



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: Town Attorney's Office

VIA: Francine Ramaglia, Town Manager

SUBJECT: Discussion on Sign Code

Background:

The Town has an adopted sign code in Article 90 of the Unified Land Development Code (ULDC). Following changes in the law, some updates to the sign code are necessary. Town Council requested an opportunity to review and discuss the current sign code and potential changes, in addition to those required by law.

Changes in Florida law require that all sign regulations be content-neutral. Sign regulations should not include categories that are content based, such as “political signs”. More appropriately, sign regulations may address size, height, building materials, lighting, moving parts, portability, time, and location (setbacks, on-premises or off-premises). The substantive message of the sign must be irrelevant to the application of the regulations. Sign regulations must be narrowly tailored to serve a significant governmental interest, and must not foreclose an entire medium of expression. For example, a general prohibition against carrying of portable signs would be struck down while a prohibition against commercial portable signs may be upheld.

Town Council previously gave direction for the Town Attorney to work with the existing sign code to remove any outdated and illegal language and to bring it back for review and discussion by Council. The direction from Council also included that the revised draft should incorporate changes previously recommended by the ULDC Committee.

In preparing the revised draft for review and discussion by Council, the following changes were generally made:

1. Revised the scope, purpose and intent to be more legally defensible.
2. Deleted unused definitions.
3. Deleted content-based regulations.
4. Consolidated sign type regulations that were consistent regardless of zoning district, including relocation of temporary sign regulations from Section 90-045 and promotional sign regulations from Section 90-050 all to Section 90-040.
5. Clarified distinctions by sign type and zoning district.



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6. Revised language regarding farm signs to be consistent with Florida Statutes.
7. Added language regarding denial and appeal of and variance to a sign permit.
8. Added language regarding enforcement and severability of the sign code.
9. Made, marked, and noted proposed changes recommended by the ULDC and when the recommended language was altered or not recommended by the Town Attorney.

The Town Manager and Planning Consultant also reviewed the revised draft and the following recommendations are made for Council consideration in its review and discussion of the sign code:

1. Consider moving definitions to Section 10-015, Definitions (includes all definitions for ULDC).
2. Minimum occupancy requirement for “anchor tenant”.
3. How to calculate and define sign area, perimeter, face (including when double-faced), height, structure. Which of these measurements should be followed or are they all needed?
4. Whether to include awning, canopy, mansard signs. These are currently treated the same, consider separating and modifying, if retaining.
5. Modify the definition for billboard sign.
6. Clarify regulation of flags.
7. Adding regulations related to the definition of “identification signs”.
8. Modifying definitions; particularly “internal illumination”, “mobile signs”, “monument sign”, “permanent sign”, “public service sign”, “snipe sign”, “strip lighting”, “tethered/inflatable sign”, “traffic control sign”.
9. Create definition for “secondary sign”.
10. Delete murals; unless desire murals to include commercial messaging. Consider adding a public art component to the ULDC that may include murals.
11. Prohibit all off-premises signage.
12. Section 90-015 should stay a complete list of all prohibited signs, not just permanent signs; consider modifying the list to remove sign types allowed as temporary and to add other types. If permitting mansard roof signs, clarify prohibition on roof signs. Code currently includes provisions for temporary use of inflatable/tethered (balloon), banner or pennant, and mobile signs.
13. Discuss definition and whether to prohibit or allow strip lighting.
14. Consider adding detail regarding sign materials and lighting. Consider whether string lights should be included.
15. Modify mandatory building identification (address) signs to reference building code and only include any additional regulations, such as uniformity of size and color within a single development.
16. Consider modifying time frame references from “for any period of time” to “at any time”.



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17. Consider time frame for temporary signs. Code originally set at 6 months, ULDC Committee recommended 30 days unless extended by Town Manager. Time frame may be best considered and established by sign type and location.
18. Consider allowance and regulation of digital changeable copy signs. Where may be located (zoning district, type of facility), dwell time, visual elements, transition time, messages per cycle, prohibition of flash and zoom elements, stop/danger messaging, and red/green/amber colors.
19. Consider separate regulations for drive-through signs.
20. Prohibit monument signs for accessory structures.
21. Consider regulations for directional and safety signage proposed by ULDC. Should this be revised as part of requirement for master signage plan for developments, including process for approval and sign types for directional, regulatory, street, monument, and wall, at a minimum? Should it be standard for all zoning districts? Consider adding regulation for height.
22. Consider appropriate sign sizing by sign type, zoning district, and sign location.
23. Consider reducing maximum sign size in Conservation (CN) zoning district.
24. Consider eliminating use of temporary signs in Conservation (CN) zoning district.
25. Consider reducing flag pole height limit for commercial flags.
26. Revise permit section to include time limitations.
27. Consider whether to delete Section 90-070(D)(1) and (2). Review new enforcement provision in Section 90-080.
28. Clarify exemption for flag does not include exemption for the flag pole.
29. Consider performing inventory and enforcement of nonconforming signs prior to adoption of revisions to sign code or consider revising amortization provision in Section 90-075(A).
30. Consider re-structuring, re-ordering, and re-formatting sign code. Should permit requirements be at the top and prohibited signs be at the bottom? Should the regulations by type or type and zoning district be in-line text or table format? Should both permanent and temporary sign type standards by zoning district be in the same section or separated?

Recommendation:

Discuss potential changes to the sign code and provide direction to staff.