

**CITY OF LIGHTHOUSE POINT  
FLORIDA**

**ORDINANCE NO. 2012 - 0904**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, AMENDING CHAPTER 42, ENTITLED "LAND DEVELOPMENT CODE," ARTICLE V, ENTITLED "SIGNS," DIVISION 1, ENTITLED "GENERALLY," SECTION 42-461, ENTITLED "DEFINITIONS" TO AMEND THE DEFINITIONS OF "CANOPY AND MARQUEE SIGN"; TO AMEND THE DEFINITION OF "CHANGEABLE SIGN" TO CLARIFY THAT IT INCLUDES ELECTRICAL, VIDEO, LIGHTING AND SIMILAR TECHNOLOGY THAT MAY BE USED TO CHANGE SIGN COPY; AND TO AMEND THE DEFINITION OF "ILLUMINATED SIGNS," TO CLARIFY THAT IT INCLUDES EMBODIED LIGHTING SYSTEMS, LIGHT-EMITTING DIODES AND SIMILAR SOURCES; AMENDING SECTION 42-464, ENTITLED "APPLICABILITY OF ARTICLE" TO AMEND SUBSECTION (C) TO PROVIDE THAT MATTERS RELATING TO SHOPPING CENTER INTERIOR DRIVES BEING CONSIDERED AS STREET FRONTAGE FOR PURPOSES OF DETERMINING PERMITTED FLAT SIGNS, AND NECESSARY CLEARANCE AND CURBLINE DISTANCES FOR CANOPY AND MARQUEE SIGNS, SHALL BE SET FORTH WITHIN AN APPROVED MASTER SIGN PLAN; AMENDING SECTION 42-468, ENTITLED "CERTAIN SIGNS OR SIGN STRUCTURES PROHIBITED," TO PROHIBIT SIGNAGE THAT EXCEEDS BRIGHTNESS STANDARDS ESTABLISHED HEREIN, HUMAN SIGNS, SIGNS THAT INCLUDE OBJECTS THAT CREATE A THREE-DIMENSIONAL EFFECT, AND SIGNS THAT EMIT ANY TYPE OF EMISSION; AMENDING DIVISION 2, ENTITLED "ADMINISTRATION AND ENFORCEMENT," SUBDIVISION II, ENTITLED "PERMIT," SECTION 42-508 ENTITLED "APPLICATION; ISSUANCE OF PERMIT," TO REQUIRE ADDITIONAL DOCUMENTATION FOR SIGNS THAT INCLUDE ILLUMINATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City Commission has expressed concern that changes and improvements in technology and sign design could adversely affect the aesthetic character of the City; and,

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**WHEREAS**, specifically, the City Commission is concerned that signage that is excessively bright can cause distracting and visually unappealing signage, particularly where such technology is used to change copy or stream information on signs; and,

**WHEREAS**, attaching objects to signage to create three-dimensional effects for an otherwise flat sign or attachments to other structures associated with the sign, human signs and signs that emit odor, smoke, vapor audio and similar items, create distracting and aesthetic concerns adversely affecting the City; and,

**WHEREAS**, recognizing its concerns relating to aesthetics and safety, the City Commission desires to amend its code to prohibit signage that exceeds certain brightness criteria as established by this ordinance, as well as the use of objects on signage to create a three-dimensional effect on signage in the City; and,

**WHEREAS**, in response to inquiries from shopping centers located within the City, the City Commission has determined that it is fair and reasonable for shopping centers that have a Master Sign Plan approved by the City's Community Appearance Board be permitted to have signage on interior driveways on the property the same as those buildings and businesses that face exterior drives, and to establish certain criteria for canopy signs within shopping centers, in that those shopping centers have demonstrated an intent to encourage aesthetically pleasing signage and assumed the duty of enforcing the criteria established through the approved Master Sign Plan; and,

**WHEREAS**, the City hired an engineer to conduct a review of ambient brightness for existing signage in the City to support the criteria established by this ordinance; and,

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**WHEREAS**, the Planning and Zoning Board held a public hearing on October 2, 2012, determined the proposed amendments to be consistent with the City's comprehensive plan, and recommended approval by the City Commission; and,

