

ORDINANCE NO. 2019-06

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA, BY AMENDING ORANGE COUNTY CODE PROVISIONS RELATED TO THE I-DRIVE DISTRICT OVERLAY ZONE; AMENDING DIVISION 4.5 OF ARTICLE VII OF CHAPTER 38 TO PROVIDE FOR DYNAMIC ART REGULATIONS, ALLOW FOR LIVE/WORK UNITS AS A RESIDENTIAL USE, REPEAL CERTAIN PROHIBITED USES, AMEND BICYCLE PARKING AMOUNT AND DESIGN REQUIREMENTS, ELIMINATE PAVEMENT MATERIAL REQUIREMENTS FOR LOADING FACILITIES, AND ADD DEFINITIONS; AMENDING CHAPTER 31.5, ORANGE COUNTY CODE, REGARDING SIGNS, TO EXEMPT DYNAMIC ART FROM THE DEFINITIONS OF "SIGNAGE" AND "WORK OF ART"; AND PROVIDING FOR AN EFFECTIVE DATE.

Sec. 38-864.1. Dynamic Art.

b. General Standards.

(7) Text Copy Area. The Text Copy Area within Dynamic Art shall adhere to the following criteria:

- (A) A maximum of ten percent (10%), not to exceed 672 sq. ft., of the proposed Dynamic Art Surface

Area displayed on a façade of a building or parking structure may be used as Text Copy Area;

- (B) Text within the Text Copy Area shall not be displayed more than once per minute, and no more than thirty (30) consecutive seconds per minute;
- (C) The end and beginning of consecutive displays of Text within the Text Copy Area shall be at least thirty (30) seconds apart; and
- (D) Text Copy Area shall not be located more than one hundred (100) feet above the finished grade at the base of the building or parking structure.

The County's sole intent in permitting the Text Copy Area is to allow a limited duration of time, a limited amount of space, and a maximum height for the use of Text by recognition of Artistic Sponsors. However, the County does not regulate the content of Dynamic Art or of any ~~associated~~ Text.

[In the alternative, eliminate the prior paragraph as the intent of the ordinance is already addressed in Section 38-864.1(a).]

c. Dynamic Art Application.

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- (2) The exact physical location and placement of proposed Dynamic Art, including:
 - (A) The dimensioned building or parking structure elevation for all facades of the building or parking structure that will be used to display Dynamic Art ~~and Text~~, including Dynamic Art Surface Area and Text Copy Area; and

(B) Colored graphical renderings or computer simulations of proposed Dynamic Art and Text Copy Area.

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d. Dynamic Art Application Submittal, Review, Approval, and Appeal Process

Furthermore, if any Dynamic Art is found to constitute a traffic safety hazard based upon applicable traffic safety standards after installation, the County Traffic Engineer shall require the operator of the Dynamic Art to either reduce the intensity of the condition or effect that causes the hazard to an acceptable level, or if such reduction is not feasible or possible, to remove or alter the Dynamic Art to eliminate the hazard. Finally, the County Traffic Engineer may require an immediate cessation of such conditions or effects where the County determines that an imminent danger to the traveling public exists.

Sec. 38-869. Definitions.

b. Defined Terms.

For the purposes of Sections 38-860 through 38-875, the following terms shall have the following meanings.

(15) Dynamic Art. Designs or images on a building or structure that employ lighting displays, projections, videos or other electronic images and graphics, or any

combination thereof. Such designs or images shall consist of subtle changing or moving elements of color, shapes, symbols, images, graphics and patterns, as created by artists, creative agencies or studios, design professionals or others.

(63) Text. Letters ~~and, logos, trademarks, symbols,~~ numbers ~~and the like~~ displayed within the Text Copy Area.

(64) Text Copy Area. The portion of the Dynamic Art Surface Area on a building or parking structure façade ~~within which Text may be displayed, subject to the requirements of~~ as set forth in Section 38-864.1. Text Copy Area is measured by the perimeter of the overall area within which ~~Text may be~~ the text copy is displayed, and not by the area covered by the actual Text.