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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, TO ESTABLISH AN ELECTRONIC CHANGEABLE COPY MESSAGE SIGN PILOT PROGRAM WITHIN THE PRIORITY REDEVELOPMENT AREA OF THE URBAN REDEVELOPMENT AREA OVERLAY, AS FOLLOWS: **ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES:** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; **ARTICLE 3, OVERLAYS AND ZONING DISTRICTS:** CHAPTER B, OVERLAYS; **ARTICLE 8, SIGNAGE:** CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES; **PROVIDING FOR:** INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, the BCC has determined that the proposed amendments further a legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

WHEREAS, the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. Adoption

The amendments set forth in Exhibit A listed below, attached hereto and made a part hereof, are hereby adopted.

- Exhibit A Electronic Changeable Copy Message Sign Pilot Project

Section 2. Interpretation of Captions

All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance are intended for the convenience of usage only and have no effect on interpretation.

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Section 3. Repeal of Laws in Conflict

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability

If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other item contained in this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this Ordinance.

Section 5. Savings Clause

All development orders, permits, enforcement orders, ongoing enforcement actions, and all other actions of the Board of County Commissioners, the Zoning Commission, the Development Review Officer, Enforcement Boards, all other County decision-making and advisory boards, Special Masters, Hearing Officers, and all other County officials, issued pursuant to the regulations and procedures established prior to the effective date of this Ordinance shall remain in full force and effect.

Section 6. Inclusion in the Unified Land Development Code

The provisions of this Ordinance shall be codified in the Unified Land Development Code and may be reorganized, renumbered or re-lettered to effectuate the codification of this Ordinance.

Section 7. Providing for an Effective Date

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 24th day of March, 2016.

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

By: 
Mary Lou Berger, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 24th day of March, 2016.

EXHIBIT A
ELECTRONIC CHANGEABLE COPY MESSAGE SIGN
PILOT PROGRAM
SUMMARY OF AMENDMENTS
(Updated 2/26/16)

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3 **Part 1.** ULDC Art. 2.A.1.D.1.b.5) [Related to Zoning Commission Authority and Type II
4 Variances] (pages 11 - 12 of 87), is hereby amended as follows:
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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 **1) Art. 8.G.3.B, Electronic Message Signs;**
19 **[Renumber accordingly.]**

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

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]

25
26
27 **Part 3.** ULDC Art. 3.B.16.F.11.a, Freestanding Signage Prohibitions (page 111 of 232), is
28 hereby amended as follows:
29

30 **ARTICLE 3, OVERLAYS & ZONING DISTRICTS**

31 **Section 16 Urban Redevelopment Area Overlay (URAO)**

32 **F. PRA Design and Development Standards**

33 **11. Signage Standards**

34 Signage shall be in accordance with Art. 8, SIGNAGE, unless stated otherwise herein. **[Ord.**
35 **2010-022] [Ord. 2011-016]**

36 **a. Freestanding Signage Prohibitions**

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

39 **1) Interior Buildings**

40 Development Orders that include buildings located on internal streets that do not
41 have any frontage on a perimeter street, subject to the limits of Table 8.G.2.A,
42 Freestanding Sign Standards, or the following, whichever is more restrictive: **[Ord.**
43 **2010-022]**

44 a) Signs shall not exceed 150 square feet of sign face area, ~~and shall be limited to~~
45 15 feet in height, or the maximum dimensions permitted in Art. 8, Signage,
46 whichever is less; and, **[Ord. 2010-022]**
47

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EXHIBIT A
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 PILOT PROGRAM**
SUMMARY OF AMENDMENTS
 (Updated 2/26/16)

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

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

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

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

Sign Type	Permitted Content	Approval Process
Type 1 †	At regional facilities, facilities with serial performances, and, specialized attractions that, by their operating characteristics, have unique sign requirements	Class A Conditional Use or Requested Use approval (1)
Type 2	<u>Electronic Changeable Copy Message Sign (PRA Pilot Program)</u>	<u>Building Permit</u>
Type 3 †	Time and temperature	Building Permit
Type 3 †	Fuel prices	DRO
Type 3 †	Informational signs within residential Planned Unit Development (PUD)	DRO
[Ord. 2010-022] [Ord. 2014-025] [Ord. 2015-031]		
Notes:		
1. Unless exempt under Article 8.B, EXEMPTIONS .		

2. Prohibited Elements

- a. Electronic message signs in windows and externally visible; [Ord. 2014-025]
- 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 daily (24 hour period) for Type 2 Electronic Changeable Copy Message Signs. Any change in message shall be completed instantaneously. There shall be no special effects in-between messages; [Ord. 2014-025]
- 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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EXHIBIT A

ELECTRONIC CHANGEABLE COPY MESSAGE SIGN PILOT PROGRAM SUMMARY OF AMENDMENTS

(Updated 2/26/16)

- 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

Table with 2 columns: Requirement, Value. Rows include Maximum Sign Area (50 percent of allowable freestanding sign area), Minimum Setback: Front (15 feet), Minimum Setback: Side and Rear (30 feet), Minimum Setback: Side Street (50 feet).

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:

a. One-Year Pilot Program Effective Dates

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

b. Location

- 1) Non-residential zoning districts within the Priority Redevelopment Area (PRA) of the Urban Redevelopment Area Overlay (URAO), as depicted on Maps LU 9.1 and 9.2 of the Plan;
2) Frontage on roadways classified as Urban Principal Arterial, Urban Minor Arterial, and Urban Collector on Map TE 3.1, Functional Classification of Roads, of the Plan;
3) A minimum of 250 feet from any signalized intersection;

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EXHIBIT A

ELECTRONIC CHANGEABLE COPY MESSAGE SIGN
PILOT PROGRAM
SUMMARY OF AMENDMENTS

(Updated 2/26/16)

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

c. Maximum Number

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

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

d. 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.

e. Changeable Copy Display

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

f. 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

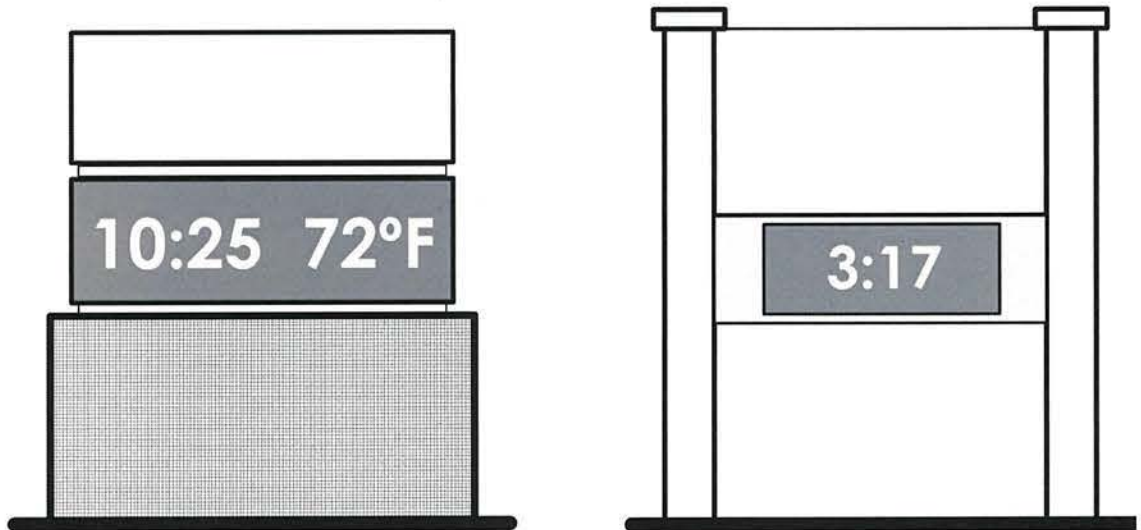
a. Non-residential Zoning Districts

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

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



50% of Allowable Freestanding Sign Area

Message Unit Less Than 20 SF

[Ord. 2014-025]

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ELECTRONIC CHANGEABLE COPY MESSAGE SIGN
PILOT PROGRAM
SUMMARY OF AMENDMENTS
(Updated 2/26/16)

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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:

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>	<ul style="list-style-type: none"> ▪ <u>Demonstrate reduced setback won't adversely impact traffic or pedestrian safety, or residential property; 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 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>	<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>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>
[Ord. 2016-]		

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 25, 2016

Honorable Sharon R. Bock
Clerk and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attention: Timothy Montiglio, Administrative Specialist II

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2016-020, which was filed in this office on March 24, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb