

ORDINANCE NO. C-16-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE AMENDING SUBSECTION J. – “MESSAGE CENTER SIGNS,” OF SUBSECTION 47-22.3 – “GENERAL REGULATIONS” OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO REVISE THE CRITERIA FOR PERMITTING MESSAGE CENTER SIGNS, SIGN LOCATION REQUIREMENTS AND REVIEW PROCESS; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 47-22.3.J of the Unified Land Development Regulations (ULDR) of the City of Fort Lauderdale provides the review processes and requirements for the permitting of message center signs; and

WHEREAS, the City Commission desires to amend Section 47-22.3.J of the ULDR entitled “Message Center Signs” to revise the criteria for permitting message center signs, sign location and the review process; and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of February 17, 2016 (PZ Case T15005), did recommend to the City Commission that the amendment to the ULDR is consistent with the City of Fort Lauderdale Comprehensive Plan; and

WHEREAS, notice was provided to the public that this ordinance would be considered at the City Commission meeting to be held on Tuesday, May 3, 2016 and Tuesday, May 17, 2016 at 6:00 o'clock P.M., in the City Commission Room, City Hall, Fort Lauderdale, Florida;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 47-22.3.J of the Unified Land Development Regulations (hereinafter referred to as “ULDR”) of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

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Sec. 47-22.3. – General regulations.

...

J. Message center signs. Message center signs shall only be permitted in accordance with the following review processes and requirements:

1. Application. An application ~~to construct~~ for issuance of a development permit authorizing the construction of a message center sign shall, in addition to the requirements provided in Section 47-24, Development permits and procedures, include the following:
 - a. A description of how the proposed message center sign meets each of the characteristics provided in subsection J.4. ~~and how the proposed message center sign addresses each of these criteria.~~
 - b. Provide an opinion from an expert in message center signs describing how the proposed message center sign ~~and its characteristics will protect the public health, safety and welfare.~~ is designed in a manner that will further the governmental interest of promoting significant venues of cultural, social and community events while not compromising traffic safety or the City's aesthetics. City may have its own message sign consultant analyze a proposed message center sign at the cost of applicant.
2. Standards. Message center signs shall only be approved in association with buildings or facilities used primarily for public assembly, the presentation of cultural or athletic events or to hold public expositions, fairs and conventions, or some combination thereof and shall meet the following ~~minimum and maximum requirements, but are subject to additional in addition to the~~ criteria provided in subparagraph 4. below.
 - 2.1.1. ~~Purpose:~~ Message center signs may only be permitted ~~on a development site in association with facilities or locations~~ that meets the following criteria:

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a. ~~A building or facility primarily used for public assembly, the presentation of entertainment or athletic events or the holding of public expositions, fairs and conventions, or some combination thereof is located on the development site; and~~ The Message Center Sign is located on the same development site as and is associated with a building or facility that:

- i. Has the capacity to seat a minimum of twelve thousand (12,000) persons; and
- ii. Is a minimum of two hundred thousand (200,000) square feet in floor area;

or

b. ~~The building or facility seats at least twelve thousand (12,000) persons and has two hundred thousand (200,000) square feet in floor area; or~~ The Message Center Sign is located on the same development site as and is associated with multiple buildings or facilities that:

- i. The development site is a minimum of seventy (70) acres; and,
- ii. The combined capacity to seat a minimum of four thousand (4,000) persons; and,
- iii. Have a minimum total of one hundred thousand (100,000) square feet in floor area combined for all buildings and facilities located on the development site;

or

c. The Message Center Sign may be located within the right-of-way adjacent to and contiguous with a property that meets the following:

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- ~~i. The development site is at least seventy (70) acres; and,~~
 - ~~ii. There are at least three (3) buildings or facilities on site that in total, Buildings and facilities located on the property have the capacity to seat at least four thousand (4,000) persons; and,~~
 - ~~iii. The buildings or facilities in total have a minimum one hundred thousand (100,000) square feet in floor area ~~of one hundred thousand (100,000) square feet; and,~~~~
 - ~~iv. The building or facilities are used for the purposes provided in 2.1.1.a.~~
- d. ~~For both 2.1.1.b. or c., messages on a message center sign shall be limited to providing information for on-premise events.~~

2.1.2. Location. The location of a message center sign shall be as follows:

- a. A message center sign may only be located on a development site that abuts a regional right-of-way with a minimum width of one hundred (100) feet as shown on the Broward County Trafficways Plan; and
- b. A message center sign shall not be permitted in a residentially zoned district nor be within three hundred (300) feet of any residentially zoned property. The measurement shall be taken from the outermost edge of the sign closest to the residential property to the closest point located along the residential property line. In measuring the three hundred-foot distance, an intervening public right-of-way or waterway shall not be included in the measurement.
- c. A Message Center Sign may be permitted in the public right-of-way subject to the following conditions:
 - i. Associated with a development site and proposed sign location are located within a downtown regional activity center zoning

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district as listed in Section 47-13.1.1. List of Districts – Downtown;
and,

ii. In association with a development site that meets the criteria of
Section 47-22.3.J.2.1.2.a; and,

iii. The Message Center Sign shall be located no further than eight
hundred (800) feet from the use which it serves; and,

iv. The Message Center Sign shall not be located within three
hundred (300) feet of any property located outside of the
downtown regional activity center; and,

v. The Message Center Sign shall not be located within fifteen
hundred (1,500) feet of any other permitted Message Center Sign
located either within a public right-of-way or within a development
site.

2.1.3. Dimensional requirements. The setbacks, height and size of the sign shall be as follows:

- a. Maximum ten (10) feet in height above natural elevation of the ground adjacent to the sign;
- b. Maximum twelve (12) feet in width;
- c. Maximum one hundred twenty (120) square feet of sign face per side; and,
- d. Seventy-five (75) square feet of digital display area per side.
- e. Notwithstanding the dimensional limitations of subsection 47-22.J.2.1.3.a, message center signs may exceed the maximum dimensional requirements if located on Broward Boulevard, east and west; 17th Street Causeway; State Road 84 west of I-95 and U.S. 1/Federal Highway subject to the following:

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- i. Maximum of twenty (20) feet in height above natural elevation; and
 - ii. Maximum of twenty (20) feet in width; and
 - iii. Maximum of three hundred (300) square feet of sign face per side; and
 - iv. Maximum of one hundred twenty (120) square feet of digital display area per side.
- f. The supporting structure of a message center sign shall be subject to the following:
 - i. Support structure(s) shall not exceed six (6) feet in height; and,
 - ii. Support structure(s) shall have a decorative finish and design.
- g. Yard Setbacks for message center signs shall be subject to the following:
 - i. Minimum of a ten-foot yard setback measured from the closest point of the sign to the property line or measured from the closest point of the sign and a paved walkway for public use, whichever setback is greater; and,
 - ii. Message center signs shall not be placed in the required sight triangle.

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iii. When positioned within a right-of-way in association with a development site the Message Center Sign shall be subject to the requirements of the City Engineer for location.

2.1.4. Display characteristics. The display portion on a face of a message center sign shall comply with the following:

- a. Sequencing, or the rate at which frames of information change, shall be a minimum rate of one and one-half (1½) and shall not exceed the rate of three (3) seconds.
- b. Delay time at the end of a sequence of frames shall be a minimum of one and one-half (1½) and shall not exceed three (3) seconds.
- c. There shall be no exposed incandescent light bulbs. All lamps or bulbs shall be covered.
- d. In no case shall any incandescent bulb exceed four (4) watts.
- e. Letters may scroll only from left to right, from top to bottom or from bottom to top. Letters may also “coalesce” or fade in and out. No flashing, zooming, twinkling, sparkling, scintillating or revolving sequencing may be displayed. No delivery method that resembles flashing shall be permitted. No display or illumination resembling traffic signals or implying the need or requirement to stop may be displayed. ~~Streaming video~~ Video shall not be permitted.
- f. Messages shall be limited to providing information for on-premise events.
- g. No message center sign shall incorporate into the graphic display any use of colors identical to or similar to colors used for traffic signalization or used by police, and no message shall include graphics and words which are identical to or similar to signage used for traffic direction and control.

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- h. Illumination shall be limited to a level no greater than 0.3 foot candles above the ambient light levels at the given location. Foot candle readings shall be taken at the ground level at a maximum of one hundred fifty (150) feet from the face of the sign.
- i. Signs shall be equipped with both a dimmer control and a photocell, which will automatically adjust the display's intensity according to the natural ambient lighting conditions and maintain the display within the illumination intensity as described in this section.
- j. Signs shall not produce noise such as audio tracks, sound effects, etc. Noise emitting from the operation of the sign itself shall be minimal.
- k. Signs shall contain a default mechanism that shall automatically freeze the image or turn the sign off in the case of a malfunction or the sign shall be turned off within twenty-four (24) hours of a malfunction.
- l. Applicant shall submit a certificate issued by a recognized sign professional certifying that all of the requirements provided in this subsection (a) through (k) have been met.

2.1.5. Additional requirements.

- a. Freestanding message center signs shall comply with the landscaping requirements of Section 47-22.3.E.3.
- b. Message center signs shall be constructed of materials that are compatible with the principal structure, and of similar, compatible architectural design as the principal structure.

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- c. Message center signs located at government owned or government operated facilities may provide public service messages about governmental, public service, cultural or educational activities, sponsored by the same governmental entity, scheduled to take place either at the location where the sign is located or at governmental facilities of the same governmental entity other than the facility where the message center sign is located.
- d. Message center signs, time, and temperature units in existence at the time this regulation is adopted (July 16, 1996) shall have nine (9) years from the date of adoption to meet the colored letters requirement provided in this subsection J.

3. Review process.

- a. ~~Approval of a site plan level I permit as described in Section 47-24.2 and review and approval by the city commission.~~ Message Center Signs when located on a development site shall be subject to the following review process:
 - i. Approval of a site plan level I permit as described in Section 47-24.2 and review and approval by the City Commission.
 - ii. A review of the application from the department shall be forwarded to the City Commission and scheduled on a City Commission agenda within thirty (30) days of the completion of the department review or such date thereafter as soon as the same may be scheduled.
- b. ~~A review of the application from the department shall be forwarded to the city commission and scheduled on a city commission agenda within thirty (30) days of the completion of department review or such date thereafter as soon as the same may be scheduled.~~ Message Center Signs, when located within a right-of-way, shall be subject to the following review process:

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- i. Approval of a site plan level II permit as described in Section 47-24.2 and approval by the City Commission.
 - ii. Approval of the Message Center Sign shall be subject to an executed revocable license agreement between the applicant and the City.
- 4. Criteria. An applicant must show that the request for approval of a message center sign meets the following criteria and the reviewing body shall consider the application based on such criteria:
 - a. The proposed sign meets the standards provided in this Section 47-22, subject to modification in accordance with the following:
 - b. As applicable to the display portion of the sign:
 - i. The duration of the message change interval is controlled so that the interval is not obtrusive.
 - ii. No message shall appear to be written on or erased from the display piecemeal unless required by the technology in which case the maximum time limit shall be set for the complete message change so that passing motorists cannot read the message during the change.
 - iii. The driver is given sufficient time to read the complete message and can be reassured that he has seen the entire display.
 - iv. The brightness and contrast does not cause a motorist disabling or discomforting glare or lead to the inability of the driver to read nearby official signs or negatively impact night vision.

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- v. The size of the lettering spacing and typeface message is conveyed to the motorist quickly, clearly and unambiguously given the constraints imposed by vehicle speed and vibration, changing lighting and weather conditions.

Signs that display not more than four (4) lines of text with letters at one (1) time, with all letters at least six (6) inches high, shall be deemed to have met the criteria in subsections i. through v. above.

- c. Design features are added that minimize contrast between the message center sign, the building on the development site, the natural environment surrounding the development site and adjacent development. Additional landscaping, modification of location, height and size, color and shape and other elements of the sign, and the display including the lettering, are all examples of what may be varied in a development order approving a message center sign.
 - d. Section 47-25.3.A.e. Neighborhood compatibility and preservation shall apply.
5. Effective date of approval. The approval of a message center sign shall take effect on the date a resolution is adopted by the city commission approving such sign with whatever conditions necessary to ensure that the requirements of this subsection J. have been met.

SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect ten days from the date of final passage.

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PASSED FIRST READING this the _____ day of _____, 2016.
PASSED SECOND READING this the _____ day of _____, 2016.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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Exhibit 6
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