



Agenda Item # R - 3

**Village of Royal Palm Beach  
Village Council  
Agenda Item Summary**

**Agenda Item:**

**SECOND READING AND ADOPTION OF ORDINANCE NUMBER 827 AMENDING CHAPTER 20. SIGNS AT ARTICLE IV. PERMITTED SIGNS. AT SUBSECTION 20-68. REAL ESTATE SIGNS TO PROVIDE FOR AN ADDITIONAL TYPE OF NONRESIDENTIAL REAL ESTATE SIGN; AND AMENDING VARIOUS SUBSECTIONS OF CHAPTER 20 TO PROVIDE FOR A SEVERABILITY CLAUSE. BY BRADFORD O'BRIEN, SENIOR PLANNER.**

**Issue:**

The purpose of amending Village Code Section 20-68 is to allow a new type of commercial real estate signs and amending various subsections of Chapter 20 to provide for a severability clause. The regulations for the new commercial real estate sign are as follows:

Non Residential: One (1) double face sign, not to exceed seven (7) feet in height and thirty two (32) square feet in area; only the area of one side of the double-faced sign is counted if both sides are identical and the angle between each side is no greater than 90 degrees.

This item was considered by the Planning and Zoning Commission at its regular meeting on September 22, 2009 and received a recommendation for approval by a vote of 4-0, with a condition that the double face non residential real estate sign only be allowed to be utilized when the vacancy rate of the center / property exceeds 70%.

Village Council considered Ordinance 827 on first reading on October 15, 2009 and recommended approval by a vote of 5 to 0.

**Recommended Action:**

Adoption of Ordinance 827 on second reading.

---

Initiator:	Village Manager	Agenda	Village Council
	Approval	Date	Action
Senior Planner		11-5-09	

**ORDINANCE NO. 827**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 20. SIGNS. AT ARTICLE I. IN GENERAL. AT SECTION 20-2. PURPOSE AND SCOPE OF REGULATIONS. BY ADOPTING A NEW SUB-SECTION (d) TO BE ENTITLED “SEVERABILITY” TO ADD A GENERAL SEVERABILITY CLAUSE; AMENDING ARTICLE III. PROHIBITED SIGNS. AT SECTION 20-41. LIST OF PROHIBITED SIGNS. BY ADDING A SEVERABILITY CLAUSE TO THIS SPECIFIC SECTION; AMENDING ARTICLE IV. PERMITTED SIGNS. AT SECTION 20-68. REAL ESTATE SIGNS. BY REPEALING SUB-SECTION (b) AND READOPTING IT TO PROVIDE FOR AN ADDITIONAL TYPE OF NONRESIDENTIAL REAL ESTATE SIGN; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 20. SIGNS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council specifically desires to provide for a new type of real estate sign whereby non-residential property owners could better communicate the sale, rental or leasing of their non-residential property interests; and

WHEREAS, the Village Council desires to amend the code regarding the severability issue to address instances where if a portion of the Sign Code were declared to be unenforceable, such declaration would not affect the remainder of the Sign Code; and

WHEREAS, the Village Council believes that amending its Sign Code to provide for the above-stated revisions is in the best interests of the health, safety and welfare of the citizens of the Village of Royal Palm Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 20. Signs. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article I. In General. by adopting an entirely new Sub-section (d) entitled “Severability” at Sec. 20-2.; providing that Sec.20-2 shall hereafter read as follows:

**Sec. 20-2. Purpose and scope of regulations.**

(a)–(c) (Shall remain the same as previously adopted)

- (d) Severability. Should any Section or provision of this Chapter or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part thereof other than the part to be declared invalid.

Section 2: Chapter 20. Signs. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article III. Prohibited Signs. by adopting amendments to the first paragraph at Sec. 20-41.; providing that Sec.20-41. shall hereafter read as follows:

**Sec. 20-41. List of prohibited signs.**

The following signs or types of signs shall be prohibited in the Village. Should the prohibition of any sign or type of sign listed hereinbelow be declared by a court of competent jurisdiction to be an invalid regulation, such court decision shall not affect the validity of the prohibition against the remainder of signs listed herein, other than the prohibition for the specific sign(s) declared to be invalid.

- (1)–(28) (Shall remain the same as previously adopted.)

Section 3: Chapter 20. Signs. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article IV. Permitted Signs. at Section 20-68. by repealing Sub-section (b) and readopting it with two sub-paragraphs to provide for a new type of nonresidential signage; providing that Section 20-68. shall hereafter read as follows:

**Sec. 20-68. Real estate signs.**

- (a) (Shall remain the same as previously adopted.)  
(b) Nonresidential: The following two types of nonresidential signs are permitted.  
(1) One (1) single face sign, parallel to the adjacent right-of-way, not to exceed seven (7) feet in height and thirty-two (32) square feet in area.  
(2) One (1) double-faced sign, not to exceed seven (7) feet in height and thirty-two (32) square feet in area; and notwithstanding the general calculation method set forth in the definition of Sign Area at Sec.20-1., for any double-faced, non-residential, real estate sign, only one (1) face of such double-faced sign shall be counted in calculating sign area so long as both sides are identical in size and the angle between each side face is no greater than ninety (90) degrees.  
(c) (Shall remain the same as previously adopted.)

Section 4: Each and every other Section and Subsection of Chapter 20. Signs. shall remain in full force and effective as previously enacted.

Section 5: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 6: Should any Section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part thereof other than the part to be declared invalid.

Section 7: Specific authority is hereby given to codify this Ordinance.

Section 8: This Ordinance shall take effect immediately upon second reading and final passage.

FIRST READING this 15<sup>th</sup> day of October, 2009.

SECOND AND FINAL READING this 5<sup>th</sup> day of November, 2009.

VILLAGE OF ROYAL PALM BEACH

---

DAVID A. LODWICK, MAYOR

ATTEST:

(SEAL)

---

DIANE DISANTO, VILLAGE CLERK