**WHEREAS**, the City Commission finds that the revisions to the City's sign regulations as set forth within this ordinance are in the best interest of the health, safety and welfare of the City, its residents and its businesses.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, THAT:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2.** Chapter 42, entitled "Land Development Code" Article V, entitled "Signs," Division 1, entitled "Generally," Section 42-461 entitled "Definitions," is amended as follows:

**ARTICLE V. SIGNS**

**DIVISION 1. GENERALLY**

**Sec. 42-461. Definitions.**

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Canopy or marquee sign* means any sign which is mounted under a canopy. Such sign which is attached to a building shall not extend beyond the canopy roof line. Except as provided in Section 42-464(c)(7) of this code, Such sign shall not come closer than two feet from the curb line and must have a clearance of nine feet above the walkway below. A mansard roof extending beyond the outside wall of the building shall be considered a canopy.

*Changeable sign* means a sign on which the message copy is changed ~~either~~ manually, electronically, through digital or computerized means, full motion video, the use of lighting regardless of the source and type of illumination, or by any other method, including without limitation through the utilization of attachable letters, numbers, symbols, or changeable pictorial

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panels, and other similar characters, or internal rotating or moveable parts, which change the visual message.

*Illuminated sign* means any sign having characters, letters, figures, designs or outlines illuminated by electric lights, ~~or~~ luminous tubes, digital technology, embodied lighting systems, light-emitting diodes (LED), or similar sources designed for that purpose, whether or not such lights, ~~or~~ tubes, embodied lighting systems, digital systems, LED, or similar sources are physically attached to the sign

**Section 3.** Chapter 42, entitled “Land Development Code” Article V, entitled “Signs,” Division I, entitled “Generally,” Section 42-464 entitled “Applicability of article,” is amended as follows:

**ARTICLE V. SIGNS**

**DIVISION 1. GENERALLY**

**Section 42-464. – Applicability of article.**

(c) B-1, B-2, B-2A, B-3, and B-3A districts (business districts) and CF and S-1 districts (nonresidential districts):

(1) *Monument sign.* Monument signs shall be permitted based on the following formula:

Street Frontage *	# of Signs Permitted	Maximum Sign Area **	Minimum Setback	Maximum Height	Maximum Width
0-100 feet	1	40 square feet	3 feet	7 feet 0 inches	12 feet
101-150 feet	1	60 square feet	5 feet	7 feet 0 inches	15 feet
151-200 feet	1	75 square feet	10 feet	9 feet 0 inches	18 feet

\* Measuring the major street frontage of the property, one monument sign shall be permitted for the first 200 lineal feet; thereafter each additional full 200 lineal feet shall entitle the property to one additional monument sign (i.e., 240 feet permits one monument sign, 410

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feet permits two monument signs, 595 feet permits two monument signs, 601 feet permits three monument signs.)

\*\* The square footage of each sign area shall not exceed the permitted square footage identified in the above matrix. If the monument signs are double-faced, each sign area shall not exceed the permitted square footage (i.e., a combined total of 150 square feet for a double-faced sign and 75 square feet if such a sign is a single-faced or a one-sided sign.)

(2) *Flat sign.* The maximum number of flat signs for each building facade street frontage shall be two. The total square foot area available flat signs for each building facade street frontage shall be calculated as follows: One square foot or flat sign for each one lineal foot of business establishment frontage (building frontage not property frontage) for the first 100 lineal feet. Thereafter, each additional one-half square foot of available flat sign area. The total amount of signage shall not be required to be less than 32 square feet. For shopping centers with Master Sign Plans approved by the City's Community Appearance Board pursuant to Section 14-79, interior drives on the property may be counted as street frontage for purposes of this subsection (2), provided that the approved Master Sign Plan must include provisions relating to the additional signage permitted on the property by counting interior drives as street frontage.

(3) *Identification sign.* Each business location shall be permitted one identification sign not to exceed two square feet.

(4) *Window sign.* The maximum area of temporary window signs shall be limited to 20 percent of the glass area upon which such sign is posted. It is intended that such signs shall not be limited to 20 percent of any given window, but may be confined into one large window sign which may, in fact, cover one entire window.

(5) *Directional signs.* The area of directional signs shall not exceed eight square feet, and no dimension thereof shall exceed four feet.

