

**CITY OF SEBRING**

**AGENDA ITEM SUMMARY**

**MEETING DATE:** June 19, 2018      **PRESENTER:** Swaine/Jennifer Codo-Salisbury

**AGENDA ITEM#:** 12 B – Proposed Ordinance for Illumination Standards, Electric Message Center and Design Guidelines for CRA & Historical District

**BACKGROUND:** Attached please find a proposed ordinance for Illumination Standards, Electric Message Center and Design Guidelines for CRA & Historical District. These issues are being considered in a separate ordinance to avoid a conflict of interest. Councilmembers Lowrance and Stanley will not participate in discussion of this proposed ordinance.

**STAFF RECOMMENDATION:** Refer proposed ordinance to the Community Redevelopment Agency, Historic Preservation Committee and Planning & Zoning Board for review and input.

**REQUESTED MOTION:** Accept staff recommendation as presented.

**COUNCIL ACTION:**

\_\_\_\_ APPROVED      Moved by: \_\_\_\_\_; Seconded by: \_\_\_\_\_  
\_\_\_\_ DENIED      Carlisle \_\_\_ Dettman \_\_\_ Stanley \_\_\_ Stewart \_\_\_ Lowrance \_\_\_  
\_\_\_\_ TABLED TO: \_\_\_\_\_ OTHER

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES OF THE CITY OF SEBRING; PROVIDING FOR ILLUMINATION STANDARDS, ELECTRONIC MESSAGE CENTER SIGNS, GENERAL DESIGN GUIDELINES FOR THE CRA AND HISTORIC DISTRICTS AND SEVERABILITY PROVISIONS WITHIN CHAPTER 17; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 17 of the Code of Ordinances sets forth the regulations of signs in the City of Sebring; and

**WHEREAS**, provisions should be included to provide for illumination standards, electronic message center signs, and general design guidelines for the CRA and Historic Districts; and

**WHEREAS**, signs provide an important medium to convey a variety of commercial and non-commercial messages and can assist in creating or enhancing the City of Sebring; and

**WHEREAS**, appropriate regulation of signs is needed to ensure that signs do not pose a threat to the public safety as a traffic hazard, become a detriment to property values or detract from the City aesthetics; and

**WHEREAS**, Chapter 17 of the Code of Ordinances should be amended to provide a clear and concise sign ordinance that business owners and citizens of the City of Sebring will find comprehensive, fair, easy to understand and usable; and

**WHEREAS**, pursuant to Section 166.041(c)2, Florida Statutes, the Planning and Zoning Board and the City Council have held several public meetings and two public hearings to amend Chapter 17 of the Code of Ordinances of the City of Sebring as set forth herein; and, the meetings were advertised and held with due public notice, to obtain public comment; and having considered written and oral comments received during public hearings, find the changes necessary and appropriate to the needs of the City; and

**WHEREAS**, the City of Sebring City Council, after taking into consideration the recommendations of the Planning and Zoning Board and the City Staff, and the comments received during the public hearing process, finds it necessary for the purpose of promotion, protection and improvement of the public health, safety, comfort, good order, appearance, convenience, morals and general welfare of the City to amend those regulations as set forth in this Ordinance,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEBRING, FLORIDA, THAT:**

1. Sec. 17-03.00 of the Code of Ordinances of the City of Sebring is hereby amended to add the following definitions thereto:

**ANIMATED SIGN:** A sign depicting action, motion, light, or color changes through electrical or mechanical means. Although the technology is similar to flashing signs, the animated sign emphasizes graphics and artistic display.

**CHANGEABLE COPY SIGN, ELECTRONIC:** *See Electronic Message Center Sign.*

**DISSOLVE:** A mode of message transition on an Electronic Message Center Sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

**ELECTRONIC MESSAGE CENTER SIGN (EMC):** a variable-message sign that changes at regular intervals via a computer-controlled interface or some other electronic means of changing copy. An Electronic Message Center Sign may be a permanent sign or a temporary sign (Portable Message Center Sign).”

**FADE:** A mode of message transition on an Electronic Message Center Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

**FOOT CANDLE:** A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot, and originally defined with reference to a standardized candle burning at one (1) foot from a given surface. Foot candle can be measured by means of an illuminance meter.

**LUMEN:** A measurement of the total amount of visible light emitted by a source.

**SCROLL:** A mode of message transition on an Electronic Message Center Sign where the message appears to move vertically or horizontally across the display surface.

**TRANSITION:** A visual effect used on an Electronic Message Center Sign to change from one message to another.”

2. Chapter 17 of the Code of Ordinances of the City of Sebring is hereby amended by adding the following thereto:

**Sec. 17-06.04. Illumination Standards.**

- A. All lighted signs shall conform to all applicable electrical codes, and installation shall be done only after obtaining an electrical permit.
- B. Sign lighting shall not be designed or located to interfere with traffic lights.
- C. Illumination by floodlights, spotlights, or unshielded bulbs is permissible so long as none of the light emitted shines onto an adjoining property or into the eyes of

motorists or pedestrians using or entering public streets. This standard applies to sign illumination originating inside of business windows or sign illumination originating on signs which are outside.

- D. Lights used for external sign illumination shall be so designed as to concentrate the illumination upon the sign, with steady, stationary, light, and such lights shall not glare upon the street or upon adjacent property.
- E. Unshielded illuminated devices that produce glare or are a hazard or a nuisance to motorists or occupants of adjacent properties are prohibited.
- F. Unless otherwise provided in this sign code, various types of sign illumination, including neon, incandescent, LED, and similar, compatible, or comparable lighting technologies, are permitted consistent with all applicable requirements of this sign code.
- G. Internally lit signs shall only be allowed in nonresidential zoning districts and mixed-use developments, and for permitted nonresidential uses in the R-3P zoning district, and residential support uses in residential zoning districts, consistent with all applicable requirements of this Sign Code.
- H. Internally illuminated signs in mixed use developments and in residential districts where residential support uses are located shall not be illuminated between the hours of 11 p.m. and 7 a.m.

**Sec. 17-07.03. Electronic Message Center Signs (EMC).**

- A. Electronic message center signs shall be allowed subject to compliance with all applicable requirements contained in this Chapter and the following standards:
  - 1. If such signs are located within fifty feet (50') of, any residential property line, as measured from the property line to the sign, such signs shall display static images only. This requirement shall not apply to properties located within the CRA and Historic Districts.
    - a. Duration: Such static images shall be displayed for at least three (3) seconds before instantaneously transitioning to another static image.
    - b. Orientation: When located within fifty feet (50') of an existing residentially-used lot in a residential zone (the residential use exists prior to issuance of a sign permit), any part of the sign, when possible, shall be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot.
  - 2. Off-premises temporary signs shall require written consent of the property owner and an annual sign permit and the permit number shall be printed or

affixed to the sign. Such signs are allowed in non-residential districts and residential real property for which a conditional use has been granted for non-residential use.

3. Electronic message center signs located on properties along state and county highways may be subject to state and county sign and permitting requirements.

**B. Electronic message center signs shall comply with the following standards:**

1. All electronic message center signs shall come equipped with automatic shut-off technology so that the display will go dark during sign malfunction.
2. All electronic message center signs shall comply with the Building and Electrical Codes.
3. All electronic message center signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
4. Electronic message center signs shall not be placed or illuminated so as to obscure or interfere with traffic control devices.
5. No electronic message center sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measured as follows:

**Table 17-07.03**  
**Electronic Message Center Sign Brightness Level Standard**

Area of Sign (Sq. Ft.)	Distance Measurement (Feet)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95

Area of Sign (Sq. Ft.)	Distance Measurement (Feet)
95	97
100	100

*For signs with an area in square feet other than those specifically listed in the table (e.g., 12 sq. ft., 400 sq. ft., etc.) the measurement distance may be calculated with the following formula: Measurement Distance =  $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$*

**Sec. 17-14.02. General Design Guidelines for the CRA and Historic Districts.**

Unless otherwise provided, the requirements in Section 17-14.02 shall apply to both the CRA and Historic Districts.

- A. Ground Signs and Pole Signs. Ground signs and pole signs are permitted within commercial areas.
  1. The sign shall not exceed one (1) square foot of area for each lineal front foot of the premises, measured upon the street, and shall be proportionately sized to the building and/or property where it is located; however, no sign shall exceed three (300) square feet of area.
  2. The maximum sign height shall be eighteen feet (18') with a minimum eight feet (8') clearance between grade and the bottom of the sign face.
  3. It is preferred these signs be located near the entrances to parking areas.
  4. It is preferred these signs serve to identify a building.
  5. Electronic message center ground and pole signs may be allowed in the CRA District. Any electronic message center signs located within the Historic District shall require approval by the Historic Preservation Commission consistent with applicable illumination standards and Section 17-14.04., A., 4.
- B. Multiple Signs on One Site. Multiple signs used on one site should be compatible with one another and should be designed and placed to avoid a sense of visual clutter.
- C. Wall Signs and Projecting Signs.
  1. Signs should be compatible with and complement the style of the building on which the sign is located.
  2. Signs are encouraged to identify a business.
  3. Wall signs may extend the entire length of a façade but shall have a total vertical dimension of no more than two (2) feet six (6) inches.

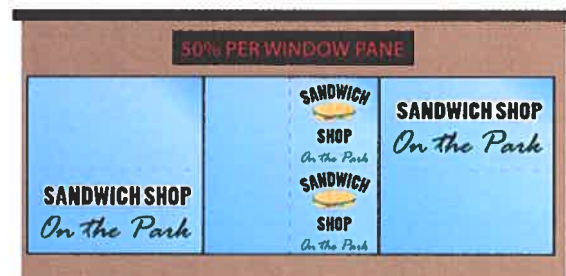
4. Wall signs should be affixed to the building, parallel to the building with one face showing.
5. Projecting signs shall be mounted no lower than eight (8) feet above the elevation of the first (1<sup>st</sup>) or ground level floor and no higher than the elevation of the second (2<sup>nd</sup>) floor.
6. Projecting signs shall only project four feet (4') from a building and only eighteen inches (18") within a right-of-way.
7. Projecting signs should be placed perpendicular to the building and should have two (2) faces.

