

ORDINANCE NO. 53-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.7, "SIGNS," BY AMENDING SUBSECTION (E), "SIGN DESIGN STANDARDS," AND SUBSECTION (J), "PROHIBITED SIGNS," TO ESTABLISH REGULATIONS ALLOWING CERTAIN SIGN DESIGNS TO EXTEND INTO THE RIGHT-OF-WAY WITHIN THE CENTRAL BUSINESS DISTRICT AND OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT AND RESTRUCTURE EXISTING SUBSECTIONS TO ELIMINATE INCONSISTENT REQUIREMENTS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations ("LDRs") of the City of Delray Beach ("City") Code of Ordinances provide authority for the City Commission to amend, change, supplement, or repeal the LDRs from time to time; and

WHEREAS, the LDRs currently prohibit commercial signs in public rights-of-way; and

WHEREAS, the existing Central Business District regulations and the physical characteristics of the district support the extension of signs within the public right-of-way for buildings legally built with smaller setbacks and arcades; and

WHEREAS, by permitting signs within the public rights-of-way, it is necessary to restructure certain subsections in Section 4.6.7, "Signs," to eliminate inconsistencies; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, reviewed the proposed text amendment to the LDRs at a public hearing on October 19, 2020 and voted 4 to 3 to recommend that the proposed text amendments be approved, subject to the condition that the associated historic districts (OSSHAD, Marina and West Settlers Districts) be excluded from the proposed changes, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the LDRs; and

WHEREAS, the Historic Preservation reviewed the proposed text amendment to the LDRs at a public hearing on November 4, 2020 and voted 4 to 3 to recommend that the proposed text amendments be approved with the condition that signs encroaching into the right-of-way be considered by the appropriate approving body; and

WHEREAS, the City Commission of the City of Delray Beach finds this Ordinance is consistent with the Comprehensive Plan, meets the criteria set forth the LDRs, and is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That Section 4.6.7, “Signs,” Subsection 4.6.7(E), “Sign design standards,” of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(E) **Sign design standards.** The following subsections describe basic standards ~~which~~ that apply to signs. The application of these standards to specific types of signs and their location in specific ~~zone~~ zoning districts is set forth in Table 4.6.7(A), Sign standards per zoning district ~~a matrix contained in Subsection (E)(7).~~

(1) **Types of Signs.**

(a) **Free-standing sign.** A free-standing sign is not affixed to any other structure and is limited to no more than two faces. It may be either a pole sign or a monument sign. All signs erected on a pole shall contain a pole cover. All freestanding signs shall contain the street number.



(b) **Projecting sign.** A sign affixed to a structure and which extends at a right angle from the building. A projecting sign shall not have more than two sign faces.



- (c) ***Under canopy sign.*** A sign hung from a canopy or roof of a walkway. It may be rigid or it may swing. Such a sign may not have more than two sign faces.



- (d) ***Wall sign.*** A wall sign may be flush mounted or hand painted. Such a sign may be applied to a canopy/awning, mansard, or building face.



- (2) ***Sign area and height. Sign Measurements.***

(a) ~~***Basis for measurement. Area.*** The area in square feet or square inches allowed for each sign face. The sign face includes any background material, panel, trim, color, and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface, or object upon which, or against which, it is placed. When there is no such differentiation, the sign face shall be a rectangle just large enough to enclose all lettering, illustrations, ornamentation, symbols, or logos. A sign structure shall not be computed in sign area provided that no message, symbol, or any of the aforementioned are displayed on, or designed as part of, the sign structure. Sign area is measured in square feet or square inches inclusive of each sign face and side.~~

1. ~~The sign face includes any background material, panel, trim, color, and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface, or object upon which, or against which, it is placed. When there is no differentiation between the sign and the building or structure, the sign area shall be determined using a rectangle just large enough to include all lettering, illustrations, ornamentation, symbols, or logos.~~

