

MEMORANDUM

TO: Honorable Mayor Strickland and City Council Members

FROM: Jamie Croteau, City Manager

DATE: May 4, 2010

SUBJECT: Second Reading Ordinance #420 Amending the Sign Ordinance

MAY 05 2010

MJ

Introduction: On April 13, 2010, the City Council conducted the first reading of Ordinance #420. At that meeting the Council approved this ordinance with one change. The ordinance extends the deadline for bringing all nonconforming signs within the City into compliance.

The Planning Commission had not reviewed the ordinance prior to the first reading. As the local planning agency, the Planning Commission is required to review and make recommendations regarding any amendment to the Land Development Regulations. The Commission is will consider this matter at its May 5 meeting. Because this agenda is being prior to that date, staff will report the Commission's recommendation to Council before the vote for the second reading.

Background: The sign ordinance, which was amended in 2004, sets a deadline of April 2011 for bringing all nonconforming signs into compliance. 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.

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. The proposed amendment extends the deadline to April 2013.

Budget Impact: At the first reading, the Council approved waiving the building permit fee for any nonconforming sign brought into compliance before April 2011; and waiving 50 percent of the building permit fee for any sign brought into compliance between April 2011 and April 2012. The ordinance presented here reflects that amendment. The annual sign fees are not impacted, as these fees are paid for every existing sign regardless of legal status.

Recommendation: 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 *عبد*

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~~ (the City's Land Development 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 and~~ that it is 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, 2011~~ 2013. Any change or extension of this deadline must be reviewed by the City Council at least six months in advance of this expiration date.

~~—A. Furthermore, the building permit fee for sign installation or alteration per Section 5.2, Subsection 105, Permits. of the City Code of Ordinances, will be waived for any nonconforming sign brought into compliance with this chapter prior to April 2011. The Such building permit fee will be reduced by 50 percent for any nonconforming sign brought into compliance with this chapter between April 2011 and April 2012. The annual sign fee will apply to all signs regardless of conforming or nonconforming status.~~

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. Maintenance may include upgrades, such as painting, or 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. The design, logo or wording of the sign is altered, except as provided for billboards pursuant to Section 9.2.8.1 of this Chapter and except as provided for in changeable copy signs.~~

~~D. 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 ~~to~~ 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