

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, BY AMENDING ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS"; SECTION 4.6.7, "SIGNS," 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 TO RESTRUCTURE EXISTING SUBSECTIONS AND ELIMINATE REQUIREMENTS THAT ARE INCONSISTENT; AMENDING SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS", SUBSECTION (D), "DESIGN STANDARDS", TO ESTABLISH REGULATIONS THAT GOVERN CERTAIN ASPECTS OF RESERVED PARKING SPACES SUCH AS MARKINGS, SIGNAGE AND PERCENTAGE ALLOWED; 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 adopted LDRs 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 with the public right-of-way for buildings legally built with smaller setbacks and arcades; and

WHEREAS, the adopted LDRs do not provide regulations that govern the markings and signage that designates the temporary use of parking spaces within parking lots or garages; and

WHEREAS, with the changes in the commercial industry and the high demand for temporary parking spaces, it is necessary to adopt regulations to govern the markings and signing intended to designate parking spaces within parking lots or garages; and

WHEREAS, it is necessary to restructure certain subsections and eliminate existing inconsistencies in Section 4.6.7, Signs, to provide accurate regulations and to improve the structure of said section; 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 _ to _ to recommend that the text amendments be _____, finding that the request and approval thereof is _____ with the Comprehensive Plan and _____ the criteria set forth in the LDRs; 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 (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:

(1) This subsection shall remain in full force and effect as previously adopted

(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 and is determined by each sign face or 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 area and the building or structure, the sign area shall be squared-off to include all lettering, illustrations, ornamentation, symbols, or logos.~~

2. ~~The sign structure shall not be included in the sign area calculation provided that no lettering, illustrations, ornamentation, symbols, or logos are displayed on, or designed as part of, the sign structure.~~

(b) ~~**Height.** Height is ~~T~~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- Locational requirements.**

- (a) **Basic setback standards 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. Free-standing signs may be located as follows:
1. A minimum setback of 10 feet or the minimum setback per Section 4.3.4(H)(6), Special Setbacks, whichever is greater, is required.
 2. Partially or entirely within the ten-foot setback provided that:
 - a. The sign height is limited to seven feet; and
 - b. The sign area for that portion of the sign within the setback area is not greater than 20 square feet and the total sign area is a maximum of 40 square feet.
 3. Within the setback area for properties subject to the special setbacks in Section 4.3.4(H)(6), Special Setbacks, provided that:
 - a. Signs setback 10 to 20 feet are allowed a maximum of 40 square feet in area and seven feet in height.
 - b. Signs setback 20 to 30 feet are allowed a maximum of 96 square feet in area and 14 feet in height.
- (b) Projecting signs, wall signs, and under canopy signs may be located as follows:
1. Within the setback area, including special setback areas per Section 4.3.4(H)(6) Special Setbacks.
 2. Within the right-of-way (partially or entirely) in the CBD or OSSHAD with CBD Overlay when associated with:
 - a. A building legally constructed with smaller setbacks or without setbacks.
 - b. Arcades, whether partially or entirely located within right-of-way.
- (c) **Agreement required.** When a sign is located within a setback area, easement, or right-of-way, and requires a permit, an agreement in a form acceptable to the City Attorney shall be executed between the property owner and the City is required. The agreement is subject to approval by the Chief Building Official. A performance bond, or acceptable substitute guarantee, may be required.
- (d) **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.

(e) Safety. Signs located within a special setback or the standard ten-foot setback area shall not present a hazard to pedestrians or to vehicular traffic circulation.

(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)

(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.

(5)(4) ~~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 luminair so that the light is not directed toward adjacent residentially zoned property.

- (a) Signs may be illuminated directly or indirectly unless specifically prohibited elsewhere in these LDRs.
- (b) In residential zoning districts, all sign illumination (directly or indirectly) shall be cut off luminaire.
- (c) Illuminated signs shall not obstruct vehicular and pedestrian travelways.

(6)(5) ~~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 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)(6) ~~Design standards matrix. Sign standards per zoning district.~~ The following matrix Table 4.6.7(E)(6)-1, Signs standards per zoning districts, sets forth 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(E)(6)-1 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 <u>Min.</u> of 10' from any property line	—	Must be shielded
Free-standing		20 square feet/face		8"	
<i>Signing Located in CF, All Historic Districts, OS, OSR, OSSHAD and RO</i>					
Wall	Not more than <u>Up to two</u> per lot, parcel or development	30 square feet	on building face	—	Allowed
Projecting		30 square feet/face	from building or under canopy	—	Allowed
Free-standing		30 square feet/face	may be in the front yard setback	8'	Allowed

Table 4.6.7(E)(6)-1 Sign standards per zoning district

Type of Sign	Quantity	Area (max.)	Location	Height	Illumination
Under canopy		4 sq. ft <u>square feet</u> /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' 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' height, for computational <u>computational</u> purposes only, times the width) not to exceed 160 sq. ft.	facing I-95	—	Allowed
Directory	one per building	24 square feet	on building face	—	Allowed
Projecting	one	30 square feet 3' 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 ½ square feet of frontage not to exceed 160 square feet		14'	Allowed

Table 4.6.7(E)(6)-1 Sign standards per zoning district					
Type of Sign	Quantity	Area (max.)	Location	Height	Illumination
		each additional limited to 50 square feet			
* Freestanding signs must comply with setback <u>locational requirements of per Section 4.6.7(E)(3).</u>					

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

- (1) – (7) (These subsections shall remain in full force and effect as previously adopted)
- (8) ***Commercial signs in public rights-of-way:*** Prohibited, except for signs allowed in subsection (E)(3)(b)2. with an approved agreement.

Section 4. That Section 4.6.9, “Off-street Parking Regulations”, Subsection (D), “Design standards” of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

- (1) – (5) (These subsections shall remain in full force and effect as previously adopted)

(6) Marking and signing signage. Parking spaces required to be striped shall comply with the Minimum Construction Standards and Specifications document developed by the City Engineer, and Figure 4.6.9(D)(6)-1, Typical Parking Space Detail RT 4.2, as further identified:

- (a) ~~With the exception of stabilized sod parking, a~~ All parking stalls, with the exception of stabilized sod parking, shall be clearly demarcated as follows: shall be clearly outlined on the surface of the parking facility: parallel parking stalls shall use a single line; all other parking stalls shall be striped in accordance with the Minimum Construction Standards and Specifications document developed by the City Engineer and set forth in subsection (6)(c)(g) below.
 - 1. Parallel parking stalls shall use a single line surface striping.
 - 2. Diagonal, perpendicular, and other parking stalls shall use a double line surface striping.
 - 3. Handicapped spaces shall be striped and marked as shown in Section and in accordance with the Florida Accessibility Code for Building Construction. Each

handicapped space shall have a sign at the head of the stall reserving it for handicapped parking only.

- (b) ~~Handicapped spaces shall be striped and marked in accordance with the Florida Accessibility Code for Building Construction and the Minimum Construction Standards and Specifications document developed by the City Engineer as shown in subsection (6)(c) below. In addition, each handicapped space will have a sign at the head of the stall reserving it for handicapped parking only. Parking spaces intended for operational uses, such as curbside pick-up and drop-off, or to reserve or limit the use of parking spaces, other than handicapped spaces, are subject to the following:~~
1. A maximum of five percent of the total number of required spaces, or one space, whichever is greater, may be designated for operational uses.
 2. Signs are limited to a maximum of four square feet and six feet in height. Signs shall be mounted to a wall or a fixed pole located in front or to the side of the space.
 3. Markings on the parking space surface are discouraged. When necessary, such markings shall only include references to the space designation without business logos or symbols and be limited to a maximum of 25 percent of the total parking space area.
- (c) ~~For parking facilities containing 21 or more parking spaces, all aisles, approach lanes, and maneuvering areas shall be clearly marked with~~ Drive aisles, approach lanes, and maneuvering areas within parking lots and facilities containing more than 20 parking spaces shall include directional arrows and lines as approved by the City Engineer. The City Engineer may require additional signage to insure the smooth and safe flow of traffic.
- (d) All signs and markings shall comply with the design criteria as set forth in the M.U.T.C.D. (Manual of Uniform Traffic Control Devices), except that the City Engineer, or his designee, may waive such compliance on a case-by-case basis. Any decision by the City Engineer or his designee may be appealed pursuant to Section 2.4.7 of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida.
- (e) ~~Parking space striping details.~~ Parking spaces required to be striped shall comply with the Minimum Construction Standards and Specifications document developed by the City Engineer and Figure 4.6.9(D)(6)-1, Typical Parking Space Detail RT 4.2.

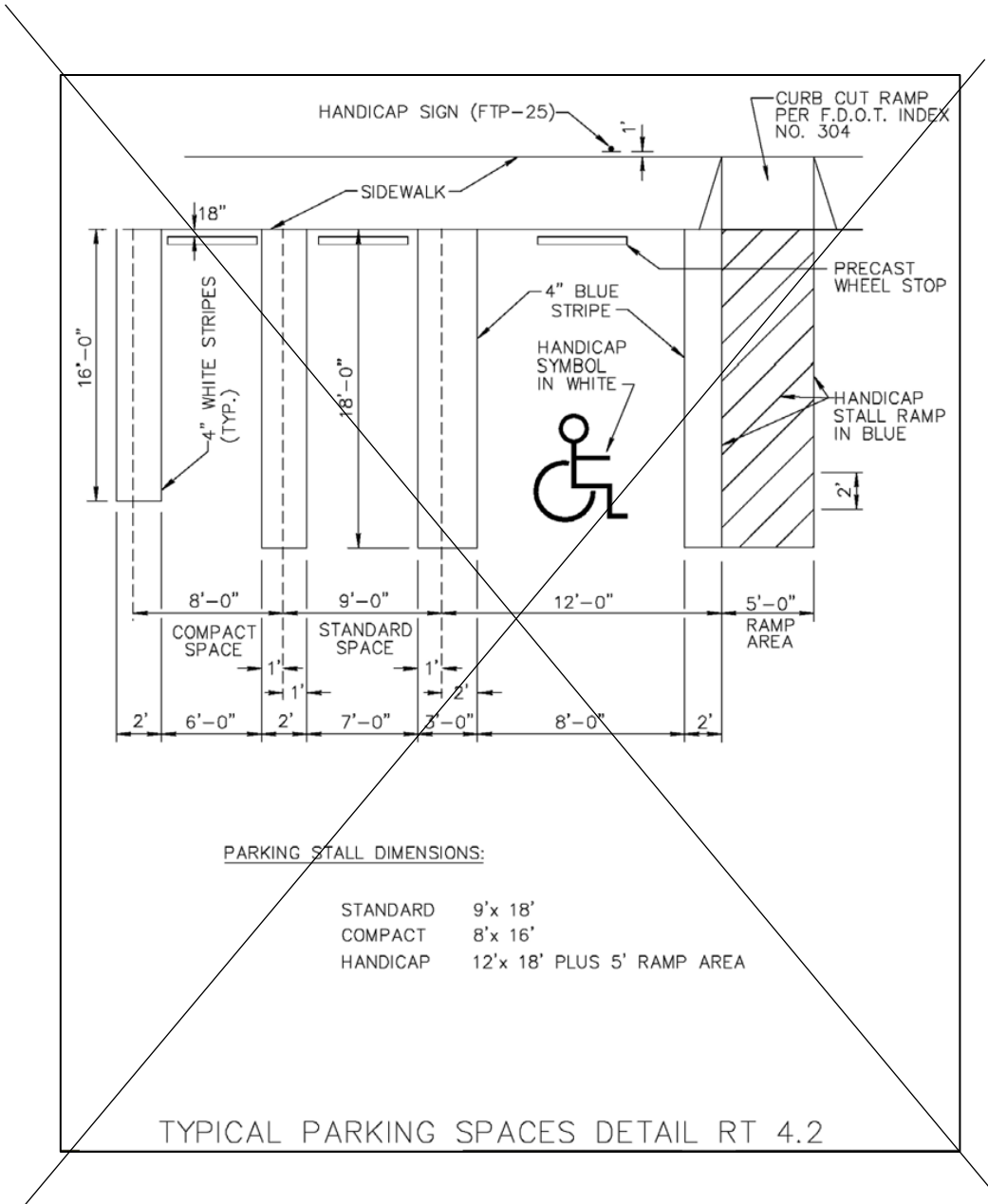
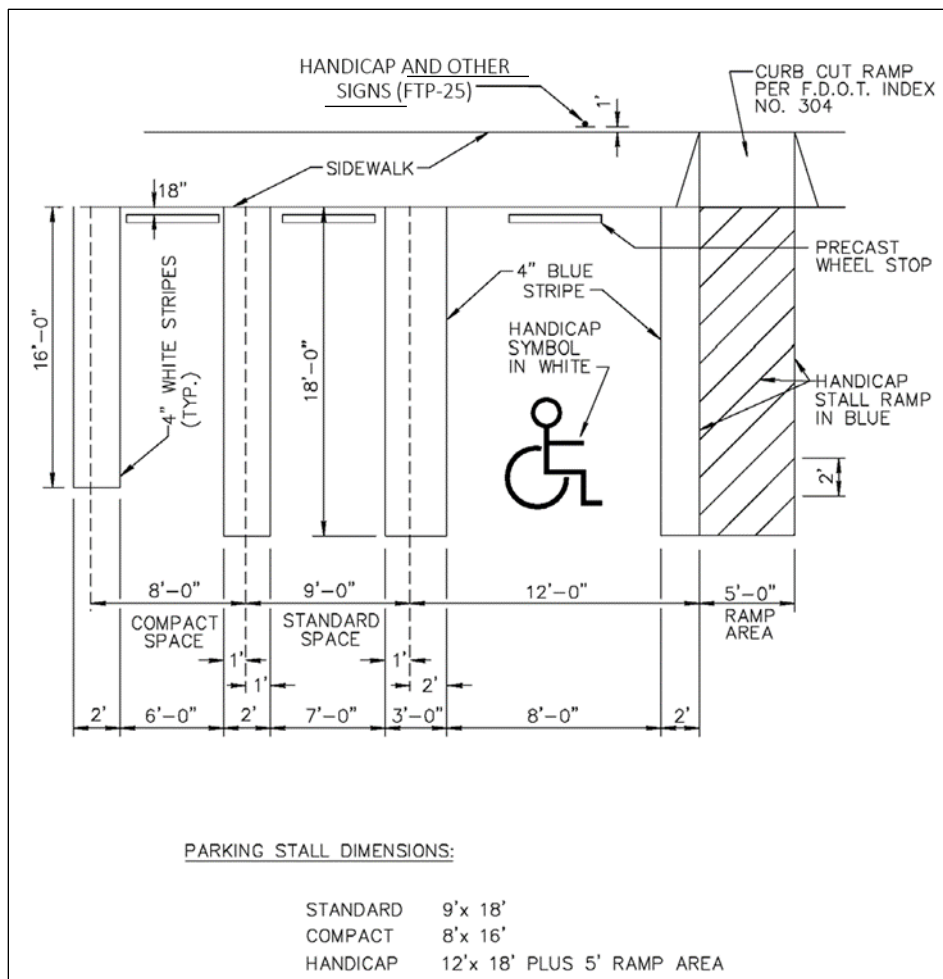


Figure 4.6.9(D)(6)-1, Typical Parking Space Detail RT 4.2



Section 5. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 6. That 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 this Ordinance.

Section 7. Specific authority is hereby given to codify this Ordinance.

Section 8. That this ordinance shall become effective immediately upon its passage on second and final reading.

final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2020.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney