

ORDINANCE NO. 31-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING; ARTICLE I, IN GENERAL; SECTION 134-2, DEFINITIONS AND RULES OF CONSTRUCTION, SO AS TO AMEND THE DEFINITIONS OF *SIGN INSTITUTIONAL*, *SIGN MENU AND SIGN OFFICIAL TRAFFIC*; FURTHER AMENDING CHAPTER 134, AT ARTICLE XI, SIGNS, SO AS TO AMEND AND RESTATE ARTICLE XI IN ITS ENTIRETY AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article I, in General; Section 134-2, Definitions and Rules of Construction, to amend the following definitions to read as follows:

**Sec. 134-2. Definitions and Rules of Construction.**

*Sign, institutional* means a sign for building identification of schools, colleges, museums, libraries, houses of worship, or other institutions of a similar public or semipublic nature.

*Sign, menu* means a restaurant or take-out food establishment wall or pedestal mounted sign which identifies the menu and prices within said establishment.

*Sign, official traffic* means a sign placed or erected by a municipal, county, state, or federal governmental agency as a regulatory, aid-to-traffic or informational sign, in connection with control of vehicular or pedestrian traffic over a bridge, roadway, pathway or sidewalk.

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended Chapter 134, Zoning; Article XI, Signs, so as to amend and restate said Article XI in its entirety as set forth in Exhibit "A" attached hereto.

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

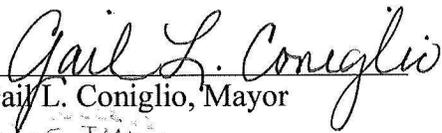
Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

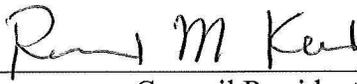
Section 6. Effective Date.

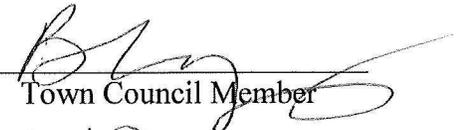
This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

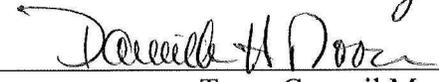
PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of January, 2016, and for second and final reading on this 10th day of February, 2016.

  
Gail L. Coniglio, Mayor

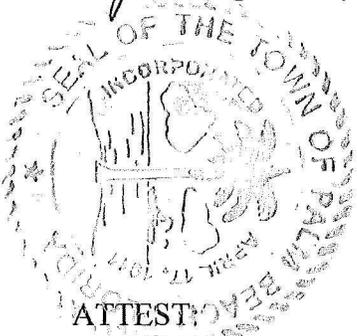
  
Town Council President

  
Council President Pro Tem

  
Town Council Member

  
Town Council Member

  
Town Council Member



ATTEST:  
  
Susan A. Owens, MMC, Town Clerk

**EXHIBIT "A" TO ORDINANCE NO. 31-2015**

**CHAPTER 134 ZONING**

**ARTICLE XI. – SIGNS**

**DIVISION 1. - GENERALLY**

**Sec. 134-2371. – Statement of findings and purpose.**

The Town Council has found that Palm Beach is internationally known and has become a worldwide synonym for beauty, quality and value and that a proliferation of signs without regulations as to size, location and material detracts from such beauty, can become a visual blight. Signs, particularly if placed in rights-of-way, can create distractions for drivers impacting the safety and welfare of pedestrians and drivers and further create an aesthetically unpleasant atmosphere.

The Town Council has found that the Town's Code of Ordinances is required to regulate signs as provided by Section 163.3202(2)(f), Florida Statutes. The Town Council does not wish to censor speech but does wish to provide for the public welfare by regulating signage in the Town in a manner that enhances the aesthetics of the community, reduces visual pollution, provides clear information and minimizes distractions to drivers in the interest of traffic safety.

The Town deems the following standards to be the least restrictive measures on free speech necessary to advance the Town's interest in aesthetic appeal and traffic safety. This ordinance serves a significant government interest, is unrelated to the suppression of free expression, and leaves open ample alternative channels of communication by adopting reasonable and appropriate time, place and manner regulations.

**Sec. 134-2372. - Compliance; substitution, and severability.**

(1) Compliance. Signs may be erected and maintained only as authorized and when in compliance with the provisions of this article and other applicable Town ordinances. All signs are subject to the Florida Building Code and Fire Prevention Code. Signs that are not specifically permitted by this division are prohibited.

(2) Substitution of noncommercial for commercial messages. Notwithstanding any provision in this division to the contrary, to the extent that any permitted sign could be construed as a sign containing commercial message, a noncommercial sign shall be permitted to the same extent. The noncommercial message may occupy the entire sign area, or any portion thereof, and may substitute for or be combined with any commercial message. The sign message may be changed as frequently as desired by the sign's owner, provided it is not a prohibited sign and continues to comply with the requirements of this division.

(3) Severability. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this division is declared or held invalid or unconstitutional by any court of competent jurisdiction, such declaration shall be deemed separate, distinct, and independent, and shall not affect the validity of any other part, section, subsection, sentence, phrase, clause term, or word. Severability shall be applied to the sign regulations in this division even if the result would be to allow less speech in the Town, whether by subjecting currently exempt signs to permitting or by some other means. The Town specifically intends that severability shall be applied so that any prohibited sign shall continue to be prohibited irrespective of whether another sign prohibition is declared invalid or unconstitutional.

**Sec. 134-2373. - General regulations and definitions applicable to permitted signs.**

Under this article, the following shall apply to all signs:

(1) Signs of all types addressed herein are defined in Section 134-2 of this code. All signs visible from a public or private roadway and/or sidewalk shall be classified as signs regardless of whether they are freestanding or attached or painted to or on or in the principal building they are accessory to.

(2) "Commercial message" means any lettering, wording, reading matter, illustration, logo, logogram, symbol, emblem, insignia, trademark, symbol, poster, picture, character or other representation with or without letters or numerals that directly or indirectly names, advertises or calls attention to a business product or business service (whether for profit or not for profit) or other commercial activity, including fund raising for not for profit or charitable entities.

(3) "Non-commercial message" means any message that is not a commercial message.

(4) In all cases, signs shall be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.

(5) No sign other than an official traffic sign erected by the Town, Palm Beach County, the State of Florida, the United States government and/or any agency thereof shall be erected within the right-of-way lines of any street or public way, nor shall any sign or banner be hung on, from, or beneath any canopy, awning or marquee.

(6) All signs, except nameplates and identification signs for single-family dwellings, shall have the name of the manufacturer or producer in small but legible letters.

(7) Provided that such signs are otherwise in compliance with this article, a permit and review by the architectural review commission process or landmarks preservation commission process (if applicable) shall not be required for the erection, alteration, or maintenance of the following types of temporary signs:

(a) identification of sale or rental signs for single family dwellings, two family dwellings and multi-family dwellings permitted in R or commercial districts;

- (b) temporary political signs or other temporary noncommercial signs in R or commercial districts;
- (c) development signs;
- (d) artisan signs;
- (e) menu signs in commercial districts; or
- (f) temporary display signs in commercial districts.

(8) A permit and review by the architectural review commission process for architectural and aesthetic review, or landmarks preservation commission process (if applicable), shall be required for the erection, alteration, reconstruction, painting or producing by artificial light of any other sign within the Town.

(9) No sign shall be permitted within any district for any purpose which is flashing or which has any animation or movement associated with it.

(10) No sign, including numerals, lettering, illustrations, logos or characters, shall be painted or installed on any awning visible from public or private streets.

(11) In residential districts, no lettering, illustrations, logos or characters visible from public or private streets shall be painted on or attached to any structure except as otherwise provided in division 2 of this article.

(12) No banner signs of any kind, including but not limited to those produced on cloth, paper or fabric, shall be permitted. This section shall not prohibit the display of flags. Flags shall be defined as "a piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words or emblems that convey a non-commercial message or symbol of a non-commercial organization or entity including, but not limited to, political jurisdictions such as the United States of America." Portable, removable flags, as permitted herein, shall be limited to three per property and shall be no larger than the maximum dimensions permitted under this section. Flags of a size larger than those which may be accommodated on a flagpole of a height which exceeds 40 percent above the building height limit of the zoning district in which it is located may be allowed on properties of five acres or greater in size pursuant to a special exception provided the location of the flag shall be on a flagpole set back at least 120 feet from any lot line and provided further that no flag or banner shall be in excess of 216 square feet.

The maximum dimensions of any flag permitted under this section shall be proportional to the flagpole height according to the following limitations:

<i>Pole Height (ft.)</i>	<i>Maximum Flag Size (sq. ft.)</i>
Up to 25 ft.	24 sq. ft.
25 to 30 ft.	40 sq. ft.
30 to 35 ft.	48 sq. ft.
35 to 40 ft.	60 sq. ft.
40 to 50 ft.	96 sq. ft.
50 to 60 ft.	150 sq. ft.
70 ft.	216 sq. ft.

For flag sizes or flagpole heights not found in the foregoing chart, the hoist side of the flag shall not exceed 20 percent of the vertical height of the flagpole. Further, flag dimensions as specified in this section shall not exceed a ratio in height to width of two to one or one to two.

(13) Strip lighting of any nature, including neon tubing, fluorescent lights, or other similar strip lighting devices, shall not be used to outline any building, fence, wall or any other structure. In addition, strobe or flash lighting and/or neon lighting which draws attention to a tenant space, building or structure is not permitted. Any lighted or illuminated sign shall not be permitted or erected until such illuminated sign has been approved as a special exception use in conformity with sections 14-227 through section 134-233, except that this shall not apply to low-level illuminated sign, less than 30 inches in height, indicating only the street number and location of entrance and exist drives of a parking area.

(14) No sign shall be permitted on any premises, improved or unimproved, except as relating to that property and as permitted by division 2 or 3 of this article or as otherwise allowed in this code.

(15) Supporting structures for any sign shall not be included in determining the square foot area of the sign, provided that such supporting structure shall not exceed the maximum allowable sign area and shall not carry any lettering.

## **DIVISION 2. - RESIDENTIAL DISTRICTS**

### **Sec. 134-2401. - Scope of division.**

The following types of nonadvertising or noncommercial signs of a stationary and permanent or temporary nature in this division are permitted in all residential districts.

### **Sec. 134-2402. - Nameplates and identification signs.**

(1) Signs indicating the name or address of the occupant or designating an access drive to the property may be permitted in conjunction with a single-family dwelling, provided

that they shall not be larger than one square foot in area. Only two such signs per lot or main building shall be permitted.

(2) For multifamily dwellings and buildings other than single-family dwellings, an entrance and/or exit sign as an aid to traffic designating access drives between the private property and the public street may be permitted, provided that each sign shall be located on privately owned property and each sign shall be no larger than one square foot in area and not extending over 30 inches in height above the yard ground level. Additionally, for multifamily dwellings and buildings other than single-family dwellings, a single yard identification sign not exceeding six square feet in area or exceeding six feet in height above the lot grade or closer than ten feet to the front or street side lot line and indicating only the name and address of the building and the name of the management may be displayed in the yard area, provided that on a corner or through lot two such signs (one facing each street) shall be permitted. In addition to the permitted yard signs, one sign for each street frontage may be installed flat against the main wall of the building, each such sign not exceeding 20 square feet in area

**Sec. 134-2403. - Sale or rental signs in R-AA, R-A and R-B districts.**

Signs pertaining to the sale, lease or rental of property or buildings shall be permitted in single-family dwelling R-AA, R-A and R-B residential districts, subject to the following conditions and restrictions:

(1) The sign shall read either "open," "for rent," or "for sale," and may include the name of the persons affecting the sale or rental and the telephone number of the owner or agent relative to the premises upon which the sign is located.

(2) The face surface of such sign shall not be larger than 40 square inches.

(3) The supporting member shall be installed into the ground to provide that the top of the face of such sign shall not be more than four feet above the finished grade of the ground.

(4) All such signs shall be lettered professionally, but such signs shall not be required to be submitted to the Town's architectural commission for approval and no permit shall be required for the installation or erection of such signs. Color of the signs shall be a white background with black, block letters thereon.

(5) Only one such sign shall be permitted on any one premises. Where the property abuts a waterway or golf course, no signs may be placed or erected to be visible from such waterway or golf course.

(6) Such sign shall not be erected or placed closer than five feet to the front property line, and such sign may be placed parallel or perpendicular to the front property line. Signs must be placed only upon the property being offered for sale or lease.

(7) Nothing contained in this section shall be construed as prohibiting the same wording from being on both the front and back of the sign.

(8) Where such sign is suspended from an arm of the support, such arm shall not exceed a length of 16 inches.

(9) All such signs shall be erected on a temporary basis.

(10) Such signs shall be kept in good repair and shall not be illuminated or constructed of a reflective material and shall not contain any flags, streamers, moveable items or like devices.

(11) Any such sign shall be removed within five days from the date a binding agreement is entered into for the sale, lease or rental of the property or immediately upon the removal of the property from the market, whichever occurs first.

(12) Any Town enforcement officer may cause to be removed any such sign not conforming with this section.

**Sec. 134-2404. - Sale or rental signs in R-C, R-D(1), R-D(2) and PUD districts.**

In the R-C, R-D(1), R-D(2) and PUD zoning districts, signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any other person interested in the sale or rental of such premises, and signs bearing the word "sold" or "rented" with the name of the persons affecting the sale or rental may be erected or maintained, provided:

- (1) The size of any such sign is not in excess of two square feet;
- (2) Not more than one sign is placed upon any property unless such property fronts upon more than one street, in which event two signs may be erected, one on each frontage; and
- (3) Such sign shall be removed within one week after the premises have been sold or rented.

**Sec. 134-2405. - Institutional signs.**

Institutional signs identifying schools, colleges, houses of worship, libraries, museums or other institutions of a similar public or semipublic nature may be erected and maintained, provided:

- (1) The size of any such sign is not in excess of six square feet; and
- (2) Not more than one such sign is placed on a property unless such property fronts upon more than one street, in which event two such signs may be erected, one on each frontage.

**Sec. 134-2406. - Development signs in R-AA, R-A and R-B districts.**

In R-AA, R-A and R-B zoning districts, signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of

single-family dwelling premises by a builder, contractor, developer or other persons interested in such sale or development, may be erected and maintained, provided:

(1) No sign shall be erected until a building permit for construction on the site has been issued by the Town. The sign shall indicate only the name and telephone number of the builder, contractor or developer.

(2) The size of any sign is not in excess of 40 square inches. Color of the sign shall be a white background with black, block letters thereon.

(3) No more than one sign is placed upon any property unless such property fronts upon more than one street, in which event one such sign may be erected on each frontage.

(4) Any such sign shall be removed by the developer, builder or contractor within three days of the completion or abandonment of the project.

(5) No sign shall be placed closer than five feet to the front or street side lot line.

(6) The supporting member shall be installed into the ground to provide that the top of the face of such sign shall not be more than four feet above the finished grade of the ground.

(7) All such signs shall be lettered professionally, but such signs shall not be required to be submitted to the Town's architectural commission for approval, and no permit shall be required for the installation or erection of such signs.

(8) Where the property abuts a waterway or golf course, no signs may be placed or erected to be visible from such waterway or golf course.

(9) Such sign may be so erected or placed that its center is parallel or perpendicular to the front property line.

(10) Nothing contained in this section shall be construed as prohibiting the same wording from being on both the front and back of sign.

(11) Where such sign is suspended from an arm of the support, such arm shall not exceed a length of 16 inches.

(12) All such signs shall be erected on a temporary basis.

(13) Such sign shall be kept in good repair and shall not be illuminated or constructed of a reflective material and shall not contain any flags, streamers, moveable items or like devices.

(14) Any Town enforcement officer may cause to be removed any such sign not conforming with this section.

**Sec. 134-2407. - Development signs in R-C, R-D(1), R-D(2) and PUD districts.**

In R-C, R-D(1), R-D(2) and PUD zoning districts, signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other persons interested in such sale or development, may be erected and maintained, provided:

- (1) No sign shall be erected until a building permit for construction on the sign has been issued by the Town.
- (2) The size of any sign is not in excess of 20 square feet.
- (3) No more than one sign is placed upon any property unless such property fronts upon more than one street, in which event one such sign may be erected on each frontage.
- (4) Any such sign shall be removed by the developer within 15 days of the completion or abandonment of the project.
- (5) No sign shall be placed closer than ten feet to the front or street side lot line.

**Sec. 134-2408. – Artisan’s signs**

Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided:

- (1) Only one sign for each artisan is displayed.
- (2) The size thereof is not in excess of six square feet.
- (3) No sign shall be closer than ten feet to the front or street side lot line.
- (4) Such signs are removed within one week after completion or abandonment of the work.
- (5) Artisans' signs shall not be permitted in R-AA, R-A and R-B districts.

**Sec. 134-2409. - Temporary political signs and temporary noncommercial signs.**

Temporary political signs pertaining to specific elections urging the election or opposition of any candidate seeking any political office or urging the passage or defeat of any ballot measure and other temporary noncommercial signs endorsing, objecting or otherwise relating to a particular issue or communicating a noncommercial message or idea are permitted subject to the following restrictions:

(1) Maximum size: No sign shall exceed a maximum of four square feet in area and shall be limited to two sides only. There shall be no triangular or multi-sided signs allowed.

(2) Maximum number:

(a) For political signs, not more than one sign per candidate or ballot measure shall be placed upon any property.

(b) For other temporary noncommercial signs, not more than one sign per issue, idea or message shall be placed upon any property.

(c) Altogether there shall be no more than three temporary two sided signs on any one property. However, more than one message may be placed on any one side of a sign.

(3) Location: Only on lots where the property owner has given permission. The placing of temporary signs anywhere on public property is prohibited. Temporary signs located on public property shall be deemed to be public property and shall be summarily removed by the Town.

