





AGENDA ITEM COVER SHEET

Meeting Date: March 21, 2017

Item # 9

Contact Name: Mike Rumer, City Planner  Reviewed By: _____
Contact Number: (407) 905-3100 x1018 Department Director: Craig Shadrix
City Manager: Rob Frank 

Subject: First Reading of Ordinance Regulating Human Signs

Background Summary:

A human sign is a sign that is continuously held by, spun, or attached to a person that displays a commercial message advertising or otherwise drawing attention to a business, commodity, service, or product.

In recent months, the City of Ocoee City Commission and the City of Ocoee Community Redevelopment Agency have observed an increase in the number of human signs in the City. Staff was directed to evaluate methods by which such behavior could be regulated more effectively.

Upon review of numerous city codes across the state, City staff proposes an ordinance to regulate human signs in much the same manner as fixed signage is regulated. Under the proposed ordinance the Land Development Code and Chapter 153 of the City of Ocoee Code of Ordinances are both amended.

The proposed ordinance will allow for one human sign per business. Additionally, a human sign must remain on the same parcel or within the common areas of a commercial subdivision within which the business, commodity, service, or product being advertised is located; the total sign area for any single human sign may not exceed 96 square inches (2 feet x 4 feet); and a human sign shall not occupy any portion of the public right-of-way or other public property.

Issue:

Should the Honorable Mayor and City Commissioners approve an ordinance establishing regulations relating to human signs?

Recommendations

Staff respectfully recommends that the Honorable Mayor and City Commissioners approve an Ordinance establishing regulations relating to human signs.

Attachments:

Proposed Ordinance.

Financial Impact:

N/A

Type of Item: *(please mark with an "x")*

- Public Hearing
- Ordinance First Reading (3/21/2017)
- Ordinance Second Reading (4/4/2017)
- Resolution
- Commission Approval
- Discussion & Direction

For Clerk's Dept. Use:

- Consent Agenda
- Public Hearing
- Regular Agenda

-
- Original Document/Contract Attached for Execution by City Clerk
 - Original Document/Contract Held by Department for Execution

Reviewed by City Attorney	<u>Dana Crosby Collier</u>	<input type="checkbox"/>	N/A
Reviewed by Finance Dept.	<u></u>	<input type="checkbox"/>	N/A
Reviewed by <u>()</u>	<u></u>	<input type="checkbox"/>	N/A

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY OF OCOEE, FLORIDA, AMENDING SECTION 8-6 OF THE CITY OF OCOEE LAND DEVELOPMENT CODE, DEFINING AND REGULATING HUMAN SIGNS; AMENDING SECTION 153-4 OF THE CITY OF OCOEE CODE OF ORDINANCES, PROHIBITING HUMAN SIGNS FOR PURPOSES OF RIGHT-OF-WAY UTILIZATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, as provided in Article VIII of the Constitution of the State of Florida and chapters 163 and 166, Florida Statutes, the City of Ocoee (the "City") enjoys all home rule authority, police power, land development and zoning authority, and governmental and proprietary powers necessary to conduct municipal government and perform municipal functions; and

WHEREAS, the City may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, the City Commission in good faith determines that this Ordinance is in the best interest of the City and its residents and promotes the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OCOEE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The foregoing recitals are hereby ratified and confirmed as true and correct and incorporated herein by this reference.

Section 2. **Authority.** The City Commission of the City of Ocoee has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

Section 3. **Amendment to Code.** Section 153-5 of the City of Ocoee Code of Ordinances, and Section 8.6 of the City of Ocoee Land Development Code, is hereby amended as follows:

See **Exhibit "A"** attached hereto and by this reference made a part hereof.

Section 4. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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 portion hereto.

Section 5. **Codification.** It is the intention of the City Commission of the City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical errors which do not affect the intent may be authorized by the City Manager, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

Section 6. **Effective Date.** This Ordinance shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2017.

APPROVED:

ATTEST:

CITY OF OCOEE, FLORIDA

Melanie Sibbitt, City Clerk

Rusty Johnson, Mayor

(SEAL)

ADVERTISED _____, 20__
READ FIRST TIME _____, 20__
READ SECOND TIME AND ADOPTED
_____, 20__
UNDER AGENDA ITEM NO. _____

FOR USE AND RELIANCE ONLY BY
THE CITY OF OCOEE, FLORIDA;
APPROVED AS TO FORM AND LEGALITY
this ____ day of _____, 20__.

SHUFFIELD, LOWMAN & WILSON, P.A.
By: _____
City Attorney

EXHIBIT "A"

Section 1. A new subsection S is added to Section 8.6 of the City of Ocoee Land Development Code, to read as follows with underlines showing new language:

Section 8-6. – Other Signs – General Requirements.

S. Human Signs.

A Human Sign is a sign that is continuously held by, spun, or attached to a person that displays a commercial message advertising or otherwise drawing attention to a business, commodity, service, or product. Human Signs are permitted in all non-residential zoning districts but shall be subject to the following conditions.

(1) Only one Human Sign per business is permitted;

(2) A Human Sign must remain on the same parcel on which the business, commodity, service, or product being advertised is located or within the common areas of a commercial subdivision within which the business, commodity, service, or product being advertised is located;

(3) Total sign area for any single Human Sign may not exceed _____ square inches (_____ x _____); and

(3) A Human Sign shall not occupy any portion of the public right-of-way or other public property.

(All other provisions of section 8.6 of the City of Ocoee Land Development Code remain unchanged by this amendment.)

Section 2. Section 153-4, City of Ocoee Code of Ordinances, is hereby amended to read as follows with underlines showing new language:

Section 153-4. - Prohibitions.

A. Construction of masonry or other substantial structures within city streets, rights-of-way or easements is prohibited unless approved by the City Commission.

B. No private sign shall be permitted in city rights-of-way.

C. No Human Sign, as the term is defined in Section 8-6 of the Land Development Code, shall occupy any portion of the city right-of-way or other public property.