

Council Agenda Report

Date: February 17, 2016
Submitted by: Odie Wheeler, Public Works Director
Prepared by: Patricia Escher, City Planner

SUBJECT: ORDINANCE 1074

- I. Technical correction to the non-conforming section of the UDC to remove the amortization clause for non-conforming signs, off-premise signs. (Sec. 6.5.9)

- II. **RECOMMENDATION:** Planning Commission is recommending approval of the proposed amendments to the Unified Development Code.

Discussion:

- I. During the UDC review process it was discussed that the City did not have jurisdiction over the existing billboard signs. Staff proposed to remove billboards from the amortization clause. During the meeting there was discussion about removing this clause all together from the UDC as there are very few such instances of these types of signs and this section should be removed due to the low impact.

§ 6.5.9 Nonconforming Signs

A. Zoning Official to Enforce

The Zoning Official shall order the removal of any sign erected or maintained in violation of the law as it existed prior to the date of the adoption of this Ordinance. Such a sign does not qualify as a nonconforming sign.

B. Nonconforming May Continue

Signs existing at the time of the adoption of this Section and not conforming to its provisions, but which did conform to previous laws, shall be regarded as nonconforming signs and these may be continued if properly maintained and repaired as provided in this Section except as provided below.

- 1. The structure, sign face, or accessories of a nonconforming sign shall not be altered, modified, changed, reconstructed or moved without bringing the sign in all respects into compliance with this Section, provided, however, that nothing herein shall prohibit the normal maintenance or repair of any nonconforming sign.

2. Under this Section, a sign is inseparable from and intrinsically a part of the land use and activity of the property on which it is located. Therefore no site plan for any property shall be approved unless it provides that all existing nonconforming signs and new signs are made to conform to the provisions of this Section.
3. Upon approval of a special exception use on the site where a nonconforming sign or signs exist, all such nonconforming signs shall be brought into conformance with the applicable provisions of this Section.

C. ~~Nonconforming Signs and Sign Structures—Off-Premise~~

~~Nonconforming off premise signs (including billboards) shall be eliminated within five (5) years from the effective date of this chapter. Upon appeal of the Zoning Official's directive to remove the sign, the Board of Appeals may but is not required to extend this time period based on a finding that the five years is not sufficient time for the sign owner to fully amortize the capital investment in the sign structure. In no case shall the amortization period permitted by the Board of Appeals exceed seven (7) years total. In determining an appropriate amortization period the Board shall consider the following:~~

- ~~a. The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.~~
- ~~b. Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.~~
- ~~c. Any return on investment since inception of the use, including net income and depreciation.~~
- ~~d. The anticipated annual recovery of investment, including net income and depreciation.~~

III. Fiscal Impact: NA

PROPOSED ORDINANCE

ORDINANCE NO. 1074

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND, TO AMEND SECTION 6.5.9 OF THE CITY'S UNIFIED DEVELOPMENT CODE TO REMOVE THE AMORTIZATION CLAUSE FOR NON-CONFORMING OFF PREMISE SIGNS.

WHEREAS, on February 2, 2016, the Planning Commission held a public hearing and issued recommendation regarding the proposed text amendment. The Planning Commission unanimously recommended that the Commissioners of Cambridge approve the text amendment to remove the amortization clause for non-conforming off premise signs. (Sec. 6.5.9); and

WHEREAS, the Commissioners of Cambridge find that it is in the best interest of the City to amend Section Sec. 6.5.9 of the Unified Development Code to remove the amortization clause for non-conforming off premise signs; and

WHEREAS, upon the consideration of the recommendation of the Planning & Zoning Commission, and upon consideration of the staff of the Department of Planning and Zoning, and the comments made at the public hearing before Planning Commission, held on February 2, 2016, the City Council finds that the proposed amendment is needed to promote and protect the public's health, safety and welfare; and

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Cambridge, that the City's Unified Development Code is hereby amended as follows:

§ 6.5.9 Nonconforming Signs

A. Zoning Official to Enforce

The Zoning Official shall order the removal of any sign erected or maintained in violation of the law as it existed prior to the date of the adoption of this Ordinance. Such a sign does not qualify as a nonconforming sign.

B. Nonconforming May Continue

Signs existing at the time of the adoption of this Section and not conforming to its provisions, but which did conform to previous laws, shall be regarded as

nonconforming signs and these may be continued if properly maintained and repaired as provided in this Section except as provided below.

1. The structure, sign face, or accessories of a nonconforming sign shall not be altered, modified, changed, reconstructed or moved without bringing the sign in all respects into compliance with this Section, provided, however, that nothing herein shall prohibit the normal maintenance or repair of any nonconforming sign.
2. Under this Section, a sign is inseparable from and intrinsically a part of the land use and activity of the property on which it is located. Therefore no site plan for any property shall be approved unless it provides that all existing nonconforming signs and new signs are made to conform to the provisions of this Section.
3. Upon approval of a special exception use on the site where a nonconforming sign or signs exist, all such nonconforming signs shall be brought into conformance with the applicable provisions of this Section.

~~C. Nonconforming Signs and Sign Structures Off-Premise~~

~~Nonconforming off-premise signs (including billboards) shall be eliminated within five (5) years from the effective date of this chapter. Upon appeal of the Zoning Official's directive to remove the sign, the Board of Appeals may but is not required to extend this time period based on a finding that the five years is not sufficient time for the sign owner to fully amortize the capital investment in the sign structure. In no case shall the amortization period permitted by the Board of Appeals exceed seven (7) years total. In determining an appropriate amortization period the Board shall consider the following:~~

- ~~a. The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.~~
- ~~b. Any costs that are directly attributable to the establishment of compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.~~
- ~~c. Any return on investment since inception of the use, including net income and depreciation.~~
- ~~d. The anticipated annual recovery of investment, including net income and depreciation.~~

AND BE IT FURTHER enacted and ordained that this Ordinance shall become effective on the tenth (10th) day following the date of adoption.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Sandra Tripp-Jones, City Manager

By: _____
Victoria Jackson-Stanley, Mayor

Introduced the __ day of February, 2016
Adopted the __ day of _____, 2016
Effective the __ day of _____, 2016