(4) Minimum setbacks: From lot line of another: Ten feet. From the front property line or from a street: Five feet.

(5) Maximum height: Four feet, including supports for the sign.

(6) Time limit:

(a) Political signs permitted pursuant to this section shall not be placed prior to 30 days of the election to which they are related and shall be removed within 48 hours after the day of the final election to which they apply. In the case where there is a primary election, signs shall be allowed 30 days prior to the primary election. This time limit also applies to candidates who do not have an opponent in the primary. Signs may continue to be displayed between the primary election and the final election.

(b) Other temporary noncommercial signs permitted pursuant to this section shall be allowed only during the times when temporary political signs are allowed.

(7) Illegally placed: Temporary signs shall be removed by the owner or individual responsible for the illegal placement. In the event of failure to do so, the signs may be removed by the Town.

### **DIVISION 3. - COMMERCIAL DISTRICTS**

Sec. 134-2435. Scope of division.

The following types of signs of a stationary and permanent or temporary nature are permitted in commercial districts.

#### **Sec. 134-2436. - Signs in vias and the entrances to vias.**

For the purpose of article XI, division 3 of Chapter 134, via frontage of a business is considered street frontage for regulating the size and number of business identification signs. Building identification signs are not allowed in vias.

#### **Sec. 134-2437. - Building identification and business identification signs.**

(1) **Building Identification:** One building identification sign (which must have the word "building" in it) may be placed on the front of each wall of a building which fronts onto a street, provided the building identification sign is installed flat against such wall and does not exceed 20 square feet in area.

(2) **Individual Business Identification:** Individual business identification signs are allowed for each ground floor business fronting on a street or via. Each such sign shall not exceed 20 square feet in area and shall be installed flat against the street or via front, street or via side wall, or street or via rear wall of a building or in a ground floor window or door. In addition, if a ground floor licensed business's parking and main entrance is on the back or side of a building not fronting a street, said business shall be allowed one business identification sign installed flat against the face of the building's wall where the business is located. No business identification sign shall exceed 15 feet in height and shall not be situated above the first floor ceiling of the building, whichever is lower.

(3) **Business Directory Sign for Building with a Via or Arcade:** Business directory signs shall be allowed for buildings which contain or abut a via. One business directory sign facing each direction of an entrance to a via is permitted. Said business directory sign shall not exceed a maximum of six square feet in area. In addition, each business within a business directory sign shall be allowed only one identification line on the directory sign with no logo. The lettering on the business directory sign shall not exceed a height of one and one-quarter inches for the business and shall be in the same font as the other business identification signs on the directory. Except, however, lettering on the business directory sign identifying the via and its address shall not exceed a height of three inches and may be of a different font than the businesses lettering on said sign. Such sign shall be flat wall mounted.

In addition, one business directory sign identifying the upper floor businesses is permitted on a multi-story building on the interior of a via where the stairs to the upper floor(s) in the building open onto the via. A business directory sign for upper floor businesses on said building shall not exceed four square feet in area and shall meet the same lettering requirements

as the business directory sign requirements for the entrances to a via. The business directory sign shall only identify the names of the businesses in the via. The business directory sign may also include the name of the via and the via address. The business directory sign shall be flat wall mounted.

(4) Individual Business Identification Signs Within a Via: A licensed business on the first floor within a via shall be allowed one hanging business identification sign within the via and perpendicular to the building. The hanging sign within a via shall be mounted on the wall of the building fronting the via. A hanging business identification sign shall not be above the first floor of the building it is attached to, shall have a minimum of eight feet of clearance, and shall be calculated as part of the maximum business identification sign area allowed. In addition said hanging business identification signs shall have only the name of the business.

(5) Business identification signs and building identification signs shall require architectural review commission and landmarks preservation commission approval( if applicable).

**Sec. 134-2438. - Size of sign.**

The gross surface area of all business identification signs on a building shall not exceed the following schedule:

Building Street Frontage or Building First Floor Tenant Main Entrance and Parking Frontage per Ground Floor Individual Business Sign Space (in feet)	Maximum Gross Surface Area for Business Identification Signs (in feet)
Less than 18	10
18 and over	20

Note: This permitted gross surface sign area per individual business may be in the form of one sign or composed of a group of smaller signs that advertise any licensed individual business with the building, provided their aggregate area does not exceed that area contained in the schedule. The gross surface area of any signs on a building shall not, however, exceed 20 square feet. In addition, any hanging sign, as allowed in section 134-2437, shall not exceed two square feet in area.

