

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
 2 **ORLANDO, FLORIDA, RELATING TO SIGNS ON TRANSIT**
 3 **INFRASTRUCTURE; AMENDING CHAPTER 64 OF THE**
 4 **LAND DEVELOPMENT CODE RELATING TO SIGNS TO**
 5 **ALLOW CERTAIN SIGNS ON TRANSIT KIOSKS AND**
 6 **TRANSIT INFRASTRUCTURE ASSOCIATED WITH CITY-**
 7 **APPROVED PUBLIC BIKE-SHARE SYSTEMS; PROVIDING**
 8 **DEFINITIONS, FOR SEVERABILITY, CODIFICATION,**
 9 **CORRECTION OF SCRIVENER'S ERRORS, AND AN**
 10 **EFFECTIVE DATE.**

11
 12 **WHEREAS**, section 163.3202(1), Florida Statutes, requires that the City of
 13 Orlando, Florida (the "City"), adopt or amend and enforce land development regulations
 14 that are consistent with and implement the City's adopted comprehensive plan; and
 15

16 **WHEREAS**, section 163.3203(3), Florida Statutes, encourages the use of
 17 innovative land development regulations and requires that all land development
 18 regulations be combined into a single land development code for the City; and
 19

20 **WHEREAS**, from time to time, amendments and revisions to the City's adopted
 21 comprehensive plan (the "Growth Management Plan") and progress in the field of
 22 planning and zoning make it necessary or desirable to amend the land development
 23 regulations of the City; and
 24

25 **WHEREAS**, at its regularly scheduled meeting of December 17, 2013, the
 26 Municipal Planning Board recommended to the City Council of the City of Orlando,
 27 Florida (the "Orlando City Council"), that the provisions of this ordinance are consistent
 28 with the applicable provisions of the City's adopted Growth Management Plan, are in the
 29 best interest of the public health, safety, and welfare, are in harmony with the purpose
 30 and intent of the City's Land Development Code, will not result in disorderly and illogical
 31 development patterns, and will not result in incompatible land uses; and
 32

33 **WHEREAS**, the Orlando City Council hereby finds and determines that this
 34 ordinance is consistent with the applicable provisions of the City's adopted Growth
 35 Management Plan, is in the best interest of the public health, safety, and welfare, is in
 36 harmony with the purpose and intent of the City's Land Development Code, will not
 37 result in disorderly and illogical development patterns, and will not result in incompatible
 38 land uses; and
 39

40 **WHEREAS**, Goal 1 of the Transportation Element of the City's Growth
 41 Management Plan (the "GMP", the City's "comprehensive plan" for purposes of the Local
 42 Government Comprehensive Planning and Land Development Regulation Act), adopted
 43 August 12, 1991, amended June 18, 2001, and as further amended from time to time,
 44 states that the City is committed to developing a balanced transportation system that
 45 supports building a livable community and improves access and travel choices through

enhancement of roads, public transit, bicycle and pedestrian systems, intermodal facilities, demand management programs, and traffic management techniques; and

WHEREAS, the City's GMP Transportation Element Policy 1.14.6 requires that the City encourage the Central Florida Regional Transportation Authority to coordinate routing of the regional service and location of transit facilities with the location of activity centers and high intensity mixed use corridors; and

WHEREAS, the City's GMP Transportation Element Policy 1.14.7 requires that the City monitor and affect as needed the operations of the Central Florida Regional Transportation Authority within the City of Orlando related to service levels, fare structures, ridership projections, financial needs, and recommended funding sources; and

WHEREAS, the City's GMP Transportation Element Policy 1.14.3 requires that the City support provisions for transit passenger convenience such as information programs which acquaint travelers with transit routes and available services, weather protection at selected stops along transit routes, clear signage which identifies transit stops, lighting and emergency call boxes at selected stops, and route map signs at designated stops; and

WHEREAS, section 163.3202, Florida Statutes, provides that each municipality shall adopt and enforce land development regulations that are consistent with and implement its adopted comprehensive plan and that such land development regulations shall contain specific and detailed provisions necessary or desirable to, among other things, regulate signage; and

WHEREAS, in accordance with section 163.3194, Florida Statutes, the City's Municipal Planning Board (the "MPB", the City's "local planning agency" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act) has reviewed this proposed ordinance and has found that this ordinance and the amendments it makes to the City's land development regulations are consistent with the City's adopted comprehensive plan, and further, the MPB has recommended that the Orlando City Council adopt this proposed ordinance; and

WHEREAS, the Orlando City Council hereby finds and determines that increasing automobile congestion and continued population and employment growth in the City requires that the City promote the development, operation, and maintenance of a convenient, efficient, safe, and comfortable transit system; and

WHEREAS, the Orlando City Council hereby finds and determines that providing for the installation and maintenance of transit shelters, transit kiosks, and transit infrastructure for bike-share systems within the City of Orlando will promote the

development, operation, and maintenance of a convenient, efficient, safe, and comfortable transit system; and

WHEREAS, the Orlando City Council hereby finds and determines that amending the City's current regulations relating to signs on transit shelters, transit kiosks, and transit infrastructure for bike-share systems as provided by this ordinance, will appropriately balance the need and desire to promote and protect the aesthetic beauty of the City of Orlando with the need and desire to promote the installation and proper maintenance of transit facilities, including transit shelters, transit kiosks, and transit infrastructure for bike-share systems, and further, that nothing in this ordinance is inconsistent with this Council's findings and determinations made in conjunction with previous amendments to Chapter 64, Orlando City Code, including ordinances relating to signs adopted by the Orlando City Council on September 16, 1991 (Documentary #25101) and September 11, 2000 (Documentary #33225); and

WHEREAS, the Orlando City Council hereby finds and determines that because of their size and location, signs on transit shelters, transit kiosks, and transit infrastructure for bike-share systems are less intrusive and obnoxious than other offsite signs and do not present the same level of aesthetic or visual impact as other offsite signs; and

WHEREAS, the Orlando City Council hereby finds and determines that because signs on transit shelters, transit kiosks, and transit infrastructure for bike-share systems are ancillary to the primary use as a place of rest, comfort, and respite, and information-gathering for transit passengers, and because such infrastructure attracts transit passengers and are naturally locations of activity, bustle, and movement, signs attached to such infrastructure are less likely to present unanticipated and dangerous distractions to passing motorists; and

WHEREAS, the Orlando City Council hereby finds and determines that signs on transit shelters, transit kiosks, and transit infrastructure for bike-share systems constitute a tolerable aesthetic impact on the City's natural beauty and scenery because, in part, signs on transit shelters will financially assist the City and other government agencies in providing transit facilities for the public, which goal is consistent with the City's GMP; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AS FOLLOWS:

SECTION 1. SECTION 64.276, AMENDED. Section 64.276, Orlando City Code, is hereby amended as follows:

Sec. 64.276. Signs on Transit Infrastructure Shelters.

Notwithstanding any provision of this Code to the contrary, signs may be permitted on transit infrastructure~~Transit Shelters~~, but only when ~~Transit Shelters with signs are~~ authorized pursuant to an interlocal agreement between the City and the Central Florida Regional Transportation Authority, ~~or its successor agency, or an~~ interlocal or other agreement between the City and a public or private transportation service provider, provided that such signage complies with all other applicable provisions of this Code, and subject to the regulations of this section. For the purposes of this section, "transit infrastructure" means transit shelters, transit kiosks, and kiosks and bike racks associated with a City-approved public bike-share system, ~~provided that the following are complied with:~~

(a) *Sign Faces*. Each ~~t~~Transit S~~shelter~~ and transit kiosk may contain no more than two sign faces. For the purpose of this part, the term "sign face" means that portion of the ~~t~~Transit s~~Shelter~~ or transit kiosk structure designed and used for securing and displaying sign copy. Sign faces must display sign copy through a transparent and durable material. The orientation and positioning of sign faces affixed to ~~t~~Transit s~~Shelters~~ and transit kiosks shall be subject to the review and approval of the City ~~p~~Planning o~~Official~~, or designee, prior to the issuance of any building permit for the respective ~~Transit Shelters~~shelter or kiosk. All sign faces must be erected and maintained in accordance with approved permits. Sign faces may not be erected on or upon the roof or roofline of a Transit Shelter. For the purpose of this part, and notwithstanding any provision of this Code to the contrary, a sign or signs attached to a ~~t~~Transit s~~Shelter~~ or transit kiosk for the sole purpose of displaying transit transportation service information or public service information provided by the City shall not be considered a "sign face."

(b) *Copy Size*. Sign copy dimensions may not exceed 72 inches by 60 inches per sign face.

(c) *Historic Districts*. Signs are prohibited on ~~t~~Transit s~~Shelters~~ in all historic preservation districts, except for signs attached to a ~~t~~Transit s~~Shelter~~ for the sole purpose of displaying ~~transit~~transportation service information or public service information provided by the City.

(d) *Downtown*. Signs are prohibited on ~~t~~Transit s~~Shelters~~ in the City's Downtown Development District and the City's Downtown Community Redevelopment Area, unless otherwise approved by the appearance review board~~City's Downtown Development Board Development Review Committee~~, and except for signs attached to a ~~t~~Transit s~~Shelter~~ for the sole purpose of displaying transportation~~transit~~ service information or public service information provided by the City.

(e) *Residential Districts*. Signs are prohibited on ~~t~~Transit s~~Shelters~~ in the R-1, R-1 A, RIAA R-1N R-2A, R-2B zoning districts, and any portion of a planned development zoning district with one or two family residential use, except for signs attached to a

~~t~~Transit ~~s~~Shelter for the sole purpose of displaying ~~transportation~~transit service information or public service information provided by the City.

(f) *Minimum Separation.* Transit ~~s~~Shelters and transit kiosks with signs may not be closer than 400 feet from another ~~t~~Transit ~~s~~Shelter or transit kiosk with a sign on the same side of the public right-of-way. Notwithstanding any provision of this Code to the contrary, a sign or signs attached to a ~~t~~Transit ~~s~~Shelter or transit kiosk for the sole purpose of displaying ~~transit~~transportation service information or public service information provided by the City are excluded from the provisions of this part.

