

SECTION 4.6.7

Section 4.6.7 Signs [Section Repealed and New Section Enacted by Ord. 78-06 1/02/07; Ord. 14-04 6/22/04]

(A) **Purpose:** The purposes of these sign regulations are: to encourage the effective use of signs as a means of communications in the City; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse affect of signs on nearby public and private property; to foster the integration of signage with architectural and landscape designs; to streamline the approval process by requiring master signage plans; and to enable the fair and consistent enforcement of these sign regulations.

(1) **Communication:** Signs should not deny other persons or groups the use of sight lines on public rights-of-way, should not obscure important public messages, and should not overwhelm readers with too many messages. Signs can and should help individuals to identify and understand the jurisdiction and the character of its sub-areas.

(2) **Preservation of Community's Beauty:** The City of Delray Beach which includes a beach resort community as well as major office and industrial parks relies heavily on its natural surroundings and beautification efforts to retain its economic advantage. This concern is reflected by actively regulating the appearance and design of signs.

(3) **Property Value Protection:** Signs should not create a nuisance to the occupancy or use of other properties as a result of their size, height, brightness, or movement. They should be in harmony with buildings, the neighborhood, and other conforming signs in the area.

(B) **Applicability:** It shall be unlawful for any persons to post, display, change, or erect a nonexempt sign or a sign structure, that requires a permit, without first having obtained a permit therefor. Signs or sign structures erected without a valid permit shall be deemed in violation and it shall be mandatory to obtain a permit, based on this Section, or else remove the sign or sign structure. Signs erected, under a valid permit, prior to the effective date of this ordinance, which have since become nonconforming shall be allowed to remain in accordance with the time limitation and structure requirements set forth in these LDR's. All signs not expressly allowed by these LDR's are prohibited.

(C) **Procedures:**

(1) **Issuance of Permits, Validity and Renewal:** Permit applications shall be reviewed by the Chief Building Official or his/her designee within thirty (30) days of submission of the permit application. Upon satisfactory compliance with the minimum submission requirements of the LDRs and a determination that the proposed sign meets all applicable standards set forth in the LDRs, the Chief Building Official, or his/her designee, shall cause a sign permit to be issued to the applicant.

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The permit shall be valid for a period of 180 days during which period the sign may be erected; however, the Chief Building Official, or his/her designee, for good cause shown and upon payment of 50% of the original application fee, may renew the permit for an additional 90 day increment provided that there have not been enacted, in the 180 day period, standards of which the permit would be in violation. Permits shall be required for all signs not listed within this code as either exempt or prohibited.

(2) **Permits for Individual Signs:** Permits for signs shall be on a form as promulgated by the Chief Building Official.

(a) **Minimum Submission Requirements:** The application form and associated submission materials shall include the following:

1. The type of sign and/or sign structure as set forth in the LDRs.
2. The street address of the property upon which the sign and/or sign structure is to be located along with identification of where on said property the sign will be located. If there is no street address another suitable method of identifying the location shall be provided.
3. The area per sign face and the aggregate area of the sign and/or sign structure.
4. The name and address of the owner or other person in control or possession of the real property upon which the sign or sign structure is to be located.
5. Written consent of the owner, or his designated agent, granting permission for the construction, operation, maintenance, or displaying of the sign and/or sign structure.
6. Two copies of a blueprint, sketch, blue line print, or similar presentation, drawn to scale and dimensioned, showing elevations of the sign as proposed and its relationship to other existing or proposed signs or sign structures in the area. In the case of a free-standing sign, the representation shall include a sketch site plan showing the location of the sign.
7. Appropriate exhibits showing the proposed location of the sign with respect to nearby structures and vegetation.
8. The seal of a state registered engineer or architect shall be affixed to drawings of signs and/or sign structures where the sign face is in excess of thirty-two square feet (32 sq.ft.) certifying that it is designed in accordance with wind load requirements of the Florida Building Code.

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A sign contractor shall provide a signed certificate stating that wind loading to withstand a pressure of fifty (50) pounds per square foot when an application for signs less than or equal to 32 square feet in area is submitted.

(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 and 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 Subsection (E)-(2) with respect to height and area.
- (c) **Quality:** All signs shall have a professional appearance that enhances the visual aesthetics of the area.

(E) **Sign Design Standards:** The following subsections describe basic standards which apply to signs. The application of these standards to specific types of signs and their location in specific zone districts is set forth in a matrix contained in Subsection (E)(7).

(1) **Types of Signs:**

- (a) **Free-Standing Sign:** A free-standing sign is not affixed to any other structure and is limited to no more than two (2) faces. It may be either a pole sign or a monument sign. All signs erected on a pole shall contain a pole cover. All freestanding signs shall contain the street number.



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- (b) **Projecting Sign:** A sign affixed to a structure and which extends at a right angle from the building. A projecting sign shall not have more than two (2) sign faces.



- (c) **Under Canopy Sign:** A sign hung from a canopy or roof of a walkway. It may be rigid or it may swing. Such a sign may not have more than two (2) sign faces.



- (d) **Wall Sign:** A wall sign may be flush mounted or hand painted. Such a sign may be applied to a canopy/awning, mansard, or building face.



(2) **Sign Area and Height:**

- (a) **Basis for Measurement:** 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.
- (b) **Height:** The vertical distance measured from the highest point of the sign to the grade at the base of the sign.

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(3) Setback Requirements

- (a) **Basic Setback Determinants:** The setback for a free standing sign shall be ten feet (10') 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.
- (b) **Allowed Partially in Standard Setback:** When considered as a part of a site plan approval, or modification to a site plan, a sign may be located partially within the ten foot (10') setback area provided that:
1. The sign height is not greater than seven feet (7');
 2. The sign area is a maximum of forty square feet (40 sq.ft.);
 3. The sign area for that portion of the sign within the setback area is not greater than twenty square feet (20 sq.ft.).
- (c) **Allowed Totally in Standard Setback:** When considered as a part of a site plan approval, or modification to a site plan, a sign may be located totally within the ten foot (10') setback area provided that:
1. The sign height is not greater than seven feet (7');
 2. The sign area is less than twenty square feet (20 sq.ft.)
- (d) **Allowed in Special Setbacks:** When considered as a part of a site plan approval, or modification to a site plan, pursuant to Section 4.3.4(H)(6), a sign may be located within a special setback area provided that:
1. If the sign is to be located no less than ten feet (10') nor more than twenty feet (20') from the right-of-way, the sign height shall not exceed seven feet (7'), and the sign area shall not exceed forty square feet (40 sq. ft.).
 2. If the sign is to be located between twenty feet (20') to thirty feet (30') from the right-of-way, the sign height shall not exceed fourteen feet (14'), and the sign area shall not exceed ninety-six square feet (96 sq. ft.).

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(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) **Safety**

1. **Safety Determination Required:** Whenever consideration is given to locating a sign within a special setback or the standard ten foot (10') 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) **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.

(6) **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.

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- (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.

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(7) **Design Standards Matrix:** The following matrix sets forth the standards for various types of signs when located in various 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.

RESIDENTIAL ZONE DISTRICTS SIGNING: (R-1 DISTRICTS, PRD, RL, RM, RR AND AG DISTRICTS)						
Type of Sign	Quantity	Area (max.)	Location *	Height	Illumination	
Wall	Only one sign per lot or parcel	20 sq. ft.	At least 10' from any property line	-	Must be shielded	
Free-standing		20 sq. ft./face		8"		

SIGNING LOCATED IN CF, ALL HISTORIC DISTRICTS, OS ,OSR, OSSHAD AND RO						
Type of Sign	Quantity	Area (max.)	Location *	Height	Illumination	
Wall	Not more than two per lot, parcel or development	30 sq. ft.	on building face	-	Allowed	
Projecting		30 sq. ft./face	from building or under canopy	-	Allowed	
Free-standing		30 sq. ft./face	may be in the front yard setback	8'	Allowed	
Under canopy		4 sq. ft/face	Under canopy	-	Allowed	

SIGNING IN GC, AC, NC, PC, CBD, MIC, I, POD, POC AND LI ZONE DISTRICTS						
Type of Sign	Quantity	Area (max.)	Location *	Height	Illumination	
Wall	one per business	15% of building face (max. of 12' height, for computational purposes only, times the width) not to exceed 160 sq. ft.	facing each dedicated street frontage	-	Allowed	
	one per building	9 sq. ft.	on rear of building not facing street	-	Allowed	
	one per business	15% of building face (max. of 12' height, for computational purposes only, times the width) not to exceed 160 sq.ft.	facing I-95	-	Allowed	
Directory	one per building	24 sq. ft.	on building face	-	Allowed	
Projecting	One	30 sq. ft. 3' from face of wall	from building or under canopy	-	Allowed	
Under canopy	one per business	4 sq. ft.	under a canopy which extends store front access	-	Allowed	
Free-standing	one per frontage	*one at 1/2 sq. ft. of frontage not to exceed 160 sq. ft. *each additional limited to 50 sq. ft.		14'	Allowed	

* Freestanding signs must comply with setback requirements of Section 4.6.7(E)(3)

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(F) Signs Requiring Permits:

(1) **General:** All signs, other than those exempted by Subsection (H) or prohibited by Subsection (J), must obtain a sign permit. Applications for sign permits shall be submitted and processed pursuant to these LDRs. Sign permits shall be issued by the Sign Administrator under the direction of the Chief Building Official for the following:

- (a) **Master and Blanket Sign Program Signs:** Individual signs being permitted under the provisions of an approved Master Sign Program or Blanket Program.
- (b) **Signs Meeting Standards:** Individual signs which conform in all respects to the provisions of Subsection (E) and (K) of this Section.
- (c) **Special Purpose Signs:** Which comply with the requirements of Subsection (F) (3).

(2) Master Sign and Blanket Sign Programs:

- (a) **Blanket Sign Program:** A Blanket Sign Program may be required for a commercial property establishing the font, color, size and locations of signs on a multiple tenant building. A Blanket Sign Program shall be approved by the Site Plan Review and Appearance Board or the Historic Preservation Board if the project is in a historic district or historically designated site. After approval of a Blanket Sign Program, individual signs consistent therewith shall be administratively approved.
- (b) **Master Sign Program:** A Master Sign Program is to be used when the development of a project is of such a scale or character that the normal application of the design and/or aesthetic standards of Subsections (D) and (E), respectively, will not result in an effective sign program and signing more permissive than said standards is necessary. Approval of a Master Sign Program may include the automatic granting of waivers and/or adjustments to the provisions of Subsections (D) and (E) provided that the intent of the sign code is maintained and the character of the community and neighborhood is not diminished. A Master Sign Program shall be approved by the Site Plan Review and Appearance Board or if the project is in a historic district or historically designated site, by the Historic Preservation Board. After approval of a Master Sign Program, individual signs consistent therewith shall be administratively approved.
- (c) Nothing contained herein shall prevent diversity and creativity of individual signs in the Master Sign Program.

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(3) **Special Purpose Signs and Signing:** Permits for the following signs may be issued administratively provided that the provisions contained herein are complied with.

(a) **Gasoline Pricing Signs:** Signs may advertise the price of gasoline subject to the following restrictions:

1. Not more than twelve square feet (12 sq.ft.) per sign face.
2. If free standing, it shall not exceed five feet (5') in sign height.
3. If a part of a permanent free standing sign, the price sign shall be included in the area of the permanent sign.
4. One sign is permitted per frontage with a maximum of two signs per site.
5. Signs placed on pumps shall not exceed three square feet (3 sq.ft.) per sign face nor a total of six square feet (6 sq.ft.) per sign.

(b) **Grand Opening Banner:** One banner may be placed on the building of a newly opened business pursuant to the following:

1. Display is limited to four (4) weeks.
2. The banner shall not exceed an area of fifty square feet (50 sq.ft.).
3. The banner may not be more than fifteen feet (15)' above the grade, and must be placed on the building of the business, in the front of the business.
4. Banners shall be made of color fast material.

(c) **Historic Signing:** Signs which are building mounted or free-standing which provide information of historic value. Said signing shall not exceed six feet (6') above grade when free-standing and shall not exceed three square feet (3 sq.ft.) in area in any circumstance. Such signing shall not be permitted until approval has been gained from the Historic Preservation Board.

1. Maintenance of Nonconforming Nostalgic Signs:

- (i) Signs that have an historic or nostalgic appeal, and constitute artistic expression, and not solely advertising may be exempted from the removal requirements if a recommendation by the

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Historic Preservation Board is approved by the City Commission. In considering whether to recommend that the existing nonconforming sign be designated as nostalgic, the Historic Preservation Board shall consider the sign's value as a part of the historical, cultural, aesthetic, and architectural heritage of the city, state, or nation. The Historic Preservation Board shall review the criteria contained in Section 4.5.1, of the Land Development regulations prior to making its recommendation.

- (ii) An owner of property on which an existing nonconforming sign is located may request the Historic Preservation Board to recommend to the City Commission that the existing nonconforming sign be designated as a "nostalgic sign."
 - (iii) Any existing nonconforming sign designated as a nostalgic sign must be maintained in good condition. If at any time the sign becomes unsightly, or becomes a danger to the public health, safety, or welfare, the City Commission, following notification to the owner, may remove the nostalgic designation and set a date by which time the sign must be removed.
- (d) **Drive Thru Window Signs:** Signs used by businesses in conjunction with service at a drive-thru window may be permitted as long as the size of the menu board does not exceed seven feet (7') in height, nor twenty four square feet (24 sq.ft.) in size. A maximum of two (2) signs per drive thru window.
- (e) **Murals and Signs Within Murals:** A large painting or drawing affixed to the wall of a building located in commercially zoned districts shall be subject to approval by the Site Plan Review and Appearance Board or the Historic Preservation Board.
- (f) **Special Event Non-Roadway Banner Signing:** Special signing, in accordance with this Subsection, may be allowed by the Chief Building Official or his/her designee, for special events if it is determined that the sign type meets the following criteria:
1. the sign provides notice to the public of a public meeting or other public event,
 2. the sign is temporary and for a limited time, and
 3. the sign, if allowed for a limited time, must meet the following criteria:

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- (i) the sign will not conceal or obstruct adjacent land uses or signs,
 - (ii) the sign will not conflict with the principal permitted use of the site or adjoining sites,
 - (iii) the sign will not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians, and
 - (iv) the sign will be installed and maintained in a safe manner. The approval, or disapproval, of such sign shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign. The Chief Building Official or his/her designee shall render a decision within fourteen (14) days after an application is made for utilizing this sign type for a special event. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the City Manager.
- 4. Each sign limited to less than twenty square feet (20 sq.ft.) in area;
 - 5. Allowed fourteen (14) days prior to the event and must be removed by the second day after the event.

(g) **Special Event Roadway Banner Signing:**

- 1. **Roadway Banner Signs:** may be approved and issued by the Sign Administrator under the direction of the Director of Community Improvement, for special events. Such signing shall be subject to the following standards:
 - (i) The Roadway Banner Sign must be no more than three feet (3') in height by twenty-four feet (24') in length, and placed at least fifteen feet (15') above the surface of the roadway on City installed poles. The Roadway Banner sign must be constructed with a standard vinyl awning material and meet wind load requirements.
 - (ii) The text of a roadway banner shall be limited to the name of the special event, the date or dates of the event and the name or logo of the City and the name or logo of the association or organization co-sponsoring the event.
 - (iii) Display of the Roadway Banner Sign will be limited to a maximum of fourteen (14) days prior to the event and must be removed by no later than two (2) days after the event.

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- (iv) Roadway Banner Signs will only be allowed to be displayed at the following intersections within the City limits and on City installed poles
 - NE 1st Avenue and East Atlantic Avenue;
 - Pineapple Grove Way and East Atlantic Avenue within the arch area;
 - Swinton and East Atlantic Avenue; and
 - NE 5th Avenue and West Atlantic Avenue.
 - (v) the sign will not conceal or obstruct adjacent land uses or signs,
 - (vi) the sign will not conflict with the principal permitted use of the site or adjoining sites,
 - (vii) the sign will not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians, and
 - (viii) the sign will be installed and maintained in a safe manner. The approval, or disapproval, of such sign shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign. The Chief Building Official or his/her designee shall render a decision within fourteen (14) days after an application is made for utilizing this sign type for a special event. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the City Manager.
- (h) **Subdivision Identification Signs:** Residential subdivision identification signs shall be located only at the entrance to the subdivision and subject to the following standards:
1. Such signs may be either one double faced sign or two signs where there are two walls at the entrance and where the signs are permanently affixed to the walls at each entrance of the subdivision;
 2. Each sign area shall be no greater than thirty-six square feet (36 sq. ft.) in area;
 3. Such subdivision entrance signs are permitted within all residential zoning districts;

