

November 25, 2020
Immediately following the
6:30 pm P & Z Meeting (or as soon
thereafter as possible)



Town Hall Commission Chambers
247 Edwards Lane
Palm Beach Shores, FL 33404

**PLANNING AND ZONING BOARD sitting as
LOCAL PLANNING AGENCY (LPA)
MEETING AGENDA**

Janet Kortenhaus, Chairman
Jerald Cohn, Vice Chairman

Tim Blash, Member
Tracy Larcher, Member
Kevin Banks, Member
Jason Prince, Alternate
Nina Lammert, Alternate

Mitty Barnard, Attorney
Josh Nichols, Zoning Official
Rob Rennebaum, Engineer
Laure Brown, Building Dept. Supervisor
Evyonne Browning, Town Clerk

PLEASE NOTE:

PUBLIC PARTICIPATION MAY OCCUR REMOTELY

Meeting number: 132 871 8808

Password: 1125

<https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=m0a61477cc7d6b4244c173465fbc0fc42>.

Join by phone: +1-408-418-9388 United States Toll Access code: 132 871 8808

1. **CALL TO ORDER**
 - a. Roll call
2. **APPROVAL OF MEETING AGENDA** (Additions, substitutions, deletions)
3. **MISCELLANEOUS BUSINESS**
 - a. Ordinance O-6-20: Chapter 58 Sign Code Revision. *(Presented by Town Attorney)*
5. **PUBLIC COMMENT**
6. **ADJOURNMENT**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Planning & Zoning Board with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting.

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. FOR HEARING ASSISTANCE: If any person wishes to use a hearing device, please contact the Town Clerk.

ORDINANCE NO. 0-6-20

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA AMENDING CHAPTER 58. SIGNS. PROVIDING UPDATED REGULATIONS FOR COMMERCIAL AND NON-COMMERCIAL SIGNS WITHIN THE TOWN WHICH COMPLY WITH CONSTITUTIONAL REQUIREMENTS FOR GOVERNMENT REGULATION OF EXPRESSION; REVISING DEFINITIONS, EXEMPTIONS, PROHIBITIONS, AND DESIGN & PERMITTING REQUIREMENTS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 58. SIGNS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Commission of the Town of Palm Beach Shores (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

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

WHEREAS, the Town Commission desires to modify and update its regulation of signs in order to respond to caselaw including *Reed v. Town of Gilbert*, 135 S. 9 Ct. 2218, 192 L. Ed. 2d 236 (2015); 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 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 Sotomayor, 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 Sotomayor pointed out that municipalities still have the power to enact and enforce reasonable sign regulations; and

WHEREAS, the Town Commission believes these code revisions, which conform to the aforementioned legal precedent, will be in the best interests of the Town of Palm Beach Shores, and will promote the public health, safety, and welfare.

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

Section 1: Chapter 58. Signs. of the Code of Ordinances of the Town of Palm Beach Shores, Florida, Sections 58-1 through and including 58-54 are hereby amended to read as follows:

Chapter 58 - SIGNS

ARTICLE I. - IN GENERAL

Sec. 58-1. - Definitions.

Terms defined. For the purposes of this chapter, the following words and phrases shall have the meanings herein set forth. Any term that is used in this chapter and not defined herein should be given its common definition:

Banner. A sign that have the characters, letters, illustrations, or ornamentations applied to cloth, paper, balloons or fabrics of any kind, and which are typically hung from, among other things, a pole, a building or some other structure.

Billboard. A Commercial Speech Sign identifying a location other than the lot on which the Commercial Speech Sign is located, where a commercial transaction is offered or a Noncommercial Speech Sign identifying the location of a noncommercial event other than the Plot on which the Noncommercial Speech Sign is located. This term applies to both Permanent Signs and Temporary Signs.

Changeable Copy Sign. A Sign which is visible from outside a building and which is characterized by changeable copy, regardless of method of attachment of the copy or manual/electronic operation of the changing message.

Commercial Speech. Speech that proposes a commercial transaction, identifies a person or entity with whom a commercial transaction is offered, or identifies a place or location at which a commercial transaction is offered.

Commercial Speech Sign. A Sign containing Commercial Speech.

Copy. The linguistic or graphic content, including but not limited to Logos, contained on a Sign Face.

Directional sign - a ground sign or temporary sign designed to guide or direct vehicular traffic.

Flat wall sign - a sign attached to, or parallel to 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 face.

Ground Sign. A Permanent Sign that is supported by one or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground, when no part of the Sign is attached to any part of a building or structure.

Harmful to minors. With regard to Copy, any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement; or non-erotic word or picture; when it:

- (1) Predominately appeals to the prurient, shameful, or morbid interest or is otherwise obscene in nature; and
- (2) Is patently offensive to generally accepted standards in the adult community as a whole with respect to what is suitable sexual material for minors; and
- (3) Taken as a whole, lacks serious literary, artistic, political, or scientific value.

Identification sign – a sign used to identify a dwelling or its occupants. Identification signs are not used to advertise services or goods provided.

Multifamily dwelling – see “Dwelling, multiple-family use,” at Palm Beach Shores Muni. Code, Appendix A, Sec. II., Pf. 2.18

Noncommercial Speech. Speech that does not propose a commercial transaction.

Noncommercial Speech Sign. A Sign on which the Copy contains only Noncommercial Speech.

Nonconforming Sign. A Permanent Sign existing on the effective date of the adoption of this ordinance which could not be installed or built under the current terms of this chapter.

Off-Site Sign. A Commercial Speech Sign identifying a location other than the lot on which the Commercial Speech Sign is located, where a commercial transaction is offered or a Noncommercial Speech Sign identifying the location of a noncommercial event other than the Plot on which the Noncommercial Speech Sign is located. This term applies to both Permanent Signs and Temporary Signs. See also “Billboard.”

Permanent Sign. A Sign intended to be displayed to the general public for a minimum of one year. Permanent Signs typically require permitting and inspections for construction or installation.

Real Estate Sign. A Temporary Commercial Speech Sign used to identify property, buildings or other real property interests that are being offered for sale, rent or lease. Such signs shall also include signs used to advertise an "open house" real estate event. Directional Signs are not Real Estate Signs.

Sandwich board Sign - a movable sign not secured or attached to the ground; a self-supporting A-frame sign.

Sign. An object designed to convey information or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

(1) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

(2) Flags;

(3) Legal notices; identification, information, or directional signs erected or required by governmental bodies;

(4) Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights;

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

Snipe Sign. Any Sign, generally of a temporary nature, made of any material, when such Sign is tacked, nailed, posted, pasted, glued, or otherwise attached to the ground or to trees, poles, stakes, fences, or other objects, not erected, owned, and maintained by the owner of the Sign.

Temporary Sign. Any Sign that is not intended to be a Permanent Sign.

Sec. 58-2. – Purpose, intent, and scope of regulations.

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

- (1) *Property value protection.* Signs should not create a nuisance to the occupancy or use of other properties as a result of their size, height, brightness, or movement. They should be in harmony with buildings, the neighborhood, and other conforming signs in the area.
 - (2) *Communication.* Signs should not deny other persons or groups the use of sight lines on public rights-of-way, should not obscure important public messages and should not overwhelm readers with too many messages. Signs can and should help individuals to identify and understand the jurisdiction and the character of its neighborhoods and commercial areas.
 - (3) *Preservation of the community's beauty.* Small towns such as Palm Beach Shores, which include a public beach and numerous public parks, as well as primarily residential uses supported by very limited commercial uses, rely heavily on their natural surroundings and beautification efforts to retain their quality of life and economic viability. This concern is reflected by the active and objective regulations of the appearance and design of signs.
- (b) *Intent.* In accordance with the U.S. Supreme Court's cases on sign regulation, the regulations in this chapter are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may adversely affect the Town's substantial and compelling governmental interests in preserving scenic beauty and community aesthetics, and in vehicular and pedestrian safety in conformance with First Amendment jurisprudence¹.
- ~~(c)~~ *Regulations strictly enforced.* It shall be unlawful for any persons to post, display, change or erect a sign that requires a permit without first having obtained a permit therefor in accordance with this chapter. Additionally, applications for sign permits shall be submitted to the planning and zoning board for architectural and aesthetic review and compatibility with this chapter in accordance with section 58-35 and, for certain temporary signs, in accordance with section 58-53(b)(3). Signs or sign structures erected without all necessary permits and approvals shall be deemed in violation of this chapter and it shall be mandatory to obtain the applicable permits and approvals or remove the sign immediately. All signs not expressly permitted or excepted by this chapter are strictly prohibited.

¹ (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 off-premise 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;
(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.

