



## Legislation Text

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File #: 19-1151, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** George Gretsas, City Manager  
**DATE:** January 21, 2020

RESOLUTION NO. 01-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH GRANTING A WAIVER REQUEST FOR THE INSTALLATION OF A WALL SIGN TO LDR SECTION 4.6.7(E)(7) PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, AT 307 E. ATLANTIC AVENUE (PCN 12-43-46-16-01-092-0060); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

### **Recommended Action:**

Review and consider Resolution No. 01-20, granting a waiver request for the installation of a wall sign to LDR Section 4.6.7(E)(7) pursuant to Land Development Regulations of the Code of Ordinances, and the Comprehensive Plan, at 307 E. Atlantic Avenue (pcn 12-43-46-16-01-092-0060); providing an effective date and for other purposes.

### **Background:**

An application for a wall sign was submitted on behalf of Rosebud 307 LLC from LDR Section 4.6.7 (E)(7) to install a sign on a wall that does not face a dedicated street frontage. The subject property is located on the northside of Atlantic Avenue at the intersection of SE 3rd Avenue. The subject property is zoned Central Business District and is approximately 0.12 acres. A new restaurant will occupy the space.

New signage is proposed on site, including a wall sign on the south elevation. The wall sign on the south elevation will be processed administratively as it meets the standards of the sign code. The subject sign that is proposed on the east elevation is inconsistent with the requirements of LDR Section 4.6.7(E)(7), as it does not face a dedicated street frontage; therefore, a waiver is required.

The proposed sign is 8.58 x 10.9 for a total of 93.52 SF. The sign meets the size requirement as the property has 140 linear feet of frontage.

Pursuant to LDR 2.4.7(B)(5) Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and;

(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

The proposed sign on the east elevation will add a design element to the blank wall, which is the type of aesthetic treatment encouraged in the Central Business District at the pedestrian level. The size of the proposed sign does not exceed the standards of the code and does not affect public facilities. Similarly located signage has been approved for other businesses, both for standalone buildings and through the Master Sign Program, which allows for the automatic granting of waivers from Section 4.6.7(D) and (E) by the Site Plan Review and Appearance Board (SPRAB). Recent examples include Delray Health & Wellness, which received a waiver to have signage facing the parking lot entry, and ROK BRGR, which had signage approved on the east elevation to provide visibility from E. Atlantic Avenue.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

N/A