**D. Window Signs.**

1. A window sign may be painted on, attached to, or suspended directly behind or in front of a window or glass door pane.
2. A business may have more than one window sign.
3. The sign display area shall not exceed fifty percent (50%) of any, or all, window surface areas.



Signs With Integral Backgrounds Areas



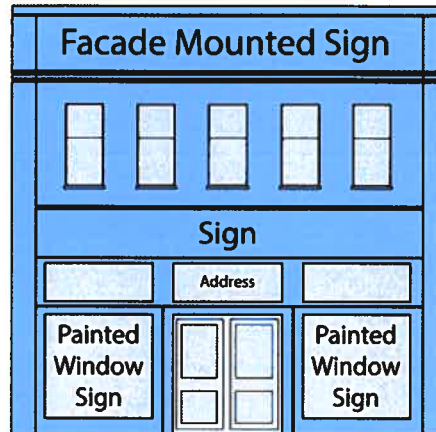
Signs Without Integral Backgrounds Areas



Combination of Signs With and Without Integral Background Areas

**E. Building Mounted Sign Locations.**

1. Sign placement for building mounted signs, including wall signs, projecting signs, awning signs, and under canopy signs should respect the architectural scale and style of the façade.
2. Signs attached to structures should not hide architectural detail or features of the building.
3. Signs should be placed on open walls and/or fit entirely within horizontal and vertical elements or bands, without crossing or obscuring such elements.



- F. Illumination. Electronic or digital signs shall, at a minimum, comply with the standards provided in Section 17-07.03. Unless otherwise provided, all other illuminated signs shall comply with Section 17-06.00., D., Illumination Standards.
1. CRA District.
    - a. Appropriately designed lighted signs are acceptable, including signs lighted from a concealed exterior source and backlit signs.
    - b. Neon signs may be allowed for wall signs and window signs.
  2. Historic District. Illumination standards specific to the Historic District are provided in Section 17-14.04.
- G. A-Frame Signs.
1. A-Frame signs shall be allowed in the CRA and Historic Districts consistent with Section 17-07.02, B.
  2. A-Frame signs located in the Historic District require approval from the Historic Preservation Commission.
- H. Signs within the Right-Of-Way.



1. No sign shall be placed on or over the public right-of-way or on any public property except that placed by, or approved by, a government entity, and A-frame signs, signs on marquees and awnings, projecting signs, and under canopy signs which overhang that portion of the public right-of-way that includes a pedestrian pathway.
  2. Signs shall respect the applicable provisions within this Sign Code and the design guidelines and/or other applicable criteria for the respective District in which said signs are to be located.
- I. Bench Signs.
1. Bench signs shall be located on private property in the CRA and Historic Districts and shall require approval by the respective district body.
  2. Bench signs shall be consistent with design guidelines and/or other applicable criteria for the respective District in which the sign is to be located.

**Section 17-17-00. Severability.**

- A. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter.

- B. Severability Where Less Speech Results.

Without diminishing or limiting in any way the declaration of severability set forth above in subsection A. above, or elsewhere in this Chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

- C. Severability of Provisions Pertaining to Prohibited Signs.

Without diminishing or limiting in any way the declaration of severability set forth above in subsections A. or B. above, or elsewhere in this Chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such

unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under Section 17-08.00 of this Chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Chapter 17 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Chapter 17.

**D. Severability of Prohibition of Billboards.**

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of the Chapter and/or any other Code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition of billboard signs as contained in the Chapter or Code.”

3. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

4. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

5. This Ordinance shall take effect immediately upon its passage and its approval by the Mayor or it becoming law without his approval.

**PASSED ON FIRST READING**, this \_\_\_\_ day of \_\_\_\_\_, 2018.

**PASSED** at a regular meeting of the City Council of the City of Sebring, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Charlie Lowrance, President, City Council,  
City of Sebring, Florida

Attest: \_\_\_\_\_  
Kathy Haley, City Clerk

This Ordinance was adopted after reading at two separate meetings after notice being properly published in a local newspaper and was duly passed on the \_\_\_\_ day of \_\_\_\_\_, 2018, and the same is hereby certified to the Mayor for his approval or disapproval.

WITNESS my hand and seal at Sebring, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Kathy Haley, City Clerk  
City of Sebring

The foregoing Ordinance was received by me this \_\_\_\_ day of \_\_\_\_\_, 2018, and by me approved this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
John C. Shoop, Mayor  
City of Sebring, Florida

I, **KATHY HALEY**, City Clerk of the City of Sebring, Florida, hereby certify that a copy of the foregoing Ordinance was posted by me at the door of the City Hall on the \_\_\_\_ day of \_\_\_\_\_, 2018, and that same remained so posted until the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Kathy Haley, City Clerk  
City of Sebring, Florida