

AGENDA

Public Hearings

Ordinance No. 2016-23

Resolution No.

First Reading:

First Public Hearing:
04/28/2016

Second Public Hearing:
05/12/2016

Final Action:

04/28/2016
05/12/2016 - Passed, motion
made by Mr. Askew,
seconded by Mr. Holmes,
vote was 5-0, all members
voting, "aye".

DATE OF MEETING: MAY 12, 2016

AGENDA ITEM (Brief Description)

Ordinance No. 2016-23

DEPARTMENT SUMMARY: **COST OF PROJECT:** No cost associated with this item.

Ordinance No. 2016-23 is proposing changes to Article III, Division 19 – Sign Regulations of the Land Development Code (LDC) since the City of St. Cloud has recently received several complaints regarding Electronic Variable Message (EVM) boards and

On April 15, 2016, staff reviewed this application for annexation by encumbrance and offers no objections. On April 17, 2016, the Planning Commission reviewed the request for changes to Article III, Division 19 – Sign Regulations of the Land Development Code (LDC). Ms. Holloway made a motion to recommend approval. Mr. Gonzalez provided a second to the motion. The vote was 4-0 for approval.

FINANCE DIRECTOR'S COMMENTS:

N/A

PURCHASING MANAGER'S COMMENTS:

N/A

CITY MANAGER'S COMMENTS:

I recommend approval.

CITY COUNCIL ACTION:

04/28/2016

05/12/2016 - Passed, motion made by Mr. Askew, seconded by Mr. Holmes, vote was 5-0, all members voting, "aye".

ATTACHMENTS:

Description

Ordinance No. 2016-23

Staff Report

RETURN TO:
CITY OF ST. CLOUD
DEPT OF PLANNING AND ZONING
1300 9th Street
ST. CLOUD, FL 34769

ORDINANCE NO. 2016-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF ST. CLOUD, FLORIDA TO INCLUDE ARTICLE III, DIVISION 19 SECTION 2 DEFINITIONS; AND ADDING SECTION 6.K – PROHIBITED CHARACTERISTICS AND SECTION 11.L – SIGN REGULATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ST. CLOUD, FLORIDA, as follows:

SECTION 1

Article III, Division 19.2. – Definitions of the City of St. Cloud Land Development Code is hereby amended as follows (note strikethrough indicates removed words and underlined indicates added):

Altered. A change of copy, logo, or other means in which the message is changed or enlarged, changing shape or location or structural supports.

Animated. ~~Blinking, flashing and rotating signs. Informational type signs specific to time, temperature, civic messages, etc., are not considered animated.~~ Any sign with motion, action or flashing lights or colors activated by mechanical, electrical or other non-natural means.

Animated sign. A sign having action, motion, movement, changeable copy, or flashing color changes that are activated by electrical energy, electronic energy or other manufactured sources of energy supply, but not including wind-activated movement such as in flags, banners or pennants, or mechanical movement signs. Animated signs include grids of flashing lights or mechanical elements in patterns that give the perception of movement, as in chasing lights or programmable displays. For purposes of this title, an animated sign shall not be considered a mechanical movements sign if the only mechanical movement in the sign relates to the movement of grids to produce programmable displays.

Awning sign. A permanent sign placed on an awning which is supported entirely from the exterior wall of a building and composed of a non-rigid material except for the support framework. The allowance for signage shall be the same as for facade signs. The calculation of signage shall be the area within a continuous line that encloses the outer extremities of all letters, figures, characters, symbols, and delineations either painted, stamped, perforated or stitched on the surface area of any awning, canopy, or roller curtain.

Bullet/portable sign. A ground sign, which is not permanently secured or attached to the ground, excluding an A-frame sign. (Ord. No. 2011-08, § 1, 4-28-2011)

Construction site identification sign. A temporary sign which is displayed on the premises by the developer of such project, only during progress of actual construction work, which indicates the ultimate character of the development or those firms or individuals involved in its creation.

Contractor sign. A temporary sign which is displayed on an individual lot which identifies the particular contractor, sales information, or information in regard to the work being performed.

Development entranceway signs. A permanent sign which is permanently displayed at the entrances to a subdivision identifying only the name of such development.

Directional sign. A permanent sign which transmits information which facilitates vehicular access to and from off-street parking or drive-in facilities, and may identify the name or logo of the establishment but does not in any way contain advertisement.

Double-faced signs. A sign with two parallel, or nearly parallel faces, back to back, and where the faces are no greater than three feet apart.

Drive-in menu signs. Signage necessary for the operations of a drive-in restaurant establishment. Such signage shall not be designed or located so as to be visible from any roadway with the intent to advertise to passing motorists nor shall such signs be designed to attract the attention of such persons or to communicate information to them. (Ord. No. 2000-27, 8-9-2000)

Drive-in restaurant. An establishment whereby customers park under a covered parking and are served by a server directly to the automobile. (Ord. No. 2000-27, 8-9-2000)

Electronic variable message sign (EVM) means a type of animated sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. The elements may be internally illuminated or may be illuminated by reflected light. The sign may be part of a permanent sign that is not a programmable electronic sign. "Programmable electronic sign" includes sign display screens commonly known as liquid crystal display (LCD), plasma and digital displays, and their functional equivalents. This definition applies whether the display is used to produce a series of still images, or images that appear to move on the display screen.

Establishment. An individual business or enterprise located on a parcel of land or within a shopping center, with a particular address for that business or enterprise.

Facade (wall) sign. Any permanent sign attached to and erected parallel to the face of, or erected or painted on the window or outside wall of a building and supported throughout its length by such wall or building. (Ord. No. 95-29, 7-13-1995)

Finished grade. The average grade of the ground not including the berm.

Freestanding sign. A permanent sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, pedestal or other structure) that is not itself an integral part of, or attached to a building or other structure whose principal function is something other than the support of a sign. A monument sign is considered a freestanding sign with its own regulations.

Frontage. For the purpose of these sign regulations, only one side of any parcel of property shall be considered as frontage in the calculation of total sign area permitted, and that side shall be determined by the street address or the main entrance door.

Hanging sign. Any permanent sign which is displayed over a public sidewalk or pedestrian way and is supported from a projected canopy or roof overhang.

Illuminated sign. A sign which gives forth artificial light or is designed to reflect light from one or more sources of artificial light.

Maintenance. Maintenance shall include cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter size, structural members or increase any portion of a nonconforming sign.

Menu sign. A permanent sign that is associated with drive-thru or carryout services which identifies only the name of the establishment and the current list and prices of goods and/or services available in that establishment. Such sign shall only be located within the side or rear yard and adjacent to the drive-thru lane.

Nonconforming sign. A sign that does not conform to the area, dimensional or other requirements as set forth in this code.

Off-site Sign. Any sign whose purpose is to advertise, display, identify, direct attention to or in any other way present to the public a message that relates to a product, business merchandise, service, institution, residential area, entertainment, charitable organization, religious organization, or any other organization or activity conducted by any company, person, or organization that is not located, purchased, rented, based, offered, furnished, or otherwise associated with the property on which the sign is located. This includes a sign erected by an outdoor advertising business, a digital billboard sign, a multi-vision sign, or any other sign meeting the definition of off-site sign. An off-site sign shall include a sign structure and/or sign display surface, upon which copy or information content is intended to be displayed. A sign structure without display surface shall not be construed to be an off-site sign; nor, shall a sign structure with only nondurable paper, cloth, or plastic sheeting, without a rigid frame, be construed to be an off-site sign.

Portable sign. A temporary sign of any size, type or material which is attached to a vehicle or structure and can be moved from place to place on wheels, skids, boards or similar means.

Real estate sign. A temporary sign which indicates a property is for sale, rent or lease is used to offer for sale, lease or rental of the premises upon which such sign is erected. For purposes of this chapter, an open house, model home or new development sign shall be considered a real estate sign and not off-site signage.