2. ~~A sign structure, such as a pole or monument base, shall not be included in the sign area measurement provided that no lettering, illustrations, ornamentation, symbols, or logos are displayed on, or designed as part of, the sign.~~

(b) ~~***Height.*** Height is the vertical distance measured from the highest point of the sign to the grade at the base of the sign.~~

(c) ~~***Setback.*** Setback is the distance measured from the closest portion of the sign to the ultimate right-of-way.~~

(3) **Setback requirements:**

(a) ~~***Basic setback determinants.*** The setback for a free standing sign shall be ten feet from the ultimate right-of-way line unless there is a special setback or special landscape area designated for the street pursuant to Section 4.3.4(H)(6). The setback is measured from the closest portion of the sign to the right-of-way. Projecting signs, canopy signs, and wall signs may extend into standard and special setback areas. No signs shall extend into a right-of-way.~~

(b) ~~***Allowed partially in standard setback.*** When considered as a part of a site plan approval, or modification to a site plan, a sign may be located partially within the ten-foot setback area provided that:~~

1. ~~The sign height is not greater than seven feet;~~

2. ~~The sign area is a maximum of 40 square feet;~~

3. ~~The sign area for that portion of the sign within the setback area is not greater than 20 square feet.~~

(e) ~~**Allowed totally in standard setback.** When considered as a part of a site plan approval, or modification to a site plan, a sign may be located totally within the ten foot setback area provided that:~~

1. ~~The sign height is not greater than seven feet;~~

2. ~~The sign area is less than 20 square feet.~~

(d) ~~**Allowed in special setbacks.** When considered as a part of a site plan approval, or modification to a site plan, pursuant to Section 4.3.4(H)(6), a sign may be located within a special setback area provided that:~~

1. ~~If the sign is to be located no less than ten feet nor more than 20 feet from the right-of-way, the sign height shall not exceed seven feet, and the sign area shall not exceed 40 square feet.~~

2. ~~If the sign is to be located between 20 feet to 30 feet from the right-of-way, the sign height shall not exceed 14 feet, and the sign area shall not exceed 96 square feet.~~

(3) **Location requirements.** Standard sign location requirements are set forth in Table 4.6.7(A). The following supplemental location standards apply per sign type.

(a) **Free-standing signs.**

1. Free-standing signs shall have a setback of 10 feet or the minimum special setback required per Section 4.3.4(H)(6), whichever is greater.

2. For properties required to provide a setback of 10 feet, free-standing signs may be partially or entirely located within the setback, subject to the following criteria:

a. The sign height is a maximum of seven feet; and

b. The sign area for that portion of the sign within the setback is a maximum of 20 square feet and the total sign area is a maximum of 40 square feet.

3. For properties required to provide special setback areas, pursuant to Section 4.3.4(H)(6), free-standing signs may be partially or entirely located within the setback, subject to the following criteria:

- a. Signs that are set back 10 to 20 feet are allowed a maximum area of 40 square feet and a maximum height of seven feet.
- b. Signs that are set back 20 to 30 feet are allowed a maximum area of 96 square feet and a maximum height of 14 feet.

(b) **Wall signs and under canopy signs.**

- 1. Wall signs and under canopy signs may be located within the setback, including special setback areas pursuant to Section 4.3.4(H)(6); or,
- 2. Wall signs and under canopy signs within the CBD or OSSHAD with CBD Overlay zoning districts may be located partially or entirely in the public right-of-way provided that the building or arcade was legally constructed with smaller setbacks or without setbacks.

(c) **Projecting signs.**

- 1. Projecting signs may be located within the setback, including special setback areas pursuant to Section 4.3.4(H)(6); or,
- 2. Projecting signs within the CBD or OSSHAD with CBD Overlay zoning districts may be located partially or entirely in the public right-of-way provided that the building or arcade was legally constructed with smaller setbacks or without setbacks, subject to the following:
 - a. Projecting signs that extend into the right-of-way more than two feet from the face of the building or contain more than five square feet are subject to approval by either the Site Plan Review and Appearance Board or Historic Preservation Board.
 - b. Projecting signs may extend from the face of the building located under an arcade. Projecting signs shall not extend from the exterior face of an arcade.

(4) ~~**Safety and location requirements.**~~

(a) **Location**

- 1. ~~**Agreement required.** Whenever a sign requires a permit and is allowed within a setback area, easement, or right-of-way, the person erecting the sign shall be required to execute an agreement, which shall be countersigned by the property~~

~~owner, providing that it is the obligation of the owner of the sign and/or the property owner to relocate the sign at such time as the City determines that additional right of way or setback is required, or if conflicts occur with it being located in an easement. A performance bond, or acceptable substitute guarantee, may be required.~~

~~2. **Obstructions.** A sign shall not be located in such a manner as to obscure another sign or to be obscured by an existing sign, a structure, or existing vegetation unless provisions are made for the removal of the obscuring sign, structure, or vegetation.~~

~~(b) **Safety.**~~

~~1. **Safety determination required.** Whenever consideration is given to locating a sign within a special setback or the standard ten-foot setback area, the granting body must determine that the location of the sign does not present a hazard to pedestrians or to vehicular traffic circulation.~~

~~2. **Traffic safety.** No sign shall be located in such a manner that it will become a hazard to automotive or pedestrian traffic nor shall any sign or lighting of a sign be so placed as to obstruct the vision of the driver of any motor vehicle where vision is necessary for safety.~~

~~(4) **Obstructions.** Signs shall not obscure or be obscured by another sign, structure, or existing vegetation.~~

~~(5) **Safety.** Signs shall not create a hazard to automotive or pedestrian traffic.~~

~~(5)(6) **Illumination.** Signs may be illuminated directly or indirectly unless specifically prohibited elsewhere in these LDRs. In residential zoning districts, all illumination shall be cut off luminaires so that the light is not directed toward adjacent residentially zoned property.~~

~~(a) Signs may be illuminated directly or indirectly unless specifically prohibited.~~

~~(b) In residential zoning districts, all sign illumination shall provide cutoff luminaire.~~

~~(6)(7) **Design prohibitions/restrictions:**~~

~~(a) **Intermittent lighting, animation, moving or rotating signs.** A sign shall not involve intermittent lighting, animation, motion or rotation of any part of a sign structure or display; except for governmental traffic signals, traffic devices and traffic signs as required by law.~~

- (b) **Noise producing signs.** A sign shall not produce noise or sounds.
 - (c) **Obscene signage.** A sign shall not exhibit thereon any lewd, lascivious, or obscene, character, or illustration.
 - (d) **Restrictions as to functions.** The use of a sign may be restricted to functions as set forth in Table 4.6.7(A), Sign standards per zoning district, Subsection (E)(7) (Matrix) under the column of “Type of Sign.”
 - (e) **Smoke or odor producing signs.** A sign shall not produce or emit smoke, vapor, particles, or odor.
- (7)(8) **Agreement required.** When a sign requires a permit and is located within an easement or right-of-way, an agreement in a form acceptable to the City Attorney shall be executed between the property owner and the City. The agreement shall be executed by the City Manager, or their designee. A performance bond or acceptable substitute guarantee may be required.
- (9) **Design standards matrix Sign standards per zoning district.** The following matrix Table 4.6.7(A), Signs standards per zoning district, sets forth establishes the standards for various types of signs when located in various per zoning districts or defined by use. The standards set forth therein are subject to descriptions, interpretations, exceptions, and limitations as provided for elsewhere in these LDRs.

