

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 28 OF THE CITY'S CODE OF ORDINANCES, ENTITLED, "SIGNS", ARTICLE III, "CONSTRUCTION AND INSTALLATION STANDARDS", SECTION 28-125, "PROGRAMMABLE DIGITAL SIGNS", IN ORDER TO PERMIT DIGITAL SIGNS AT PLACES OF WORSHIP THROUGH THE SPECIAL EXCEPTION APPROVAL PROCESS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, during the February 6, 2019, City Council Meeting, discussion ensued regarding the use of digital signs at places of worship; and

WHEREAS, during said discussion, City Council directed City staff to research this proposed use and provide a Code amendment for City Council consideration; and

WHEREAS, City staff researched how other municipalities govern digital sign uses at places of worship and determined that most prohibit this use, with some permitting the use with specific conditions; and

WHEREAS, the Planning and Zoning Board discussed and reviewed this item on February 28, 2019 and May 9, 2019, and has recommended that City Council not proceed with the sign code amendment; and

WHEREAS, City staff has proposed a Code amendment requiring special exception approval for programmable digital signs at places of worship; and

WHEREAS, the City Council has determined that the approval of this ordinance is in the best interest of the health, safety and welfare of the City's residents and stakeholders.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

SECTION 2. Chapter 28 of the City's Code of Ordinances, entitled, "Signs", Article III, "Construction and installation standards", Section 28-125, "Programmable digital signs", is amended to read as follows (additions are underlined and deletions appear in ~~strikethrough~~ format):

Sec. 28-125. - Programmable digital signs.

A digital sign may be permitted subject to the following requirements:

(1) *Permitted locations.*

- a. Digital signs shall be located only within the community facility (CF) Zoning District. The digital sign and its messages must be associated with a public use.
- b. Only one digital sign is permitted per development site, measuring no more than 100 square feet in area per street front.
- c. No digital sign shall be located within 250 feet of a residentially zoned parcel or residential structure.
- d. No digital sign shall be placed within a visibility triangle which shall be measured 30 feet from intersecting street right-of-way lines.
- e. Digital signs shall be located in a manner that will not adversely interfere with the visibility or functioning of traffic signals and traffic signage, by taking into consideration the physical elements of the digital sign and the surrounding area, such as physical obstructions, line of sight issues, sign brightness and visual obstruction or impairment issues.

(2) Places of worship, special exception approval required.

- a. Notwithstanding the requirements provided within Sec. 28-125(1), a programmable digital sign may be permitted at a place of worship with special exception approval as provided within City Code Sec. 31-61 and Sec. 31-62.

(23) *Operational limitations.*

- a. Digital signs shall contain static, motionless messages only.
- b. Displaying any form of motion, or the optical illusion of movement, video or varying light intensity is prohibited.
- c. Each message on a digital sign must be individually complete and shall not continue on a subsequently displayed message.
- d. Audio mechanisms, producing sounds, messages or music are prohibited.

(34) *Display time.*

- a. Each message on a digital sign must be displayed for a minimum duration of six seconds.

(45) *Brightness.* Digital signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance. This requirement is based on levels established by the Illuminating Engineering Society of North America (IESNA) for Light Emitting Diode (LED) signage as amended from time to time. Certification confirming that brightness levels are below the 0.3 foot candles threshold shall be provided to the city every two years.

- a. Each digital sign must have a light sensing device that will adjust the display brightness in real-time as ambient light conditions change so that at no time a sign

shall exceed a brightness level of three tenths (0.3) foot candles above ambient light.

- (~~56~~) *Photometric plan.* Each application for a digital sign shall be accompanied by a photometric plan. The photometric plan shall demonstrate the digital sign's maximum light intensity, in foot candles above ambient light, at locations identified by the applicant or city staff that may be impacted within 300 feet of the proposed digital sign location. This plan may be reviewed by a third party lighting specialist selected by the city. Costs associated with third party review shall be paid by the applicant to the city.
- (~~67~~) *Malfunction.* Digital signage shall have a default mechanism installed to either turn the display off or only show black on the display in the event of a malfunction.
- (~~78~~) *Display of public emergency and public service information.* Owners of digital signs shall coordinate with local public safety authorities to display emergency information and public service information important to the traveling public including, but not limited to Amber Alerts, Silver Alerts, Blue Alerts, traffic alerts, public safety messages and emergency management information. Digital sign operators shall provide for regional emergency announcements and alerts to be displayed on the digital sign without charge as requested by the city manager or designee.
- (~~89~~) *Personalized messages.* The display of personalized "smart" messages, that are triggered or initiated by license plate recognition, facial recognition or by reading or analyzing electronic signals from traffic or an individual vehicle, such as but not limited to a radio station, is prohibited unless used in a public emergency or public service capacity.
- (~~910~~) *Message sequencing.* The practice of using multiple sequential messages to present a single advertisement on an individual or combination of digital signs shall be prohibited.
- (~~1011~~) *Fees and penalties.* A fee of \$500.00 per day shall be assessed for a violation of this section.
- (~~1112~~) *Exceptions.* Fuel price digital signs shall be permitted as part of a monument sign, subject to the following:
- a. *Location.* Must be part of a monument sign located at a self- serviced fueling station within the city.
 - b. *Maximum area.* Shall only utilize 50 percent of allowable sign area to display digital fuel prices.
 - c. *Maximum size.* Numerals shall not be greater than 16 inches in height.
 - d. *Limitations.*
 - i. Digital portion shall only display numerals for fuel prices.
 - ii. The numerical values displayed for fuel prices shall only be illuminated in white numbers. No amber, red, green, or other colors shall be permitted to be illuminated on the fuel price digital signs.
 - iii. Fractions or portions of a whole number shall be at least half the size of the largest whole number for fuel prices per Florida Statutes § 526.111, or as amended.

- iv. Fuel price shall be advertised with the tax included per Florida Statutes § 526.111. or as amended.
- v. Fuel price shall be the same for the same grade of gasoline dispensed from one pump than from another pump supplied from a common storage at the same location. This shall not prohibit price differential between cash sale and credit sale per Florida Statutes § 526.121, or as amended.
- e. *Typical fuel price sign example.* The image below shall be used as a design reference for the typical fuel price signs; see Figure 11(e)(1).

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SECTION 3. Should any word, phrase, clause, subsection, section, part of provision of this Ordinance be declared by court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared invalid.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith or to the extent of such conflict shall be repealed.

SECTION 5. Specific authority is hereby granted to codify the Ordinance as it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this Ordinance may be renumbered to accomplish such intentions.

SECTION 6. This Ordinance shall become effective immediately upon its final adoption by the City Council.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

PASSED AND APPROVED on the first reading this _____ day of _____,
_____.

PASSED AND ADOPTED on second and final reading this _____ day of _____,
_____.

APPROVED:

RONNIE L. FELDER
MAYOR

KASHAMBA MILLER-ANDERSON
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY,
CERTIFIED MUNICIPAL CLERK
CITY CLERK

JULIA A. BOTEL, Ed.D
CHAIR PRO TEM

TRADRICK MCCOY
COUNCILPERSON

SHIRLEY D. LANIER
COUNCILPERSON

DOUGLAS A. LAWSON
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY

DAWN S. WYNN, CITY ATTORNEY

DATE: _____

1ST READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

2ND & FINAL READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

REVIEWED AS TO LEGAL SUFFICIENCY

DAWN S. WYNN, CITY ATTORNEY

DATE: _____