

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
JANUARY 27, 2016 MEETING**

AMENDMENTS TO THE AGENDA
(Updated 1/27/16)

#1	Exhibit B, Electronic Changeable Copy Message Sign Pilot Program, Part 1, Page 8 of 14, Lines 28-30.
Reason for Amendment: Correct grammar and recognize that maximum number of Electronic Changeable Copy Message Signs permitted may be between 1 and 2, depending on size of property and other standards enumerated under proposed provisions in Part. 4.	

In conjunction with the Electronic Changeable Copy Message Sign Pilot Program, ~~One~~ freestanding sign(s) shall be permitted in existing non-conforming projects within the UC or UI zoning district, on an interim basis, in conjunction with the Electronic Changeable Copy Message Sign Pilot Program, subject to the following:

#2	Exhibit B, Electronic Changeable Copy Message Sign Pilot Program, Part 4, Page 10 of 14, Line 12
Reason for Amendment: Newly added text "DRO" as shown in red within requisite underlining to ensure clearly shown as newly added text if printed in black and white.	

Table 8.G.3.B, Electronic Message Sign Types and Approval Process

....		
Type 2	Electronic Changeable Copy Message Sign (PRA Pilot Program)	DRO
....		

#3	Exhibit B, Electronic Changeable Copy Message Sign Pilot Program, Part 4, Page 10 of 14, Line 20
Reason for Amendment: Scrivener's error.	

once every daily (24 hour period) for Type 2 Electronic Changeable Copy Message

#4	Exhibit B, Electronic Changeable Copy Message Sign Pilot Program, Part 4, Page 11 of 14, lines 49-51.
Reason for Amendment: Clarify that status report on Pilot Program will occur in approximately one-year from the anticipated effective date, and unless amended, will expire by September 1, 2017, which allows for any potential amendment to be aligned with ULDC Amendment Round 2017-01. This is consistent with ongoing efforts to consolidate amendments into two rounds per year, where feasible.	

Applications for new Type 2 Electronic Changeable Copy Message Signs shall only be permitted for a one-year period, from the effective date of this Ordinance to September 1, or April 3, 2017, whichever comes first. The Zoning Director shall provide a Status Report on the Pilot Program as part of the initiation of ULDC Amendment Round 2017-01.

#5	Exhibit B, Electronic Changeable Copy Message Sign Pilot Program, Part 4, Page 12 of 14, lines 21-23.
Reason for Amendment: Art. 8.F.5.A, General Requirements, establishes standards that require any lighted ground or building mounted signage located on parcels adjacent to residential districts or uses to be turned off after business hours, and shielded to prevent glare or light transmission onto adjacent roadways or properties. Additionally, Art. 8.G.2.A.2, Minimum Separations, requires a 75 foot setback for any freestanding signs adjacent to residential districts. Since electronic signs cannot be fully shielded in the same manner as other types of traditional types of lighted signage, or may be perceived as being brighter, the proposed standard establishes more stringent limits on hours of operation and confirmation of incompatibility screening for situations where signage may be placed within 75 feet of residential.	

- c) 100 feet: electronic message sign is limited to use between the hours of six a.m. and 11 p.m. daily. Verification of device compliance with this requirement shall be required as part of Building Permit Requirements, below; or,
- d) 75 feet: electronic message sign is limited to use between the hours of six a.m. and 9 p.m., and confirmation that incompatibility buffer screening or similar is located on the subject site. Verification of device compliance with this requirement shall be required as part of Building Permit Requirements, below.

Notes:

Double underlined indicates new text or previously stricken text to remain.

~~Double Stricken~~ indicates text to be ~~deleted~~.

Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

.... A series of four bolded ellipses indicates language omitted to save space.

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
JANUARY 27, 2016 MEETING**

AMENDMENTS TO THE AGENDA
(Updated 1/27/16)

#6	Exhibit B, Electronic Changeable Copy Message Sign Pilot Program, Part 4, Page 112 of 14, lines 30-32.
Reason for Amendment: Establish standard to more appropriately limit size of signage on smaller parcels, commensurate with the maximums allowed for larger parcels.	

- c. Maximum Percentage of Sign Area**
Not more than 50 percent of the sign face area, up to 0.2 square feet per linear foot of frontage, not to exceed 50 square feet in sign face area, whichever is less.

#7	Exhibit B, Electronic Changeable Copy Message Sign Pilot Program, Part 4, Page 14 of 14, line 1.
Reason for Amendment: Clarify limits and criteria for Type II Waivers.	

