



DEPARTMENT:	Reading No.	2
COMMUNITY DEVELOPMENT	Public Hearing	Yes
	Disclosure Required	No
	Item No.	9

SUBJECT

Ordinance No. 2016-10, Land Development Regulations (LDR-2016-01) Allowing for Changeable Copy Signs for Institutional Uses

BACKGROUND/CONSIDERATION

This is a request to amend City Code, Appendix D, Chapter 11, Section 11.04 and Section 11.20, providing for electronic changeable copy signs for institutional uses abutting collector roadways. City Council directed staff to prepare an ordinance to address this issue during the November 24, 2015 meeting.

Staff is proposing to amend language in the Sign Code that will expand the allowance for electronic changeable copy signs to include institutional uses abutting collector roadways. The definition of institutional use will be amended to require a minimum one-acre parcel and will limit the timeframe for the operation of the signs to the hours of 7:00 a.m. to 11:00 p.m., since they are more likely to be near residential uses. Staff reviewed the impact of these changes on existing institutional uses and found eight to ten institutional uses on collector roadways that may benefit from the proposed Code change.

On January 21, 2016, the Planning and Zoning Board voted unanimously to recommend approval of the proposed amendments.

FISCAL IMPACT (IF APPLICABLE)

N/A

REQUESTED ACTION

Recommend approval of Ordinance No. 2016-10, based on the findings contained in the Planning and Zoning Board memorandum.

MEMORANDUM



*Community Development
Department*

TO: Michael A. McNees, City Manager

THRU: Cindy Dittmer, AICP, Community Development Director

FROM: Cheryl A. Dean, AICP, Planning Manager

RE: **Finding of Consistency (FOC-2016-01), Land Development Regulations (LDR-2016-01) Electronic Changeable Copy for Institutional Uses**

DATE: January 28, 2016

Applicant

City of Melbourne

Proposed Action

Amend City Code, Appendix D, Chapter 11, Section 11.04 and Section 11.20, providing for electronic changeable copy signs for certain institutional uses.

Location

This shall apply to properties located within the City of Melbourne.

History

Currently, City Code only allows changeable copy signs on arterial roadways for any type of non-residential use. On November 24, 2015, City Council directed staff to look at the existing sign ordinance to see how institutional uses abutting collector roadways could be permitted to have changeable copy signs.

Issues and Considerations

City Code currently permits a changeable copy sign for an institutional use, only under the following circumstances:

- The Institutional Use is at least contiguous five acres in size; and
- The property is adjacent to an arterial roadway.

There are institutional uses presently located within the City of Melbourne that could benefit from the ability to have a changeable copy sign; however, while they are large institutions, they do not meet the five-acre minimum and they have property frontages on a collector roadway.

The purpose of the change to Melbourne City Code is to provide institutional uses of at least one acre in size, located on collector roadways, the ability to have a changeable copy sign. There are 20 collector roadways or roadway sections identified in the Comprehensive Plan, Map III. Staff has found approximately eight to 10 institutional uses of at least one acre in size, with frontage on these collectors. Most of the identified uses are churches/houses of worship, with one school and one cultural arts center. Staff has proposed adding a restriction that the changeable copy signs for these institutional uses on collector roadways not be illuminated between the hours of 11:00 pm and 7:00 am, in order to reduce any possible glare impacts on area residential uses.

Proposed Changes to City Code

Staff is proposing to amend language in the Sign Code that will expand the area where an electronic changeable copy sign may be placed.

The changes within Appendix D, Chapter 11, *Signs and Advertising*, include the following:

- Section 11.04, in the definition of Institutional Uses, adding the term “cultural”, eliminating the term “medical” and replacing it with the term “hospital”, and reducing the minimum acreage from five acres to one acre; and
- Section 11.20.B.1.d., by expanding the location of changeable copy signs to include collector roadways for institutional uses and limiting the hours of illumination from 7:00 a.m. to 11:00 p.m.

On January 21, 2016, the Planning and Zoning Board voted unanimously to recommend approval of the proposed amendments.

Recommendation

Based upon the findings contained in the Planning and Zoning Board memorandum, the Planning and Zoning Board and the Community Development Department recommend:

- A. Approval of FOC-2016-01**, a Finding of Consistency amending Appendix D, Chapter 11 of the City Code, entitled “Signs and Advertising”; amending Section 11.04, Definitions and Section 11.20.B.1.d; and
- B. Approval of LDR-2016-01**, Land Development Regulations amendment, for the changes proposed to amend Appendix D, Chapter 11 of the City Code, entitled “Signs and Advertising”; amending Section 11.04, Definitions and Section 11.20.B.1.d, allowing electronic changeable copy signs for institutional uses on collector roadways.

MEMORANDUM



City of Melbourne
Community Development
Department

TO: Mayor and Council

FROM: Alan King, Chairman
Planning and Zoning Board

RE: **Finding of Consistency (FOC-2016-01), Land Development Regulations (LDR-2016-01) Electronic Changeable Copy for Institutional Uses**

DATE: January 21, 2016

APPLICANT: City of Melbourne

REPRESENTATIVE: City of Melbourne

The Planning and Zoning Board, at its regular scheduled meeting of January 21, 2016, reviewed the above referenced request for a Finding of Consistency and an amendment to the Land Development Regulations.

Following review and discussion, the Planning and Zoning Board voted unanimously to recommend approval of FOC-2016-01 and LDR-2016-01, amending City Code, Appendix D, Chapter 11, Section 11.04 and Section 11.20, providing for electronic changeable copy signs for certain institutional uses, based upon the following findings:


Findings

1. The proposed modifications to City Code are consistent with the goals and objectives of the Comprehensive Plan and will assist in the implementation of policies within the Comprehensive Plan.
2. The proposed revisions to allow changeable copy signs for certain institutional uses are specifically consistent with Future Land Use Element Objective 1.22, which states the City shall maintain, amend and develop new land use and development regulations to implement the comprehensive plan.
3. The proposal is also distinctly consistent with Parks and Recreation Policy 1.2.4, which states scenic corridors will continue to be identified and protected by the City's sign regulations. No institutional uses affected by this ordinance are on a scenic corridor.
4. The zoning map and land development regulations may impose more restrictive densities and intensities of development based on height requirements, land coverage standards, setbacks, minimum lot size requirements, traffic and

circulation standards, landscaping and breezeway requirements, and other such dimensional and development criteria.

5. The subject modifications regarding changeable copy signs limit the hours of illumination to aesthetically protect surrounding properties during late evening and early morning hours.
6. The proposal will have no adverse effect on the City's ability to provide adequate public services and facilities.
7. The proposed ordinance change will not significantly change the general character of the City, cause depreciation of property values, or reduce the safety, light, and general convenience of neighboring developments.
8. The subject modification will enhance City Code requirements by making City Code more user-friendly to property owners, the development community, and City staff.

Respectfully Submitted,



for
Alan King, Chairman
Planning and Zoning Board

ORDINANCE NO. 2016-10

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO ELECTRONIC CHANGEABLE COPY SIGNS FOR INSTITUTIONAL USES; MAKING FINDINGS; AMENDING APPENDIX D, CHAPTER 11 OF THE CITY CODE, ENTITLED "SIGNS AND ADVERTISING;" AMENDING SECTION 11.04, DEFINITIONS; AMENDING SECTION 11.20, SIGNS PERMITTED IN ZONING DISTRICTS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE. (FOC-2016-01/LDR-2016-01)

WHEREAS, on November 24, 2015, City Council directed staff to examine the existing Sign Code and evaluate the potential allowance of electronic changeable copy signs on properties with institutional uses abutting collector roadways in the City of Melbourne; and

WHEREAS, City Code currently permits an electronic changeable copy sign for a property with an institutional use at least five acres in size and adjacent to an arterial roadway; and

WHEREAS, several properties with an institutional use located in the City of Melbourne could benefit from the ability to install electronic changeable copy signs, though they do not meet the current City Code requirements; and

WHEREAS, the City of Melbourne desires to reasonably accommodate these properties by expanding the area where an electronic changeable copy sign may be placed; and

WHEREAS, the proposed ordinance amends the Sign Code by providing the ability for properties with institutional uses at least one acre in size and located on collector roadways to install electronic changeable copy signs; and

WHEREAS, the proposed modifications are consistent with the goals and objectives of the Comprehensive Plan and will assist in the implementation of policies within the Comprehensive Plan; and

WHEREAS, the subject modifications regarding electronic changeable copy signs limit the hours of illumination to aesthetically protect surrounding properties during late evening and early morning hours; and

WHEREAS, the proposed ordinance will not significantly change the general character of the City, cause depreciation of property values, or reduce the safety, light, and general convenience of neighboring developments; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed this ordinance at its meeting on January 21, 2016, conducted a public hearing with regard to this ordinance, and found same to be consistent with the City of Melbourne Comprehensive Plan; and

WHEREAS, after consideration of this ordinance at an advertised public hearing, the City Council adopts the finding of the Local Planning Agency as its own; and

WHEREAS the City Council finds this ordinance to be in the promotion of the public health, safety, education, and cultural and economic welfare, morals, public order, and aesthetics of the community and region.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 2. That Appendix D, Chapter 11, of the City Code of Melbourne, Florida, is hereby amended to read as follows:

CHAPTER 11. SIGNS AND ADVERTISING

* * * *

Sec. 11.04. Definitions.

* * * *

Institutional use: ~~Five~~ One or more contiguous acres under unified ownership which are developed as part of a unified plan and used predominately for religious, cultural, charitable, educational, ~~medical~~ hospital or governmental purposes.

* * * *

Sec. 11.20. Signs permitted in zoning districts.

* * * *

- B. On-premises signs in nonresidential zoning districts (R-P, C-1A, C-1, C-2, C-3, C-P, M-1, M-2, I-1) excluding residential uses in R-P, C-1A, C-1, C-3, and C-P are permitted subject to the following limitations:

1. Ground signs.

* * * *

- d. Changeable copy ground signs are permitted only along property frontages that are adjacent to arterial roadways and institutional uses with property frontages that are adjacent to collector roadways, as the terms are is defined in the City of Melbourne Comprehensive Plan, and subject to the following restrictions:

- i. Operational limitations. Such displays shall contain static messages only and shall not have movement, or the appearance of optical illusion of movement of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or the varying of light intensity.

* * * *

- vi. Prohibited display hours for institutional uses on collector roadways. Changeable copy ground signs may not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.

* * * *

SECTION 3. Severability and Interpretation.

- (a) That in the event that any term, provision, clause, sentence or section of this ordinance will be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability will not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this

ordinance, and this ordinance will be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) That in interpreting this ordinance, underlined words indicate additions to existing text and stricken words indicate deletions from existing text. Asterisks (* * * *) indicate an omission from the ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

SECTION 4. That this ordinance shall become effective immediately upon its adoption in accordance with the Charter of the City of Melbourne.

SECTION 5. That this ordinance was passed on first reading at a regular meeting of the City Council on the 9th day of February, 2016, and adopted on the second and final reading at a regular meeting of the City Council on the ____ day of _____, 2016.

BY: _____
Kathleen H. Meehan, Mayor

ATTEST:

Cathleen A. Wysor, City Clerk

Ordinance No. 2016-10