Roofline. The horizontal line at the intersection of the fascia or wall at the lowest point of the roof. When an establishment is designed as an "A" frame, Quonset or similar type structure, such roofline shall be considered by drawing an imaginary horizontal line eight foot above grade or not to exceed the highest portion of the roof.

Sign. An identification, logo, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, service, institution or business. A sign shall include all types of mobile signs in all cases where the principal use of the vehicle, trailer or mobile structure, containing or supporting such signs are for the purpose of advertisement.

Sign area. The area within a continuous line that encloses the outer extremities of all letters, figures, characters, symbols and delineations. Only one side of a double-faced sign shall be included in a computation of sign area. The area of a cylindrical sign shall be computed by multiplying its diameter by its height. Architectural elements used to support the sign or frame the sign area shall not be counted as sign area provided they do not cause the overall area of the front of the sign structure to increase by more than 50 percent. In the event the architectural elements cause the front of the sign structure to exceed the sign area by more than 50 percent, the amount of architectural element in excess of 50 percent shall be counted toward the total sign area. The architectural features shall comply with any height restrictions and setbacks. These architectural elements cannot advertise any business or service offered on the property. (Ord. No. 2004-117, 10-28-2004)

Sign, directly illuminated. A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to illuminated tubings (neon lights) and exposed lamp signs.

Sign, indirectly illuminated. A sign illuminated with a light so shielded that no direct rays therefore are visible elsewhere than on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.

Subdivision development sign. A temporary sign identifying the development of a subdivision. Such sign may include the project name, developer, owner, architect, engineer, contractors, subcontractors, funding sources and may contain sales information.

Temporary sign. A sign that is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place within a reasonably short period of time. Temporary signs may include sandwich signs, balloons, flags, banners, or trailer signs. Such signage is considered nonexempt temporary signage. Signs temporarily attached to the interior of windows for the purpose of advertising sales of merchandise within the establishment may include placards, posters, self-contained portable electric signage not substantially affixed, etc., are considered exempt temporary signs. Painted signage onto the glass or vinyl lettering affixed to the glass is not signage temporarily affixed. (Ord. No. 2001-40, 9-27-2001)

Vacated. To give up the incumbency or occupancy. To vacate an office, post or tenancy.

SECTION II

Article III, Division 19.6. – Sign Regulations, Prohibited characteristics of the City of St. Cloud Land Development Code is hereby amended as follows (note strikethrough indicates removed words and underlined indicates added):

K. Off-site signage shall be prohibited.

SECTION III

Article III, Division 19.11. – Permanent Signs of the City of St. Cloud Land Development Code is hereby amended as follows (note strikethrough indicates removed words and underlined indicates added):

L. *Electronic Variable Message (EVM) Sign*

1. *Illuminance* measurement using a light meter.

a. The distance (rounded to the nearest foot) from which the illuminance is to be measured shall be calculated using the following formula:

$$x = \sqrt{\frac{L \cdot A}{10.7\Theta \cdot \Delta I}}$$

Where:

x = Measurement distance in feet

L = Allowable luminance of the sign = 323 cd/m²

A = Area of the sign in square feet

ΔI = Change in illuminance = 0.3 fc

b. Based on the measurement distance calculated above, the illuminance shall be measured at a corresponding distance perpendicular to the center of the EVM sign face. See Figure 3.19.11.1, Measurement point (plan view).

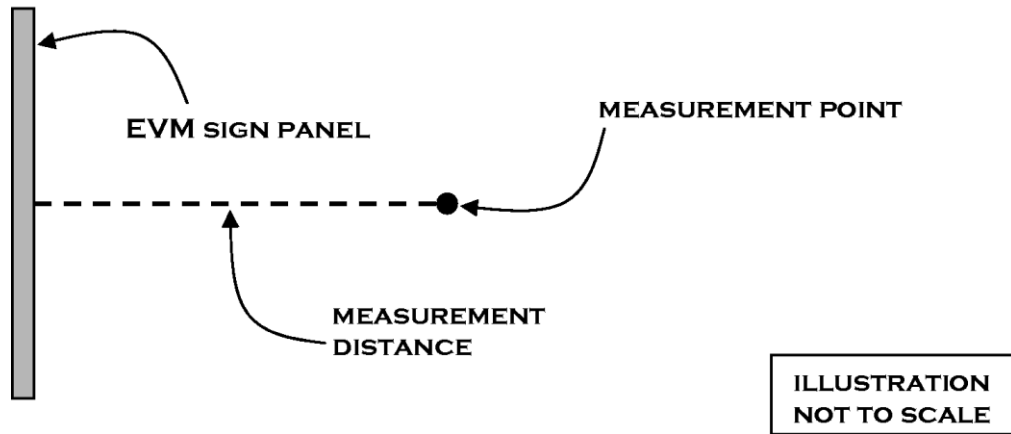


Figure 3.19.11.1, Measurement point (plan view)

- c. The light meter's photocell shall be set up at the measurement point at a height of five (5) feet above grade. The photocell shall be oriented to face the EVM sign panel. See Figure 3.19.11.2, Photocell orientation (elevation view).

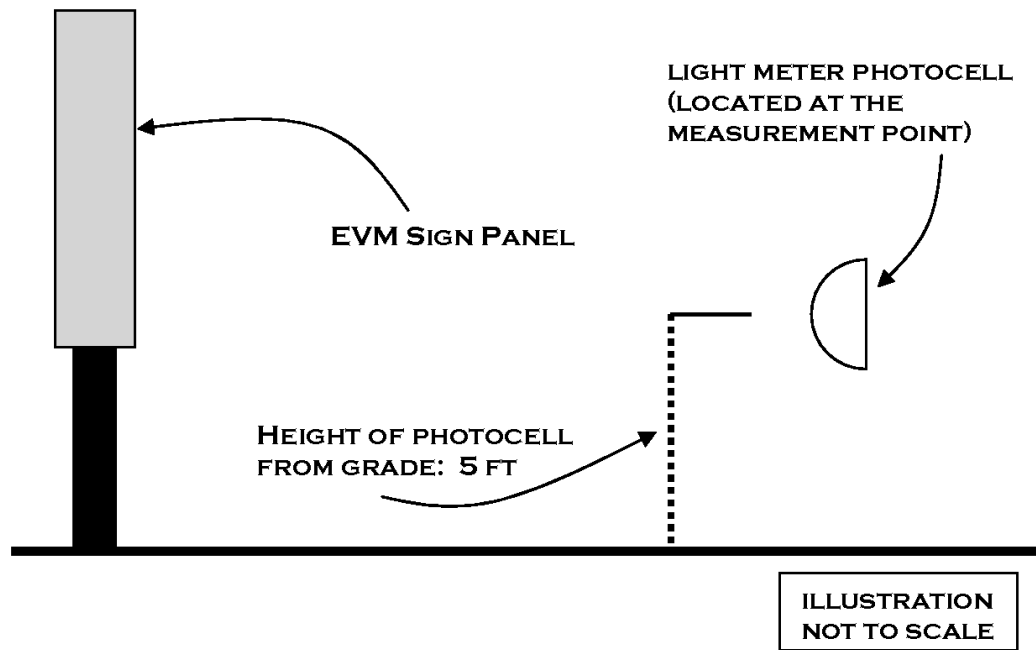


Figure 3.19.11.2, Photocell orientation (elevation view)

- d. With the EVM sign displaying a solid white message, a measure of the illuminance shall be taken. For displays which utilize one (1) color only, the message shall be the solid color of the display.
- e. With the EVM sign off, a measure of the illuminance shall be taken.

