties shall be limited to one real estate sign per street frontage and waterway and all legal temporary real estate signs on a single property shall count as one temporary sign;

(6) No real estate sign may be placed on public property or public right-of-way except that the sign may be placed immediately adjacent to the private property of the person posting the sign if posted in compliance with the following:

a. In the B1 or B1A district, a sign may be placed with no setback;

b. In all other zoning districts:

1. If there is no sidewalk in front of the property, a sign shall be set back at least five feet from the edge of the paved street; or

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2. If there is a sidewalk in front of the property, a sign shall be set back at least two feet from the property side of the sidewalk;

~~e.(7)~~ One (1) additional real estate sign only when the premises are available for inspection by the prospective buyer or tenant. Said additional attached sign shall not be larger than eight (8) inches in width nor twenty-four (24) inches in length. Real estate signs placed on or for property which is for sale or lease, during a period of open viewing ("open house" signs) may only be posted during the hours of the open house and may only be posted on private property with the permission of the property owner;

~~f.(8)~~ Real estate signs shall be removed within seven days of the property closing or the listing contract expiring.

~~(8p)~~ "Reserved," or similar lettering or numberings applied to parking space wheel stops;

~~(q)~~ Signs required to be posted by a government regulation or law enforcement agency; and

~~(r)~~ Temporary announcing sign, meeting the requirements of section 30-504(a), for special events sponsored by non-profit organizations.

~~(s)~~ Temporary holiday and seasonal lighting and decorations: Lighting and other decorations may be displayed temporarily for the purpose of setting a holiday or seasonal event ambiance, subject to the following display time periods:

(1) When a holiday or seasonal event occurs during the month of December and January, lighting and decorations pertaining to the holiday or seasonal event may be installed up to 60 days prior to the date [of] the holiday or seasonal event and must be removed within 30 days following the date of the holiday or seasonal event.

(2) When a holiday or seasonal event occurs during a month other than December and January, lighting and decorations pertaining to the holiday or seasonal event may be installed up to 30 days prior to the date of the holiday or seasonal event and must be removed within 14 days follows the date of the holiday or seasonal event.

~~(t)~~ Temporary special event signs of any type used as part of a special community event or fair, which has been specifically authorized by the Town Commission.

### Sec. 30-503. - Permitted signs.

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

~~(a)~~ Automated teller machine (ATM) signs;

~~(ab)~~ Building or development identification signs;

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- (be) Cabinet signs;
- (ce) Canopy and awning signs;
- (de) Changeable copy signs;
- (ef) Directory sign;
- (fg) Hanging signs;
- (gh) Informational, wayfinding, directional and traffic control signs;
- ~~(i) Menu board signs;~~
- (hj) Monument signs;
- ~~(k) Multi-modal transportation information signs for Town-licensed multi-modal transportation facilities located in rights-of-way;~~
- (il) Name and address signs, not otherwise exempt;
- (jm) Neon signs;
- (kn) Painted signs;
- (le) Pole signs;
- (mp) Pylon signs;
- (nq) Roof signs;
- ~~(r) Strip, string or rope lighting;~~
- (os) Subdivision and residential development identification signs;
- ~~(t) Valet and paid private parking sandwich signs;~~
- (pu) Wall signs; and
- (qv) Window signs.

### Sec. 30-504. - Temporary signs.

The following ~~types of~~ signs may be permitted within the Town as temporary signs, only in conformance with these regulations and after issuance of a temporary sign permit by the Development Services Department.

~~Unless otherwise addressed by this article, temporary signs shall be removed within seven days after the event to which they relate.~~

- (a) Announcing signs. One (1) sign, for properties with an active building permit or site plan, provided such sign:
  - (1) An announcing sign shall not exceed 6 square feet in size in single family and duplex zoning districts;
  - (2) shall not exceed 16 32 square feet in size in all other districts;

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(2) An announcing sign may be a banner, freestanding, wall or window sign;

(3) An announcing sign for a new business, or to announce a change of business name, may be displayed for a period not exceeding six weeks, anytime during the first six months after the date of issuance of a business tax receipt;

(4) An announcing sign for a future development

(3) may be displayed for a period not to exceed 12 months, subject to the following:

a. Such sign may be placed anytime from the date of approval of a site plan by the Town Commission or the issuance of a building permit when no site plan approval is required, and must be removed upon the expiration of the 12 months, the issuance of the certificate of occupancy or the permit expiration, whichever is sooner; and

b. An announcing sign for a future development, such sign obtained pursuant to a site plan must be removed if a building permit is not obtained within six months of the approval;

(b) (5) One temporary (1) sign, not exceeding 32 square feet, for a non-residential use, subject to the following: An announcing sign for an upcoming event may be posted no earlier than 14 days prior to the event;

(16) A temporary sign permit for an announcing sign shall not be issued more than four times per year for the same use business; and

(2) each sign must be removed 21 days after it is posted

(c) A temporary sign may be a banner, freestanding, wall or window sign; and

(d7) A freestanding announcing temporary sign shall be set back at least five feet from any property line.

(b) Contractor signs.

(1) A contractor sign shall not exceed 16 square feet in size;

(2) A contractor sign shall be set back at least five feet from any property line.

(c) Garage sale signs as provided in Chapter 14.5, Article I.

(d) Portable identification signs for a use fronting a roadway under construction.

(1) Portable identification signs are only allowed when associated with a non-residential use, to be posted adjacent to the road right-of-way that is under construction during the period of road construction and must be removed immediately upon completion of the road construction;

(2) The sign shall not exceed 16 square feet in area;

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(3) The sign must have its own support structure.

### Sec. 30-505. - Prohibited signs.

Any sign found posted or otherwise affixed upon any public property contrary to the provisions of this article shall be removed by the Town and stored up to thirty (30) days upon which the sign(s) will be discarded if not claimed by the owner. The person responsible for any such posting shall be liable for the cost incurred in the removal and storage thereof, and the Town is authorized to effect the collection of said cost.

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

- (a) Animated or flashing signs;
- (b) Any sign not listed elsewhere in these regulations as an exempt, permitted or temporary sign;
- (c) ~~Permanent~~ Balloon signs;
- (d) Billboards/off-premises signs;
- (e) Electronic signs;
- (f) Internally illuminated, transparent or translucent awnings or canopies used as signs;
- (g) Murals;
- (h) Permanent banner signs;
- (i) Portable moving signs;
- (j) Private signs of any type placed upon Town property or upon public right-of-way ~~unrelated to a licensed use of the right-of-way~~;
- (k) Sandwich signs;
- (l) Signs placed upon fences, benches, trash receptacles, newsracks or posted on a tree;
- (m) Signs placed on any portion of the public beach, ~~except regulatory or warning signs~~;
- (n) Signs that do not meet the design, material and fabrication requirements of this article;
- (o) Signs that produce or emit any type of sound or odor;
- (p) Signs that could possibly be mistaken as traffic control signs/devices ~~thereby creating a safety hazard~~;

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(p) Signs which no longer advertise or identify a business conducted, a service rendered or product sold on the premises;

(q) Signs with unshielded lighting elements, except neon signs;

(r) Snipe signs;

(s) Stationary vehicle or trailer signs; and

(t) Streamers, spinners, and feather signs.

### Sec. 30-506. - General design standards.

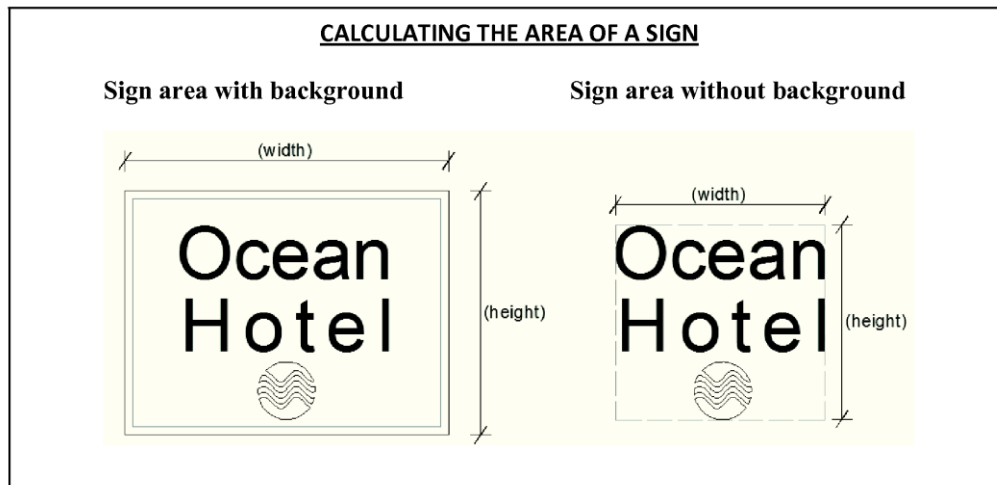
Illustrations are shown to provide interpretative assistance. In the event of a conflict between the text and an illustration, the text shall prevail.

(a) Area and height measurements.

(1) *Calculating the area of a sign when the sign contains a defined background:*

The sign area is calculated by determining the total number of square feet, including the surface of the sign, which may include text, copy, symbols and corporate logos, and any framing, trim or molding that is definable as the sign background, but not including the supporting structure.

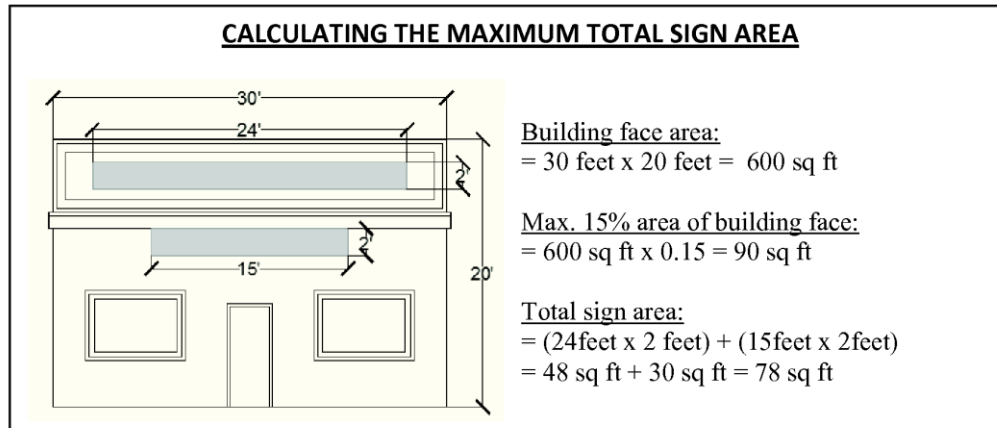
(2) *Calculating the area of a sign when the sign does not contain a defined background:* The sign area is calculated by determining the total number of square feet of the smallest area of a square or rectangle encompassing all of the text, copy, symbols and corporate logos displayed on a sign.



