

Meeting Date: 5/25/2010



Agenda Item # 6-A

CITY COUNCIL AGENDA ITEM

Contact Name: Elaine Wilson Department Director: *Elaine Wilson*
Department/Contact # DSD/775-5418 City Manager: *James C. ...*

- Type of Item:
- | | | | |
|-------------------------------------|--------------------------|--------------------------|---------------------|
| <input type="checkbox"/> | Public Hearing | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Ordinance First Reading | <input type="checkbox"/> | Discussion & Action |
| <input checked="" type="checkbox"/> | Ordinance Second Reading | <input type="checkbox"/> | Council Approval |

Subject: Second Reading of Ordinance #420 Amending the Existing Sign Ordinance

BACKGROUND: Ord. #420 extends the deadline for bringing all nonconforming signs into compliance within the City. The City Council held the first reading of this ordinance on April 13. At that meeting, the Council approved the ordinance with one change: to waive the building permit fee for signs brought into compliance prior to the new deadline.

On May 5, the Planning Commission recommended the City Council approve Ord. #420.

At its May 11 meeting, the Council again considered this ordinance. In response to questions from the public regarding how the value of a damaged sign is determined, Council tabled this item and directed Staff to amend the ordinance. The revision is contained in the document before Council at this meeting. The amendment will allow sign owners to replace a damaged sign without losing legal nonconforming status. The waiver will extend until the 2013 deadline or the adoption of an overlay district, whichever comes first.

RECOMMENDATIONS: Staff's recommendation is that the City Council approves Ord. #420, as amended.

ATTACHMENTS: Ordinance #420

FINANCIAL IMPACT: At the first reading, Council approved waiver of 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 financial impact from this action will be minimal.

Reviewed by City Attorney _____
Reviewed by Finance Dept. _____
Reviewed by: _____

1st Discussion Date: 4/13/2010	2nd Discussion Date: 5/11/2010	Third Discussion Date: 5/25/2010	Other Dates: Click here to enter a date.
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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, 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 ~~2014~~ 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.

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. 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 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. Notwithstanding, a sign shall not lose its legal nonconforming status if it is damaged during the extension period provided in Sec. 9.9.2 above; or before the adoption of an overlay district effecting signage, whichever comes first.

~~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 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 13th day of April, 2010.

O. William Crippen	<u>yes</u>	Anthony Pupello	<u>yes</u>
Gary A. Blair	<u>yes</u>	Tom Abraham	<u>yes</u>
Jeff Allebach	<u>yes</u>	Tom Laputka, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

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