- f. The illuminance of the sign shall be measured as the change in illumination and shall be calculated using the following formula:

$$\Delta I = I_{\max} - I_{\min}$$

Where:

ΔI = Change in illuminance

I_{\max} = Illuminance measured with the sign on

I_{\min} = Illuminance measured with the sign off

2. Electronic variable message (EVM) signs shall meet the following criteria:

a. Sign area. An EVM sign may be a portion of a sign or may comprise the entire area of a sign. Only one (1) sign panel per sign face may utilize EVM technology.

b. Display. The EVM sign shall display static messages/images only and the transition from one (1) static message or image to the next shall be instantaneous.

c. Dwell time.

(1) For on-premises EVM signs located on streets classified as a minor arterial, major arterial, freeway, or interstate, each message or image shall have a minimum dwell time of three (3) seconds.

(2) For on-premises EVM signs located on streets classified as a collector, neighborhood collector, or local street, each message or image shall have a minimum dwell time of six (6) seconds.

d. Malfunction display lock. The sign shall be programmed with a static default message or image. If a malfunction occurs:

(1) The default message or image shall freeze the sign in one (1) position; and

(2) The maximum light intensity shall be automatically set at three hundred twenty-three (323) candelas per square meter or the sign's illumination shall be turned off.

e. Lighting. The sign shall be equipped with light sensors in accordance with the following:

(1) Controls. Ambient light sensors shall be installed prior to the sign's erection on a site and shall automatically adjust the light intensity of the sign based on ambient light conditions.

(2) Certification. At the time of application for a sign permit, written certification from the sign manufacturer shall be provided certifying that:

i. Ambient light sensors are installed;

ii. The light intensity of the sign has been preset to not exceed the levels established by this section; and

iii. The preset intensity is protected from end user manipulation by password protected software or other approved method.

(3) Nighttime lighting. Between sunset and sunrise, as determined by the National Oceanic and Atmospheric Administration, the maximum light intensity shall not exceed three hundred twenty-three (323) candelas per square meter, or three-tenths (0.3) of a foot-candle above ambient light levels.

- f. Sound. EVM signs shall not emit audible sound.
- g. Prohibited EVM signs. EVM signs are prohibited for the following sign types:
- (1) Temporary signs;
 - (2) Portable signs;
 - (3) Animated signs; and
 - (4) Vehicle signs which are used as an on-premises sign, a permanent identification, or to circumvent other parts of this Code.
- h. Conversion.
- (1) Existing, legally conforming signs may be converted to an EVM sign when all applicable requirements are met.
 - (2) Nonconforming signs shall be prohibited from converting to an EVM sign unless such conversion shall cause the EVM sign to come into full compliance with all applicable regulations of this Code.
- i. Glare. Lighting on an EVM sign shall not cause glare which impairs the vision of the driver of a motor vehicle or to otherwise interfere with the safe operation of a motor vehicle.
- j. Maintenance. EVM signs and their components shall be properly maintained in full operational order.
- k. Nonconforming EVM signs. Nonconforming EVM signs shall be prohibited from changing messages/images between 10:00 p.m. and 6:00 a.m.
- l. Exceptions.
- (1) Pedestrian-oriented directory and menu signs shall not be considered an EVM sign when the following criteria are met:
 - i. Number. For the site, only one (1) directory sign or one (1) menu sign shall be permitted to use EVM technology.
 - ii. Sign area. The sign shall have a maximum area of three (3) square feet.
 - iii. Location. The sign shall be attached to the wall within four (4) feet of the building's entrance or window serving walk-up customers.
 - iv. Copy changes. The sign's copy does not change more than once per day.
 - (2) Menu boards for businesses offering drive-thru services shall not be considered an EVM sign and shall be subject to the following criteria:
 - i. The EVM portion of the menu board shall comprise no more than fifty (50) percent of the menu board's area.
 - ii. The menu board shall not be located within the first twenty (20) feet of the front of the development site and shall be located a minimum of twenty (20) feet from any lot line abutting a residential zoning district.
 - (3) The advertised price of motor fuels dispensed by a retail dealer may be displayed on more than one (1) EVM sign panel provided that the EVM sign panels shall be embedded in a

non-EVM sign panel on a detached sign. See Figure 3.19.11.3, Embedded EVM sign panels within a non-EVM sign panel.

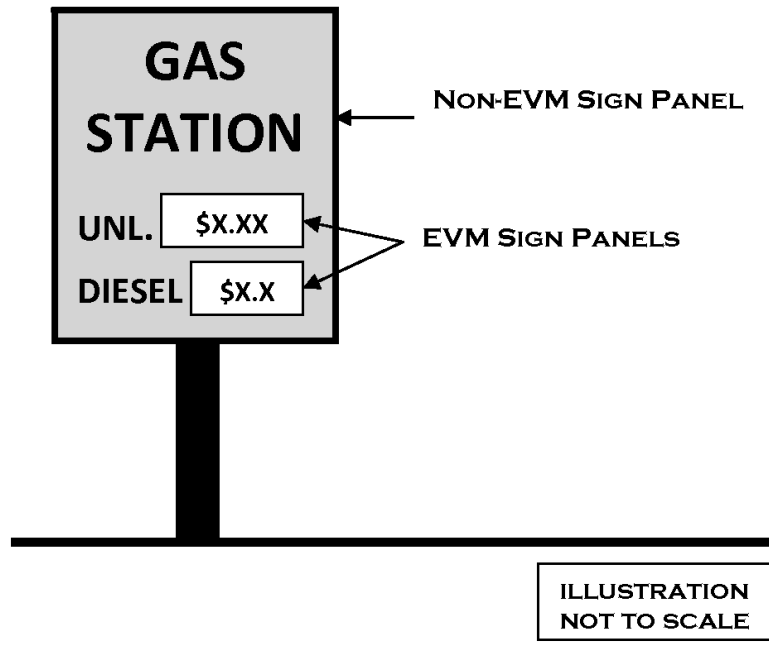


Figure 3.19.11.3, Embedded EVM sign panels within a non-EVM sign panel

- (4) An EVM sign may use a travelling transition subject to the following criteria:
- i. The sign has an area of fifteen (15) square feet or less.
 - ii. If the EVM sign is located in any residential district or more restrictive district, the sign shall have no message/image changes between 10:00 p.m. and 6:00 a.m.
- (5) Signage permitted in Section 3.19.5.D of the Land Development Code (LDC) of the City of St. Cloud.
- n. Enforcement procedure for nighttime lighting requirements. The Code Enforcement shall use the following procedure to issue citations for an EVM sign's lighting during nighttime hours:
- (1) Illuminance measure using a light meter. EVM sign owners and/or operators shall be required to cooperate with the department of inspection and code enforcement when testing the sign.
 - i. Upon receiving a complaint about an EVM sign's lighting at night, the department of inspection and code enforcement shall send a letter to the property owner. The letter shall include the following information:
 - (a) A summary of the City of St. Cloud's sign lighting requirements for nighttime hours.
 - (b) Date and time a Code Enforcement officer will perform the inspection.
 - (c) Requirement that the sign owner/operator be present for the inspection of the EVM sign's lighting.

- (d) Requirement that a solid white message (for monochrome displays, the message shall be the solid color of the display) be prepared prior to and available during the inspection.
- (e) Light measurements shall be taken with the meter aimed directly at the sign message face, or at the area of the sign emitting the brightest light if that area is not the sign message face, at the following distances:
 - (1) A sign that is zero to 100 square feet in area shall be measured at a distance of one hundred 100 feet from the sign area being measured;
 - (2) A sign that is 101 to 350 square feet in area shall be measured at a distance of 150 feet from the sign area being measured;
 - (3) A sign that is 351 to 650 square feet in area shall be measured at a distance of 200 feet from the sign area being measured;
 - (4) A sign that is 651 to 1,000 square feet in area shall be measured at a distance of 250 feet from the sign area being measured;
 - (5) A sign that is over 1,000 square feet in area shall be measured at a distance of 350 feet from the sign area being measured.
- ii. During the inspection, the director of inspection and code enforcement or the director's designee shall take three (3) measures of the EVM sign's illumination, following the procedure set forth in section 3.19.11.L.2.n.(1).i of this article. The average of the three (3) measures shall be the sign's illumination.

SECTION IV SEVERABILITY.

It is declared to be the intent of the City Council that, if any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION V CONFLICTS.

This action supersedes all codes and ordinances of the City or parts of, in conflict with this ordinance, to the extent of the conflict.

SECTION VI CODIFICATION.

Sections I and II of this Ordinance shall be codified in the Land Development Code for the City of St. Cloud, Florida, separate and apart from the Code of St. Cloud. The codifier is authorized to make editorial changes not affecting the substance of this ordinance in the substitution of "article" for "ordinance", "section" for "paragraph", or otherwise take such editorial license.

SECTION VII SCRIVENER'S ERRORS.

The City Clerk, after consultation with the City Attorney, is authorized to correct scrivener's errors found by filing a corrected copy of this ordinance in the official records of the City.

SECTION VIII EFFECTIVE DATE.

This ordinance has been published and shall take effect as provided by law.

FIRST READING ON THE 28TH DAY OF APRIL, 2016

SECOND READING ON THE 12TH DAY OF MAY, 2016

Rebecca Borders, Mayor

ATTEST:

Linda P. Jaworski, City Clerk

LEGAL IN FORM AND VALID IF ADOPTED:
de Beaubien, Knight, Simmons, Mantzaris & Neal

Daniel F. Mantzaris, City Attorney

Pursuant to Section 695.26 (3) (f), this instrument exempt from Chapter 695, F.S.: Prepared by and return to a Public Official: City Manager, City of St. Cloud, 1300 9th Street, St. Cloud, Florida 34769.



CITY OF ST. CLOUD, FLORIDA

**MEMORANDUM REPORT
FOR CITY COUNCIL MEETINGS
ON APRIL 28, 2016 & MAY 12, 2016**

To: Mayor Rebecca Borders and Members of the City Council
From: Department of Planning & Zoning
Subject: Article 19 – Sign Regulations – Case No. 16-55.05
Land Development Code Amendment
Date: April 8, 2016

Ordinance No. 2016-23 is proposing changes to Article III, Division 19 – Sign Regulations of the Land Development Code (LDC) since the City of St. Cloud has recently received several complaints regarding signage.

Staff is proposing to better regulate signs that contribute to these complaints through the following changes to Article III, Division 19, Section 2 – Definitions:

1. The definition of *Animated* was replaced to capture a broader range of graphic presentations associated with different sign types.
2. A definition of *Animated Sign* was added to better regulate signs that could possibly distract drivers.
3. A definition of *Electronic Variable Message Signs (EVM)* to regulate how graphics are presented with this sign type.
4. The definition of *Freestanding sign* was expanded by adding monument signs to the definition.
5. A definition of *Off-site Sign* was added to clarify different sign types and their contributions to the streetscape.
6. The definition of *Real Estate Sign* was altered to capture a variety of sign types associated with real estate.

Other major changes within Article III, Division 19 – Sign Regulations include:

1. Prohibiting off-site signage in the City of St. Cloud.

2. Additional regulations were added to the Prohibited Characteristics subsection of the Sign Regulations concerning Electronic Variable Message (EVM) Sign. These regulations include criteria on transitioning from one message to the next, frequency of display changes, lighting controls, and enforcement procedures.

The DRC review of the new regulations was completed on April 15, 2016 with no objections.

On April 19, 2016, the Planning Commission reviewed the request for changes to Article III, Division 19 – Sign Regulations. Ms. Holloway made a motion to recommend approval. Mr. Gonzalez provided a second to the motion. The vote was 4-0 with all members voting “aye”.

Per Section 5.6.4.3 of the Land Development Code, the City Council shall base their decision on the recommendations from the Development Review Committee and the Planning Commission as well as impacts listed in the background of this report.

Attachments

Ordinance No. 2016-23