(3) *Calculating the area of a double-faced sign:*

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In determining the sign area of a double-faced sign, which is a sign with identical faces mounted on opposite and parallel sides of the same sign, only one of the two identical faces shall be used to calculate the sign area.

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- (4) *Calculating the area of a building face:* The area of a building face shall be determined by multiplying the height of the building face by the width of the building face. In order to determine the area of a building face, the height of the building face shall be measured as follows:

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- a. In no case shall the total sign area of all signs attached to the wall, canopy and/or awnings of a building face exceed 15 percent of the area of that building face.

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- b. In the case of a building with a flat roof, the height of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road, whichever is higher, to either the deck of a flat roof or the top of the parapet wall, whichever is higher.

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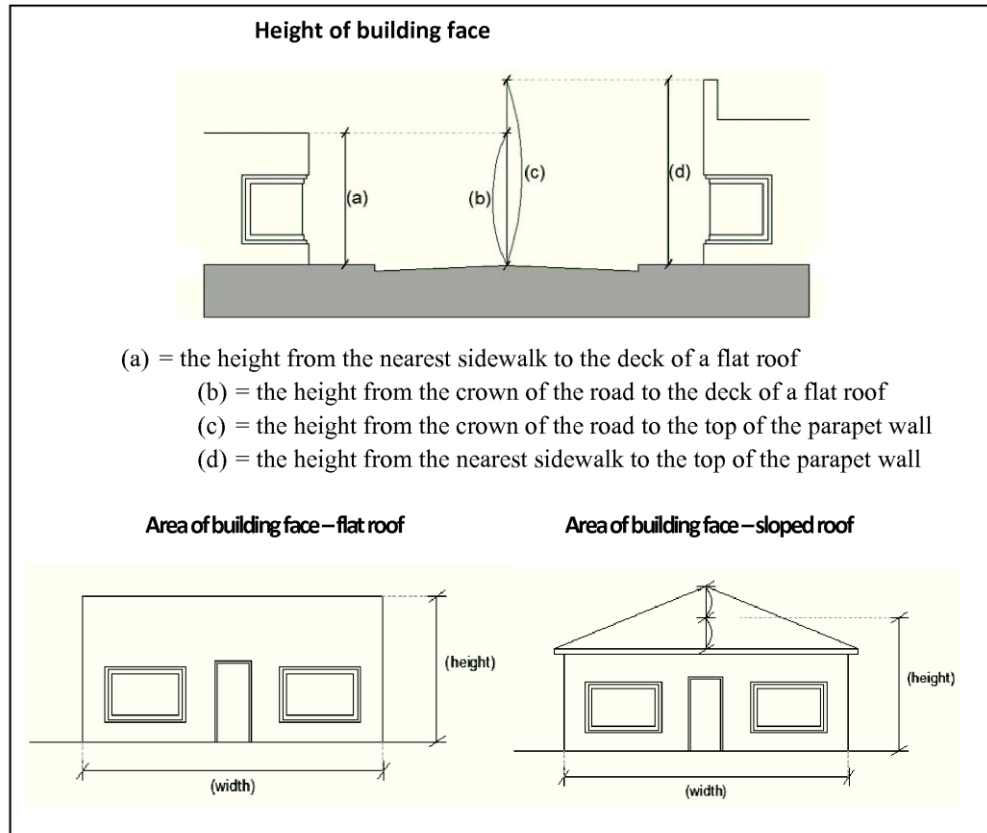
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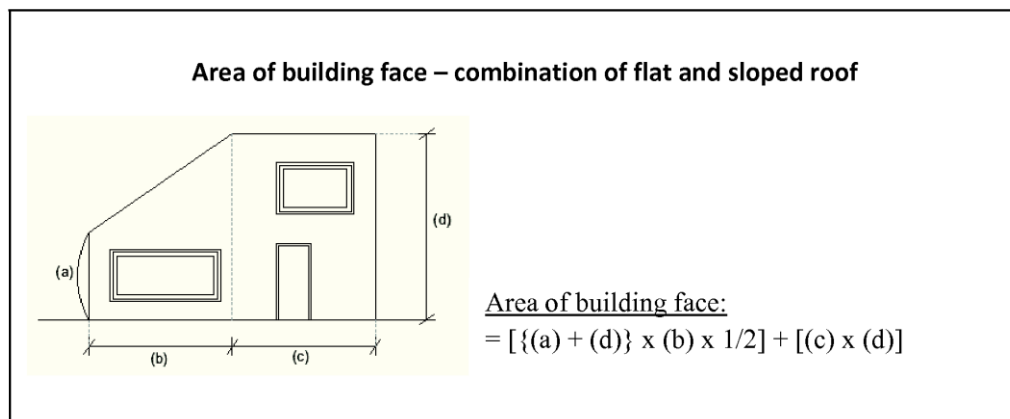
- c. In the case of a building with a sloped roof, the height of the building face shall be measured from the elevation of the nearest sidewalk or crown of the road, whichever is higher, to the midpoint of a sloped roof.

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- d. In the case of a building with a combination of flat roof and sloped roofs, the height of the building face shall be measured for each area of roof type as described in (d)(1) and (2) above, and the area of the building face shall be the combined sum as calculated for each portion of the building face.



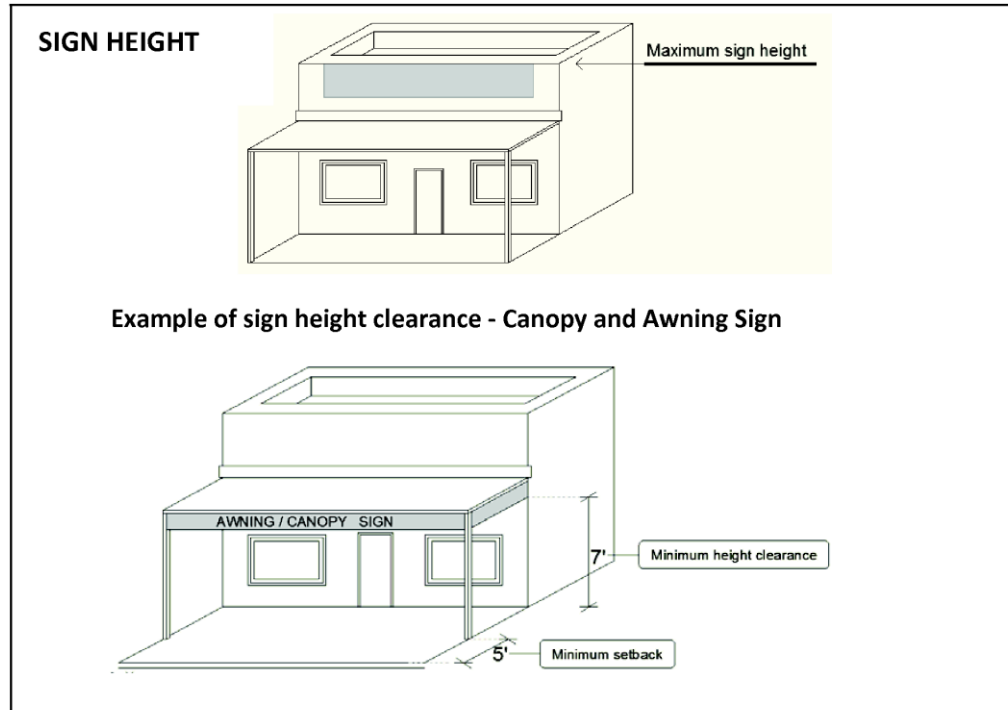
- (5) *Sign height and sign height clearance:*



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- a. The height of a sign shall be measured from the elevation of the nearest sidewalk or crown of the road, whichever is higher, to the highest point of the sign area.
- b. The maximum height of a sign and the minimum height clearance of a sign shall be as specified in section 30-507, "Restrictions and standards by sign type," and section 30-508, "Sign regulations by zoning district."



### (6) *Maximum sign letter size.*

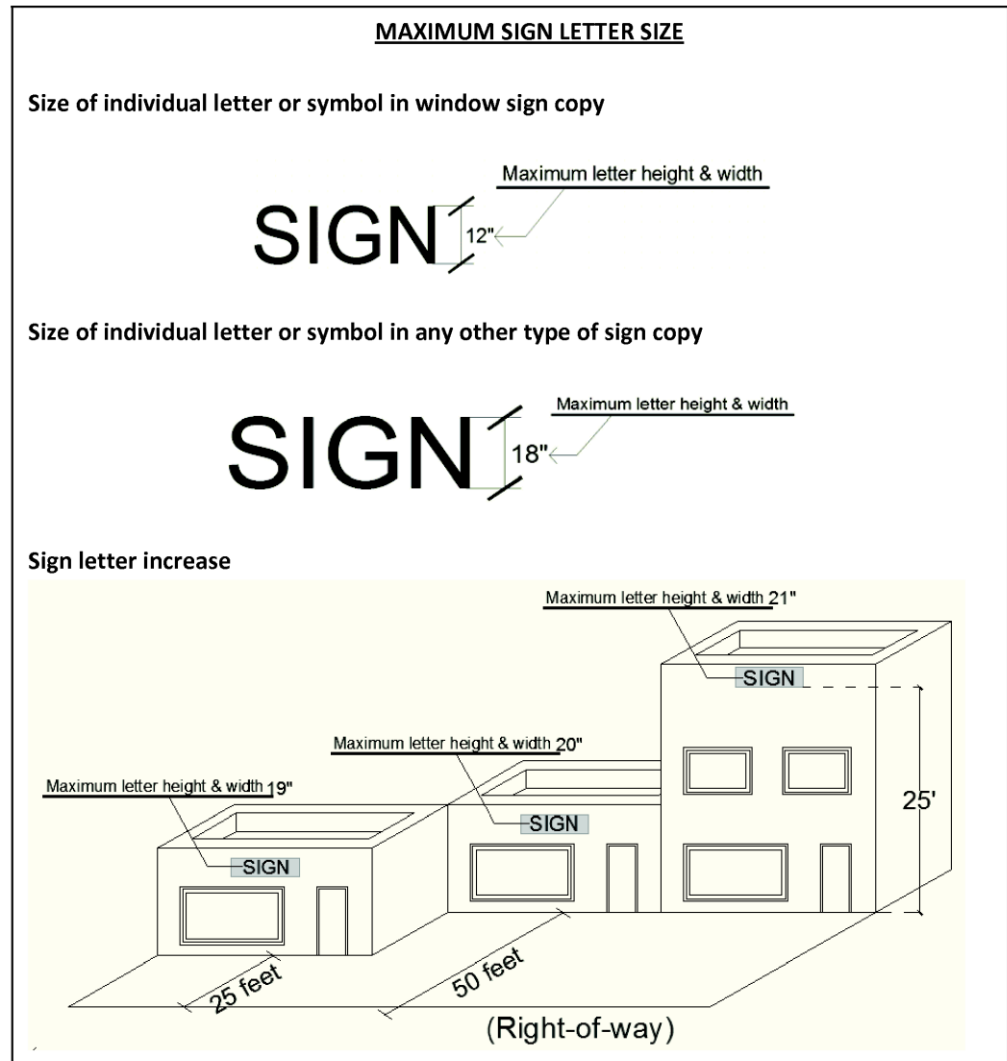
- a.** The size of an individual letter or symbol in any type of sign copy shall not exceed 12 inches in height or width for businesses located east of North Ocean Drive (does not include businesses facing North Ocean Drive) and 18 inches in height or width for businesses located west of or facing North Ocean Drive, except that:

**1a.** The sign letter size may be increased by one inch for each 25 feet that the sign is set back from nearest street right-of-way; and

**2b.** The sign letter size may be increased by one inch for each 25 feet that the sign is mounted above the elevation of the nearest sidewalk or crown of the road, whichever is higher. (For example, the lettering may be one inch larger if the sign is posted at 25 feet above the crown of the road or sidewalk, and two inches larger if the sign is posted at 50 feet above the crown of the road or sidewalk).

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(b) *Construction.*

- (1) All permanent signs shall be constructed of durable, weather-resistant and fade-resistant materials. All permanent, temporary and exempt signs shall be professionally constructed or manufactured.
- (2) All permanent signs, except those on single-family and duplex lots, shall be installed by a licensed contractor.
- (3) All permanent signs shall be constructed and installed to conform to the requirements of the building code.
- (4) All temporary signs shall be constructed and installed in a workman-like manner, shall not pose any safety hazard, and shall be removed upon the expiration of the temporary sign permit or upon the issuance of a severe weather warning.

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(5) A separate electrical permit is required for any illuminated sign.

(6) Stenciled signs are permitted for use as permanent signs.

(7) Professionally painted signs that are applied directly to the window, wall of a building face, canopy or awning are permitted.

(c) *Colors.*

(1) No florescent, phosphorescent, iridescent or reflective colors or paint may be used in any sign, except governmental informational, directional, traffic control or warning signs.

(2) Letters and numerals contained within the sign area of each individual sign shall be limited to no more than three colors.

(3) White shall not be counted as a color when used as the background of the sign.

(4) All permanent signs on the same building shall use the same color scheme.

(5) Sign color(s) shall be compatible with the color(s) of any building or wall upon which the sign is mounted.

(6) Trademarks are exempt from the color requirements of this article. An applicant must file a color copy of the registered trademark with the sign permit application to qualify for this exemption.

(7) Any freestanding sign shall utilize the same color scheme of the building to which it is related.

(8) The actual color samples to be used, as well as written authority from the landlord or agent (unless applicant is owner) to use the submitted colors and layout, must accompany all permit applications.

(d) *Layout.*

(1) The size, location, and style of permanent signs, excluding window signs, shall be compatible with the buildings or locations where they are placed.

(2) Multiple signs of the same type for the same business and on the same building shall be consistent in terms of style.

(3) During the site plan review process, hotel, motel, business, apartment buildings, condominiums and institutional buildings shall be designed to incorporate locations for wall signage meeting the requirements of these regulations as part of the overall design of the building. Signs shall be reviewed, all code requirements met, and sign permits obtained prior to placement of any signs on the premises.

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

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(1) Hotels and motels (no more than three of the following items of information on any one permanent sign):

a. Hotel or motel name, type of accommodation (i.e., suites, efficiencies, apartments, bed and breakfast, resort or spa), telephone number, website address, chain and travel club affiliations.

b. Address and vacancy/no vacancy information shall be permitted, in addition to the three allowable items.

(2) Retail, office and service businesses (no more than a cumulative total of three of the following items of information on any one permanent sign): Business name, type of business, address, website address, telephone number and up to two of the products or services offered.

(3) Restaurants and lounges (no more than a cumulative total of three of the following items of information on any one permanent sign): Business name, type of business, type of food or beverage served, address, website address, and telephone number.

(4) Apartment buildings and condominiums (no more than a cumulative total of three of the following items of information on any one permanent sign): Name of complex, telephone number, website address and type of accommodations. Address and rental availability information shall be permitted, in addition to the three allowable items.

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

(eg) *Sign and building illumination.*

(1) Illuminated signs may be indirectly or internally illuminated.

(2) All lighting elements or bulbs for signs and/or buildings which are visible from any other public or private property must be fully recessed or shielded within opaque or translucent covers.

(3) Wooden signs shall not be internally illuminated nor have electrical fixtures attached directly to the sign panel.

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(4) The intensity of illumination shall be limited to no more than 90 foot lamberts or ten foot-candles within residential districts or if visible within 200 feet from first floor residential property.

(5) The intensity of illumination shall be limited to no more than 150 foot lamberts or 25 foot-candles if visible within 200 to 500 feet from first floor residential property.

(6) The intensity of illumination shall be limited to a maximum of 250 foot lamberts or 50 foot-candles within nonresidential districts.

(7) All transformer boxes, outlets and conduits relating to sign illumination shall be screened from exterior view.

(8) A separate electrical permit is required for any sign illumination.

(9) Architectural lighting designed to illuminate building walls, architectural features or landscaping is not regulated as a sign.

**(fh)** *Prohibiting location of signs in sight visibility triangles and in utility or drainage easements.* No sign shall be located within any utility or drainage easement, or within any sight visibility triangle or safe recovery area for a street.

**(i)** ~~Compliance with section 17-9 and 30-326 of the Code of Ordinances regulations.~~

~~(1) All signs must comply with all other Town Code regulations and permitting requirements.~~

~~(2) Any sign that extends over or is located within the public right-of-way must comply with section 17-9 of the Code of Ordinances and must obtain a right-of-way encroachment permit approval prior to applying for a sign permit.~~

~~(3) Any awning or canopy which extends over the right-of-way must comply with the requirements of section 30-326 of the Town Code.~~

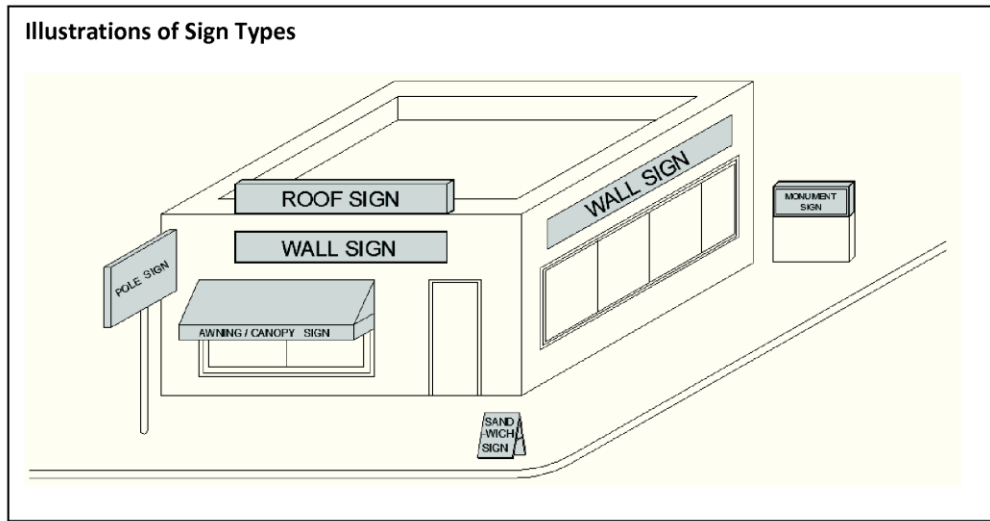
### **Sec. 30-507. - Restrictions and standards by sign type.**

Illustrations are shown to provide interpretative assistance. In the event of a conflict between the text and an illustration, the text shall prevail.

This section is intended to be used in conjunction with all of the applicable sign regulations and standards provided in this article VIII, "Sign Regulations."

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**(a) Automated teller machine (ATM) sign.**

(1) When an ATM sign is attached to an ATM device and where such ATM device is located outside of a building:

a. One identification sign shall be allowed on each ATM device which sign must be architecturally integrated into the ATM device and shall not exceed two square feet in area;

b. The ATM sign height shall not extend more than two feet above the highest point of the ATM device;

c. Advertising and instruction signs may be decals, but must be integrated into the design of the ATM device and cannot exceed one square foot in area; and

d. Shall be setback at least five feet from any right-of-way or property line.

(2) When an ATM sign is not attached to an ATM device, an ATM sign shall comply with the standards of the applicable sign type as provided in this article. For example, a neon ATM sign located in a window shall comply with the window neon sign standards of this article VIII, "Sign Regulations."

(b) *Awning sign.* See "Canopy and awning sign."

(c) *Canopy and awning sign.*

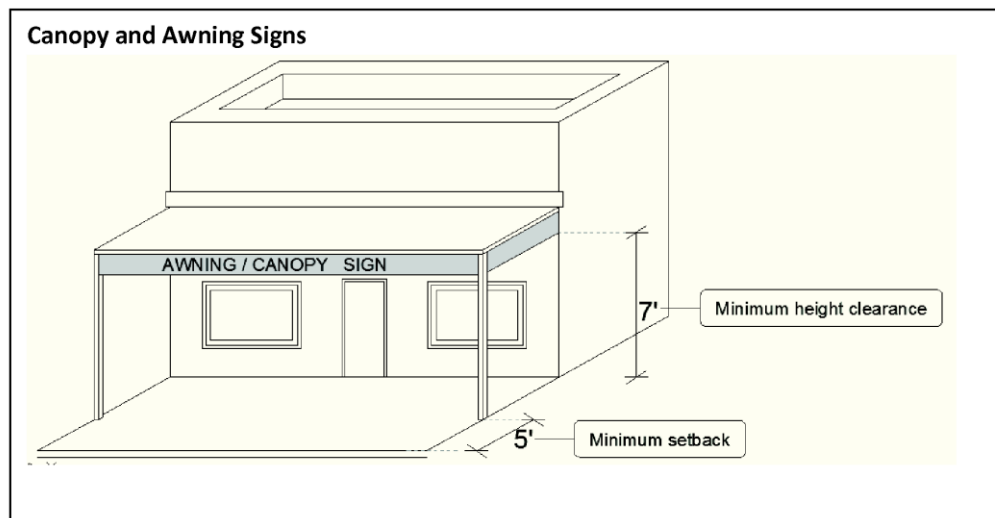
(1) Signs placed upon awnings may consist of fabric, thermally applied letters or they may be professionally painted;

(2) Signs on canopies and/or awnings are counted toward permitted wall signage;

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- (3) Internally illuminated, transparent or translucent canopies and awnings used as signs are prohibited;
- (4) Any canopy or awning must be fire-proofed;
- (5) Any canopy or awning shall have at least seven feet of clearance above the sidewalk;
- (6) Any canopy or awning shall be set back at least five feet from the edge of pavement of the adjoining street; and
- (7) Any canopy or awning must comply with section 30-326 of the Code of Ordinances prior to applying for a sign permit.

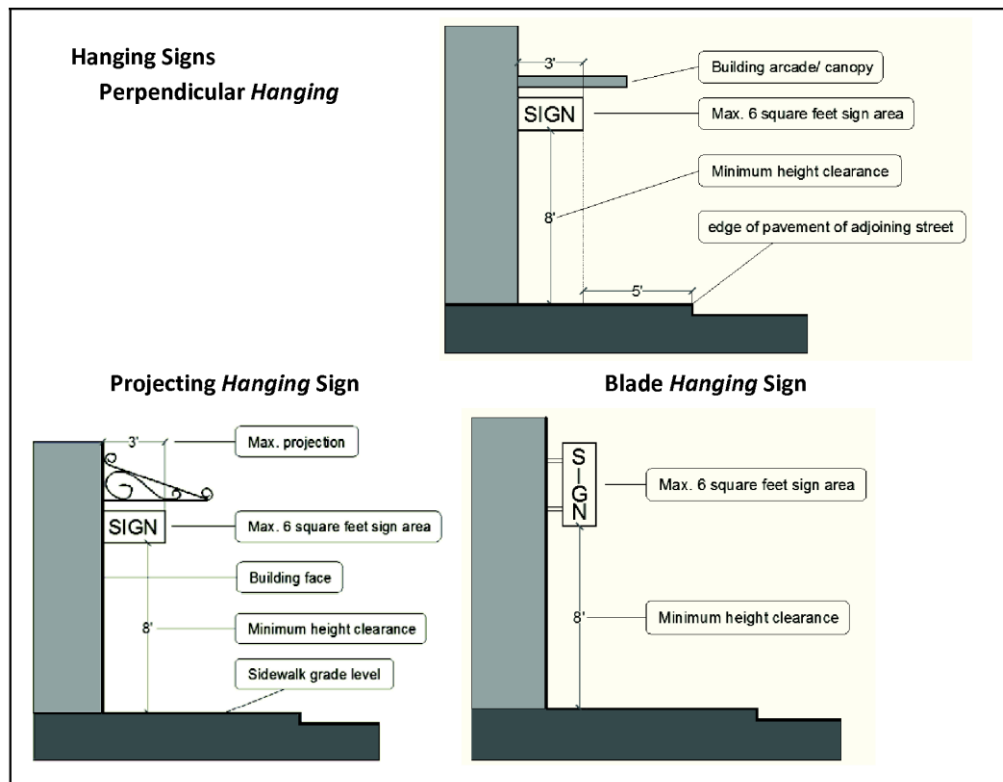


- (d) *Development.* See "New development and redevelopment."
- (e) *Directory sign.*
- (1) A directory sign may use changeable copy;
- (2) Freestanding directory signs erected after March 27, 2001, shall not exceed six feet in height, including the support structure;
- (3) Any directory sign shall not exceed 32 square feet in size; and
- (4) A freestanding directory sign shall be set back at least five feet from any street right-of-way.
- (f) *Hanging sign.*
- (1) One hanging sign is permitted for each business use located in a multitenant building;
- (2) One hanging sign is permitted for each nonresidential use in a freestanding building;

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- (3) A hanging sign may be attached to any portion of a building; however, in no case shall the hanging sign project greater than three feet from the building face that it is attached perpendicular to;
- (4) If there is less than 1 foot of private property adjacent to and outside the primary entrance to the building, then a hanging sign may that extends over a public sidewalk, but shall have at least eight feet of vertical clearance above the sidewalk and the property owner must comply with section 17-9 of the Code of Ordinances and obtain a right-of-way encroachment permit approval prior to applying for a sign permit;
- (5) Any hanging sign shall be set back at least five feet from the edge of pavement of the adjoining street;
- (6) A hanging sign shall not be located in such a manner that the highest point of the sign area exceeds 18 feet as measured from the nearest sidewalk or crown of the road, whichever is higher;
- (7) A hanging sign that is double-faced shall have two identical sign faces;
- (8) The sign area of a hanging sign shall be a maximum of six square feet; and
- (9) Perpendicular signs, projecting signs, and blade signs are subject to the regulations for hanging signs.





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880 ~~(g) Menu board sign.~~

881 ~~(1) A menu board sign may be free-standing or placed on a door, wall or~~  
882 ~~column outside of a restaurant;~~

883 ~~(2) Only one menu board sign per licensed restaurant per street frontage is~~  
884 ~~allowed;~~

885 ~~(3) If a paper menu is used, it must be mounted under a protective glass or~~  
886 ~~plastic cover;~~

887 ~~(4) A menu board sign shall not exceed six square feet in size and shall not~~  
888 ~~extend more than five feet six inches above grade;~~

889 ~~(5) A menu board sign may be attached to a restaurant hostess stand;~~

890 ~~(6) Menu board signs that are located in the public right-of-way must be~~  
891 ~~approved as part of the restaurant's sidewalk café permit;~~

892 ~~(7) Menu board signs may not be sandwich signs; and~~

893 ~~(8) All menu board signs must be removed upon the issuance of a tropical~~  
894 ~~storm or hurricane warning issued for any portion of Broward County,~~  
895 ~~Florida, by the National Weather Service, National Hurricane Center or~~  
896 ~~other appropriate weather agency.~~

897 ~~(gh) Monument Identification sign.~~

898 ~~(1) Only one monument identification sign with one or two faces, is permitted~~  
899 ~~per street frontage, and only when located on a plot with 200 feet or greater~~  
900 ~~of continuous frontage on the same street;~~

901 ~~(2) A monument sign shall only list the name and address of the development~~  
902 ~~or business;~~

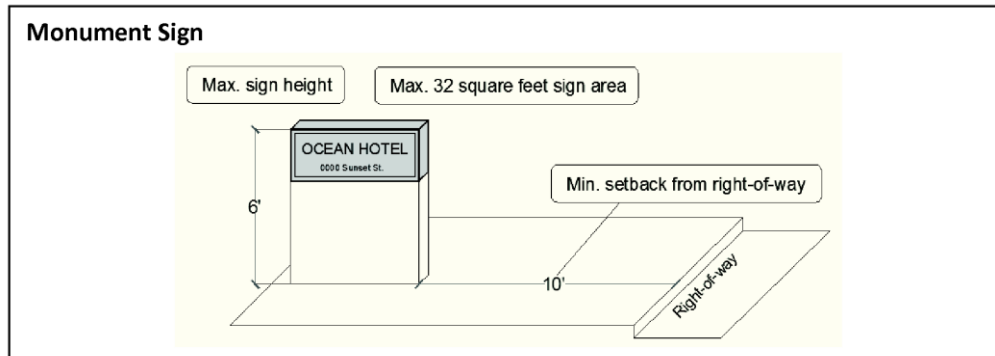
903 ~~(3) A monument sign shall not exceed six feet in height or 32 square feet in~~  
904 ~~sign area and shall be set back at least ten feet from any public street right-~~  
905 ~~of-way;~~

906 ~~(4) No monument sign may be placed within 30 feet of a street intersection or~~  
907 ~~in any location that would obstruct cross-visibility at a driveway intersection~~  
908 ~~or would obstruct cross-visibility for back-out parking; and~~

909 ~~(5) A monument sign shall be perpendicular to the ground and may be~~  
910 ~~perpendicular or parallel to the primary building façade.~~

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(h) *Neon signs.* Neon signs ~~shall only be~~ are permitted only in the B-1-A and B-1 zoning districts and for Mid-Century Modern style neon signs in the RM-25 district, subject to the following restrictions:

(1) A business shall be allowed to have up to a maximum of three neon signs per street frontage, one of which may be an exterior sign;

~~(2) An exterior neon sign may only be used for the purpose of identifying the business or the business' corporate logo;~~

~~(23)~~ Neon signs in RM-25 zoning district must be of a Mid-Century Modern style and consistent with section 30-9 and the Town ADS;

~~(4) The depiction of any part of the human body is prohibited; and~~

~~(35)~~ Neon signs may remain illuminated only during the business hours of the business, or 10:00 p.m., whichever is later.

~~(46)~~ Window neon signs shall also be subject to the following regulations:

a. No neon window sign may exceed four square feet unless it is an identification sign ~~displays solely the name of the business;~~

b. The total area of the neon window signs shall not exceed the lesser of 12 square feet or 25 percent of the area of the total window space on the street frontage.

(i) *Pole sign or pylon sign.*

(1) Any new pole or pylon sign permitted within the RM-25 and RM-50 zoning districts, shall meet the criteria for pole or pylon signs as provided below:

a. The sign area of a pole or pylon sign shall not exceed 32 square feet in size;

b. There shall be no more than one pole or pylon sign per street frontage per property;

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

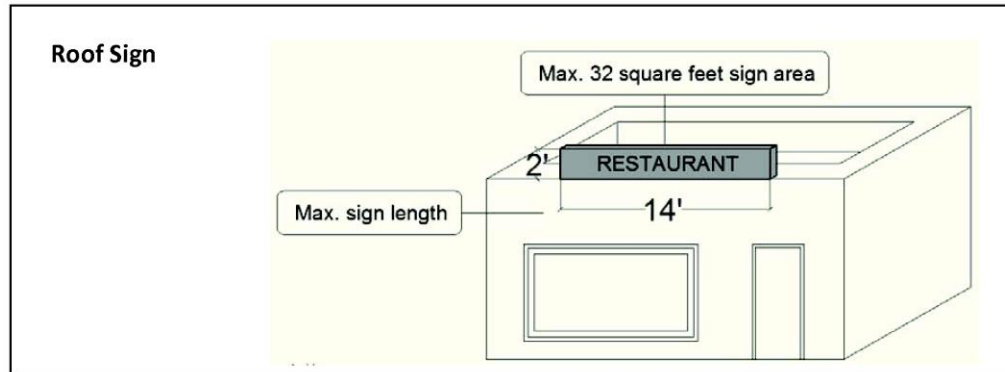
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- 939 d. The setback required for a pole or pylon sign shall be measured from  
940 whichever portion of the pole, pylon, or sign area is closest to the  
941 property line;
- 942 e. Any pole sign located within 30 feet of a street intersection or within 15  
943 feet of the intersection of a parking space and a driveway or street shall  
944 maintain seven feet of clearance between the ground and the bottom of  
945 the sign area;
- 946 f. No pylon sign may be placed within 30 feet of a street intersection or in  
947 any location that would obstruct cross-visibility at a driveway  
948 intersection or would obstruct cross-visibility for back-out parking;
- 949 g. The support poles of pole signs shall not exceed a width or diameter of  
950 18 inches;
- 951 h. Pylon signs shall be limited to one pylon with a width or diameter not to  
952 exceed four feet; and
- 953 i. The height of the top of a pole or pylon sign shall not exceed 15 feet  
954 above the crown of the nearest street.
- 955 (2) Replacement of legal, nonconforming pole and pylon signs in any district  
956 shall be in conformance with section 30-510, "Nonconforming signs."
- 957 (j) *Roof sign.*
- 958 (1) Roof signs shall not be permitted if either wall or awning signs can be  
959 placed upon a building;
- 960 (2) New development and redevelopment shall not be permitted to erect or  
961 maintain roof signs. No roof signs are permitted on any property with a pole  
962 or pylon sign;
- 963 (3) No roof sign shall exceed 32 square feet in size, four feet in height vertically  
964 or 14 feet in length;
- 965 (4) Roof signs shall be mounted on the parapet wall of a flat roof or on a solid  
966 supporting panel on a sloped roof;
- 967 (5) Roof signs shall not be mounted on visible poles or brackets; and
- 968 (6) Multiple roof signs on the same building shall be the same design, size,  
969 shape and color.

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(l) ~~Sandwich sign. See "Valet parking and/or paid private parking sandwich sign standards."~~

(km) *Subdivision and residential development identification sign.*

- (1) Subdivision and residential development identification signs shall not exceed six feet in height or 32 square feet in sign area per sign face;
- (2) One two-face sign may be permitted in the median of a divided entrance or one single-face sign shall be permitted on each side of a street entrance to a named residential neighborhood or of a street-type driveway entrance to a multi-family development;
- (3) The sign shall not be located within any utility or drainage easements; and
- (4) All proposed subdivision and residential development identification signs shall be subject to site plan approval pursuant to article IV of the Land Development Code.

(n) ~~Strip, string or rope lighting.~~

- (1) ~~Must be between 2,700 and 3,500 Kelvin temperature;~~
- (2) ~~Shall not exceed two inches in width; and~~
- (3) ~~Strobing, flashing, blinking, chasing and/or changing color is prohibited.~~

(o) ~~Vacancy/no vacancy/rental availability sign.~~

- (1) ~~A vacancy/no vacancy/rental availability sign shall not exceed two square feet in sign area; and~~
- (2) ~~A vacancy/no vacancy/rental availability sign may be directly or indirectly illuminated and may contain changeable copy.~~

(p) ~~Valet parking or paid private parking sandwich sign.~~

- (1) ~~A sandwich sign may only be utilized for a licensed valet establishment and/or for paid private parking; and~~
- (2) ~~Sandwich signs shall also comply with the following:~~

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a. The sign and letters of a sandwich sign posted for a licensed valet establishment and for paid private parking shall be professionally manufactured;

b. Handwritten signs are prohibited;

c. The sign shall be constructed of weather resistant materials and shall not contain, foil, mirrors, bare metal or other reflective materials that could create hazardous conditions to motorists;

d. The sign shall not contain lights of any kind or streamers, balloons, ribbons, pennants, wind socks or other similar devices designed to move in the wind;

e. The sign shall be placed on private property only. If the sign is placed in an area open to pedestrians, then the sign shall be located such that a clear pedestrian walkway or path of at least four feet is maintained, free of obstruction;

f. The sign may be erected only during the hours of operation of the establishment when the business or service is open to the public and shall be removed at the end of the business day;

g. The sign shall be removed when winds are strong enough to move the sign; and

h. The sign panels of a sandwich sign shall not exceed 28 inches by 36 inches in size.

### (i) Wall sign.

(1) In districts where permitted, each principal building shall be allowed one wall sign on each wall facing a public vehicular use area;

(2) A commercial building located within the B-1-A or B-1 zoning district that has a building wall facing a private vehicular use area located on a side of the building other than its primary lot frontage, may be allowed up to three additional wall signs ("end signs") (no more than one per tenant) provided the building wall is not facing a single or multifamily residential use. End signs must be for uses within the building. The cumulative total of the end signs shall not exceed 16 square feet which sign area shall not be included in the total building signage;

(3) A single tenant commercial use building located in the B-1-A or B-1 zoning districts may combine a permitted wall sign and building identification sign into a single wall sign not exceeding 48 square feet in sign area;

(4) All wall signs shall be within six inches off the wall or façade upon which it is mounted, unless the sign incorporates Mid-Century Modern architectural style features;

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(5) The wall sign shall be an integral part of the façade composition and be consistent with the building's architecture;

(6) The building wall may serve as the sign background; and

(7) A building wall sign may be front lit, back lit, or internally lit.

**(mf)** *Window sign.*

(1) No more than three window signs of any type shall be displayed in any single window;

(2) A bulletin board, displayed inside a window, and upon which **several** notices, advertisements, specials, listings and the like are posted, shall be considered a single window sign;

(3) Window signs shall not obstruct more than 25 percent of the total area of the window within which the window signage is placed;

(4) Merchandise in display windows shall not be considered window signs;

(5) Customary **price** tags and labels not exceeding 15 square inches each in size on merchandise in display windows shall not be considered window signs;

(6) Neon window signs shall be counted toward the total number and total area permitted for window signs, and subject to the regulations for window signs as provided herein; and

(7) When located in the CF or P zoning district, window signs shall be restricted to one window sign per street frontage, and shall be placed in first floor windows only.

**(ns)** *Corporate logo/trademark.* A corporate logo or trademark can be used in any sign type, provided no individual letter within the corporate logo/trademark exceeds the maximum sign letter size as provided in section 30-506(a)(6).

### **Sec. 30-508. - Sign regulations by zoning district.**

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

(1) Private Informational, directional, **and traffic control and similar** signs.

~~(2) **Name and address signs:**~~

~~a. **One resident name sign per dwelling unit, including any exempt name sign, to be placed on the building and not to exceed two square feet in sign area.**~~

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b. One address sign per address, including any exempt address sign, shall be placed on the building, fence, wall or mail box, be visible from the street and shall not exceed two square feet in sign area.

(23) *Subdivision and residential development identification signs:* Only if location and other aspects of such signs have been previously approved by the Town Commission pursuant to site plan approval procedures.

(34) In addition, no more than two temporary signs, including any exempt temporary signs, shall be permitted on any single plot at the same time. Notwithstanding the foregoing limitation, one sign per political candidate and per election issue, meeting the requirements of section 30-502, are allowed and are exempt from permitting.

(5) A residential neighborhood may have two temporary announcing signs per neighborhood.

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

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

(1) Private informational, wayfinding, directional, and traffic control, and similar signs.

(2) *Monument signs:* One sign with one or two faces per street frontage, only on a plot with 200 or more feet of continuous frontage on the same street.

(3) *Name and address signs:*

a. One resident name sign per dwelling unit, including any exempt name sign, to be placed on the dwelling unit and not to exceed two square feet in sign area.

b. One occupant address sign per address, including any exempt address sign, to be placed on the building or mail box and not to exceed two square feet in sign area.

c. One building address sign per building to be placed on the building and not to exceed a total of six square feet of sign area.

(34) *Subdivision and residential development identification signs:* Only if the location and other aspects of such signs have been previously approved by the Town Commission pursuant to site plan approval procedures.

(45) *Vacancy/no vacancy signs/rental availability:* One sign per licensed motel or hotel, or multi-family residential use not exceeding two square feet of sign area.



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- 1108 (56) In addition, each multi-family or non-residential use:
- 1109 a. May display no more than two of the following permanent signs, with a
- 1110 combined total sign area of not more than 32 square feet, per street
- 1111 frontage:
- 1112 1. *Building or development identification signs*: One sign per building per
- 1113 street frontage, with a sign height no greater than 35 feet.
- 1114 2. *Canopy or awning signs*: With a sign height no greater than 18 feet.
- 1115 3. *Hanging sign*: One sign per building per street frontage, with a sign
- 1116 height no greater than 18 feet.
- 1117 4. *Changeable copy signs*: One sign per street frontage, with a sign height
- 1118 no greater than 18 feet.
- 1119 5. *Pole or pylon signs*: Limited to hotels, motels, apartment buildings and
- 1120 condominiums only, with no more than one sign per street frontage per
- 1121 property.
- 1122 6. *Wall signs*: With a sign height no greater than 35 feet.
- 1123 b. The total sign area of all signs attached to the wall, canopy and/or awnings
- 1124 of a building face shall not exceed 15 percent of the area of the building
- 1125 façade.
- 1126 c. If a hotel or motel takes over an adjoining hotel or motel, then the combined
- 1127 hotel or motel is entitled to 16 additional square feet of separate wall or
- 1128 awning sign area; the existing signs shall not be increased in size by this
- 1129 additional footage.
- 1130 Example for [subsection] 30-508(b)(6)c.:
- 1131 Hotel A = is allowed a maximum of 32 square feet wall/awning sign
- 1132 Hotel B = is allowed a maximum of 32 square feet wall/awning sign
- 1133 (and adjoins Hotel A)
- 1134 If Hotel A takes over Hotel B, then maximum total signage allowed for
- 1135 the two combined hotels = 32 square feet + 16 square feet = 48 square
- 1136 feet total.
- 1137 (67) In addition, no more than two temporary signs, including any exempt temporary
- 1138 signs, shall be permitted on any single business at the same time.
- 1139 ~~Notwithstanding the foregoing limitation, one sign per political candidate and~~
- 1140 ~~per election issue, meeting the requirements of section 30-502, are allowed and~~
- 1141 ~~are exempt from permitting.~~
- 1142 (7) Each hotel or motel is permitted one (1) sign on a door, column, wall, pole/pylon
- 1143 sign, or interior side of a window, not to exceed three (3) square feet. Any



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1144 window sign under this section shall count toward the 25 percent window  
1145 coverage maximum.

1146 (c) *B-1 and B-1-A districts.* Only the following types of signs are permitted within the B-  
1147 1 and B-1-A districts, subject to the limitations and requirements contained in the  
1148 definitions and restrictions and standards by sign type and the general design  
1149 standards sections of these regulations, and subject to the additional limitations  
1150 stated below:

1151 (1) *Building or development identification signs:* One sign per building per street  
1152 frontage with a sign area of no more than 32 square feet and with a sign height  
1153 no greater than 35 feet.

1154 (2) *Monument signs:* One sign with one or two faces per street frontage, only on a  
1155 plot with 200 or more feet of continuous frontage on the same street.

