

**THE FOLLOWING ORDINANCE WAS MOVED FOR INTRODUCTION BY
COUNCIL MEMBER _____; SECONDED FOR INTRODUCTION BY COUNCIL
MEMBER _____**

ORDINANCE NO. 21-02

**AN ORDINANCE FOR THE CITY OF MANDEVILLE TO ENACT A TWELVE-
MONTH AMORTIZATION ON SECTION 10.5.3.11 ELECTRONIC MESSAGE
CENTERS OR DIGITAL SIGNS OF THE LAND USE REGULATIONS OF APPENDIX
A- COMPREHENSIVE LAND USE REGULATIONS OF THE CITY OF MANDEVILLE
AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, City Council of the City of Mandeville approved and adopted Ordinance 14-03 which was codified as Section 10.5.3.11 of the Land Use Regulations of Appendix A of the Comprehensive Land Use Regulations (CLURO) of the City of Mandeville to address the use of electronic message centers or digital signs (collectively “EMCs”); and

WHEREAS, Sections 10.5.3.11 (2) and 10.5.3.11 (3)(d) allowed owners of legally nonconforming EMCs to maintain in place until January 1, 2021; and

WHEREAS, at the time of the adoption of Ordinance 14-03, the City Council articulated certain findings, that are codified in Section 10.5.3.11. 3, which remain relevant today;

WHEREAS, the City Council opines that the findings of Section 10.5.3.11.3 support the continued prohibition of EMCs whose digital components account for more than 50% of the sign face, and as a result, any EMC in use during the amortization period set forth in Section 10.5.3.11 remains subject to the regulations of the CLURO; and

WHEREAS, the City Council also recognizes that there may be compelling reasons for businesses within the City limits to incorporate the use of digital components, that are of a limited size, that may be consistent with the findings of the City Council in Section 10.5.3.11.3; and

WHEREAS, the City Council also recognizes that there have been technological advancements since the adoption of Ordinance 14-03 that could allow for the use of digital components, of a limited size, that may allow for the use of EMCs while staying consistent with the findings of the City Council in Section 10.5.3.11.3; and

WHEREAS, the City Council desires to have a full review of Article 10, including Section 10.5.3.11, to include electronic message centers and digital signs, conducted this calendar year, that would thoroughly consider any compelling reason for business use of EMCs, any technological advancements since the adoption of Ordinance 14-03, and the previous findings of the Council; and

WHEREAS, the City Council supports the engagement of a consultant, who has extensive experience in addressing a municipality's power to regulate sign usage, to assist the Planning and Zoning Commission as it reviews the current regulations set forth in, and develops new regulations for the subject matter governed by Article 10, which includes Section 10.5.3.11, in such a manner that considers the impact of new uses and technology on the Council's previous findings.

THEREFORE, BE IT ORDAINED, the City Council hereby finds it is a matter of compelling public interest and necessity to amend Section 10.5.3.11 to enact an additional twelve (12) month amortization schedule on the prohibition of electronic message centers or digital signs, wherein the digital component of said EMCs is of a limited size, that are located within the Mandeville City Limits; and

BE IT FURTHER ORDAINED that Section 10.5.3.11.3.d be amended to read:

Legally nonconforming EMCs or signs erected prior to the effective date of this ordinance, wherein the digital component is greater than 50% of the sign face, may continue to be maintained until May 1, 2021 subject to the provisions of section 10.5.3.11.2 of this Sign Code. Thereafter, unless such signs conform to the provisions of this Sign Code, they shall be removed. Legally nonconforming EMCs or signs erected prior to the effective date of this ordinance, wherein the digital component is of limited size and less than 50% of the sign face, may continue to be maintained until January 1, 2022 subject to the provisions of section 10.5.3.11.2 of this Sign Code. Thereafter, unless such signs conform to the provisions of this Sign Code or subsequent changes are made to the Sign Code that impact the usage of signs with digital components, they shall be removed.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon the signature of the Mayor;

BE IT FURTHER ORDAINED that the Clerk of this Council be, and she is hereby authorized and empowered to take any and all actions which she, in the exercise of her discretion, deems necessary to promulgate the provisions of this Ordinance.

The Ordinance being submitted to a vote, the vote thereon was as follows:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

and the Ordinance was declared adopted this _____ day of _____, 2021.

Kristine Scherer
Clerk of Council

Rick Danielson
Council Chairman

CITY OF MANDEVILLE PLANNING AND ZONING COMMISSION MEMORANDUM

TO: CITY COUNCIL

FROM: CARA BARTHOLOMEW, DIRECTOR OF PLANNING AND DEVELOPMENT

SUBJECT: ORDIN. 21-02 / P21-04-04

DATE: MAY 2, 2021

The City Council introduced Ordinance 21-02 at the March 11, 2021 meeting. The ordinance is to amend the provisions of the Electronic Message Centers (EMC's) or Digital Signs, creating a new amortization schedule of one year for existing signs with less than 50% of their sign face composed of EMC's. The ordinance also included Whereas language that suggested the need for the City to retain an expert in drafting and reviewing Sign Ordinances to review the entire Article of the CLURO addressing the City's sign code, regulations and enforcement.

At the P&Z meeting on April 27, 2021, it was presented to the P&Z that there were two issues requiring P&Z consideration and recommendation: amortization and Sign Code review by an expert. A motion to bifurcate the Ordinance into the proposed new amortization schedule and the recommendation to hire a sign consultant for the review of the sign code was made by the Planning Commission Chair.

The Planning Commission did not recommend an additional amortization schedule, opining that the amortization period contemplated by CLURO Section 10.5.3.11 had passed and Section 10.5.3.11 be enforced as written. The Planning Commission made a recommendation to City Council to move forward with a consultant to review signed ordinances with the assistance and appropriate scope necessary from the City's legal team as well as the Planning & Zoning team.

Planning Commission voted unanimously on each motion: amortization and Sign Code review at their meeting held Tuesday April 27, 2021