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

(e) *Severability.*

(1) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter.

(2) *Severability where less speech results.* This subsection shall not be interpreted to limit the effect of any applicable severability provisions in the code of ordinances or any adopting ordinance. The Town Commission specifically intends that severability shall be applied to these sign regulations even if the result would be to allow less speech in the Town, whether by subjecting currently exempt signs to permitting or by some other means.

(3) *Severability of provisions pertaining to prohibited signs.* This subsection shall not be interpreted to limit the effect of any applicable severability provisions in the code of ordinances or any adopting ordinance. The Town Commission specifically intends that severability shall be applied to Section 58-3. "Prohibited Signs," so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.

(4) *Severability of prohibition on off-premises signs.* This subsection shall not be interpreted to limit the effect of any applicable severability provisions in the code of ordinances or any adopting ordinance. If any or all of chapter 58. Signs, or any other provision of the Town Code is declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction,

the Town Commission specifically intends that the declaration shall not affect the prohibition on off-site signs.

Sec. 58-3. - Prohibited signs.

- (a) It shall be unlawful to erect any of the following types of signs:
- (1) Billboards or off-site ~~premises~~ signs.
 - (2) Flashing signs or flashing illumination, regardless of type or method.
 - (3) Reserved.
 - (4) Signs which overhang or otherwise intrude upon a street or walk or otherwise project from a building.
 - (5) Signs on a canopy or awning.
 - (6) Signs on the roof of a building or painted on the wall or roof of a building.
 - (7) Swinging signs larger than 18 inches by 24 inches.
 - (8) Any sign with an exposed unshielded light source unless the sign is placed behind a window and does not face a public street or right-of-way. For purposes of this chapter, the phrase "exposed unshielded light source" shall mean visible incandescent bulbs, neon tubes, fluorescent tubes or exposed LED illumination or mirrors reflecting a direct light source or any other light emitting device that displays the source of light.
- (b) It shall be unlawful to erect any of the following types of signs unless approved in conjunction with a special events permit (see chapter 18), or without the express prior approval of the town administrator, manager or designee, which may only be granted on a temporary basis:
- (1) ~~Banners, which are signs that have the characters, letters, illustrations, or ornamentations applied to cloth, paper, balloons, or fabrics of any kind, and which are typically hung from, among other things, a pole, a building or some other structure.~~
 - (2) ~~Signs made of any material, including paper, cardboard, wood, metal, and plastic, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences, or other objects, sometimes called "Snipe signs".~~
- (c) The approval required by subsection (b) above is in addition to all other requirements and approvals required by this chapter. One temporary sign approved by subsection (b) may be placed at the location of the special event. Two additional temporary special event signs may be placed at the intersection of the road, lane, or way at which the special event is located and South Ocean Avenue, Atlantic Avenue, or Lake Drive.

Sec. 58-4. - Appeals.

Appeals from decisions of the building official under this chapter shall be permitted in accordance with applicable provisions of the Florida Building Code. Appeals from decisions of the planning and zoning board under this chapter shall be permitted in accordance with section 14-88 of the Town of Palm Beach Shores Code of Ordinances.

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

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

Secs. 58-6—58-30. - Reserved.

ARTICLE II. - PERMIT

Sec. 58-31. - Permit required.

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

Sec. 58-32. - Exceptions.

The following signs shall be exempt from the permitting requirements of this chapter. An electrical permit is nevertheless required for otherwise excepted signs using electrical service:

- (1) No permit shall be required for temporary signs as described in section 58-53.
- (2) Small signs, ~~which include but are not limited to on-site directional signs, public warning signs, official government signs and commemorative plaques.~~ Small signs are limited to a sign face area of one square foot and five feet in height.
- (3) Signs erected or placed by the town on town or public property, for the general purposes of benefitting the public health, safety, and welfare.

- (4) Signs indicating occupant names, property numbers, mail/post office box numbers and other non-commercial identification of the premises, provided the signs are no larger than one square foot in area. No more than two such signs at a single lot of record may be exempt from this section unless waived by the planning and zoning board.
- (5) United States of America, State of Florida, and local government (Palm Beach Shores/Palm Beach County) flags.
- (6) Legal notices or identification and informational or directional signs erected and required by federal, state, or local law-governmental bodies.

Sec. 58-33. - Application.

Applications for permits required by this article shall be made to the building official and shall set forth the following:

- (1) The kind of sign proposed to be constructed.
- (2) The lot and location thereon upon which the sign is proposed to be located or affixed.
- (3) The plans for the proposed sign showing all existing signs location of existing and proposed signs, dimensions (including height), materials, method of construction, attachment to building or structures lighting, and building elevations. The plans shall also include color renderings of the sign, landscaping features, if applicable, and other information to assist the planning and zoning board with its architectural and aesthetic review. The building official may require additional information deemed necessary to ensure that the proposed sign complies with all applicable building code requirements.
- (4) A computation of the total allowable sign area for the site (a sign budget), which will account for any existing and proposed signage.

Sec. 58-34. - Fees.

All permit applications shall be accompanied by the applicable application fees, set by resolution of the Town Commission as may be amended from time to time.

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

The planning and zoning board shall review all applications for sign permits for compliance with this chapter and shall conduct architectural and aesthetic review of all sign permit applications pursuant to

chapter 14, article II, division 5 of the Town of Palm Beach Shores Code of Ordinances. No sign permit shall be issued without planning and zoning board architectural and aesthetic review approval.

Secs. 58-36—58-50. - Reserved.

ARTICLE III. - REGULATION

Sec. 58-51. - Permissible permanent signs; restrictions on location, type.

- (a) No permanent signs or any part thereof, shall obstruct a neighboring property's line of vision drawn at an angle of 45 degrees through the corners of the building limits of the lot on which the sign is located. No portion of any permanent sign shall be closer than, or overhang a point 12 inches inside, the front or side property line of the lot upon which the sign is located.
- (b) Flood or spot lighting of permanent signs and buildings shall be directed toward the permanent sign or building as applicable and shall be arranged so that the axis of throw of light does not form an angle of less than 45 degrees with any property line. All lighting equipment shall be located within limits prescribed for signs.
- (c) Services, facilities, and accommodations offered to the public by any permanent signs shall be only those permissible under zoning restrictions applicable to that location.
- (d) In zoning districts "B" and "C" only one permanent sign per establishment shall be permitted. Size shall be limited to one quarter square foot of sign for every linear foot of lot frontage, but not to exceed 50 square feet on multiple lots. On corner lots, no permanent sign shall be placed in the area that is 30 feet back from the intersection of the lot lines (line of sight). In the case of water frontage, the permanent sign must be a flat wall sign, projecting no more than 18 inches from the wall of the building to which it is attached.
- (e) In zoning district "D", only one permanent sign per establishment shall be permitted. Size shall be limited to three-quarter square foot of sign for every linear foot of lot frontage, but not to exceed 150 square feet on multiple lots.
- (f) Signs erected or placed by the town on town or public property, for the general purposes of benefitting the public health, safety, and welfare (e.g. indicating the time and place of regularly held civic, ~~religious,~~ or public service activities) ~~or meetings~~ are permitted ~~on town property~~ at areas designated by the town on Ocean Avenue and on Lake Avenue. The placement of such signs shall be allocated on a first-come, first-serve basis, so long as space is available in the town's

discretion. Such signs shall not exceed 18 inches by 24 inches in size and shall otherwise comply with all other requirements and approvals required by this chapter.

Sec. 58-52. - Wind loads.

All permanent ~~non-temporary~~ signs shall be designed to withstand horizontal wind loads as required by the Florida Building Code. The permit application for proposed signs that exceed 20 square feet in area must, in addition to the requirements of ~~section 58-33~~, bear the seal of a registered professional engineer who attests to compliance with this requirement. Flat wall signs shall not project more than 18 inches from the wall of the building to which they are attached.

Sec. 58-53. - Temporary signs.

(a) No signs are permitted in zoning districts "A," "B," "C" or "D" other than ~~as permanent signs~~ allowed by section 58-51, and temporary signs allowed hereunder. Each lot, or group of lots developed as a single property, is permitted to display temporary signs, subject to the following specific conditions:

(1) Commercial speech temporary real estate signs.

- a. One temporary sign advertising the sale or rent of the property may be placed on the property so it can be viewed from the street. Corner lots in Zoning District A may have one such sign for each side of the lot that fronts a street. Such signs may be a maximum of 12 by 18 inches in size, must have a forest green background, white copy, and be mounted on a black post no higher than four feet above the ground to the top of the sign. Uniform, yet unique appearance for such signs advances overall aesthetic interests of the town since these types of temporary signs are more common than others. In addition, sign uniformity for such signs allows law enforcement and code compliance personnel to easily differentiate properties that are being sold or rented. Such signs may remain as long as the property is for sale or for rent and must be removed upon the completion of the sale or rental activity.
- b. For waterfront property located on Inlet Drive or Lake Drive, one additional temporary sign advertising the sale or rent of the property may be placed on the property so it can be viewed from the water, but not from the street. In order that these temporary signs can be viewed by traveling watercraft and others on the water, without compromising the overall aesthetic interests of the town, they may be up to, but not in excess of, 24 square feet in area, with a length of such sign not exceeding twice the height. Such signs may

remain as long as the property is for sale or for rent and must be removed upon the completion of the sale or rental activity.

c. For multifamily dwelling structures under construction on property in zoning districts "B," "C" or "D" and for units thereof being offered for sale or rent, a temporary "for sale" or "for rent" sign may be placed on the subject property subject to the following specific conditions:

(1) The sign may be mounted flat against the building in which the units are offered or may be free standing within the property lines of the lot and outside the town-owned ten-foot strip. In either case such sign shall not exceed 24 square feet in area, with a length of such sign not in excess of twice the height.

(2) In the alternative, during construction only, the required silt screen, or any portion thereof, may incorporate such sign.

(3) If building plans have been approved by the town for a proposed multifamily dwelling structure on property in such zones, the planning and zoning board will review the plans and specifications for a temporary sign which may be granted for a period of one year and for one-year extension upon written request to the building official and the approval of the planning and zoning board.

(4) As a condition of the temporary permission granted for the placement of signs under this subsection (b), the owner agrees, upon written notice that the town considers such signs unsafe, to dismantle and remove the same within 24 hours of receipt of such notice. Upon the owner's failure to do so, the town may remove and hold such signs at the owner's expense.

e. ~~Permanent signs erected pursuant to the permitting process set forth in article II of this chapter are specifically excluded from this category of sign.~~

(2) ~~d.~~ In addition to the above signs, whenever When the owner or the owner's agent is present upon the property, one "open house" sign or "garage sale" sign or other sign advertising an similar commercial event at the property may be displayed on the property so it can be viewed from the street. Four ~~Two~~ additional signs may be placed off-site on private property (or in the five feet of the town-owned ten-foot strip that is adjacent to said private property), located on the same street as the property holding the commercial event, and with the express written permission of the off-site property owner, and/or on town property, along the intersection of the street road, land, or way along which the

garage sale or open house is located and South Ocean Avenue, Atlantic Avenue, or Lake Drive. Uniform, yet unique appearance for such signs advances overall aesthetic interests of the town since these types of temporary signs are more common than others. In addition, sign uniformity for such signs allows law enforcement and code compliance personnel to easily differentiate properties that are conducting these permitted activities. As such, the Town will provide these temporary signs for use by the commercial event holder. A refundable deposit, set by resolution of the Town Commission as may be amended from time to time, may be imposed for use of these signs. Such signs are ~~not restricted by color or shape but may not exceed 18 by 24 inches in size and shall be mounted no higher than four feet above the ground to the top of the sign. Such signs may be placed no earlier than noon of the day preceding the day that the open house, garage sale, or other commercial event is occurring~~ remain as long as the open house, garage sale, or other ~~commercial~~ event is occurring, and must be removed upon the completion of the open house, garage sale or other event activity.

(2 3) Commercial speech temporary construction signs.

- a. One temporary construction sign per lot is allowed so long as a town building permit has been issued for the construction denoted on the sign. This sign shall not exceed 24 square feet in area, with a length of such sign not exceeding twice the height.
- b. For waterfront property located on Inlet Drive or Lake Drive, one additional temporary construction sign may be placed on the property so it can be viewed from the water, but not from the street, so long as a town building permit has been issued for the construction denoted on the sign. This sign shall not exceed 24 square feet in area, with a length of such sign not exceeding twice the height.
- c. Temporary construction signs may remain as long as the construction activity is occurring pursuant to a validly issued building permit and must be removed upon the final inspection or issuance of the certificate of occupancy.

(3 4) Commercial speech temporary storefront advertising signs.