Table 8.G.3.B, Type II Waivers for Electronic Message Signs

Article/Table Reference and Title	Maximum Waiver	Criteria
<u>Art. 8.G.3.B.4. Standards for Type 1 Electronic Message Signs</u>	<u>50 percent reduction.</u>	<ul style="list-style-type: none"> ▪ <u>Demonstrate reduced setback won't adversely impact traffic or pedestrian safety, or residential property, to include:</u> <ul style="list-style-type: none"> • <u>Distractions to vehicular traffic caused by frequent message change and proximity to roadways or intersections; and,</u> • <u>Impacts of urban sky glow caused by sign lighting, inclusive of message changes, on residential properties.</u>
<u>Art. 8.G.3.B.5.b.3) [Related to Location and minimum setback from intersection]</u>	<u>No limit.</u> <u>50 percent reduction.</u>	<ul style="list-style-type: none"> ▪ <u>Demonstrate reduced setback won't adversely impact traffic or pedestrian safety, or residential property, to include distractions to vehicular traffic caused by frequent message change and proximity to roadways or intersections; and,</u> ▪ <u>Maximum Electronic Changeable Copy Message Sign area is 25 square feet or less.</u>
<u>Art. 8.G.3.B.5.b.4) [Related to Location and separation setback from residential]</u>	<u>Minimum 50 foot setback.</u>	<u>Upon demonstration that other combination of sign orientation, use of buildings, walls, or other permanent barriers, limits on hours of operation, or other similar, will mitigate any glare or light pollution, including urban sky glow, that may adversely impact residential uses.</u>
<u>Art. 8.G.3.B.5.c. Maximum Percentage of Sign)</u>	<u>No limit.</u> <u>Up to 100 percent of sign face area.</u>	<u>Demonstrate reduced setback won't adversely impact traffic or pedestrian safety, or residential property, to include:</u> <ul style="list-style-type: none"> ▪ <u>Use of sign is for multiple tenants.</u> ▪ <u>Site layout, including building setbacks, bay or building orientation, limits visibility of interior businesses or wall signage.</u> • <u>Use of sign is for projects with frequently changing tenants.</u> • <u>Limits on hours of operation to reduce light pollution during night time hours (urban sky glow).</u>
<u>[Ord. 2016-]</u>		

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.... A series of four bolded ellipses indicates language omitted to save space.



January 22, 2016

**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb



**Palm Beach County
Board of County
Commissioners**

Mary Lou Berger, Mayor
Hal R. Valeche, Vice Mayor

Paulette Burdick
Shelley Vana
Steven L. Abrams
Melissa McKinlay
Priscilla A. Taylor

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"

Mr. Wesley Blackman, AICP, Chairman, and
Members of the Land Development Regulation Advisory Board (LDRAB) and
Land Development Regulation Commission (LDRC)
241 Columbia Drive
Lake Worth, FL 33460

RE: January 27, 2016 LDRAB/LDRC Meeting

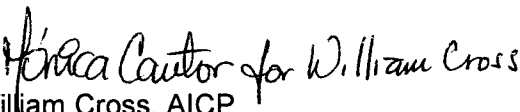
Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in
preparing for the LDRAB/LDRC hearing on Wednesday, January 27, 2016.

The meeting will commence at **2:00 p.m.** in the Vista Center 1st Floor Kenneth S.
Rogers Hearing Room (VC-1W-47), located at 2300 North Jog Road, West Palm
Beach, Florida.

If you should have any questions or require additional information, please contact
me at (561) 233-5206 or via email at WCross@pbcgov.org, or Monica Cantor,
Senior Site Planner at (561) 233-5205, or via email at MCantor@pbcgov.org.

Sincerely,


William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: January 27, 2016 LDRAB/LDRC Agenda

- c: Verdenia C. Baker, County Administrator
- Rebecca D. Caldwell, Executive Director, PZB
- Lorenzo Aghemo, Planning Director
- Robert P. Banks, Chief Land Use County Attorney
- Leonard W. Berger, Chief Assistant County Attorney
- Jon MacGillis, ASLA, Zoning Director
- Maryann Kwok, Deputy Director, Zoning
- Monica Cantor, Senior Site Planner, Zoning

PALM BEACH COUNTY

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

JANUARY 27, 2016

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Michael J. Peragine (District 1)

Barbara Katz (District 3)

James Knight (District 4)

Lori Vinikoor (District 5)

Stuart R. Fischer (District 6)

Henry D. Studstill, (District 7)

Daniel J. Walesky (Gold Coast Builders Assoc.)

Joni Brinkman (Palm Beach League of Cities)

Terrence N. Bailey (Florida Engineering Society)

Jerome I. Baumoehl (American Institute of Architects)

Tommy B. Strowd (Environmental Organization)

Frank Gulisano (Realtor's Assoc. of the Palm Beaches)

Gary Rayman (Fl. Surveying and Mapping Society)

Vacant (Association Gen. Cont. of America)

James M. Brake (Member at Large/Alternate)

Leo Plevy (Member at Large/Alternate)

Board of County Commissioners

Mary Lou Berger, Mayor, District 5

Hal R. Valeche, Vice Mayor, District 1

**Paulette Burdick
Commissioner, District 2**

**Shelley Vana
Commissioner, District 3**

**Steven L. Abrams,
Commissioner, District 4**

**Melissa McKinlay
Commissioner, District 6**

**Priscilla A. Taylor
Commissioner, District 7**

**Verdenia C. Baker
County Administrator**



"An Equal Opportunity – Affirmative Action Employer"
2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200



**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

**WEDNESDAY, JANUARY 27, 2016 AGENDA
2300 NORTH JOG ROAD
KEN ROGERS HEARING ROOM - 1ST FLOOR (VC-1W-47)
2:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of November 18, 2015 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B Electronic Changeable Copy Message Sign Pilot Program

C. CONVENE AS LDRC

1. Proof of Publication – Electronic Changeable Copy Message Sign Pilot Program
2. Consistency Determination
 - a. See Exhibit B.1 listed above

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. PUBLIC COMMENTS

F. STAFF COMMENTS

G. ADJOURN

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

Minutes of November 18, 2015 LDRAB/LDRC Meeting

On Wednesday, November 18, 2015 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair Wes Blackman called the meeting to order at 2:03 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 12

Wesley Blackman (PBC Planning Congress)
Michael J. Peragine (District 1)
Barbara Katz (District 3)
Lori Vinikoor (District 5)
Henry Studstill (District 7)
Joni Brinkman (League of Cities)
Frank Gulisano (PBC Board of Realtors)
Terrence Bailey (Florida Engineering Society)
Jerome Baumoehl (AIA)
Gary Rayman (Fl. Surveying & Mapping Soc.)
Leo Plevy (Member At Large, Alt.)
James Brake (Member At Large, Alt.)

Vacancies: 1

(Assoc. General Contractors of America)

Members Absent: 5

David Carpenter (District 2)
Jim Knight (District 4)
Stuart R. Fischer (District 6)
Daniel Walesky (Gold Coast Build.)
Tommy B. Strowd (Environmental Org.)

County Staff Present

Rebecca D. Caldwell, Executive Director, PZ&B
Leonard Berger, Chief Assistant County Attorney
Jon MacGillis, Zoning Director
Maryann Kwok, Deputy Zoning Director
William Cross, Principal Site Planner, Zoning
John Rupertus, Senior Planner, Planning
Monica Cantor, Senior Site Planner
Scott Rodriguez, Site Planner II, Zoning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman noted the distribution of an add-delete sheet and requested that the motion to adopt the agenda include the amendments.

3. Motion to Adopt Agenda

Motion to adopt the agenda with the amendments by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (12 - 0).

4. Adoption of October 28, 2015 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (12 - 0).

B. ULDC AMENDMENTS

1. Exhibit B - Art 2.A.1.J, Notification

Ms. Cantor explained that the amendment clarifies two key notification requirements: applicants are responsible for identifying Homeowners Associations (HOA), Property Owners Associations (POA) and Condominium Associations when they have projects for Public Hearing, prior to certification; and, Zoning staff provides the necessary information for applicants to post on the notification boards.

Motion by Mr. Brake, seconded by Ms. Vinikoor. Motion passed (12 - 0).

2. Exhibit C – Art. 2.D.1.G.1, Modifications to Prior Development Orders

Mr. Cross explained that the amendment responds to feedback from the Development Review Advisory Committee (DRAC), which recommended increased administrative flexibility to modify projects involving single users, when approved by the Board of County Commissioners. After evaluation, staff is recommending an alternative solution which partially accommodates the DRAC request. Mr. Cross also noted that the amendment further clarifies the difference between two administrative amendment processes by dictating specific thresholds for each.

In response to Mr. Baumoehl's question on how the amendment will affect parking, Mr. Cross said that parking standards still have to be met but relocation of parking and sidewalks will be allowed through the DRO, as long as it is consistent with Board approval. If the requirements cannot be met, the project goes back to the Board. In essence the amendment allows for an increase over the prior limit for relocation of square footage, and is unrelated to other provisions regulating increases in overall square footage.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

Minutes of November 18, 2015 LDRAB/LDRC Meeting

Ms. Katz expressed reservations that the amendment can be used to avoid going back to the communities for a Hearing, as the owner will not have to go back to the BCC or ZC.

Mr. Cross and Mr. Blackman both referred to text in the amendment, which would mitigate concerns, as it provides checks and balances against possible excesses, such as prohibitions on relocating square footage closer to residential property lines, limits on increases in height, etc.

Mr. Gulisano said he favors the amendments, as going to the Boards for minor changes is very expensive and time consuming.

Motion to adopt by Ms. Vinikoor, seconded by Mr. Brake. Motion passed (11 - 1). Ms. Katz voted nay.

3. Exhibit D – Agricultural Excavation and Type II Excavation Approval Process

Ms. Cantor explained that the amendment simply reorganizes existing provisions related to approval processes, to ensure that the more restrictive standard is delineated in the Use Matrix, versus Supplementary Use Standards. The reorganization does not change any existing approval processes. A public meeting was held on October 19 to respond to any questions related to the amendments, but was poorly attended.

Motion to adopt by Ms. Vinikoor, seconded by Mr. Gulisano. Motion passed (12 - 0).

4. Exhibit E – Preservation of Trees

Ms. Cantor explained that Part 1 of the Exhibit establishes Zoning Director authority to preserve vegetation not covered by Art. 14, Environmental Standards. Part 2 clarifies that the Zoning Director is authorized to request a tree survey to evaluate on-site vegetation to be preserved.

Mr. Blackman questioned the term "significant vegetation", which seemed to him to be subjective and Ms. Kwok responded that Zoning Landscape staff carry out site visits to determine if a tree survey is required. Staff agreed to review this part of the amendment to clarify.

Mr. Brake expressed concern about going overboard with regulations, and Mr. MacGillis clarified that the process supplements ERM's (Environmental Resources Management) requirements.

Ms. Brinkman suggested that upfront coordination is the key to successful implementation, so there should be early meetings with ERM and Landscape staff. Ms. Kwok added that it is important to get early information on parking, landscaping, and have an agreement on the preservation of the trees. She added that Zoning landscape staff and ERM typically visit sites to determine if a tree survey is required.

Ms. Caldwell confirmed that the amendment gives discretionary authority by going through the Board process, which provides the necessary checks and balances.

Motion to approve by Ms. Vinikoor, seconded by Mr. Gulisano. Motion passed (12 – 0).

5. Exhibit F - Art. 7.F.9, Incompatibility Buffers

Mr. Cross explained the amendment clarifies and consolidates standards for incompatibility buffers.

Ms. Brinkman's questioned whether a Congregate Living Facility in Commercial Zoning is considered incompatible when adjacent to Single Family zoning, to which Mr. Cross affirmed it would require incompatibility buffers, but based on adjacent use or in the case of vacant parcels, based on the future land use designation.

Motion to approve by Ms. Vinikoor, seconded by Mr. Gulisano. Motion passed (12 – 0).

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

Minutes of November 18, 2015 LDRAB/LDRC Meeting

6. Exhibit G- Height Measurement for Fences, Walls and Hedges

Mr. Cross noted additional revisions on the add-delete sheet and explained that the amendment addresses grade changes. He noted the concept of "spite fences" and presented examples of where trees, hedges, fences, walls and retaining walls were used to impose oppressive barriers on adjacent property owners. He noted that the Code regulates the height of all of the aforementioned barriers, but that additional clarification is necessary to respond to recent trends in the increased use of fill to elevate property for development, emphasis on those that use retaining walls along property lines. Mr. Cross clarified that minor corrections are needed in the berm elevation graphic. The amendment specifies the methods of measuring as it relates to grade changes, for hedges, berms fences, walls and perimeter buffers.

Motion to approve with the amendments by Mr. Gulisano, seconded by Mr. Brake. Motion passed (12 – 0).

7. Exhibit H - Alternative Landscape Plan - General Landscaping

The Chairman noted that Exhibit H was withdrawn as specified on the add-delete sheet and would be presented at a later date.

C. ADJOURN AS LDRAB AND CONVENE AS LDRC

1. Proof of Publication

Motion to approve by Mr. Brake, seconded by Ms. Vinikoor. Motion passed (12 - 0).

2. Consistency Determination

Mr. John Rupertus stated that the proposed amendments, Agenda items B.1 through B.6, and the previously presented amendments Exhibits I through L, are consistent with the Comprehensive Plan.

Mr. Larry Smith, Attorney for the Napleton Group said he was at the meeting to support Exhibit L, Northlake Boulevard Overlay Zone (NBOZ) which was presented on October 28 to the LDRAB. He thanked Mr. Cross and Mr. Berger for meeting with him.

Motion to approve consistency determination by Ms. Vinikoor, seconded by Mr. Gulisano. The motion passed (12 - 0).

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. USE REGULATIONS PROJECT

1. Exhibit M – Public and Civic Uses

Ms. Cantor explained that research of Public and Civic Uses was done as part of the Use Regulations Project and some of the uses were relocated to a new category, Transportation, and some to Temporary Uses. She advised the Board that the Exhibit would be presented in its entirety and asked members to note any issues that they wished to question or comment on, and those would be addressed after the presentation.

Mr. Scott Rodriguez and Ms. Cantor briefly explained all parts of the Exhibit and responded to questions as follows:

- Discussion took place on College or University dormitories standard that requires density if the dormitories are offsite or privately operated. Changes were recommended to clarify that dormitories are accessory and shall be used by students enrolled in the college or university.
- Mr. Baumoehl said he was not in favor of custodial care for up to 12 children in a Large Family Child Care Home (LFCCH) for many reasons, including traffic and noise. Mr. Cross advised that unlike Family Day Care Home, the County could regulate this use as needed; however, it needs to be accommodated somewhere, hence while allowed in certain residential districts, site development standards such as parking, drop off spaces, incompatibility buffers, etc. would apply and generally serve to ensure the use is appropriately located.

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

Minutes of November 18, 2015 LDRAB/LDRC Meeting

- Mr. Blackman raised the question as to what would limit proliferation of crematoriums in any area. Ms. Cantor responded, regulation by the Health Department and by ERM.
- Ms. Brinkman sought clarification on why the Hospital use was revised to remove collocated Medical Office and Ms. Cantor explained that the change is made for consistency with the construction of the Code. She indicated that a Medical Office collocated to a Hospital will be clarified under Medical Office use standards as indicated in the Comprehensive Plan.

Motion to approve with the amendments by Mr. Gulisano, seconded by Ms. Vinikoor. Motion passed (11 - 1). Mr. Baumoehl voted nay.

F. PUBLIC COMMENTS

1. There were no public comments.

G. STAFF COMMENTS

1. There were no staff comments.

H ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3: 35 p.m.

Recorded tapes of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5213.

Minutes drafted by: _____

Zona Case, Zoning Technician

_____ Date

EXHIBIT B
ELECTRONIC CHANGEABLE COPY MESSAGE SIGN
PILOT PROJECT
SUMMARY OF AMENDMENTS
(Updated 1/21/16)

Reason for amendments (General Summary): [Zoning] At the September 24, 2015 BCC Zoning Hearing, Zoning staff presented an overview of recent trends and issues related to electronic signage, and a list of options for the Boards consideration. The Board directed staff to pursue Option 2, which would establish an Electronic Changeable Copy Message Sign Pilot Program for a one-year period, within the Priority Redevelopment Area (PRA) of the Urban Redevelopment Area Overlay (URAO), subject to standards to mitigate potential adverse impacts. In addition to initial staff recommendations, additional standards were developed based on BCC feedback, including but not limited to: minimizing adverse environmental impacts, namely light pollution; and, using the Pilot Program as an incentive to encourage the removal of nonconforming freestanding signage, among others.