(g) *Bike-share infrastructure.* Kiosks and bike racks associated with a City-approved public bike-share system may include signs. Such signs may be digital or static, but if digital, must conform to the operational regulations of section 64.277(II)B.3), of this Code, except for section 64.277(II)B.3)e).

SECTION 2. SECTION 64.300, AMENDED. Section 64.300, Orlando City Code, is hereby amended as follows:

Sec. 64.300. Prohibited Signs.

The following signs are prohibited and shall be removed immediately in accordance with ~~s~~Section 64.302, below:

Hazardous or Confusing Signs. Advertising signs which in any way simulate emergency vehicles, traffic-control signs and devices, or directional, informational, and warning signs which are erected or maintained by the State of Florida, a political subdivision thereof, or by any railroad, public utility, or similar agency concerned with the protection of the public health or safety.

Signs on Public Property. Any private sign placed on public property or any public right-of-way, including the median, is prohibited, except ~~t~~Transit ~~infrastructure~~Shelter signs which conform to this Code.

Obscene Signs. Any sign containing statements, words, or pictures of an obscene nature.

Roof Signs. Any sign located on a roof or above the roof lines shall be prohibited.

Signs on Vehicles. Any vehicle with a sign or signs attached thereto or placed thereon subject to the following exceptions:

(a) Any vehicle parked on private property when parked within the confines of a building or in some manner which provides for effective screening so as not to allow the sign or signs on the vehicle to be viewed from any public street.

(b) Any vehicle upon which is placed a sign identifying the firm or its principal products if such vehicle is one which is operated during the normal course of business; provided, however, that no such vehicle shall be routinely parked in a location where it serves as or constitutes additional signage.

(c) Buses, taxicabs, and similar common carrier vehicles which are licensed or certificated by the City of Orlando ~~and/or~~ the Florida Public Services Commission.

(d) Bicycles associated with a City-approved bike-share system.

Wind-Operated Devices. Except as provided in the organizational banner sign regulations of this Chapter, any sign which incorporates or consists of banners, pennants, ribbons, streamers, spinners, balloons containing pressurized air, hot air, cold air, any gas or other substance, or wind-operated devices shall be a prohibited sign or type of sign.

Serial Signs. Any advertisement which uses a series of two ~~(2)~~ or more signs placed in a line parallel to the highway or in a similar fashion, and carrying a single advertising message, part of which is contained on each sign.

Street Corner Visibility. Any sign which the Orlando Transportation Engineer determines obstructs the sightline at intersections ~~and/or~~ public or private driveways.

Snipe Signs. Shall be prohibited.

Freestanding Signs. Except as provided in the menu board regulations in sSection 64.249 of this Chapter, freestanding signs shall be prohibited.

Beacon Lights. Any sign which incorporates a beacon light or lights as defined herein.

Flashing Signs. Shall be prohibited. Flashing signs lawfully in existence and maintained as of October 12, 1980, however, shall be considered nonconforming signs, and shall be permitted to remain for the same period as other nonconforming signs under the provisions of Part 3 of this Chapter.

Electronically Controlled Message Centers. Shall be prohibited.

Movement on Sign Display Area. Any sign incorporating movement of parts or portions of the sign display area shall be prohibited.

SECTION 3. SUBSECTION 64.400(i), AMENDED. Subsection 64.400(i), Orlando City Code, is hereby amended as follows:

(i) *Digital kiosks.* Digital kiosks are kiosks containing primarily digital signs. Subject to approval from the City to use its right-of-way for such purpose, digital kiosks are allowed within public sidewalks throughout the Downtown Special Sign District, and may display offsite messages as well as static sign copy.

SECTION 4. SECTION 66.200, AMENDED. Section 66.200, Orlando City Code, is hereby amended as follows:

Transit Compatible Development: A development that makes provisions for transit in the design of the site plan. The design may include provisions for bus turning radii, pavement that can support the weight of transit vehicles, limiting conflicts between pedestrians and transit vehicles and between general traffic and transit vehicles, and facilitating walking between buildings and transit stops. Other factors that may be considered include review of internal roadway and parking area, building placement, garage clearances, as well as recommendations on bus zones, shelters, awnings, lighting fixtures and other improvements.

Transit kiosk means a kiosk located at a public transit station and devoted primarily to the display of public transportation information.

Transit Routes, Major: Routes that have the ability to carry peak-period loads to metropolitan activity centers and maintain the desired headways detailed in the Mass Transit Element goals, objectives, and policies.

SECTION 5. CODIFICATION. The City Clerk and the City Attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 6. SCRIVENER'S ERROR. The City Attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION 7. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 8. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2014.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of _____, 2014.

DONE, THE SECOND READING, AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2014.

BY THE MAYOR/MAYOR PRO TEMPORE
OF THE CITY OF ORLANDO, FLORIDA:

Mayor / Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

Assistant City Attorney

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