On commercial properties that are open to the public in zoning districts "C" and "D," one portable A-frame or sandwich-type sign per lot, or group of lots developed as a single property, may be displayed for view by passing motorists or pedestrians. Such signs may be displayed at all times that the activity or business being advertised is open to the public. Such signs shall be removed during all other times. Such signs shall not interfere

with motorist or pedestrian traffic in any right-of-way or on any sidewalk. Such signs shall not exceed 36 inches tall by 24 inches wide.

(4 5) Commercial speech temporary sign locations.

All temporary signs must be located within the property line of the lot and outside the town-owned ten-foot strip. However, in zoning district "A" temporary real estate signs may also be placed in the five feet of the town-owned ten-foot strip that is adjacent to the property line of the lot. Further, on commercial properties that are open to the public in zoning districts "C" and "D", temporary A-frame signs may be located in the five feet of the town-owned ten-foot strip that is adjacent to the property line of the lot.

~~(b) For multifamily dwelling structures under construction on property in zoning districts "B," "C" or "D" and for units thereof being offered for sale or rent, a temporary "for sale" or "for rent" sign may be placed on the subject property subject to the following specific conditions:~~

~~(1) The sign may be mounted flat against the building in which the units are offered or may be free standing within the property lines of the lot and outside the town-owned ten-foot strip. In either case such sign shall not exceed 24 square feet in area, with a length of such sign not in excess of twice the height.~~

~~(2) In the alternative, during construction only, the required silt screen, or any portion thereof, may incorporate such sign.~~

~~(3) If building plans have been approved by the town for a proposed multifamily dwelling structure on property in such zones, the planning and zoning board will review the plans and specifications for a temporary sign which may be granted for a period of one year and for one-year extension upon written request to the building official and the approval of the planning and zoning board.~~

~~(4) As a condition of the temporary permission granted for the placement of signs under this subsection (b), the owner agrees, upon written notice that the town considers such signs unsafe, to dismantle and remove the same within 24 hours of receipt of such notice. Upon the owner's failure to do so, the town may remove and hold such signs at the owner's expense.~~

(5) Non-commercial speech temporary signs.

a. Associated with a definite event. One non-commercial speech temporary sign per lot or parcel associated with a definite event shall be permitted. By way of example: religious services for a particular holiday are one definite event; Multiple candidates running for office as well as individual ballot questions related to a particular issue all occurring at the

same election are each separate definite events; A birthday party is one definite event. Such signs shall not exceed 18 by 24 inches in size, shall be mounted no higher than four feet above the ground to the top of the sign, and shall be removed upon the completion or conclusion of the event for which they were placed.

b. Not associated with a definite event. One non-commercial speech temporary sign per lot or parcel not associated with any definite event shall be permitted. There is no time duration for such non-commercial speech temporary sign. By way of example: signs generally expressing allegiance (or opposition) to a school or sports team; or signs generally expressing support (or opposition) to an ideological, social, familial or political concept are not associated with any definite event. Such signs shall not exceed 18 by 24 inches in size and shall be mounted no higher than four feet above the ground to the top of the sign.

(6) Non-commercial speech temporary sign locations.

All non-commercial speech temporary signs must be located within the property line of the lot and outside the town-owned ten-foot strip.

(b e) Temporary signs shall be maintained in a "like new" condition at all times. Any Temporary Sign showing evidence of weathering, rust or other damage, or deterioration from whatever cause, shall be removed and/or replaced immediately. Nothing in this chapter shall be construed to limit the use of political signs or signs exercising the right to freedom of speech. Such signs shall not exceed 18 by 24 inches in size, shall be mounted no higher than four feet above the ground to the top of the sign, and shall be removed upon the completion of the election or political event, if applicable, for which they were placed.

(c d) All temporary signs shall conform to the size, location, and duration requirements of this section. The maximum combined square footage for all temporary signage on any lot, or group of lots developed as a single property at any given time, excluding signs permitted to be placed pursuant to section 58-53(a)(1)b. and section 58-53(a)(3)b. shall not exceed 24 square feet.

(d e) Any temporary sign placed anywhere within the town, that is in violation of this section, may be removed immediately by the town and shall be held by the town at the owner's expense.

(e) All Temporary Signs shall be removed and safely stored within an enclosed structure upon the declaration by the State of Florida, Palm Beach County, or the National Weather Service of a tropical storm or hurricane watch or warning that includes the Town of Palm Beach Shores within the scope of

the declaration and shall not be displayed until after the storm system has completely passed the Town and the declaration has been lifted.

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

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