



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Agenda

Ordinance Review Committee

Chair Melissa Roberts
Vice Chair Sonjia Kihlmire
Member James Diehl
Member Eric Taulbee
Member Cheri Taylor
Member Thomas Walsh
Member Maritza Avila-Vazquez

Thursday, October 6, 2016

6:00 PM

Second Floor Conference Room

MEETING CANCELED

1. CALL TO ORDER:

2. ROLL CALL:

3. APPROVAL OF MINUTES & AGENDA:

A. [Minutes of August 4, 2016.](#)

4. PRESENTATIONS/AWARDS/REPORTS:

5. PUBLIC FORUM:

6. OLD BUSINESS:

A. [Ordinance No. 29-2016: Amending Chapter 70-30, Definitions and Chapter 102, Signs of the City's Land Development Code.](#)

7. NEW BUSINESS:

8. STAFF COMMENTS:

9. BOARD/COMMITTEE MEMBERS COMMENTS:

10. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.



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2345 Providence Blvd.
Deltona, FL 32725

Minutes

Ordinance Review Committee

Thursday, August 4, 2016

6:00 PM

2nd Floor Conference Room

1. CALL TO ORDER:

The meeting was called to order at 6:01 pm.

2. ROLL CALL:

Also present: Chris Bowley, AICP, Planning & Development Services; Ron Paradise, Planning & Development Services; Wade Vose, City Attorney; and Kathrine Kyp, Planning & Development Services.

Present: 5 - Vice Chair Sonjia Kihlmire

Member James Diehl

Member Eric Taulbee

Member Cheri Taylor

Member Thomas Walsh

Excused: 2 - Chair Melissa Roberts

Member Maritza Avila-Vazquez

3. APPROVAL OF MINUTES & AGENDA:

A. Minutes of July 7, 2016

Motion by Member Taylor, seconded by Member Diehl, to approve the Minutes for July 7, 2016. The motion carried by the following vote:

For: 5 - Vice Chair Kihlmire, Member Diehl, Member Taulbee, Member Taylor and Member Walsh

4. PRESENTATIONS/AWARDS/REPORTS:

5. PUBLIC FORUM:

Brandy White, 2926 Chalmer Street, Deltona, asked if the committee could explain the purpose and intent of the Ordinance Review Committee. Mr. Bowley explained that the committee was formed by the Commission to review specific ordinances and make recommendations.

6. OLD BUSINESS:

A. Ordinance No. 27-2016 - Itinerate Merchants.

Member Kihlmire read into the record an email sent to city staff from Member Roberts regarding questions surrounding the time restrictions for Itinerate Merchants and Roving Sales. Mr. Paradise stated that he will clarify the language on the time restriction for the merchants. Discussion ensued regarding reviewing the final Ordinance language. Staff noted that they will put the information in the proper structure for the committee to review at the next meeting.

Motion by Member Taylor, seconded by Member Walsh, to allow staff to write Ordinance 27-2016. The motion carried by the following vote:

For: 5 - Vice Chair Kihlmire, Member Diehl, Member Taulbee, Member Taylor and Member Walsh

7. NEW BUSINESS:

A. Ordinance No. 29-2016: Amending Chapter 70-30, Definitions, and Chapter 102, Signs of the City's Land Development Code

Mr. Bowley provided a brief history regarding the Ordinance No. 29-2016: Amending Chapter 70-30, Definitions, and Chapter 102, Signs of the City's Land Development Code and the various rewrites throughout the years. He noted that the intent is to repeal the current sign code and rewrite a new one. He stated that the following the ORC's recommendations, the ordinance will be forwarded on to the Planning and Zoning Board then to the City Commission for two hearings. Discussion regarding grandfathering provisions. Attorney Wade noted that signs that fall under disrepair or new signs will need to follow the current code. Discussion ensued regarding content neutral signs and the regulation of time, place and manner.

Larry Kent, 235 River Village Drive, Debarry, asked for clarification regarding the attachments to the agenda. Staff noted that the entire current Chapter 102 is shown in strikethrough format, pages eight (8) through 37 and the new proposed Chapter 102 is shown on pages one (1) through seven (7).

Jean Armstrong, 1428 Summit Hill Drive, Deltona, asked if the real estate signs would need to be permitted. Attorney Vose noted that for-sale signs are exempt from permitting, but not regulations. Discussion regarding the quantity of signs per residential lot occurred. Discussion ensued regarding adding a revision that will state that one (1) sign per frontage road be allowed for real estate signs.

Brandy White, 2926 Chalmer Street, Deltona, asked what the percentage of residential and commercial parcels. Mr. Bowley noted that the city is comprised of approximately 80% residentially zoned properties and 20% are commercial zones.

Larry Kent, 235 River Village Drive, Debarry, spoke regarding the Deltona Business Alliance's history regarding their work on the sign code and asked how they can participate. Mr. Bowley advised to submit suggestions to Ms. Kyp and attend the ORC meetings. He also suggested to Mr. Kent to meet with the City Attorney and return with the suggested changes.

Jean Armstrong, 1428 Summit Hill Drive, Deltona, asked if the committee will review the sign code draft and return at the next meeting with suggestions. Mr. Bowley confirmed.

Brandy White, 2926 Chalmer Street, Deltona, asked how to submit suggestions during the meetings. The Committee advised that the item will be opened up to the public for comment.

Discussion amongst the committee occurred regarding the definition of a roof-mounted sign. Staff noted that it will be defined more clearly that a roof-mounted sign applies to a physical structure.

8. STAFF COMMENTS:

9. BOARD/COMMITTEE MEMBERS COMMENTS:

10. ADJOURNMENT:

The meeting was adjourned at 6:48 pm.

Melissa Roberts, Chairperson

ATTEST:

Kathrine Kyp, Board Secretary

Chapter 102 – Signs

ARTICLE I. GENERAL PROVISIONS

Sec. 102-1. Regulatory signage purpose and intent.

The City of Deltona (City) places primary importance on signage throughout the City as a means to convey information and to provide for an attractive community. The purpose and intent of this Sign Code (Sign Code) is to provide time, place and manner regulations that promote City beautification. Signage within the City is an integral component to on-going economic development and beautification efforts and an important element in the overall design and development of the City. Both economic development and beautification are strategic goals of the City.

Sec. 102-2. Signage regulation application, permitting, and enforcement.

The City shall support the use of signage through an application process and issue a permit when required, by the sign type, either permanent sign or temporary sign. Sign permits shall be administered and issued through the City's Building and Enforcement Services Department and the permit application shall be accompanied by a sign plan indicating the appearance, dimensions, and location of the signs that conforms to this Sign Code. Signs should not be constructed, fabricated or installed until permitted. All signs within the City, unless vested or specifically exempted in this Sign Code, shall have a sign permit. Alterations to sign plans or to a sign during construction, shall be subject to approval by the City's Building and Enforcement Services Department.

The sign plan shall be professionally completed in the form of design software or technical hand drawings. The plan shall, at a minimum, include the number of permissible signs and proposed signs per location or off-site with dimensions for on-site signs, the sign design, light emission and control standards, if any, sign height with dimensions, and sign orientation. All signs shall be maintained in like-new condition and all sign owners or land owners where the sign is located shall have all business tax receipts or permits required for the activities on the property, if any. Every site utilizing a sign shall have the address for that location clearly and visibly placed on the sign or the associated building for public safety response purposes.

Sec. 102-3. Definitions.

Definitions applicable in this Sign Code can be found in Chapter 70-30, Definitions, of the City's Land Development Code (LDC).

Sec. 102-4. Permanent sign time, place, and manner regulations.

Signage regulations for permanent signs are as follows:

Table 102-1: Permanent Sign Height and Sign Area as Measured by the City

Sign Type	Max. Sign Height	Max. Sign Area
Monument (multi-tenant or single tenant)	10-ft. from the adjacent crown of the road; unless restricted by a utility provider.	80-SF sign
Pole (multi-tenant or single tenant)	20-ft. from the adjacent crown of the road; unless restricted by a utility provider.	64-SF sign
Wall/fascia/fascia return	Per wall copy area.	35% of copy area.
Awning/canopy	Per awning/canopy copy area.	35% of copy area.
Under-canopy/hanging	2-ft. over an 8-ft. clear zone	8-SF
Window/etching	Per window copy area.	25% of window copy area.
Menu-boards/Drive-through	8-ft.	48-SF
Billboards	14-ft.	672-SF
Home Occupation	1-ft.	2-SF

1. Permanent signs have no time limit on their use, shall be content neutral, and allow for commercial speech and opinion signs.
2. Sighting and location of signs shall be based on a sign plan per site and shall not violate any other provisions in the City's Code of Ordinances.
3. Signs shall place the public health, safety, and welfare as paramount, be located in a safe manner that maintains clear site lines/visibility triangles, and does not obstruct public safety personnel.
4. Signs shall not impede pedestrian or motorist safety, as determined by the City.
5. Sign information shall be clearly legible to pedestrians and motorists.
6. Sign construction and installation shall be in compliance with the Florida Building Code and Florida Fire Prevention Code standards, as amended.
7. Maintenance of any sign is the sole responsibility and expense of the sign owner or user/tenant.
8. Signs shall not create public or private nuisances or interfere with other electronic devices.
9. Signs shall have a maximum 40% area for content and 60% area for negative space.
10. All free-standing signs shall be placed along a property frontage with the adjacent roadway.
11. For lots with 100-ft. of frontage or less, one sign per street frontage shall be permitted.
12. For lots with 100-ft. to 299-ft. of frontage, signs may be placed every 100-ft. on-center.
13. For lots greater than 300-ft. of frontage, signs may be placed every 200-ft. on-center.
14. Signs shall not be located closer than 10-ft. from any right-of-way or applicable property line.
15. Signs are for on premise use only, unless defined through a remote signage agreement/use permit that has been approved by the City upon a showing of necessity.

16. Signs shall use decorative architectural features, where possible.
17. Changeable/electronic changeable copy signs are permitted for a permanent sign or copy area.
18. Permanent window signs shall be limited to the name of the establishment/addresses and be placed properly for public safety purposes.
19. Billboards shall only be permissible using highway sighting standards, directly adjacent to the interstate roadway frontage for travel lanes (not ramps), and oriented towards the highway with directional lighting.
20. Signs may be placed on property only with the written permission of the property owner.

Sec. 102-5. Temporary sign time, place, and manner regulations.

Temporary signs are non-permanent signs. Temporary sign frames without their original copy area are not signs and are not permitted in the City. Signage regulations for temporary signs are as follows:

Table 102-2: Temporary Sign Height and Sign Area as Measured by the City

Sign Type	Max. Sign Height	Max. Sign Area
Signs on post and panels	8-ft. from the adjacent crown of the road.	32-SF
All other temporary signs	Per proposed use/permit.	48-SF

1. The temporary sign use period shall be defined in each sign permit, based on their type, and be limited to use only within that time period listed on the sign permit. At the end of the temporary sign use period listed in the permit, the sign shall be removed by the property/sign owner, and if not so removed, it may be removed by the City at the expense of the property owner. Criteria for allowable time limits for temporary signs shall be set by resolution of the City.
2. Signs shall not impede pedestrian or motorist safety, as determined by the City.
3. Sign information shall be clearly legible to pedestrians and motorists.
4. Banners/flags/attention getting devices shall be based on a sign plan per site and shall not violate any other provisions in the City's Code of Ordinances. Criteria for banners/flags/attention getting devices shall be set by resolution of the City.
5. Where temporary signs are proposed to be located on other's property, the permit application shall be accompanied by a written consent of the underlying land owner where the sign is to be placed.
6. Changeable/electronic changeable copy signs are not permitted for a temporary sign or copy area, except for public safety or other public use with the written consent of the City.
7. Sign construction and installation shall be in compliance with the Florida Building Code and Florida Fire Prevention Code standards, as amended.
8. Temporary signs are only temporary/non-permanent and are ancillary to any permanent signage on-site, if any.

9. Signs are for on premise use only, unless defined through a remote signage agreement/use permit that has been approved by the City upon a showing of necessity.
10. Temporary window signs shall be limited to 25% of the window copy area and be placed properly for public safety purposes. The 25% is measured for the entire window area that may include permanent window signage.
11. Signs shall not be located closer than 10-ft. from any right-of-way or applicable property line.

Sec. 102-6. Handheld signs time, place and manner regulations.

Handheld signs shall not require a permit, but are subject to the following regulations:

1. Handheld signs include all signage pertaining to commercial, political, opinion, religious, or any other purpose and may only be displayed during daylight hours between the hours of 7:00 a.m. and 7:00 p.m.
2. Handheld signs may not be displayed in the roadway vision triangle as defined in section 96-37(a)(7), Obstruction of visibility, or within 25 feet of the edge of pavement at a street corner, whichever is less.
3. Persons holding handheld signs shall not interfere with, and must promptly yield to traffic circulation and/or parking in any parking lot, pedestrians utilizing any public or private sidewalk or other walkway, and anyone seeking access to any building, driveway, or parking lot.
4. Handheld signs cannot be displayed along any City, Volusia County, or state roadway with a posted speed limit exceeding 45 miles per hour.
5. Persons displaying handheld signs shall place precedent on public safety and be aware of their environment for public safety to the maximum extent possible.
6. Each handheld sign shall include on it, in at least a 20-point font, the name, address, and current telephone number of the business, entity, or person responsible for its display. The business, entity, or person that is listed or indicated as being responsible for the signage display shall be liable for any violations of this section.
7. Handheld signs shall have a maximum sign area of eight square feet with a dimension not to exceed two by four square feet. Each handheld sign carrier is limited to one sign per person and shall be held by that person at all times.

Sec. 102-7. Signage maintenance, vesting, variances, acts of eminent domain, appeals.

Sign applications submitted prior to the adoption of this Sign Code shall have the option of using the former standards. Upon adoption of this Sign Code, new applications shall only utilize the adopted Sign Code. Interpretations of this Sign Code shall be by the City's Building and Enforcement Services Department, with appeals, if any, to the City Commission.

Existing permanent signs that are maintained in a good condition and are not prohibited signs under this Sign Code shall be considered vested from the date of the adoption of this Sign Code

and shall remain in their current condition with maintenance to keep that vesting. Existing temporary signs, for the purposes of this Sign Code, shall not be considered vested by this Sign Code. All existing hand-made or hand-lettered signs or billboards shall be considered to be temporary in nature, regardless of the message on the sign face, and shall be removed no later than thirty (30) days after the effective date of this Sign Code.

Anyone desiring to make use of their site, or any portion thereof, other than in strict accordance with the restrictions and specifications set forth in this Sign Code, shall apply to the City's Building and Enforcement Services Department and use the variance process afforded in the City's Land Development Code. The City shall not approve any application for a variance, unless it finds that denial of the application would result in an undue hardship upon the applicant, where there is no potential for redesign to stay in conformance with the Sign Code, and that the inability to comply with the provisions of this Sign Code is due to site constraints, and is not brought on by the property or sign owner. The grant of variance shall be in harmony with the general intent of this Sign Code.

Where a permitted sign is subject to an act of eminent domain that is not a complete or total taking of a tract that includes a sign location, the property or sign owner shall be allowed to relocate the sign at their or the taking authority's expense to a location on-site in the remainder cure condition that provides both public safety and site function. Due to the nature of the taking action that may create a legally non-conforming lot, the sign relocation may or may not comport to the Land Development Code regulations.

Any appeal of a decision regarding a sign permit shall be made to the City Commission, in writing and by hand-delivery or through certified mail to the City Clerk, within 30-days from the date of notice of the decision being appealed. Upon receipt of the written appeal by the City Clerk, the Director of Planning and Development Services shall make a recommendation to the City Commission on the appeal. The City Commission shall make the final decision on the appeal, and any further appeal shall be in accordance with Florida law.

Sec. 102-8. Signage removal.

Removal of any sign that is replaced by a new sign, shall be permitted and constructed using the regulations and guidelines of this Sign Code, as amended from time to time. Signs that are not placed in the proper location shall be properly relocated by the property or sign owner at their expense.

Existing permanent signs that are unmaintained or are in an unsafe condition as determined by the City, shall have ninety (90) calendar days from the date of written notice from the City to repair and maintain the sign, replace the sign to the standards listed within this Sign Code, or remove the sign. Any permanent sign removed by the City for non-compliance with this Sign Code shall be at the expense of the property owner. All signs are to be in as like-new condition as possible. Signs falling into disrepair and/or have functional obsolescence at the discretion of the City, shall be subject to repair and/or removal at the expense of the property owner.

Existing temporary signs shall have thirty (30) calendar days from the effective date of this Sign Code to be permitted with a temporary sign permit or be removed. Any temporary sign removed by the City for non-compliance with this Sign Code shall be at the expense of the property owner.

Empty sign frames or structures without a copy area are not allowed under this Sign Code and shall be immediately removed by the property owner, and if not so removed, they may be removed by the City at the expense of the property owner. Reuse or repurposing of a sign, or placing a new copy area on a sign, is not permitted without a new sign permit under this Sign Code.

Sec. 102-9. – Exempt and de minimus signs.

The following signs shall not require a permit, but are subject to the following regulations:

1. Public safety signs and public signs for public benefit use or events are exempt from this Sign Code and may be placed in rights-of-ways or on public property with either a use permit or agreement from the respective public entity or right-of-way agency.
2. Seasonal decorations.
3. Public art preapproved by the City.
4. Banners at public and private recreational facilities (i.e. parks, gymnasiums, ballfields, etc.) that are safely secured and internally oriented.
5. Signs under one (1) square foot in total area for home occupation use.
6. A-frame or sandwich boards placed and removed the same day as the use or event.
7. For sale and for rent signs, and political or opinion signs, provided that no more than one identical sign is placed on any residential lot, or every 100 lineal feet of road frontage of property for non-residential properties. Each such sign shall not exceed 8 square feet of sign face, and shall only be located on property with the specific permission of the owner or tenant of the property.

All exempt and de minimus signs shall be maintained in good condition while in use.

Sec. 102-10. Prohibited signs.

1. Neon or neon-in-appearance signs.
2. Hand-made or hand lettered signs.
3. Signs or attention-getting devices that emit sound, have reflective material, overly bright lights, use animate objects, or are a public safety hazard, as determined by the City.
4. Roof-mounted signs.
5. Antennae/tower-mounted signs.
6. Flag-pole mounted signs.
7. Banners on posts or copy faces not properly attached to sign frames.
8. Banners at public and private recreational facilities (i.e. parks, gymnasiums, ballfields, etc.) that are either not safely secured or externally oriented.
9. Unpermitted snipe or parasite signs (i.e. on utility poles).

10. Stickers/adhesive backed signs that are not window signs.
11. Vehicle lettering/graphics/magnetic signs on inoperable vehicles or trailers, or vehicles parked for advertising and not use, as determined by the City.
12. Signs in rights-of-way are prohibited and shall be removed by the City, unless one of the following four scenarios is present:
 - a. Public safety signs and public signs for public benefit use or events;
 - b. Political signs on the day of the election (not to include early voting days) but they must be removed that election day within two hours after the closing of the polls;
 - c. Temporary directional real estate signs for new subdivisions with five or more lots for weekend-only model home events, or for individual real estate open house events on the day of the open house only; or
 - d. No more than two temporary directional garage sale signs on the day of the garage sale only, provided that such garage sale is in conformance with the provisions of Article V, Chapter 22 of the Deltona Code of Ordinances.

Sec. 102-11. Development Review Committee alternative for sign approval.

In order to provide for flexibility and innovation for signs, an application for a sign or group of signs that would not otherwise be permitted under this Chapter 102, may be processed in the following manner at the option of the applicant. A sign plan that has been professionally completed in the form of design software or technical hand drawings shall be submitted to the City, processed through the Planning and Development Services staff for review of completeness and sufficiency of the application and proposed sign plan, Development Review Committee (DRC) review and recommendation to the City Commission, and City Commission review and vote at one (1) public hearing. The plan shall, at a minimum, include the number of permissible signs and proposed signs per location or off-site with dimensions for on-site signs, the sign design, light emission and control standards, if any, sign height with dimensions, and sign orientation, as well as depictions that accurately reflect the visual appearance of the signs in the locations where they are proposed to be located. The City Commission shall make the final decision as to the approval or disapproval of the sign plan. The standards that shall be utilized for the review and approval or disapproval of the sign plan shall be:

- a) Whether the sign plan is appropriate considering the location of the property on which the sign(s) will be located, taking into consideration the size and speed limit of the roadway fronting the location of the sign(s), and the proximity of residential or other non-commercial properties;
- b) Whether the sign plan results in blockage or interference with other pre-existing signs;
- c) Whether the sign plan results in an unfair competitive advantage considering existing signs on nearby properties;
- d) Whether the signs will have a positive or negative effect upon the property values in the area; and
- e) Whether the signs result in an over-all aesthetically pleasing effect.

Sec. 102-12 – 102.20. Reserved.