Part 1. ULDC Art. 3.B.16.F.11.a, Freestanding Signage Prohibitions (page 111 of 232), is hereby amended as follows:

Reason for amendments: [Zoning] Freestanding signs generally aren't anticipated for redeveloped projects in the Urban Center (UC) and Urban Infill (UI) Zoning districts, due to building placement along the street and higher viability of corresponding wall signage. However, for those sites yet to redevelop, staff recommends allowing for freestanding signage on an interim basis to accommodate the Electronic Changeable Copy Message Sign Pilot Program. As further outlined in Part 4, the Pilot Program is only permitted in conjunction with conforming signage, as an incentive to amortize non-conforming signs within the redevelopment area.

ARTICLE 3, OVERLAYS & ZONING DISTRICTS

Section 16 Urban Redevelopment Area Overlay (URAO)

F. PRA Design and Development Standards

11. Signage Standards

Signage shall be in accordance with Art. 8, SIGNAGE, unless stated otherwise herein. **[Ord. 2010-022] [Ord. 2011-016]**

a. Freestanding Signage Prohibitions

Freestanding signs, including outparcel identification signs, shall be prohibited, with exception to the following:

1) Interior Buildings

Development Orders that include buildings located on internal streets that do not have any frontage on a perimeter street, subject to the limits of Table 8.G.2.A, Freestanding Sign Standards, or the following, whichever is more restrictive: **[Ord. 2010-022]**

a) Signs shall not exceed 150 square feet of sign face area, ~~and shall be limited to 15 feet in height, or the maximum dimensions permitted in Art. 8, Signage, whichever is less;~~ and, **[Ord. 2010-022]**

b) A maximum of one freestanding sign per right of way frontage shall be permitted. **[Ord. 2010-022]**

2) Electronic Changeable Copy Message Sign Pilot Program

One freestanding sign shall be permitted in existing non-conforming projects within the UC or UI zoning district on an interim basis, in conjunction with the Electronic Changeable Copy Message Sign Pilot Program, subject to the following:

a) The freestanding sign, whether new or existing, shall comply with all of the requirements of Art. 8, Signage; and,

b) Should the project be redeveloped, the freestanding sign may not be carried forward unless in accordance with Interior Buildings above.

(This space intentionally left blank).

Notes:

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets **[Relocated to:]** or **[Partially relocated to:]**.
- *Italicized* indicates relocated text. Source is noted in bolded brackets **[Relocated from:]**.
- A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT B
ELECTRONIC CHANGEABLE COPY MESSAGE SIGN
PILOT PROJECT
SUMMARY OF AMENDMENTS
(Updated 1/21/16)

1
2 Part 2. ULDC Art. 2.A.1.D.1.b.5) [Related to Zoning Commission Authority and Type II
3 Variances] (pages 11 - 12 of 87), is hereby amended as follows:
4

Reason for amendments: [Zoning] Parts 2 and 3 transfer authority to allow deviations from provisions for Electronic Message Signs from the Zoning Commission (e.g. Type II Waivers), to the Board of County Commissioners, in recognition of the Boards recent interest in establishing a Pilot Program to evaluate the potential of allowing for expanded use of digital signage within unincorporated Palm Beach County.

5
6 **ARTICLE 2**
7
8 **DEVELOPMENT REVIEW PROCEDURES**

9 **CHAPTER A GENERAL**

10 **Section 1 Applicability**

11 **D. Authority**

12 **1. Processes**

13 **b. Zoning Commission (ZC)**

14 5) The ZC is not authorized to grant variances from Code regulations with prohibited
15 provisions, or the following Articles of the ULDC: [Ord. 2006-036] [Ord. 2011-001]
16 [Ord. 2014-001]

17

18 l) Art. 8.G.3.B, Electronic Message Signs;
19 **[Renumber accordingly.]**

20
21
22 Part 3. ULDC Table 2.B.2.G, Summary of Type II Waivers (page 28 of 87), is hereby amended
23 as follows:
24

Reason for amendments: [Zoning] See Part 2 above for explanation on expanding use of Type II Waivers to include Electronic Message Signs. Note, that the Table simply summarizes general sections of the Code eligible for Waivers. Additional details, limitations and criteria are located within each area of the Code referenced, which in this case is further delineated in Part 4 below.

25 **Table 2.B.2.G - Summary of Type II Waivers**

Type II Waiver Summary List
GAO Minimum Density Requirements
Urban Redevelopment Area
PDD Frontage
PDD Cul-de-sacs
AGR TMD Parking Structure
AGR TMD Block Structure
Communication Towers
Large Scale Commercial Development Location of Front Side and Rear Parking
<u>Art. 8.G.3.B, Electronic Message Signs</u>
[Ord. 2012-027]

26
27
28
29
30
31
32
33 (This space intentionally left blank).
34

Notes:

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets **[Relocated to:]** or **[Partially relocated to:]**.
- *Italicized* indicates relocated text. Source is noted in bolded brackets **[Relocated from:]**.
- A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT B

ELECTRONIC CHANGEABLE COPY MESSAGE SIGN PILOT PROJECT SUMMARY OF AMENDMENTS (Updated 1/21/16)

Part 4. ULDC Art. 8.G.3.B, Electronic Message Signs (pages 29 - 33 of 41), is hereby amended as follows:

Reason for amendments: [Zoning] See general summary Page 1 and specific Reasons below.

ARTICLE 8 - SIGNAGE

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 3 Other Sign Types

B. Electronic Message Signs

1. Applicability and Approval Process

Electronic message signs shall only be allowed as follows: [Ord. 2015-031]

Table 8.G.3.B, Electronic Message Sign Types and Approval Process

Table with 3 columns: Sign Type, Permitted Content, Approval Process. Rows include Type 1, Type 2, Type 3, and Type 3 H.

2. Prohibited Elements

a. Electronic message signs in windows and externally visible; [Ord. 2014-025]

Reason for amendments: [Zoning] Most entities seeking changes to allow for Electronic Changeable Copy Message Signs primarily emphasize the overall simplicity of these types of signs as opposed to current Changeable Copy signs...

b. Message units that change copy, light, color, intensity, words or graphics more than once per eight seconds for Type 1 or Type 3 Electronic Message Signs, and not more than once every daily (24 hour period) for Type 2 Electronic Changeable Copy Message Signs.

c. Reflectorized lamps; [Ord. 2015-031]

d. Lamps, light-emitting diodes or bulbs in excess of the amount and intensity of light generated by a 30 watt incandescent lamp or 300 lumens, whichever is less; and, [Ord. 2014-025] [Ord. 2015-031]

e. The message shall be static. There shall be no animation, flashing, scintillating lighting, movement, or varying of light intensity during the message. Messages shall not scroll, undulate, pulse, blink, expand, contract, bounce, rotate, spin, twist, or otherwise give the appearance of optical illusion or movement as it comes onto, is displayed on, or leaves the sign board. [Ord. 2014-025] [Ord. 2015-031]

3. General Standards

Electronic message signs are subject to the following: [Ord. 2014-025] [Ord. 2015-031]

a. Each sign shall have a light sensing device that automatically adjusts brightness as ambient light conditions change in order to ensure that the message meets the standard for maximum brightness; [Ord. 2014-025]

b. The maximum brightness shall be 0.2 foot candles above ambient light measured 150 feet perpendicular from the sign face area from a height of six feet. No sign shall display light of such intensity to cause glare or otherwise impair the vision of a driver, or

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- interferes with the effectiveness of an official traffic sign, signal or device; [Ord. 2014-025]
- c. The sign shall be equipped with a default mechanism or setting that will cause the sign to turn off or show a full black or similar image if a visible malfunction or failure occurs; and, [Ord. 2014-025] [Ord. 2015-031]
- d. Each message shall be monochromatic. Separate messages may have different colors; [Ord. 2014-025]

4. Standards for Type 1+ Electronic Message Signs
a. Height, Sign Face Area and Setbacks

Type 1+ electronic message signs are subject to the height standards for freestanding signs in Table 8.G.2.A, Freestanding Signs: Maximum Height, and the following: [Ord. 2015-031]

Table 8.G.3.B – Type 1+ Electronic Message Sign Face Area and Setbacks

Maximum Sign Area	50 percent of allowable freestanding sign area (Table 8.G.2.A, Freestanding Sign Standards)
Minimum Setback: Front	15 feet
Minimum Setback: Side and Rear	30 feet
Minimum Setback: Side Street	50 feet
[Ord. 2014-025] [Ord. 2015-031]	

b. Location

A Type 1+ electronic message sign may be located in the following areas and subject to the following provisions: [Ord. 2014-025] [Ord. 2015-031]

- 1) In a CG, CRE, PO, or IL zoning district or in a non-residential planned development.
- 2) Shall not be located within 100 feet of a residential zoning district, undeveloped property with a residential FLU designation, or residential use. [Ord. 2014-025]
- 3) Adjacent to roadways classified as arterials or expressways, and a minimum of 1,000 feet from any signalized intersection or existing electronic message signs; [Ord. 2014-025]
- 4) No more than one electronic message sign shall be permitted per project; and, [Ord. 2014-025]
- 5) Type 1+ electronic message signs are prohibited in the WCRAO. [2006-004] [Ord. 2014-025] [Ord. 2015-031]

c. Required Findings

The BCC may approve an application for a Type 1+ electronic message sign upon finding that: [Ord. 2014-025] [Ord. 2015-031]

- 1) The sign will not create confusion or a significant distraction to passing motorists;
- 2) The sign is of the same architectural character as the building's principal use;
- 3) The sign will not be a nuisance to occupants of adjacent and surrounding properties; and
- 4) The sign is accessory to a use regional in scale and attraction that, by its nature, demonstrates a unique need to communicate more information than is ordinarily needed for a business or attraction.

d. Conditions of Approval

In reviewing an application for a Type 1+ electronic message sign, the BCC may impose conditions to assure the sign is compatible with and minimizes adverse impacts on the area surrounding the proposed sign. [Ord. 2014-025] [Ord. 2015-031]

5. Standards for Type 2 Electronic Changeable Copy Message Sign (PRA Pilot Program)

A Type 2 Electronic Changeable Copy Message Sign may be permitted as an integral component of a conforming freestanding (excluding outparcel) or wall sign, for commercial, public and civic, or recreational uses, subject to the following:

Reason for amendments: [Zoning] As discussed at the September 24, 2015 BCC Zoning Hearing, Option 2 serves to establish a one-year timeframe (i.e. Pilot Program) to allow for evaluation of this type of signage. Near or upon the conclusion of the Pilot Program, it is anticipated that staff will provide an evaluation or additional recommendations to the BCC, which may result in an extension, revision or expansion, or deletion of this program.

a. One-Year Pilot Program Effective Dates

Applications for new Type 2 Electronic Changeable Copy Message Signs shall only be permitted for a one-year period, from the effective date of this Ordinance, or April 3, 2017, whichever comes first.

Notes:

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b. Location

- 1 1) Non-residential zoning districts within the Priority Redevelopment Area (PRA) of the
2 Urban Redevelopment Area Overlay (URAO), as depicted on Maps LU 9.1 and 9.2 of
3 the Plan;
4
5

Reason for amendments: [Zoning] By definition, there are dozens if not hundreds of intersections within the PRA, most of which provide access to residential neighborhoods. These small local commercial or residential streets are inappropriate for locating Electronic Message Signage.

- 6 2) Frontage on roadways classified as Urban Principal Arterial, Urban Minor Arterial,
7 and Urban Collector on Map TE 3.1, Functional Classification of Roads, of the Plan;
8
9

Reason for amendments: [Zoning] One of the primary concerns related to the proliferation of electronic message signs is the potential to distract drivers, resulting in increased vehicular accidents or diminished pedestrian safety. While Type 1 Electronic Message Signs are prohibited within 1,000 feet of any signalized intersection, staff is recommending a lesser distance due to the greater time required between message changes.

- 10 3) A minimum of 250 feet from any signalized intersection;
11
12

Reason for amendments: [Zoning] Businesses located adjacent to residential zoning districts must comply with limitations on hours of operation and general illumination requirements for signage which also limits lighting to the hours of operation. In combination, this restriction serves to mitigate excessive light pollution in the immediate vicinity of residential uses. However, electronic message signage cannot be effectively shielded in the same fashion as most light fixtures, thus they are more likely to adversely impact residential uses. Additional specificity is required for areas with smaller commercial lots that may not immediately abut residential properties, but lack sufficient separation distance to effectively mitigate adverse impacts. Note, this lack of shielding is far more likely to contribute to urban sky glow or light pollution; however, other than limiting hours of operation, or requiring lower lighting levels, it is not cost effective to shield electronic message signs, pending future technological advances.

- 13 4) A minimum of 500 feet from a residential zoning district, undeveloped property with a
14 residential FLU designation, or residential use. The distance may be reduced,
15 subject to compliance with one of the following:
16 a) 300 feet: 25 square feet or less of electronic message sign, oriented at an angle
17 of 90 degrees or more from affected residential parcels; or
18 b) 200 feet: electronic message sign is screened from view of affected parcels by
19 the placement of buildings within the development; or,
20 c) 100 feet: electronic message sign is limited to use between the hours of six a.m.
21 and 11 p.m. daily. Verification of device compliance with this requirement shall
22 be required as part of Building Permit Requirements, below.
23

b. Maximum Number

One per development (e.g. Control Number). Exceptions shall be permitted for
developments with multiple frontages, subject to the following:

- 27 1) Maximum of two per development;
28 2) Minimum frontage per eligible street: 400 feet; and,
29 3) Minimum separation between signs: 500 feet;

c. Maximum Percentage of Sign Area

Not more than 50 percent of the sign face area, not to exceed 50 square feet in sign face
area, whichever is less.

d. Changeable Copy Display

The Type 2 Electronic Changeable Copy Message Sign shall only consist of text or
numerals.

e. Off-Site Prohibition

Shall not advertise any information, services or activities relating to any product or
commercial activity external to the development.

65. Standards for Type 3 # Electronic Message Signs

a. Non-residential Zoning Districts

The following signs may be located in a freestanding or outparcel identification sign in non-residential Zoning districts, including the Commercial Pod of a PUD, but shall not be located within 100 feet of a residential zoning district, undeveloped property with a residential FLU designation, or residential use. **[Ord. 2014-025] [2015-031]**

1) Time and Temperature

Notes:

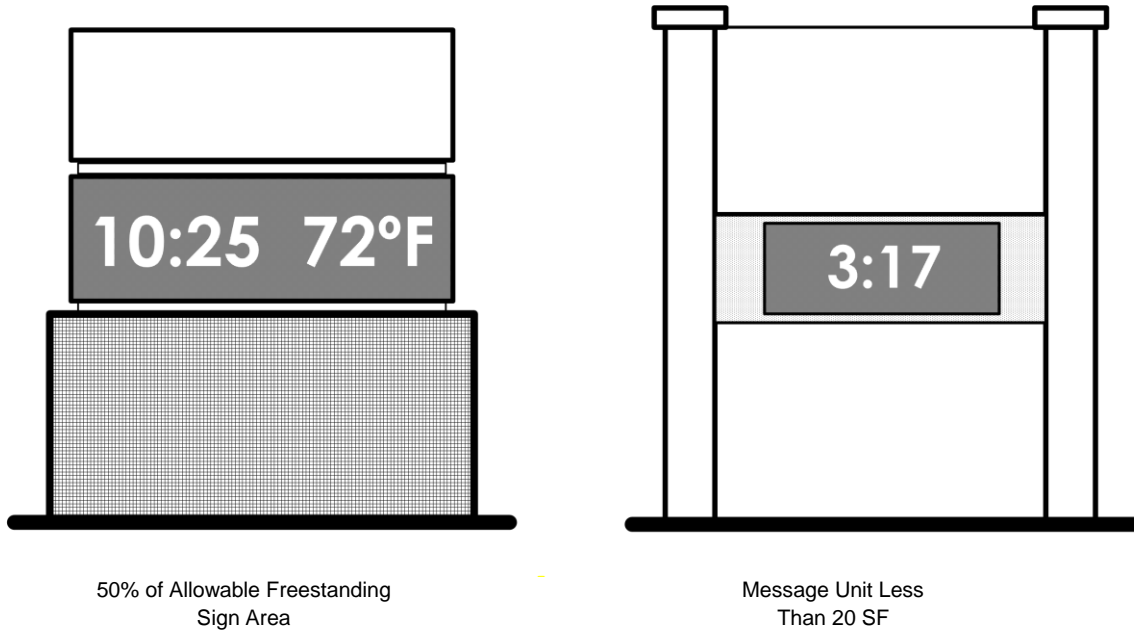
- Underlined indicates new text.
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Signs that only display time or temperature where the message unit is 50 percent of the sign face area, not to exceed more ~~less~~ than 20 square feet in sign face area, whichever is less; [Ord. 2014-025] [Ord. 2015-031]

Figure 8.G.3.B - Typical Example of Time and Temperature Electronic Sign



[Ord. 2014-025]

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2) Fuel Prices

Signs that only display words for cash or credit, fuel grades, and numerals for fuel prices: [Ord. 2014-025] [Ord. 2015-031]

b. PUD Informational Sign

Signs that are owned and maintained by a Property Owner Association (POA) to provide notice to residents of upcoming events, may be allowed within a PUD, subject to the following: [Ord. 2015-031]

- 1) Freestanding signs shall be monument style only with a maximum height of six feet; [Ord. 2015-031]
- 2) Maximum sign face area per side: 24 square feet; [Ord. 2015-031]
- 3) Shall not be located within 100 feet of any residential structure or lot line, unless approved as a Type I Waiver where it is demonstrated that the sign is either oriented away from, or screened from view of the affected residential uses; [Ord. 2015-031]
- 4) Shall not be visible from outside of the PUD, including any public roadways that bisect the development; and, [Ord. 2015-031]
- 5) Shall not advertise any information, services or activities relating to any product or commercial activity external to the development. [Ord. 2015-031]

76. Building Permit Requirements

All building permit applications that include electronic message signs shall include the following: [Ord. 2014-025] [Ord. 2015-031]

- a. Manufacturer's cut sheets that provide a description of all devices and compliance with the Prohibited Elements and General Standards listed above; and, [Ord. 2014-025] [Ord. 2015-031]
- b. A Certificate of Compliance signed and sealed by a licensed engineer, architect or landscape architect. [Ord. 2014-025] [Ord. 2015-031]

8. Type II Waivers for Electronic Message Signs

An applicant may apply for waivers for Electronic Message Sign standards in accordance with Art. 2.B.2.G, Type II Waivers, in accordance with Table 8.G.3.B, Type II Waivers for Electronic Message Signs, below:

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Table 8.G.3.B, Type II Waivers for Electronic Message Signs

Article/Table Reference and Title	Maximum Waiver	Criteria
<u>Art. 8.G.3.B.4, Standards for Type 1 Electronic Message Signs</u>	<u>50 percent reduction.</u>	<ul style="list-style-type: none"> ▪ <u>Demonstrate reduced setback won't adversely impact traffic or pedestrian safety, or residential property, to include:</u> <ul style="list-style-type: none"> • <u>Distractions to vehicular traffic caused by frequent message change and proximity to roadways or intersections; and,</u> • <u>Impacts of urban sky glow caused by sign lighting, inclusive of message changes, on residential properties.</u>
<u>Art. 8.G.3.B.5.b.3) [Related to Location and minimum setback from intersection]</u>	<u>50 percent reduction.</u>	<ul style="list-style-type: none"> ▪ <u>Demonstrate reduced setback won't adversely impact traffic or pedestrian safety, or residential property, to include distractions to vehicular traffic caused by frequent message change and proximity to roadways or intersections; and,</u>
<u>Art. 8.G.3.B.5.b.4) [Related to Location and setback from residential]</u>	<u>Minimum 50 foot setback.</u>	<u>Upon demonstration that other combination of sign orientation, use of buildings, walls, or other permanent barriers, limits on hours of operation, or other similar, will mitigate any glare or light pollution, including urban sky glow, that may adversely impact residential uses.</u>
<u>Art. 8.G.3.B.5.c, Maximum Percentage of Sign)</u>	<u>Up to 100 percent of sign face area.</u>	<ul style="list-style-type: none"> ▪ <u>Use of sign is for multiple tenants.</u> ▪ <u>Use of sign is for projects with frequently changing tenants.</u> ▪ <u>Limits on hours of operation to reduce light pollution during night time hours (urban sky glow).</u>
<u>[Ord. 2016-]</u>		

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