Table 4.6.7(A) Sign standards per zoning district					
Type of Sign	Quantity	Area (max.)	Location*	Height	Illumination
<i>Residential Zone Zoning Districts Signing: (R-1 Districts, PRD, RL, RM, RR and AG Districts)</i>					
Wall	Only One sign per lot or parcel	20 square feet	At least Min. of 10' feet from any property line	—	Must be shielded
Free-standing		20 square feet/ per face		8" inches	
<i>Signing Located in CF, All Historic Districts, OS, OSR, OSSHAD and RO</i>					
Wall	Not more than Up to two per lot, parcel or development	30 square feet	on building face	—	Allowed
Projecting		30 square feet/ per face	from building or under canopy	—	Allowed

Free-standing		30 square feet/ per face	may be in the front yard setback	8'-feet	Allowed
Under canopy		4 sq. ft. square feet / per face	Under canopy	—	Allowed
<i>Signing in GC, AC, NC, PC, CBD, MIC, MROC, I, POD, POC and LI Zone Districts</i>					
Wall	one per business	15% of building face (max. of 12' <u>feet</u> height, for computational purposes only, times the width) not to exceed 160 square feet	facing each dedicated street frontage	—	Allowed
	one per building	9 square feet	on rear of building not facing street	—	Allowed
	one per business	15% of building face (max. of 12' <u>feet</u> height, for computational purposes only, times the width) not to exceed 160 sq. ft. square feet	facing I-95	—	Allowed
Directory	one per building	24 square feet	on building face	—	Allowed
Projecting	one <u>per business</u>	30 square feet 3' <u>feet</u> from face of wall	from building or under canopy	—	Allowed
Under canopy	one per business	4 square feet	under a canopy which extends store front access	—	Allowed
Free-standing	one per frontage	*one at 1/2 square feet of frontage not to exceed 160 square feet *each additional limited to 50 square feet <u>One sign equal to half the length of the property's frontage in square feet, not to exceed 160 square feet.</u> <u>Each additional sign is limited to 50 square feet.</u>		14'-feet	Allowed
* Freestanding Signs must comply with setback the location requirements of Section 4.6.7(E)(3).					

Section 3. That Section 4.6.7, “Signs,” Subsection 4.6.7(J), “Prohibited signs,” of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

- (j) **Prohibited signs.** The following signs, or sign features, are prohibited within the City of Delray Beach; however, exceptions as noted herein are allowed. It shall be unlawful for any persons to erect prohibited signs or use prohibited sign features. Further, any sign not provided for, or expressly permitted by these LDRs is also prohibited.
- (1) **Banners and wind signs.**
 - (a) **Banners:** Prohibited.
 - (b) **Wind signs:** Prohibited.
 - (2) **Off-premise signs.** A sign, including building signs, that advertise an establishment, merchandise, service, or entertainment which is sold, produced, manufactured, or furnished at a place other than the property on which the sign is located, however, non-commercial messages shall never be off-premises.
 - (3) **Roof sign.** A sign or any portion of a sign which is located on the roof or top of the building or which projects above the roof eave of a gable or hip roof or above the top of a parapet, tower, or any other architectural feature.
 - (4) **Snipe signs.** Snipe signs are prohibited.
 - (5) **Traffic confusion.** A sign or other advertising matter erected at the intersection of any streets or in any street right-of-way in manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, a traffic signal, or traffic device; or which makes use of the words "stop", "look", "drive-in", "danger", or any other word, phrase, symbol, or character in a manner as to interfere with, mislead, or confuse vehicular traffic.
 - (6) **Vehicular signs.** Signs placed on vehicles or trailers that are parked in the street, public right-of way or on private property for the primary purpose of displaying the sign for advertising a commercial enterprise.
 - (7) **Waterbourne signs.** No sign or advertising shall be displayed on a vessel plying the waterways, excluding, the identification of the vessel.
 - (8) **Commercial signs in public rights-of-way:** Prohibited, except as allowed in Section 4.6.7(E)(3).

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

Section 5. Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 6. Specific authority and direction is hereby given to the City Clerk to codify this Ordinance.

Section 7. This ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2021.

ATTEST:

Katteri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney