

ORDINANCE NO. 36-24

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", SUBSECTION 7(H), "EXEMPT SIGNS", TO INCLUDE BUS SHELTERS AS A NEW CATEGORY OF SPONSORSHIP SIGNS AUTHORIZED WITHIN THE CITY OF DELRAY BEACH; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City desires to amend the review process for temporary parking lots to be consistent with Chapter 2, "Administrative Procedures," of the LDR; and

WHEREAS, the City Commission of the City of Delray Beach desires to allow temporary signs in its bus shelters as part of a City-initiated program to raise funds for local schools; 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, considered this item at a public hearing on November 18, 2024, and voted _ to _ to recommend approval of the proposed text amendments, finding that the request and approval is not consistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations; and

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

Section 1. The recitations set forth above are incorporated herein.

Section 2. The City Commission of the City of Delray Beach finds this Ordinance is consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations, and is in the best interests of the City.

Section 3. Chapter 4, "Zoning Regulations", Article 4.6, "Supplemental District Regulations," Section 4.6.7, "Signs", Subsection (H), "Exempt Signs", of the Land Development Regulations of the City

of Delray Beach, Florida, is hereby amended to read as follows:

Section 4.6.7 – Signs.

(A) – (G) (These subsections shall remain in full force and effect as adopted.)

(H) *Exempt Signs.*

(1) – (9) (These subsections shall remain in full force and effect as adopted.)

(10) *Temporary Signs.*

(a) *Temporary Non-Commercial Signs.*

1. Temporary non-commercial signs may be placed on public rights-of-ways contiguous to private property. Such signs shall not be placed in medians or on portions of rights-of-way contiguous to publicly owned property.
2. Each temporary non-commercial sign within a public right-of-way shall be removed within ten (10) days after the date of event, election or referendum. If said signs are not removed prior to the expiration of the ten (10) day period, the sign shall constitute an abandoned sign and the City shall remove the sign.
3. No temporary non-commercial sign shall exceed twelve square feet (12 sq. ft.) per sign face in area on any private lot or parcel. Signs may not be placed in a location that constitutes a safety hazard or hindrance to pedestrian or vehicular traffic.
4. Any temporary non-commercial sign in the public right-of-way shall not exceed three square feet (3 sq. ft.). No temporary non-commercial sign shall be placed on any public property. Signs may not be placed in a location that constitutes a safety hazard or hindrance to pedestrian or vehicular traffic.

(b) *Sponsorship signs.*

1. Sports Fields.

- (i) Sponsorship signs may be attached to the inside face of the fence surrounding the field at any sports field within the City so long as the advertising on the signs is not visible outside of the sports field area.
- (ii) Each sponsorship sign shall not exceed thirty-two square feet (32 sq. ft.).

2. Bus Shelters.

- (i) As part of a City-initiated program, a sponsorship sign in the form of an adhesive film that acknowledges a sponsor of a designated City of Delray Beach school may be attached to the plexiglass enclosure of City-owned bus shelters.

- (ii) Sponsorship signs shall state the name of a City of Delray Beach school and either the name or logo of the school’s sponsor. No other information shall be allowed. Sponsorship signs shall not exceed four square feet and shall not be disruptive to vehicles or pedestrians using the public right-of-way.

- (iii) Prior to installation, sponsorship signs shall be approved by the City Manager or designee.

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 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 ____ day of _____, 2024.

ATTEST:

Katerri Johnson, City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney