

ORDINANCE NO. 22-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.6.7 "SIGNS", BY AMENDING PARAGRAPH 4.6.7(D) "AESTHETIC QUALIFICATIONS", SUBPARAGRAPH (2) "BASIS" TO PROVIDE AESTHETIC QUALIFICATION CRITERIA FOR SCALE, DESIGN, AND LOCATION, AND AMENDING PARAGRAPH 4.6.7(J) "PROHIBITED SIGNS", SUBPARAGRAPH (3) "ROOF SIGNS" TO AMEND THE DEFINITION OF ROOF SIGNS; AND AMENDING APPENDIX "DEFINITIONS" OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES TO AMEND THE DEFINITION OF "ROOF SIGNS" TO BE CONSISTENT WITH SECTION 4.6.7; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 -- Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and,

WHEREAS, the City of Delray Beach did not intend for the meaning of roof signs to include signs attached to the parapet or otherwise below the top of the building (including parapet) or attached to architectural features such as towers or parapet extensions; and,

WHEREAS, the City of Delray Beach intended roof signs to be signs which projected above the top of the building or architectural feature or were attached to the top of the roof; and,

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency (LPA), has determined that the amendments are consistent with and further the goals, objectives, and policies of the Comprehensive Plan; and,

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on September 17, 2018, and voted 6-0 to recommend approval of the ordinance; and,

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Planning and Zoning Staff Report; and,

WHEREAS, the City Commission of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan.

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 (D) "Aesthetic qualifications.", Subsection (2) "Basis", of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(D) Aesthetic qualifications.

- (1) **Applicability.** The following subsection describes basic aesthetic qualifications which apply to signs.
- (2) **Basis.** The aesthetic quality of a building, or of an entire neighborhood, is materially affected by achieving visual harmony of the sign on or about a structure as it relates to the architecture or the building or the adjacent surroundings. In addition to the limitations on signs imposed in Subsections (E) and (K), the following aesthetic considerations must be met.
 - (a) **Garishness.** The overall effect of the lettering, configuration or color of a sign shall not be garish. "Garish" signs are those that are too bright or gaudy, showy, glaring, and/or cheaply brilliant or involving excessive ornamentation. Garish signs are not in harmony with and are not compatible with the building or adjacent surroundings.
 - (b) **Scale, design, and location conformity with surroundings.** ~~The scale of the sign in terms of area, shall be consistent with the scale of the building on which it is to be placed or painted and the neighborhood or streetscape where it is to be located. Scale shall also be considered in terms of calculated as set forth in Subsection (E)-(2) with respect to height and area~~
 1. Signs shall be appropriate in size, scale, and design for the neighborhood or streetscape where it is to be located.
 2. Signs placed on structures shall be proportionate in size and scale to the building façade, designed consistently with the building architecture, and positioned harmoniously with building features; architectural features shall not be provided solely for the purpose of accommodating signage, but shall relate to building location, function, and use.
 - (c) **Quality.** All signs shall have a professional appearance that enhances the visual aesthetics of the area.

Section 3. That Section 4.6.7. "Signs", Subsection (J) "Prohibited Signs", Subsection (3) "Roof Signs", of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

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

(3) Roof signs. A sign or any portion of a sign which is located erected 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 above the roof line, or on the parapet any other architectural feature.

(4) – (8) *(These subsections shall remain in full force and effect as previously adopted)*

Section 4. That Appendix A “Definitions”, of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

ROOF SIGN. A sign or any portion of a sign which projects above the roof line or is located on the roof or top of the building structure 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.

Section 5. 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 hereof as a whole or part thereof other than the part declared to be invalid.

Section 6. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 7. That 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 _____, 2018.

Shelly Petrolia, MAYOR

ATTEST:

Katerri Johnson, City Clerk

First Reading _____

Second Reading _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

City Attorney