

## **ORDINANCE NO. 13-05**

**AN ORDINANCE OF THE TOWN OF DUNDEE, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF DUNDEE, FLORIDA, BY ADDING DEFINITIONS FOR “DIGITAL BILLBOARD”, “ELECTRONIC BILLBOARD”, AND “ELECTRONIC CHANGEABLE MESSAGE BOARD” TO ARTICLE 9; AND AMENDING ARTICLE 4, SIGNAGE, IN ORDER TO REGULATE DIGITAL BILLBOARD SIGNS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the regulation of signs is necessary to protect the public health, safety, and welfare; and

**WHEREAS**, electronic digital changeable message technology is a new and significant component of outdoor advertising; and

**WHEREAS**, the Town Commission of the Town of Dundee has determined it necessary and desirable to permit the use of digital billboards while meeting the current requirements of the Sign Code within the Town of Dundee; and

**WHEREAS**, pursuant to Section 166.041(c) 2, Florida Statutes, the Town Commission and the Town’s Planning and Zoning Board have held meetings and hearings to amend the Unified Land Development Code as presented in the attached exhibit, such exhibit attached as Exhibit "A" and made a part hereof; 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 Town.

**NOW, THEREFORE BE IT ENACTED BY THE PEOPLE OF THE TOWN OF DUNDEE, FLORIDA** that:

**Section 1.** The Unified Land Development Code (ULDC) of the Town of Dundee is hereby amended as shown in Exhibit "A", which is attached and made a part hereof.

**Section 2.** All Ordinances in conflict with this Ordinance are hereby repealed.

**Section 3.** If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**Section 4.** This ordinance shall be effective immediately after passage upon

**ORDINANCE NO. 13-05**

**Page 2**

Second Reading.

**Section 5.** A certified copy of this enacting ordinance and certified copy of the Town of Dundee Unified Land Development Code shall be located in the Office of the Town Clerk of Dundee. The Town Clerk shall also make copies available to the public for a reasonable publication charge.

**Section 6.** It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Manager or his designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

**INTRODUCED AND PASSED** on First Reading this 9<sup>th</sup> day of April, 2013.

**PASSED AND DULY ADOPTED**, on Second Reading with a quorum present and voting, by the Town Commission, this the 14th day of May, 2013.

**TOWN OF DUNDEE, FLORIDA**

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Mayor- Sam Pennant

ATTEST:

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Interim Town Clerk –Andy Stewart

Approved as to form:

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Town Attorney - Frederick J. Murphy, Jr.

**Exhibit “A”**  
**Ordinance No. 13-05**  
**Page 1 of 2**

**DELETIONS AND ADDITIONS TO THE UNIFIED LAND DEVELOPMENT CODE**  
**ARE SHOWN IN STRIKE THROUGH – UNDERLINE FORMAT**

**Article 4: Signage:**

**4.04.03      Electronic/Electronic Changeable Message/Digital (Electronic) Billboards.**

(A) General Provisions. The right to operate an Electronic Billboard shall, in addition to the rules, regulations and requirements prescribed herein, be subject to the requirements of state law and any applicable federal laws, rules and/or regulations. The applicant shall agree to abide by state law and applicable federal law. Prior to the issuance of a permit for construction of an Electronic Billboard, the applicant shall provide the Town with written documentation from the State of Florida stating that the proposed Electronic Billboard is not subject to State regulation, or the Electronic Billboard complies with applicable State regulations.

(B) Location.

1. Electronic Billboards may only be located in a CH, CC, or IL zoning district adjacent to US Highway 27 or County Road 542.
2. Electronic Billboards shall not be located within a 500 foot radius of an intersection or interchanges, measured from the nearest roadway edge, that has signalized traffic-control devices at said intersection or interchange.
3. Electronic Billboards shall be prohibited within 200 feet of a residentially zoned property.
4. An Electronic Billboard shall be located such that it meets the following minimum spacing requirements from other electronic billboards and other permitted billboards.

	Existing Electronic Billboard	Existing Permitted Billboard
New Electronic Billboard/Same Side of Street	2,500 ft	1,000 ft
New Electronic Billboard/Different Side of Street	1,000 ft	500 ft

(C) Design standards.

1. Electronic billboards shall meet the design standards for billboards as outlined in 4.04.02(B), (C), and (D).

(D) Display

1. The following operating modes and messages are prohibited:
  - (a) Non-Static messages are prohibited.
  - (b) Zoom — the look or condition created by expanding a message from a central point to its full size.
  - (c) Any signs which use the word "stop" or "danger" or imply the need or requirement of stopping, or which are copies or imitations of official signage used to control traffic.
  - (d) Red, green, or amber (or any color combination thereof) revolving or flashing light giving the impression of a police or caution light shall be prohibited.
2. The message shall be static. There shall be no animation, flashing, scintillating lighting, movement, or the varying of light intensity during the message. Except for Tri-Vision billboards, messages shall not scroll and shall not give any appearance or optical illusion of movement, or in any way include active movement. For purposes of this Article, Tri-Vision billboard shall mean a billboard surface (sign face) divided into vertical segments, which consists of not more than three (3) rotating sides, which rotate in a timed schedule and meet the requirements set forth in subparagraph (4) of this Section 4.04.03(D) (see below).
3. Consecutive messages on a single electronic changeable message sign face (digital slots) are prohibited when the second message answers a textual question posed on the prior slot, continues or completes a sentence started on the prior slot, or continues or completes a story line started on the prior slot. Nothing in this subsection shall prohibit consecutive messages by the same advertiser or consecutive messages for the same product provided that the second of such advertisements does not answer a textual question posed in the first advertisement, continue or complete a sentence started on the first advertisement, or continue or complete a story line started on the prior slot. For example, consecutive advertisements by a single grocery store advertising the same or multiple products are permitted provided that such advertisements do not answer textual questions, continue or complete a sentence from one slot to the next slot, or continue or complete a story line from one slot to the next slot.
4. The dwell time, defined as the time each individual message is on display, shall be consistent with the rules promulgated by the Florida Department of Transportation but in no event less than ten (10) seconds. Any change of message shall be completed instantaneously. The dwell time shall not include the time required to change a message. There shall be no special effects or other content displayed between messages.
5. Owners of Electronic Billboards shall coordinate with local authorities to display, when appropriate and on a space-available basis, emergency information important to the

traveling public, including, but not limited to Amber Alerts or emergency management information.

6. The technology currently being deployed for Electronic Billboards is LED (light emitting diode), but there may be alternate, preferred, and superior technology available in the future. Any other technology that operated under the maximum brightness stated in (E) below shall not require an ordinance change for approval.

**(E) Lighting**

1. The sign face shall not display light that is of such intensity or brilliance to cause glare or otherwise impair the vision of a driver. No sign shall display light of such intensity that it interferes with the effectiveness of an official traffic sign, signal, or device. Any violation of this section shall result in the Town requiring the sign owner to turn the sign off or show a "full black" image until the sign can be brought into compliance.
2. The sign shall have a default mechanism or setting that will cause the sign to turn off or show a "full black" image if a visible malfunction or failure occurs.
3. Each sign shall have a light sensing device to adjust brightness as ambient light conditions change in order to ensure that the message meets the following brightness standards:
  - a. The maximum brightness shall be 0.3 foot candles above the ambient light measured 150 feet perpendicular from the face of a sign that is less than or equal to 300 square feet in area; 200 feet perpendicular from the face of a sign that is greater than 300 square feet in area but less than or equal to 378 square feet in area; and 250 feet perpendicular from the face of a sign that is greater than 378 square feet in area. Documentation shall be provided to the Town at the time of permit issuance certifying the digital billboard has been set to be incapable of exceeding .3 foot candles above ambient light.
  - b. The applicant shall agree to abide by the luminance and/or illuminance standards, established at any time by the Town of Dundee, governing the brightness of an electronic billboard, when such standard is predicated reasonably upon safety or aesthetics, and shall agree to waive or otherwise forbear the enforcement of any claim to a vested right as a result of any standard that has been or that may be established in the future as to the brightness of a sign, including an electronic changeable message sign, provided that any such standard maintains the visibility to the traveling public of the electronic sign message during day and nighttime hours. The agreement to abide by the foregoing shall be incorporated into the application for such conversion or erection.
  - c. Brightness of Electronic Billboards shall be measured as follows:
    - i. At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while

the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.

- ii. The sign shall then be turned on to dull white copy to take another reading with the meter at the same location.
- iii. If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted.

**(F) Variances and Violations**

- 1. No variances shall be granted that would alter any of the provisions of this Section.
- 2. In connection with the Town's issuance of a notice of violation or other process pursuant to Article VII of the Town Code, by which the Town seeks to enforce the provisions of this section related to an alleged violation of the lighting standards, brightness standards, message sequencing, or minimum message dwell time standards established in this section, six hours shall be deemed a reasonable time for the owner or operator to cure a first-time alleged violation. Any time period in which the digital or electronic changeable message display is turned off while the owner or operator attempts to address or cure the alleged violation shall toll the running of the six-hour period. The fine for a violation of any provision of this section pertaining to an Electronic Billboard sign shall not exceeding \$500.00 for each day that a violation exists, or by imprisonment for a period not exceeding 60 days, or both.

***Article 9, Definitions***

**Electronic Billboard:** A sign emitting and incorporating an illuminated message, image or design created electronically by any light source, LED (light emitting diodes) or any other combination of light sources or changeable message technology upon one (1) or more of its sign faces; and said sign shall incorporate electronic changeable message technology which enables the owner/operator to remotely operate and change the electronically created message, image, design and/or advertising copy.

Any billboard sign, except such permitted billboards pursuant to Section 4.04.02 of the Town's Unified Land Development Code, which has digital or other electronic changeable message technology and does not comply with this definition of Electronic Billboard shall be conclusively deemed a prohibited billboard sign.

**Electronic Changeable Message Billboard:** See Electronic Billboard.

**Digital Billboard:** See Electronic Billboard.