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4. Such subdivision entrance signs may be erected within rights-of-way or median strips adjacent to the subdivision if approved by the City. A subdivision sign may also be located within the setbacks of private property within the subdivision or adjacent to the subdivision or adjacent to the subdivision within the guidelines set forth in 4.6.7(E)(3), if such sign was in existence as of July 1, 1988.
 5. Any such sign erected within a right-of-way or setback shall be at least ten feet (10') from a paved roadway and signs located within a median shall be at least five feet (5') from any paved roadway;
 6. Any such signs approved for location within the right-of-way or median, if such right-of-way or median is not within the jurisdiction of the City, shall obtain written permission from the governmental entity controlling the right-of-way or median to erect the sign in a requested and approved location;
 7. Any signs proposed to be located on adjacent private property shall be approved and permitted by the owners of the adjacent property. Any such signs lying on private property shall be considered an additional permitted sign without regard to other applicable sections of this code; and
 8. All signs proposed to be located within a right-of-way or median shall be reviewed and approved by the City Engineer or appointed designee for compliance with this section.
- (i) **Temporary Identification Signs:** Temporary identification signs shall be subject to the following standards:
1. **Freestanding Sign:** One sign per street frontage, non-illuminated, with a sign area of not more than thirty-two square feet (32 sq.ft.), nor more than seven feet (7') in height.
 2. **Sign Located on a Building:** One sign per building frontage, non-illuminated with a sign area of not more than thirty-two square feet (32 sq.ft.).
 3. The sign may be installed at the time of submission of a building permit application. It must be removed upon expiration of building permit or building permit application or when the project obtains a Certificate of Occupancy.
- (j) **Valet Parking Signs:** Signs for Valet Parking shall be allowed subject to the following restrictions:

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1. One pole mounted sign per approved Valet Queue, meeting the requirements of valet parking agreements.
2. Valet Parking signs shall be manufactured and installed by the City. The sign area shall not exceed six square feet in area. Such sign shall be pole mounted and inserted in a ground sleeve. The location of such sign shall be determined by the City. The sign must be removed and stored inside the business daily during business hours when the approved valet queue is not in use.
3. Traffic control cones may be used for queuing purposes, however they shall not contain any additional signage or markings.

(G) **Non-Commercial Message:** Notwithstanding anything contained in Section 4.6.7 "Signs", to the contrary, any sign erected pursuant to the provisions of this Code may, at the option of the applicant, contain either a non-commercial message unrelated to the business located on the premises where the sign is erected or a commercial message related to the business and located on the business premises. The non-commercial message may occupy the entire sign face or portion thereof. The sign face may be changed from commercial to non-commercial messages as frequently as desired by the owner of the sign, provided that the size and design criteria conform to the applicable portions of this section, the sign is allowed by this Code, the sign conforms to the requirements of the zoning designation and the appropriate permits are obtained. Noncommercial copy may be substituted for commercial copy wherever commercial copy appears. For the purposes of Section 4.6.7, non-commercial messages, by their very nature, shall never be deemed off-premises.

(H) **Exempt Signs:** The following signs are allowed to be erected on private property in the City of Delray Beach, pursuant to the limitations set forth herein, and do not require a permit:

(1) **Automated Teller Machine (ATM) Panels:** One panel which is physically constructed within and is an integral part of an ATM, and bears the name of the ATM system to which it belongs.

(2) **Directional Signs:** Such signs shall not extend more than five feet (5') from the ground and shall not be greater than four square feet (4 sq. ft.) in area.

(3) **Flags:**

(a) Flags may be displayed on any residential or non-residential parcel of land in accordance with the following rules:

1. A Flag is a piece of cloth usually attached at one edge to a staff/pole or cord.

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2. No more than three (3) flags may be placed upon any parcel or development less than one acre in size which is zoned and used for non-residential purposes.
3. For parcels or developments equal to or greater than one acre in area that are zoned and used for non-residential purposes, no more than one flag per 15,000 square feet of lot area shall be allowed.

(b) Two (2) flags may be flown at a time when model homes or model apartments are open for inspection.

(4) **Hours of Operation Signs:** Signs denoting hours of operation shall be non-illuminated; have a sign face of not more than one square foot (1 sq. ft.) and be located close to the entry of the business.

(5) **Instructional Signs:** Instructional signs are signs which convey instructions with respect to the premises on which it is located, such as “no trespassing”, a danger sign, and similar signs (other than parking signs). Such signs shall not extend more than five feet (5') from the ground and shall not be greater than three square feet (3 sq. ft.) in area.

(6) **Nameplates:** One (1) nameplate sign per building, not exceeding three square feet (3 sq.ft.) in area, of a noncommercial nature, and bearing the name or street address of the principal occupant.

(7) **Non-Residential:**

(a) **Non-Residential Real Estate Signs:**

1. One freestanding real estate sign along each street frontage, including those located within a historic district.
2. Non-residential Real Estate Signs shall not exceed sixteen square feet (16 sq. ft.), and shall be limited to seven feet (7') in height.
3. Within a non-residential property located in a Historic District, real estate signs shall not exceed sixteen square feet (16 sq.ft.), and shall be limited to seven feet (7') in height.

(8) **Residential:**

(a) **Residential Real Estate Signs:**

1. One sign per lot, the sign being not greater than three square feet (3 sq. ft.) in area on residentially zoned property;

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2. One additional sign per lot may be erected on a lot which borders a waterway and/or for corner lots provided that the additional sign is located along the waterways and/or placed so that there is only one (1) sign per street frontage. Such sign shall not exceed nine square feet (9 sq. ft.) in area;
3. An additional sign or “rider” sign, of not greater than three square feet (3 sq. ft.), may be attached to or accompany a real estate sign

(9) **Window Signs:**

- (a) Plastic or painted signs may be placed upon windows when limited to 20% of the aggregate glass area, per tenant space or per main use.
- (b) Paper signs displayed two feet (2') or more from the inside of the glass but which are visible from the outside shall be limited to 20% of the aggregate area, per tenant space.

(10) **Temporary Signs:**

(a) **Temporary Non-Commercial Signs**

1. 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.
2. No temporary non-commercial sign shall be placed on any public property.

(11) **Tenant Panels:** A change of a tenant panel in a directory sign, or a sign which accommodates a tenant, is exempt from needing a permit provided that the sign was permitted and there is no change in colors or letter style.

(I) **Exempt Signs Requiring City Manager or his/her Designee's Approval:**

(1) **Wayfinder and Directional Signs within Public Rights-of-Way:**

- (a) the sign provides notice to the public of a public meeting or other public event,
- (b) An off-premise sign designed to guide or direct pedestrians or vehicular traffic and it also may include kiosks that provide information of general benefit to the community, and
- (c) the sign, if allowed for a limited time, will meet the following criteria:

SECTION 4.6.7 (I) (1) (c) 1.

1. the signs will not conceal or obstruct adjacent land uses or signs,
2. the signs will not conflict with the principal permitted use of the site or adjoining sites,
3. the signs will not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians, and
4. the signs will be installed and maintained in a safe manner.
5. The approval, or disapproval, of such signs shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such signs. The City Manager or his/her designee shall render a decision within ten (10) days after an application is made for utilizing this sign type at a special event. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the City Commission.
6. Directional signs shall be no greater than eight (8) inches by thirty (30) inches per sign. The City Engineer must inspect each proposed location for traffic obstruction.

(J)**Prohibited Signs:** The following signs, or sign features, are prohibited within the City of Delray Beach; however, exceptions as noted herein are allowed. It shall be unlawful for any persons to erect prohibited signs or use prohibited sign features. Further, any sign not provided for, or expressly permitted by these LDRs is also prohibited.

(1) **Banners and Wind Signs:**

(a) **Banners:** Prohibited.

(b) **Wind Signs:** Prohibited.

(2) **Off-Premise Signs:** A sign, including building signs, that advertise an establishment, merchandise, service, or entertainment which is sold, produced, manufactured, or furnished at a place other than the property on which the sign is located, however, non-commercial messages shall never be off-premises.

(3) **Roof Signs:** A sign erected on the roof, or above the roof line, or on the parapet.

(4) **Snipe Signs:** Snipe signs are prohibited.

SECTION 4.6.7 (J) (5)

(5) **Traffic Confusion:** A sign or other advertising matter erected at the intersection of any streets or in any street right-of-way in manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, a traffic signal, or traffic device; or which makes use of the words "stop", "look", "drive-in", "danger", or any other word, phrase, symbol, or character in a manner as to interfere with, mislead, or confuse vehicular traffic.

(6) **Vehicular Signs:** Signs placed on vehicles or trailers that are parked in the street, public right-of-way or on private property for the primary purpose of displaying the sign for advertising a commercial enterprise.

(7) **Waterbourne Signs:** No sign or advertising shall be displayed on a vessel plying the waterways, excluding, the identification of the vessel.

(8) **Commercial Signs in Public Rights-of-Way:** Prohibited.

(K) **Structural Standards:** In addition to provisions of the Standard Building Code and provisions of Chapter 7 of this Code, the following structural standards shall be required for all signs erected in the City.

(1) **Securing Signs:** Wall signs shall be securely attached to the building or structure by means of metal anchors, bolts, or expansion screws. No wood blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to buildings or structures with walls of wood. No wall sign shall be entirely supported by an unbraced parapet wall.

(2) **Wind Loading:** Every sign shall be constructed in a manner as to withstand 140 miles per hour wind. Sign contractors or the owner shall submit plans showing location, structural members, and design calculations for wind loading and for signs thirty-two square feet (32 sq.ft.) or over, a certification sealed by a state registered engineer or architect stating that the design will meet the requirements of this code shall be submitted. All sign contractors shall sign a certificate stating wind loading will meet requirements of this chapter where signs under thirty-two square feet (32 sq.ft.) are submitted.

(L) **Removal of Signs:**

(1) **Removal and Disposition of Non-Complying Signs:**

(a) It shall be unlawful to erect, use or maintain a sign or sign structure when it does not comply with the requirements of Section 4.6.7. The City is authorized to remove unlawful signs and sign structures pursuant to the provisions of Section 4.6.7.

(b) Unauthorized signs are subject to removal pursuant to the following provisions:

SECTION 4.6.7 (L) (1) (b) 1.

1. **Temporary Signs.**

- (i) The City finds that, in view of the inexpensive nature of these signs and the administrative burden which would be imposed by elaborate procedural prerequisites prior to removal, any procedure other than summary removal of these signs when unlawfully erected and maintained would defeat the purpose of regulating such signs. The City Manager is hereby authorized to remove such signs when unlawfully erected and maintained, subject to the provisions contained below.
- (ii) After removal of a sign pursuant to this section, a notice will be sent, either in person or by first-class postage, prepaid, to the occupant of the property from which the sign was removed, and if the sign identifies a party other than the occupant of the property, the party so identified. The notice shall advise that the sign has been removed and shall state that the sign may be retrieved within thirty (30) days of the date of the notice, and that, if the sign is not retrieved within thirty (30) days, it will be disposed of by the City.
- (iii) The City shall dispose of all unclaimed signs after the expiration of the thirty (30) day period.

2. **Permanent Signs.**

- (i) Signs and sign structures not subject to removal pursuant to (L)(1)(b)1.(i) above which are or have been erected or maintained unlawfully, may be referred to the code enforcement board for appropriate action or the City may proceed to pursue all remedies available at law or equity to it to remove signs or sign structures which are or have been unlawfully erected or maintained.

(2) **Unsafe Signs:** Notwithstanding the above provisions, any sign which is declared to be a dangerous sign shall be removed or made to conform with the current building code immediately, upon notice, by the Chief Building Official.

(M) **Penalty:** Section 10.99, "General Penalty" of the Code of Ordinances of the City of Delray Beach shall apply.

SECTION 4.6.7 (N)

(N) **Procedure to Appeal Permit Denial.**

- (1) Permit application may be denied for the following reasons:
 - (a) The application for permit is not fully completed and executed;
 - (b) The applicant has not tendered the required application fee with the application;
 - (c) The application for permit contains a material falsehood or misrepresentation;
 - (d) The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the City.
- (2) If permit application was denied, it may be appealed to the Circuit Court of Palm Beach County within thirty (30) days of the decision.

(O) **Severability:**

(1) **Generally.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the following subsections of this Article, Section 4.6.7(E)(7), "Design Standards Matrix" and Section 4.6.7(G), "Non-Commercial Message".

(2) **Severability where less speech results.** Without diminishing or limiting in any way the declaration of severability set forth above in subsection (O)(1) or elsewhere in this Article, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect Subsections 4.6.7(E)(7) and 4.6.7(G) of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

(3) **Severability of provisions pertaining to prohibited signs.** Without diminishing or limiting in any way the declaration of severability set forth above in subsection (O) (1) or elsewhere in this Article, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article that pertains to

SECTION 4.6.7 (O) (3)

prohibited signs, including specifically those signs and sign-types prohibited and not allowed under Subsection 4.6.7(J) is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any part, word or paragraph of Subsections 4.6.7(E)(7) and 4.6.7(G), thereby ensuring that sign height, size and location continue to be regulated.