**Sec. 134-2439. - Permitted lettering, logos.**

Business identification signs permitted under this division shall consist of lettering which specifies only the name of the establishment as identified in the business tax receipt and state

registration, a logo as provided for below and/or the nature of the business. Logos shall be allowed, provided that such logo will fit within a box no more than 12 inches square. Not more than one such logo shall be permitted on the street frontage of each business establishment, and the area of such logo shall be counted toward the maximum allowable gross area of sign.

**Sec. 134-2440. - Window and door business identification signs.**

Any individual business within a building shall be allowed business identification signs in merchandise display area windows and/or entry doors on the first floor; however, such window display and/or door signs shall count towards the allowable total sign area for individual business in a building, as calculated under section 134-2438.

**Sec. 134-2441. - Height of signs.**

(a) No building identification sign shall be higher than the building on which it is attached, nor shall any sign be located over or upon the roof of any building.

(b) No individual business identification sign on a one-story building shall be located higher than the building on which it is attached, nor shall any sign be located over or upon the roof of any building.

(c) Except for signs proposed on a facade of an existing building where the original architecture predicated that they be located higher, no individual business identification sign on a multistory building shall be located higher than the first floor elevation of the building or 15 feet, whichever is lower.

**Sec. 134-2442. - Residential uses.**

Signs for residential uses located within a commercial district shall comply with division 2 of this article.

**Sec. 134-2443. - Sale or rental signs.**

Signs advertising the sale or rental of the premises upon which they are erected shall comply with sections 134-2403 and 134-2404.

**Sec. 134-2444. - Aid-to-traffic signs.**

In addition to other sections of this division, noncommercial, aid-to-traffic signs may be erected on private property designated access drives and parking areas, provided that each such sign shall not be larger than two square feet in area. Only one sign shall be permitted for each access drive serving a parking area.

**Sec. 134-2445. - Temporary display signs.**

In addition to other sections of this division, one temporary display sign to advertise a special sale or event to occur on the premises, not to exceed two square feet in area for each 18 linear feet of building frontage for each licensed business, shall be permitted in the merchandise display area of a store during the period from April 1 to October 31. No such temporary sign may be affixed or taped to windows or doors, but shall be placed on a free standing device such as an easel. Such signs may not be erected earlier than 15 days prior to the special event to which they are related and must be taken down within 24 hours after such event. Not more than one sign per special sale or event shall be displayed at any one time.

**Sec. 134-2446. - Development signs.**

In the C-TS, C-WA, C-OPI, C-PC and C-B zoning districts, signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other persons interested in such sale or development, may be erected and maintained provided:

- (1) No sign shall be erected until a building permit for construction on the site has been issued by the Town.
- (2) The size of any sign is not in excess of ten square feet.
- (3) No more than one sign is placed upon any property unless such property fronts upon more than one street, in which event one such sign may be erected on each frontage.
- (4) Any such sign shall be removed by the developer within 15 days of the issuance of a certificate of occupancy or abandonment of the project.
- (5) No sign shall be placed closer than five feet to the front or street side lot line.

**Sec. 134-2447. - Temporary political signs and temporary noncommercial signs.**

Temporary political signs urging the election or opposition of any candidate seeking any political office or urging the passage or defeat of any ballot measure and other temporary noncommercial signs endorsing, objecting or otherwise relating to a particular issue or communicating a noncommercial message or idea are permitted subject to the following restrictions:

- (1) Maximum size: No sign shall exceed a maximum of four square feet in area and shall be limited to two sides only. There shall be no triangular or multi-sided signs allowed.
- (2) Maximum number:
  - (a) For political signs, not more than one sign per candidate or ballot measure shall be placed upon any property.

- (b) For other temporary noncommercial signs, not more than one sign per issue, idea or message shall be placed upon any property.
- (c) Altogether there shall be no more than three temporary two sided signs on any one property. However, more than one message may be placed on any one side of a sign.

(3) Location: Only on lots or in stores where the property owner has given permission. The placing of temporary signs anywhere on public property is prohibited. Temporary signs located on public property shall be deemed to be public property and shall be summarily removed by the Town.

(4) Minimum setbacks on lots: From lot line of another: Ten feet. From the front property line or from a street: Five feet.

(5) Maximum height: Four feet, including supports for the sign.

(6) Store front locations: As an alternative to placing temporary signs on commercial lots meeting minimum setbacks, temporary signs may be placed in the merchandise display area windows on the first floor of zero lot line stores not capable of meeting setback criteria or in cases where there are multiple tenants of a commercial plaza or building. The total temporary signs allowed, including temporary display signs, shall not exceed two square feet in area for each 18 linear feet of building frontage for each licensed business.

(7) Time limit:

- (a) Political signs permitted pursuant to this section shall not be placed prior to 30 days of the election to which they are related and shall be removed within 48 hours after the day of the election to which they apply. In the case where there is a primary election, signs shall be allowed 30 days prior to the primary election. This time limit also applies to candidates who do not have an opponent in the primary. Signs may continue to be displayed between the primary election and the final election.
- (b) Other temporary noncommercial signs permitted pursuant to this section shall be allowed only during the times when temporary political signs are allowed.

(8) Illegally placed: Temporary political signs shall be removed by the owner or individual responsible for the illegal placement. In the event of failure to do so, the signs may be removed by the Town.

**Sec. 134-2448. - Menu signs.**

One menu sign shall be allowed at the front entrance of a restaurant or merchant retail take-out food establishment. Said menu sign shall not be further than four feet from the front entrance of the restaurant or take-out food establishment nor exceed two square feet in area. In addition, a pedestal menu sign shall not impede pedestrian movement.

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WEATHER MATTERS

# Two days of heavy rain may start today

Up to 4 inches could fall on peninsula, with possibility of 60-mph gusts, tornadoes as Gulf weather moves in.

By JOHN NELANDER  
Special to the Daily News

A rain event that recalls early December's record-breaking storm totals may be in the works as a potential two-day deluge plows into the Florida peninsula from the Gulf of Mexico. Rainfall totals are notoriously difficult to predict, but forecasters at the National Weather Service are talking about 3-4 inches starting early this morning and continuing through

Read John Nelander's Weather Matters blog online at PalmBeachDailyNews.com.

Friday morning, when things begin clearing out.

You don't have to go too far back in the record books to find an event that unfolded in similar fashion. The Palm Beach area endured a 3.95-inch shelling during the first week of December, including 2.61 inches measured Dec. 4 at Palm Beach International Airport. That shattered a 119-year-old single-day rainfall record of 1.17 inches set in 1896.

National Oceanic and Atmospheric Administration's Weather Prediction Center, which is tasked with predicting rainfall totals, shows heaviest precipitation through

Friday occurring over the Lake Okechobee area and east to around Palm Beach north to the Treasure Coast.

A chance of showers is 80 percent today and 90 percent tonight. Probabilities edge down to 80 percent Thursday and 60 percent Thursday night.

Heavy rain could lead to street flooding, NWS forecasters said in the Tuesday morning weather analysis. "A flood watch may be needed at some point for the entire event."

NOAA's Storm Prediction Center, meanwhile, has most of the Florida peninsula, from around Orlando south all the way into the

Keys, under a marginal risk for severe weather today. That includes the possibility of isolated tornadoes and wind gusts of up to 60 mph, but mostly on the West Coast and northwest interior areas, according to forecasters.

The marginal risk area shrinks Thursday to include only the peninsula's southeast coast, from the Treasure Coast south to the middle Keys.

If you're tired of this January pattern of severe weather, cold fronts and brief warm-ups, there are some glimmers of hope on the horizon. A cold front that approaches the area next week may

be deflected by high pressure building in from the Caribbean, forecasters said.

The Climate Prediction Center continues to show above-normal temperatures in Florida at least through the first week, and even the longer-range forecasts suggest toaster temps striking around the third week of the month.

Although the El Niño in the equatorial Pacific widely held responsible for Florida's wet winter — is on the wane, it is still in place and expected to impact conditions into spring. That will likely mean a continuation of above-normal precipitation.

### TOWN OF PALM BEACH NOTICE OF PROPOSED ORDINANCE(S)

The following ordinance, submitted by the staff of the Planning Department, is proposed for adoption by the Board of Town Commissioners on January 27, 2016. The Board of Town Commissioners will hold a public hearing on the proposed ordinance at 10:00 a.m. on January 27, 2016, at the Town Office, 561.494.2903. The Board of Town Commissioners will also hold a public hearing on the proposed ordinance at 10:00 a.m. on January 27, 2016, at the Town Office, 561.494.2903.

**ORDINANCE NO. 16-001**  
RESOLUTION OF THE BOARD OF TOWN COMMISSIONERS OF THE TOWN OF PALM BEACH, FLORIDA, TO AMEND THE ZONING ORDINANCE OF THE TOWN OF PALM BEACH, FLORIDA, TO ADD A NEW ZONING DISTRICT, THE TOWN OF PALM BEACH COMMERCIAL ZONING DISTRICT, TO BE DESIGNATED AS C-1, AND TO AMEND THE ZONING ORDINANCE OF THE TOWN OF PALM BEACH, FLORIDA, TO ADD A NEW ZONING DISTRICT, THE TOWN OF PALM BEACH RESIDENTIAL ZONING DISTRICT, TO BE DESIGNATED AS R-1.

For more information, please contact the Planning Department at 561.494.2903 or visit the Town Office at 561.494.2903.

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### FOUNTAIN Artist adds palms

From Page A1

pressionist, created the oil-on-board paintings in December at his studio in Gloucestershire, England, using images of the fountain. He's seen the fountain several times in the 11 years since Findlay Galleries began selling Neal's work at its Worth Avenue gallery, according to Borynack. The Memorial Fountain paintings will be displayed Saturday evening at Findlay Galleries during a reception and dinner for major Town Hall Square project contributors.

"We just felt his manner of painting would complement the actual image of Memorial Park," Borynack said of Neal. The only artistic license Neal took was adding palms around the fountain to frame it, he said. Via email, Neal said a number of considerations determined his approach



Meghan McCarthy / Daily News File Photo

As part of the project, crews restored the jets that send water into the fountain from the large basin. The water, artist Charles Neal says, symbolizes a "continual life cycle."

to composing the pieces. "The main direction was to convey the uniqueness of the fountain as representing a time-bridge to the Mizner creation and ongoing life of Palm Beach," Neal wrote. The "living energy and movement" of the water splashing onto the fountain

and down into the basin symbolizes a "continual life cycle" and adds to the "iconic concept of Palm Beach." Wally Findlay opened his eponymous gallery in Palm Beach in the early 1960s. Borynack said donating the painting and sponsoring the Saturday

dinner is continuing a Findlay Galleries tradition. "It's a responsibility of ours to work with town projects and to assist the charitable organizations that help others," Borynack said. — drogers@pbdailynews.com

### FIREFIGHTER Video introduced

From Page A1

his old job back, or try to resume his career elsewhere, he said, "I have no idea."

"That is certainly something he is going to explore," said his lawyer, Michael Sainick. "The town of Palm Beach put him through an ordeal." The prosecutor, Assistant State Attorney Ryan Kelley, had no comment on the judge's decision.

Tuesday was the only day of testimony with attorneys on both sides zeroing in on the nature of an injury that led to the workers' compensation payout to DeRosa in 2013. In his opening statement, Kelley said DeRosa twisted an ankle, causing a minor injury to it, while at work at the South Fire Station on July 10, 2013. He said DeRosa then exaggerated the severity of the injury. "Deceptive,

lying information was given to a medical provider, causing these workers benefits to be paid," Kelley said to a jury of six. DeRosa received full compensation pay while he was out of work for almost a month. DeRosa was back to work on Aug. 3. Sainick countered that DeRosa suffered a painful injury when he caught his foot in a crack between tiles. He tried to remain at work for the rest of his 24-hour shift, but reported that the pain grew worse. A supervisor took DeRosa to a walk-in clinic where a physician, who was under contract with the town, ordered him to be placed on light duty. After two shifts on light duty, clipping out newspaper articles, DeRosa continued to complain of pain, and returned to the clinic doctor. The doctor then referred him to an orthopedist who placed him on leave, Sainick said.

"Evidence will show Mr. DeRosa cooperated fully with people he

thought were there to help him," Sainick said. "He was injured. He didn't try to cheat anyone. Someone with the town decided they didn't like that Mr. DeRosa wasn't returning to work." The state based much of its case on surveillance video of DeRosa strolling down a street without difficulty on the same day Kelley said DeRosa had walked on crutches when visiting a doctor. "He's walking with an air cast and crutches, slowly, methodically even limping into a doctor's office," Kelley said. "Then, later, you see him walking down the street in flip-flops and (there's) nothing wrong... no injury. Nothing wrong."

According to a probable cause affidavit, DeRosa had been ordered by a doctor to wear an air-cast on his ankle when he was videotaped five times walking in sandals by investigators who had him on surveillance. Investigations by the town's insurance com-

pany and by the town led Public Safety Director Kirk Blouin to fire DeRosa, who had been a town employee for more than five years. It also led to DeRosa being charged in December 2013 with workers' compensation fraud, a third-degree felony punishable by up to five years in prison.

But Sainick said the video surveillance began about 15 days after the injury, and that DeRosa had been told to use the crutches as needed. "We all know pain is a very subjective thing," Sainick said. — wkelly@pbdailynews.com

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