(6) *Temporary signs,* as defined in section 42-461, shall be limited to no more than three on a property at the same time. These signs shall not be placed in public property, shall not exceed three square feet each face, and

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shall not be more than 44 inches in height from ground level. All temporary signs constructed of paper, cardboard, wood or plastic shall be removed or replaced after 60 days. All temporary signs shall be removed within five days after the purpose for the sign has expired. All temporary signs shall be placed on the property side of the sidewalk. In the event there is no sidewalk, all temporary signs shall be placed on the property no closer than ten feet from the macadam portion of the street that is adjacent to the property.

(7) Canopy Signs. For shopping centers with a Master Sign Plan approved by the City's Community Appearance Board pursuant to Section 14-79, the appearance, minimum clearance and distance from the curb line shall be established as part of the Master Sign Plan, subject to compliance with applicable building codes, and such signs shall not illuminated or lit in any way.

**Section 4.** Chapter 42, entitled "Land Development Code" Article V, entitled "Signs," Division I, entitled "Generally," Subdivision II, entitled "Permit," Section 42-468 entitled "Certain signs or sign structures prohibited," is amended as follows:

**ARTICLE V. SIGNS**

**DIVISION 1. GENERALLY**

**Sec. 42-468. Certain signs or sign structures prohibited.**

It shall be unlawful for any person to erect, place or use within the City the following signs or sign structures:

- (1) Animated signs or a sign which involves motion or rotation of any part of the sign structure or sign face of a sign structure or sign face using intermittent lights or animation or automatically changed copy or design, except an individual time and/or temperature display sign, and the only change being an adjustment in the time or temperature shall be a permitted sign. There shall be exempted from the provisions of this subsection any barber pole which shall not exceed the size of 36 inches in height nor 12 inches in width.
- (2) Banner signs, except as provided in subsection 42-464(d), but not including awning signs.
- (3) Billboards.
- (4) Changeable copy signs unless expressly authorized.

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- (5) Flags, except as permitted in subsection 42-507(1) or section 42-536.
- (6) Off-premises signs, except where permitted by this article.
- (7) Pennants.
- (8) Pole Signs.
- (9) Projecting signs.
- (10) Roof signs.
- (11) Sandwich, sidewalk or portable signs, or human signs.
- (12) Snipe signs.
- (13) Temporary real estate sign signifying that the property has been sold or rented.
- (14) Vehicle advertising signs when used for advertising purposes at a given location or site in addition to or in lieu of a temporary or permanent sign permitted under this chapter, but shall not include a vehicle identification sign.
- (15) Any sign which constitutes a traffic hazard or detriment to traffic safety by reason of its size, location, content, coloring, or method of illumination or by obstructing the vision of drivers, or by obstructing or detracting from the visibility of an official traffic-control device which diverts or tends to divert the attention of drivers of motor vehicles from traffic movements on streets, roads, intersections, or access facilities. No sign shall be erected so that it obstructs the vision of pedestrians. No sign shall use the words "STOP," "SLOW," "DANGER," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- (16) Any "for sale" sign indicating the sale of a vehicle, trailer or boat unless such sign is at a location specifically authorized to sell such vehicle, trailer or boat and has a duly issued occupational license from the city for such sale. These provisions shall not apply to any sign not larger than one foot by one foot when located on residentially zoned property whereon the owner or tenant of such property is attempting to sell his own vehicle, trailer or boat.
- (17) Any sign located on the exterior of the premises or which is visible from the exterior of the premises that at any point exceeds the following luminance when the display is set to show maximum brightness (100% full white mode for multicolor signs), as measured on a grid of one foot centers with a minimum of four (4) points for signs less than 1.2 square feet:
  - (a) Sunrise to sunset, a sign that exceeds 3,000 nits.
  - (b) Sunset to sunrise, a sign that exceeds an average of 400 nits or a maximum of 600 nits.
- (18) Any sign located on the exterior of the premises or which is visible from the exterior of the premises that is capable of night luminance over 400 nits, measured in the same manner described in paragraph (17) above, without photocell technology to control and vary the intensity of lighting depending on the amount of ambient light that is present to prevent overly bright luminance.