1156 ~~(3) Menu board sign: One sign per licensed restaurant per street frontage.~~

1157 ~~(4) Name and address signs:~~

1158 ~~a. One occupant name sign per dwelling unit or business, excluding any~~  
1159 ~~exempt rear door name sign, to be placed on the dwelling unit or business~~  
1160 ~~and not to exceed two square feet in sign area;~~

1161 ~~b. One occupant address sign per address, excluding any exempt rear door~~  
1162 ~~address sign, to be placed on the building or mail box and not to exceed~~  
1163 ~~two square feet in sign area;~~

1164 ~~c. One building address sign per building to be placed on the building and not~~  
1165 ~~to exceed a total of six square feet of sign area. Every building, and every~~  
1166 ~~business with a separate, ground floor, street-side entrance, shall display~~  
1167 ~~an address sign that is clearly visible from the street.~~

1168 ~~d. Buildings that have rear door access to an alley or parking lot shall also~~  
1169 ~~display an address sign that is clearly visible from the alley or parking lot.~~

1170 ~~(35) Private informational, wayfinding, directional, and traffic control, and similar~~  
1171 ~~signs.~~

1172 ~~(6) Strip, string or rope lighting: One strip or row of lighting surrounding the interior~~  
1173 ~~of a window and its architectural features.~~

1174 ~~(47) Window signs:~~ No more than three window signs per window, placed in first  
1175 floor windows; in second floor windows, only one window sign for each  
1176 business which has its entrance from the second floor or a stairway only.

1177 ~~(58)~~ In addition, each office building, separate storefront business, or other non-  
1178 residential use:

1179 a. May display no more than two of the following permanent signs, with a  
1180 combined total sign area of not more than 32 square feet per street  
1181 frontage, and the total sign area of all signs attached to the wall, canopy

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and/or awnings of a building shall not exceed 15 percent of the area of the building façade, except as otherwise permitted for wall signs as provided herein:

1. *Canopy or awning signs*: With a sign height no greater than 18 feet.
2. *Changeable copy signs*: With a sign height no greater than 18 feet.
3. *Directory signs*: One sign per street frontage for a multi-tenant office, multi-tenant retail or governmental building only.
4. *Hanging signs*: With a sign height no greater than 18 feet.
5. *Roof signs*: Only when wall or awning signs are not feasible, and not if a legal nonconforming pole or pylon sign exists on the same property.
6. *Wall signs*:
  - i. With a sign height no greater than 35 feet.
  - ii. A commercial building located within the B-1-A or B-1 zoning district that has a building wall facing a private vehicular use area located on a side of the building other than its primary lot frontage, may be allowed up to three additional wall signs ("end signs") (no more than one per tenant) provided the building wall is not facing a single or multifamily residential use. End signs must be for uses within the building. The cumulative total of the end signs shall not exceed 16 square feet which sign area shall not be included in the total building signage.
  - iii. A single tenant building may combine a permitted wall sign and building identification sign into a single wall sign not exceeding 48 square feet in sign area.
- b. Multiple businesses occupying a single storefront bay must share the permitted total number and sign area of signs.
- c. If a store front business takes over the entire adjoining store front space vacated by another business, then that new business is entitled to either 16 additional square feet of wall or awning sign area, or if the store front business is taking over an entire adjoining store front space vacated by another business, the new business may use the existing roof signage that the old business used provided that the structure of the roof sign is not altered.

Example for [subsection] 30-508(c)(8)c.:

Business A = is allowed a maximum of 32 square feet wall/awning sign

Business B = is allowed a maximum of 32 square feet wall/awning sign  
(and is located in a store front space adjoining Business A)

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1219 If Business A takes over Business B, then maximum total signage  
1220 allowed = 32 square feet + 16 square feet = 48 square feet.

1221 (69) In addition, no more than two temporary signs, including any exempt temporary  
1222 signs, shall be permitted on any single business at the same time.  
1223 ~~Notwithstanding the foregoing limitation, one sign per political candidate and~~  
1224 ~~per election issue, meeting the requirements of section 30-502, are allowed and~~  
1225 ~~are exempt from permitting.~~

1226 (7) ~~Each non-residential use is permitted one (1) sign on a door, column, wall,~~  
1227 ~~interior side of a window, or podium, not to exceed three (3) square feet. Any~~  
1228 ~~window sign under this section shall count toward the 25 percent window~~  
1229 ~~coverage maximum.~~

1230 (d) *CF and P districts.* Only the following types of signs are permitted within the CF and  
1231 P districts, subject to the limitations and requirements contained in the definitions  
1232 and restrictions by sign type and the general design standards sections of these  
1233 regulations, and subject to the additional limitations stated below:

1234 (1) ~~Private~~ Informational, wayfinding, directional, ~~and traffic control, and similar~~  
1235 ~~signs.~~

1236 (2) *Monument signs:* One sign with one or two faces per street frontage, only on a  
1237 plot with 200 or more feet of continuous frontage on the same street.

1238 ~~(3) Name and address signs:~~

1239 a. ~~One occupant name sign per building, excluding any exempt rear door~~  
1240 ~~name sign, to be placed on the building and not to exceed two square feet~~  
1241 ~~in sign area.~~

1242 b. ~~One occupant address sign per address, excluding any exempt rear door~~  
1243 ~~address sign, to be placed on the building or mail box and not to exceed~~  
1244 ~~two square feet in sign area.~~

1245 c. ~~One building address sign per building to be placed on the building and not~~  
1246 ~~to exceed a total of six square feet of sign area. Every building shall display~~  
1247 ~~an address sign that is clearly visible from the street.~~

1248 d. ~~Buildings that have rear door access to an alley or parking lot shall also~~  
1249 ~~display an address sign that is clearly visible from the alley or parking lot.~~

1250 (34) *Window signs:* One window sign per street frontage, placed in first floor  
1251 windows only.

1252 (45) In addition, each building may display no more than two of the following  
1253 permanent signs, with a combined total sign area of not more than 32 square  
1254 feet per street frontage, and the total sign area of all signs attached to the wall,  
1255 canopy and/or awnings of a building shall not exceed 15 percent of the area of  
1256 the building façade.

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- a. *Building or development identification signs*: With a sign height no greater than 35 feet.
- b. *Canopy or awning signs*: With a sign height no greater than 18 feet.
- c. *Directory signs*: For a multi-tenant building only, and with a sign height no greater than 12 feet.
- d. *Hanging signs*: With a sign height no greater than 18 feet.
- e. *Changeable copy signs*: With a sign height no greater than 18 feet.
- f. *Wall signs*: With a sign height no greater than 35 feet.

(56) In addition, no more than two temporary signs, including any exempt temporary signs, shall be permitted on any single plot at the same time. ~~Notwithstanding the foregoing limitation, one sign per political candidate and per election issue, meeting the requirements of section 30-502, are allowed and are exempt from permitting.~~

### Sec. 30-509. - Administration and permits.

- (a) These sign regulations shall be administered by the Development Services Department. No sign of any kind (except exempt signs) shall be erected, installed, repaired or replaced within the Town until a permit for such sign or work has been issued by the Development Services Department. Prior to the issuance of a sign permit for any sign, the application for a sign permit shall be reviewed and approved by the Development Services Department.
- (b) *Permits*. Sign applications shall be on forms promulgated by the Town and shall include sufficient information to ensure complete review of the application. Rules regarding sign application information shall be promulgated by the Town Manager or designee. The application for a permit for a sign shall be accompanied by two copies of the following:
  - (1) Address and legal description of the property upon which the sign is to be placed;
  - (2) Name and address of the owner of the property upon which the sign is to be placed;
  - (3) Written permission of the owner of the property to erect or place the proposed sign;
  - (4) A drawing or sample of the proposed sign, to scale, showing the dimensions, letter size, colors, materials, structural support, and lighting, if any;
  - (5) If lighting is proposed, information regarding the type, intensity and if applicable, Kelvin temperature of the proposed illumination to document compliance with the sign illumination restrictions of these regulations;

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- 1293 (6) A plan showing the proposed location on the ground or building and the  
1294 mounting height of the proposed sign, along with a color photograph of the  
1295 proposed location;
- 1296 (7) The cost or value of the proposed sign; and
- 1297 (8) Any other plans or information required by the Development Services  
1298 Department for any related structural permit or electrical permit.
- 1299 (c) *Application review.* Upon submission of an application, the Development Services  
1300 Department shall review and evaluate the application as follows:
- 1301 (1) No application shall be accepted until it is deemed complete by the Department.
- 1302 (2) The Department shall review all of the information submitted to determine  
1303 conformity with this article and applicable sections of the Florida Building Code,  
1304 including the location of the proposed sign.
- 1305 (3) The submitted application will be reviewed within 20 business days and any  
1306 corrections, revisions or deficiencies provided to the applicant within that 20-day  
1307 period.
- 1308 (4) Upon each re-submittal of corrected plans, the Department shall have ten  
1309 business days to review the application and provide any corrections, revisions  
1310 or deficiencies to the applicant. This process shall continue until the applicant  
1311 has submitted a complete application or demands that the application be  
1312 reviewed as is, without further revisions.
- 1313 (5) If an applicant fails to provide additional information as requested by the  
1314 Department within two months of the request or respond to the Department with  
1315 a time when the information will be submitted, the application shall be deemed  
1316 to be withdrawn by the applicant. The applicant shall be entitled to one 60-day  
1317 extension upon request, providing the request for extension is granted prior to  
1318 the expiration of the two-month period.
- 1319 (6) The Department shall approve or deny the sign permit within ten business days  
1320 of receipt of the complete application or the applicant's demand for review as  
1321 submitted, based on whether it complies with the requirements of this article.  
1322 The Department shall prepare a written notice of the decision, either in the form  
1323 of an approved sign permit or written notice of denial, describing the applicant's  
1324 appeal rights, and provide such written notice to the applicant of its decision  
1325 within the ten-day period.
- 1326 (d) *No right to appeal.* Except when Commission approval is required pursuant to the  
1327 Code, the decision of the Development Services Department for the issuance or  
1328 denial of a sign permit shall be final. There shall be no right of appeal to the Town  
1329 Board of Adjustment or Town Commission of a finding of the Development Services  
1330 Department. The appellant may seek relief in the Circuit Court for Broward County,  
1331 or as otherwise provided by law.

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### Sec. 30-510. - Landmark and Mid-Century Modern signs.

(a) *Landmark signs.* The Town Commission may, following a public hearing, grant a waiver of the Town Code related to signage for a landmark business upon a finding that the waiver requested or approved is the minimum waiver necessary to provide for signage consistent with, but not necessarily identical to, signage historically utilized in the Town which maintains the landmark identity and character of the business and Town.

(1) A business may be designated as a landmark business by the Town Commission following a public hearing.

(2) The designation of a landmark is a function of not just a building, but the business within that building that has created a unique sense of place that is significant and prominent in the identity and history of the Town. A landmark business designation is unique to the designated business at the designated location. Neither the business nor the location independently shall be considered a landmark business.

(3) The Town Commission may designate by resolution a business as a landmark business upon application by the business owner and consideration of the following factors:

a. History of operation for a minimum of 35 years at the same location; and

b. Establishment of an identity and business awareness of such character and reputation as to be considered an identifiable landmark within the Town.

(b) *Mid-Century Modern signs.*

(1) *Existing Mid-Century Modern style signs that do not meet the requirements of this article.* An application may be filed for administrative review, or with a site plan application, for the replacement of an existing Mid-Century Modern style on-premise sign that meets the requirements of chapter 30-9 30-51 and the Town ADS but does not meet the requirements of this article, provided existing non-conformities are not increased.

(2) ~~*New Mid-Century Modern style signs.* An application may be filed for a conditional use permit or as part of a site plan application for a new Mid-Century Modern sign that does not meet the requirements of this article. As part of a conditional use or site plan review, the Town Commission may waive any of the requirements of these sign regulations upon a finding that the proposed sign complies with the Mid-Century Modern architectural style as addressed in section 30-51, "Architectural review standards," of the Town Code and the Town's Architectural Design Guidelines.~~

*New Mid-Century Modern style signs.* New on-premise, Mid-Century Modern signs that do not meet the requirements of this article may be approved as follows:

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1. A conditional use sign application is filed for the proposed sign(s); and

2. The Town Commission determines that:

a. The proposed signage complies with the Mid-Century Modern architectural style as addressed in section 30-51, "Architectural review standards," of the Town Code and the Town's Architectural Design Guidelines.

b. The building's existing and proposed signage is consistent in design and in the Mid-Century Modern style; and

c. The proposed signage will be placed on a building that:

i. is in the Mid-Century Modern style;

ii. Has been renovated in the Mid-Century Modern style and meets the standards of the Town's architectural review process; or

iii. Has an approved site plan pursuant to section 30-51, "Architectural review standards," of the Town Code and the Town's Architectural Design Guidelines.

### Sec. 30-511. - Nonconforming signs.

(a) *Nonconforming signs.* The following nonconforming signs may remain and may be replaced subject to the provisions of this section.

(1) Any sign (or its replacement) which receives approval as a Mid-Century Modern style sign per section 30-510;

(2) Nonconforming pole and pylon signs located in the B-1 district previously permitted and in continual legal existence since March 27, 1999; and

(3) Roof signs, subject to subsection (c) below.

(b) *Removal of nonconforming signs.* Except as identified in subsection (a) above, any previously permitted, existing sign that does not conform to the provisions of these regulations shall be removed or brought into conformance with these regulations upon new development or redevelopment as defined in section 30-514.

(c) *Roof signs.* Upon new development or redevelopment of a site, any existing roof signs may remain. If a building includes multiple roof signs and one is removed other than by an act of God, then all of the roof signs on the building must be removed.

### Sec. 30-512. - Maintenance and abandoned signs.

(a) *Maintenance.* All signs together with its framework braces, angles or other supports, if applicable, shall be maintained in good condition and shall not show evidence of



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1406 deterioration, weathering, discoloration, ripping, tearing or other holes and/or  
1407 breaks.

1408 (b) *Abandoned Signs*. A sign advertising a discontinued or closed business is  
1409 prohibited and shall be removed within thirty (30) days of the closure of said  
1410 business.

### 1411 **Sec. 30-513. - Severability.**

1412 (a) The sections, paragraphs, sentences, clauses and phrases of this article are  
1413 severable, and if any phrase, clause, sentence, paragraph or section of this article  
1414 shall be declared unconstitutional or void or unenforceable by the valid judgment or  
1415 decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall  
1416 not affect any of the remaining phrases, clauses, sentences, paragraphs and  
1417 sections of this article.

1418 (b) This subsection shall not be interpreted to limit the effect of subsection (a4) above,  
1419 or any other applicable severability provision in this Code or any adopting  
1420 ordinance. The Town Commission specifically intends that severability shall be  
1421 applied to sign regulations even if the result would be to allow less speech in the  
1422 Town, whether by subjecting currently exempt signs to permitting or by some other  
1423 means.

1424 (c) This subsection shall not be interpreted to limit the effect of subsections (1a) or (2b)  
1425 above, or any other applicable severability provision in this Code or any adopting  
1426 ordinance. The Town Commission specifically intends that severability shall be  
1427 applied to prohibited signs so that each of the prohibited sign types listed in the  
1428 Town Code in section 30-505 shall continue to be prohibited irrespective of whether  
1429 another or any sign prohibition is declared unconstitutional or invalid.

1430 (d) This subsection shall not be interpreted to limit the effect of subsections (1a), (2b) or  
1431 (3c) above, or any other applicable severability provision in this Code or any  
1432 adopting ordinance. The Town Commission specifically intends that severability  
1433 shall be applied to section 30-505 of the sign regulations so that if all or any of such  
1434 provisions are declared unconstitutional or invalid by the final and valid judgment of  
1435 any court of competent jurisdiction, the Town Commission intends that such  
1436 declaration shall not affect any other prohibition on animated, flashing or billboard  
1437 signs in the aforesaid sections.

### 1438 **Sec. 30-514. - Definitions.**

1439 The terms and phrases used in this article shall have the following indicated  
1440 meanings:

1441 *Address sign*: A sign displaying only the numerical address and unit number or  
1442 letter of the premises upon which the sign is located.



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1443 *Animated or flashing sign:* Any sign including electronic, laser, video, digital or  
1444 similar displays, with elements, images, text, or colors that move, rotate, flash, change  
1445 or similar movement is prohibited. A date/time and temperature indicator or barber pole  
1446 is not an animated sign. ~~Temporary animated or flashing signs attached to amusement~~  
1447 ~~rides, vending carts, and sideshow equipment used in a special community event~~  
1448 ~~specifically authorized by the Town Commission shall not be prohibited by these~~  
1449 ~~regulations.~~

1450 *Announcing sign:* A temporary sign used for the opening of a business, the future  
1451 development of property or an upcoming event or activity.

1452 *Adjoining:* Located next to, bordering or contiguous.

1453 ~~Automated teller machine (ATM) sign. A sign that is located on, or attached to, an~~  
1454 ~~automated teller machine (ATM) that identifies the ATM, name of the machine or the~~  
1455 ~~business entity that owns an ATM and that identifies the financial services networks that~~  
1456 ~~are accepted at that ATM. For the purpose of this section, an ATM is defined as a~~  
1457 ~~computerized telecommunications device that provides the clients of a financial~~  
1458 ~~institution with access to financial transactions in a public space without the need for a~~  
1459 ~~cashier, human clerk or bank teller.~~

1460 *Awning sign:* See "Canopy or awning sign."

1461 *Balloon sign:* Any type of inflatable sign or sign suspended from a balloon.

1462 *Banner sign:* A sign with or without any text, composed of fabric, vinyl or like  
1463 material, affixed to a permanent pole or permanent structure by wire, string, brackets or  
1464 grommets or is otherwise suspended from a building ~~and which may be suspended in~~  
1465 ~~the air over a public right-of-way.~~ A hanging sign is not included within the definition of a  
1466 banner sign. Pennants are included within this definition of a banner sign.

1467 *Billboard:* A permanent, freestanding or building-mounted sign, advertising products  
1468 or services not related to the premises upon which the sign is located, is prohibited.  
1469 Also referred to as off-premise sign.

1470 *Building or development identification sign:* A sign used ~~only~~ for the name and/or  
1471 address of a building or development.

1472 *Cabinet sign:* A sign, constructed like a box, with sign copy painted on or applied to  
1473 a translucent plastic or glass face.

1474 *Canopy or awning sign:* A sign that is part of, or attached to a canopy or awning or  
1475 other similar protective cover.

1476 *Changeable copy sign:* A sign or portion thereof with characters, letters or  
1477 illustrations that can be changed or rearranged by manually removing or rearranging the  
1478 characters, letters or illustrations on the physical sign.

1479 *Commercial message:* Any wording, logo, emblem, character, pictograph,  
1480 trademark, or symbol used to represent a firm, organization, entity, product, or service,

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or other representation that, directly or indirectly, names, advertises, or calls attention to a product or service. For purposes of this article, terms such as sale, special, clearance, or other words which relate to commercial activity shall be deemed to be commercial messages. ~~Items of identification shall not be considered to be commercial messages.~~

~~Contractor sign: A temporary sign, posted upon property or a building with an active building permit, used to identify the name and/or type of development and/or the name and phone number of the developer, contractor, architect, engineer, landscape architect, planner and/or realtor.~~

*Corporate logo:* See definition for "Trademark/corporate logo."

*Development:* See "New development and redevelopment."

*Directory sign:* A single or double face sign, used to identify the name of the building or development and the names and unit numbers of tenants in a multiple tenant building or development.

*Electronic sign:* Any type of electronic display board, electronic message board, digital, LED, programmable ink or other sign capable of displaying words, pictures, symbols, video or images including, but not limited to, any electronic, laser, digital, or projected images display that can be changed electronically or mechanically by remote or automatic means. Architectural lighting designed to illuminate building walls, architectural features or landscaping is not a sign.

*Feather sign:* A professionally produced temporary lightweight sign comprised of nylon, canvas, vinyl, or polyester fabric that ~~may or may not contain language for advertisement, greeting or similar messaging purposes and that~~ is affixed to support structure, such as a metal pole, in such a manner that allows movement of the banner and where such sign is located outdoors. Such signs may also be referred to as "flutter," "tear drop," "flying," "wing," or "bow" signs.

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

*Freestanding sign:* Any type of sign that is not affixed to a building.

*Hanging sign:* A hanging sign that is attached perpendicular to any portion of the primary building façade or attached to the underside of a building arcade or building canopy, which sign is attached by brackets, cantilevered, or suspended in some similar manner. A hanging sign may be vertical or horizontal in its orientation. Perpendicular signs, projecting signs, and blade signs are also included in the definition of a hanging sign.

*Historical sign:* A sign on premise sign of historical or architectural significance to the Town may be designated as an historical sign by resolution of the Town Commission

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and shall thereafter be exempt from all provisions of these regulations except for the requirements for maintenance and permit for reconstruction or major repair.

*Identification sign:* A sign used to identify the name of a residential subdivision, or nonresidential development, business, organization or other nonresidential occupant of a premises, and the street address. Identification signs are not used to advertise services and goods provided.

*Informational, wayfinding, directional or traffic control sign:* An informational, wayfinding, directional or traffic control sign is any sign similar to:

(a) A noncommercial sign erected and maintained by the Town, County or State, or any agency thereof, or specifically provided for a facility licensed with the Town, to denote the name of any thoroughfare, route directions, educational institution, public building, park, recreational facility or hospital; to provide multi-modal transportation facility ownership and operational directional; to direct and regulate traffic; to denote any transportation or transmission company for the direction or safety of the public; or to provide any other governmental information.

(b) A noncommercial sign located on and relating to an activity on the premises upon which the sign is located, that is providing information to or is related or reasonably necessary to the movement of pedestrian and vehicular traffic on the premises, and not displaying a commercial message, e.g., "entrance," "exit," "caution" and "no trespassing", "no parking", "one way only", and the like.

(c) A noncommercial sign within a development, or at the entrances thereto, showing the name(s) and directions to the businesses or tenants within the development or the locations of the subdivisions comprising the development, a sales office, etc.

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

*Menu board sign:* A sign outside of a restaurant and containing only a copy of the restaurant's menu, daily specials or scheduled entertainment.

*Mid-Century Modern style sign:* A sign that meets the characteristics of Mid-Century Modern architectural style as further described in section 30-51 of the Town Code and the Town's Architectural Design Guidelines.

*Monument sign:* A permanent, freestanding stone, masonry or metal sign where the entire bottom of the sign is affixed to the ground or where the sign is placed upon a permanent freestanding masonry wall section.

*Multi-modal transportation facility:* A facility approved through license by the Town, used for the storage of vehicles which are utilized in a Town-wide rental and sharing system for such vehicles.

*Multi-modal transportation information sign:* A sign, specifically provided for as part of a license with the Town for a designated multi-modal transportation facility, which is

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attached to said facility for the purpose of providing maps, directional and instructional information, and identifying the owner or manufacturer of the facility, for users of the system. Said signs shall not be illuminated or include any flashing, moving, digital, video display or electronic changeable copy features. A single informational sign not to exceed 30 inches by 30 inches, per facility, may identify sponsors of the facility and program on the opposite side of the information sign. In addition, each pay station may contain up to four signs to identify facility sponsors, one per pay station side, not to exceed one square foot. All sign faces shall be oriented towards users of the multi-modal transportation facility and not toward the motorized vehicle traffic.

*Mural:* A picture, painting or graphic, not otherwise meeting the criteria for a wall sign, applied directly to an otherwise blank wall containing advertising, text or logos, or copyrighted, trademarked or service marked characters, objects or products advertised in print or media advertising. Noncommercial pictures, paintings or graphics which contain no text except for identification of the artist and date in letters not exceeding six inches in height, are not murals.

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

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

*New development and redevelopment:* For the purposes of this article, the terms new development and redevelopment shall have the following meanings:

- (a) *New development:* The construction of a building or parking lot upon a vacant or cleared plot.
- (b) *Redevelopment:*
  - (1) Any reconstruction or remodeling exceeding 25 percent of the assessed valuation of a building; or
  - (2) Any substantial alteration of the street façade of a building.

*Noncommercial:* Containing no commercial message.

*Painted sign:* Any exterior sign or window sign with text or message that is only painted or applied upon a surface. Decals, plastic film, mosaic, photocopied and printed text or messages are also considered to be "painted." Painted signs do not include murals.

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1597 *Paper sign:* A sign drawn, painted or printed on paper, cardboard, or similar water-  
1598 absorbing material. Paper or cardboard signs may be used only inside of a building or  
1599 mounted within a weatherproof cover.

1600 *Permanent sign:* A permanent sign is any one of the types of signs specifically listed  
1601 within these regulations as an allowed sign, and which is installed and maintained in a  
1602 fixed location for an indefinite period of time.

1603 *Pole sign:* A sign mounted upon one or two vertical poles, either freestanding or  
1604 extending above another structure. ~~Private Traffic control and~~ directional signs mounted  
1605 on poles are not considered to be pole signs.

1606 ~~Political sign: A sign which sets forth the name, cause, or affiliation of a person~~  
1607 ~~seeking office or a proposed referendum or ballot proposition, the date of the election~~  
1608 ~~and/or the office sought or which sets forth any issue for which, or pertaining to, a public~~  
1609 ~~election is scheduled to be held.~~

1610 ~~Portable identification signs for a use adjoining a roadway under construction: A~~  
1611 ~~sign that is used for the purpose of identifying a business, hotel or motel, or other non-~~  
1612 ~~residential use during the period of construction of an adjacent roadway.~~

1613 *Portable moving sign.* A sign not permanently attached to the ground or other  
1614 permanent structure, and designed to be worn or carried for display by a person or  
1615 transported by means of wheels. The term "portable moving sign" includes, but is not  
1616 limited to:

- 1617 i. A human sign; or
- 1618 ii. A sign mounted on a bike trailer, vehicle trailer or truck bed ~~that is used to~~  
1619 ~~advertise any business or product that is not the business or principal purpose~~  
1620 ~~of the vehicle.~~

1621 The term does not include:

- 1622 i. Those signs on a vehicle that identify its business, purpose or principal  
1623 products; or
- 1624 ii. Such advertising devices as may be attached to or displayed on and within the  
1625 normal unaltered lines of the vehicle of a licensed transit carrier, when and  
1626 during that period of time such vehicle is regularly and customarily used to  
1627 traverse the public highways during the normal course of business; ~~or~~

1628 ~~iii. Sandwich signs, as otherwise defined in this chapter.~~

1629 *Pylon sign:* A sign mounted upon or on top of a vertical wall or other support  
1630 structure, wherein such wall or structure exceeds six feet in height. A pylon sign that is  
1631 supported by a pole shall be considered a pole sign. A pylon sign may be either a  
1632 freestanding sign or attached to and extending above another structure.

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1633        *Real estate sign:* A temporary sign indicating the real property which is available  
1634        announcing an "open house" or "model home" or the availability of the premises for  
1635        showing, sale or for lease.

1636        *Redevelopment:* See "New development and redevelopment."

1637        *Roof sign:* A sign mounted above the fascia of a sloped roof or above the deck of a  
1638        flat roof. A sign placed upon a bona fide tower extending above the principal roof-line of  
1639        the building or upon a dormer or recessed wall within a sloped roof shall not be  
1640        considered a roof sign.

1641        *Sandwich sign:* A movable, portable, freestanding, A-frame board construction sign  
1642        not secured or attached to the ground that can be folded and carried by an individual.

1643        *Sign:* Any device, fixture, placard, or structure that uses any color, form, graphic,  
1644        illumination, symbol, or writing to advertise, announce the purpose of, or identify the  
1645        purpose of a person or entity, or to communicate information to the public.

1646        *Snipe sign:* A sign, which is tacked, nailed, taped, glued or otherwise attached to a  
1647        tree, pole, fence, newsrack, trash receptacle, building wall or door or other object,  
1648        unless required by law. Legal notices required by law are not signs. Legal notices  
1649        required by law are exempted.

1650        ~~Special event sign:~~ A temporary sign placed by the Town, a community service  
1651        organization, homeowners association or condominium association announcing an  
1652        upcoming community event, special meeting or election.

1653        *Stationary vehicle or trailer sign:* A sign advertising a business or product, mounted  
1654        on, or attached to a motor vehicle or trailer. A vehicle that is parked inside a garage, or  
1655        parked behind a the building, or a passenger vehicle displaying a name and telephone  
1656        number with letters no more than four inches in height, is not a vehicle sign as  
1657        described above. Nothing herein shall prohibit the parking of commercial vehicles while  
1658        in the process of making deliveries, service calls or loading/unloading.

1659        ~~Strip lighting:~~ Lighting used to surround the interior of a window and/or its  
1660        architectural features. Also referred to as string or rope lighting.

1661        *Subdivision and residential development identification sign:* An identification sign  
1662        erected at the entrance to a neighborhood or residential development used only for the  
1663        official name and address of the neighborhood or residential development.

1664        *Temporary sign:* A temporary sign is any one of the types of signs specifically listed  
1665        within these regulations as an allowed temporary sign and which may be displayed for a  
1666        limited, specified amount of time.

1667        *Trademark/corporate logo.* A federally-registered trademark or logo comprised of a  
1668        word, phrase, symbol or design, or a combination thereof, which is legally recognized  
1669        under State or federal law.



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~~Vacancy/no vacancy/rental availability sign: A sign or portion of a sign located at a motel, hotel, apartment building or condominium indicating whether or not there are rooms/units available.~~

*Vehicular use area [VUA]:* For the purpose of this section, vehicular use areas are areas used for parking of vehicles, and all land upon which vehicles traverse. A private VUA is a VUA area that is privately owned and not public property.

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

*Warning or danger sign:* A sign warning of pedestrian or vehicular dangers, access or safety issues (e.g. "no trespass," "one-way," "no parking," "do not enter," or similar safety issues) or of a hazardous condition or dangerous object or animal in the immediate vicinity.

*Window:* For the purpose of these regulations, a window shall be defined as that portion of a first or second floor façade consisting of a transparent, glass-like material designed to provide viewing of the interior from the exterior of the building and which shall be:

- (1) No less than 75 percent transparent from the exterior;
- (2) The area of a single window includes contiguous window panels separated by dividers less than six inches in width;
- (3) Contiguous window panels separated by dividers greater than six inches in width, separated by a doorway or separated by the corner of a building shall be considered separate windows; and
- (4) A glass door or pair of doors shall be considered a separate window, but shall be no less than 50 percent transparent from the exterior.
- (5) A transom above a door, separated by less than six inches shall be considered part of the door. A glass transom separated by more than six inches shall be considered a separate window.

*Window sign:* A sign attached to or placed on storefront windows and/or glass doors and that are placed within ten feet of the inside of a window and oriented toward the window. A bulletin board, displayed inside a window, and upon which notices, advertisements, specials, listings and the like are posted, shall be considered a single window sign.

Secs. 30-515—30-530. - Reserved.

**Section 3. Codification.** This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall

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become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

**Section 4. Severability.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 5. Conflicting Ordinances.** All prior ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of said conflict.

**Section 6. Effective Date.** This Ordinance shall be in full force and effect immediately upon its passage on second reading.

Passed on the first reading, this \_\_\_\_ day of \_\_\_\_\_, 2015.

Passed and adopted on the second reading, this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MAYOR SCOT SASSER

	First Reading	Second Reading
Mayor Sasser	_____	_____
Vice-Mayor Vincent	_____	_____
Commissioner Brown	_____	_____
Commissioner Dodd	_____	_____
Commissioner Sokolow	_____	_____

ATTEST:



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1731 \_\_\_\_\_  
1732 Tedra Smith, Town Clerk

1733

1734 APPROVED AS TO FORM:

1735

1736 \_\_\_\_\_  
1737 Susan L. Trevarthen, Town Attorney

1738

1739

1740 File: T:\0 Agenda\11-24-15 Commission\Dev Services\Sign Code - Reed Ord 2015-21 1st Reading\Ex1 Sign  
1741 Ord2015-21 1st Reading Nov 2015 Vbb.docx