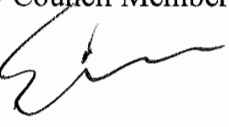


MEMORANDUM

TO: Honorable Mayor Strickland and City Council Members
FROM: Eugene Miller, Interim City Manager 
DATE: April 2, 2010
SUBJECT: Amendment to Sign Ordinance in regard to existing signs

APR 06 2010

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Introduction: Under current regulations, all nonconforming signs within the City must be brought into compliance or removed within the next year. Small business owners have requested a five-year extension of that deadline and ability to upgrade existing signs during that time without having to bring the signs into compliance.

Background: The sign ordinance, which was amended in 2004, sets a deadline of April 2011 for bringing all nonconforming signs into compliance. It also regulates when a nonconforming sign loses legal status.

Discussion: Section 9.9.2 of the Land Development Code states “Any sign that is nonconforming to the requirements of this Chapter, either by variance previously granted or by conformance to the existing sign regulations at the time the initial permit for said sign was issued, shall either be removed or brought up to Code requirements no later than April, 2011.” In addition, Section 9.9.3 states that any sign loses legal status and must be brought into compliance if any changes beyond normal maintenance are made. Normal maintenance has been interpreted to mean cleaning, repainting, changing of parts and repair that does not require a building permit and does not change the appearance of a sign. Any alteration made, such as changing the logo or wording results in the sign having to be brought into compliance. Any new business is required to bring the existing sign into legal conformity. The one exception is replacement of a panel in a nonconforming sign for a multi-tenant building.

Staff recommends an extension of two years rather than five years. The recommendation is based on the need to give business owners a sense of urgency in working with the City to create an overlay district or other suitable mechanism to resolve this issue permanently. Staff recommends that the Council direct the Planning Commission review and report to the Council progress on signage upgrades and creation of an overlay district(s). The Commission can place the matter on its agenda quarterly to receive public input.

Budget Impact: While the City will not have any costs as a result of the proposed change. There would be an impact from not collecting building permit fees when a new sign replaces an existing one. Based on the average permit fee of \$228 per sign and an estimated 100 signs impacted, the total in fees not collected would be \$22,800 in the upcoming year. Permit fees are intended to cover the City’s costs for work performed; so there would be no actual loss of revenue. The annual sign fees are not impacted, as these fees are paid for every existing sign regardless of legal status.

Recommendations: Based on the current economic realities and as a way to grant relief to local small businesses, the City Manager's recommendation is that the City Council approves Ordinance #420, extending the deadline by two years.

Prepared By: Elaine Wilson, Interim Development Services Director 

ORDINANCE NO. 420

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING SECTION 9.9 OF THE CITY'S LAND DEVELOPMENT CODE, SAID SECTION BEING SIGN REGULATIONS OF THE CITY OF ORANGE CITY, FLORIDA, SAID AMENDMENT CHANGING THE REGULATION OF EXISTING SIGNS AND THE DEADLINE FOR CONFORMITY, CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Orange City recognizes that the current economic recession has had a severe impact on local businesses, and

WHEREAS, Chapter 9 of Appendix A of the Orange City Code regulates signs placed within the city limits of the City of Orange City; and

WHEREAS, Section 9.9 contains regulations on amortization of nonconforming signs and sets a date for loss of amortization of such signs,

WHEREAS, the City Council now finds that requiring compliance with said deadline will place an economic burden on business, the City Council now finds it desirable to make a change to said sign regulations, specifically the provisions of Section 9.9.

NOW, THEREFORE, BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:

SECTION 1. That Chapter 9, Sign Regulations, of the Land Development Code of the City of Orange City, is amended as follows:

Section 9.9 Existing signs

9.9.1 Nonconforming signs. Signs lawfully existing prior to the effective date of this Code (not including billboards) may be continued although their size, location or other physical attributes do not conform to this Chapter.

9.9.2 Amortization. Any sign that is nonconforming to the requirements of this Chapter, either by variance previously granted or by conformance to the existing sign regulations at the time the initial permit for said sign was issued, shall either be removed or brought up to Code requirements no later than April 2013. Any change or extension of the deadline must be reviewed at least six months in advance of the expiration date.

9.9.3 Loss of legal nonconforming status of a sign. A sign loses its legal nonconforming status and shall be considered in violation of this Code if one or more of the following occurs:

A. The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with the requirements of this Chapter than it was before the alteration. See Section 9.2.5 for a definition of normal maintenance. It may include upgrades, such as painting, replacement of panels for the existing business or improved lighting.

B. The sign is damaged to such an extent that the cost of the repair or reconstruction of the sign exceeds 50 percent of the value of the sign.

C. Signs determined to be abandoned under the provisions of Section 9.9.4 of this Chapter.

9.9.4 Abandonment. All signs and sign messages shall be removed by the owner or lessee of the premises upon which an on-site sign is located when the business it advertises is no longer conducted. All sign messages shall be removed by the owner or lessee from the premises upon which an on-site message or sign is located within 30 days of the vacation of the premises. If the owner or lessee fails to remove the sign or sign message, the sign or sign message shall be deemed in violation of this Code.

SECTION 2. REPEALER: That all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed, as well as any portion of the Code of Ordinances of the City of Orange City, Florida, in conflict herewith.

SECTION 3. SEVERABILITY: If any section, part of a section, paragraph, clause, phrase or word of this ordinance is declared invalid, the remaining provisions of this ordinance shall not be affected.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS:

First Reading, this _____ day of _____, 2010.

O. William Crippen	_____	Anthony Pupello	_____
Gary A. Blair	_____	Tom Abraham	_____
Jeff Allebach	_____	Tom Laputka, Vice Mayor	_____
Harley Strickland, Mayor	_____		

ROLL CALL VOTE AS FOLLOWS:

Second Reading, this _____ day of _____, 2010.

O. William Crippen	_____	Anthony Pupello	_____
Gary A. Blair	_____	Tom Abraham	_____
Jeff Allebach	_____	Tom Laputka, Vice Mayor	_____
Harley Strickland, Mayor	_____		

PASSED and ADOPTED this _____ day of _____, 2010.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr., City Attorney