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- (19) Any sign on which objects are attached to or made a part of any portion of the sign, including without limitation the sign face, frame, base or pole, which results in a three-dimensional effect to the sign.
- (20) Any sign that emits any type of emission, including but not limited to smoke, mist, vapor, odor, or audio.
- (21) Any sign which does not comply with the terms, conditions or provisions of this chapter or is not specifically permitted by its provisions.

**Section 5.** Chapter 42, entitled “Land Development Code” Article V, entitled “Signs,” Division 2, entitled “Administration and Enforcement,” Subdivision II, entitled “Permit,” Section 42-508 entitled “Application; issuance of permit,” is amended as follows:

**Sec. 42-508. - Application; issuance of permit.**

- (a) Every sign requiring a permit shall be constructed in accordance with the city building code. If the sign is illuminated it shall be governed by the provisions of the National Electrical Code.
- (b) The City shall provide forms for application for sign permits, which forms will provide for furnishing the information required by this division.
- (c) The information required for a sign permit consists of:
  - (1) Name, address, telephone number and signature of the owner of the premises granting permission for the construction of the sign or sign structure, as well as the name, address, telephone number and signature of the tenant responsible for the care, operation, maintenance and display of such sign or sign structure.
  - (2) Name, address, telephone number, copy of city or county local business license and signature of sign contractor, if any.
  - (3) Legal description and street address of premises or property upon which the sign is located.
  - (4) The approximate value of the sign to be installed, including the installation cost.

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- (5) Type of sign for which a permit is being sought.
- (6) Two copies of a sketch, blueprint, blueline print or similar presentation drawn to scale and dimensioned, showing elevations of the sign as proposed on a building facade, awning or canopy, provided further, the relationship to other existing adjacent signs shall also be known.
- (7) Copy of stress sheets and calculations indicating that the sign is properly designed for dead load and wind pressure in any direction, as required by the city building code. This requirement may be waived by the building official upon his determining that the sign for which application is made is of such a nature as not to warrant furnishing the information required in this division.
- (8) For signs containing any illumination, certification from the sign manufacturer that the light intensity has been pre-set to not exceed the limits set forth in Sub-Sections 42-468(17) and (18), that sign will go black if it malfunctions and turn off in the event of an emergency, and that this setting is protected from end-user modification by password-protected software or other method as deemed appropriate by the Zoning Administrator.
- (9) Such other information as the building official may require which is necessary to secure full compliance with all applicable provisions of the city building code.
- (d) All applications for sign permits shall be submitted to the development review official and the planning and zoning board and/or the community appearance board, if required, whose approval is necessary prior to the issuance of a sign permit.
- (e) Upon satisfactory compliance with the requirements of this division, a sign construction permit shall be issued to the applicant which shall be valid for a period of 120 days, provided, however, that the building official may, for good cause shown, renew this permit for an additional 90 days.

**Section 6.** If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or

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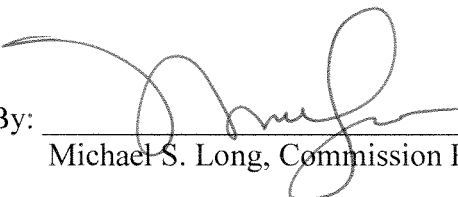
invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

**Section 7.** All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

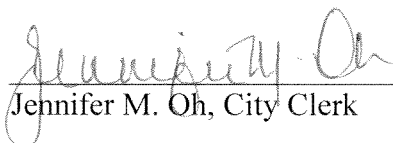
**Section 8.** This Ordinance shall take effect immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE FIRST READING, THIS 23rd DAY OF October, 2012.**

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE SECOND AND FINAL READING, THIS 13th DAY OF November, 2012.**

By:   
Michael S. Long, Commission President

ATTEST:

By:   
Jennifer M. Oh, City Clerk

APPROVED AS TO FORM:



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By:   
Office of the City Attorney

	Yes	No	Absent
Commission President Long	<u>X</u>	_____	_____
Commission Vice President Johnson	<u>X</u>	_____	_____
Commissioner Lysengen	<u>X</u>	_____	_____
Commissioner Maucker	<u>X</u>	_____	_____
Commissioner Troast	<u>X</u>	_____	_____

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