

First Reading: _____
Second Reading: _____

Ordinance. No. _____

AN ORDINANCE TO AMEND An Ordinance to Amend Chapter 530 (Signs) Article VIII (Nonconforming Signs), Section 28 (Existing Nonconforming Signs – Abatement) of the Town Code of Bethany Beach

BE IT HEREBY ENACTED, by the Town Council of the Town of Bethany Beach, a majority thereof concurring in council, duly met, that Chapter 530 (Entitled “Signs”) be and hereby are amended to read as follows:

§ 530-28: Legal Non-Conforming and Discontinued Signs

A. Signs For A Legal Non-Conforming Use

1. If at the time of the adoption of the Bethany Beach Sign Ordinance, any signs that are being used in a manner or for a purpose that was otherwise lawful, but does not conform to the provisions of the Bethany Beach Sign Ordinance, shall be considered to be Non-Conforming Legal Signs.
2. Such signs may continue only in the manner and to the extent that it existed at the time of the adoption, amendment or extension of the Bethany Beach Sign Ordinance.
3. New or replacement signs for a non-conforming use shall be permitted with the following restrictions:
 - a. The non-conforming sign may not be expanded or modified in any way that increases the sign’s non-conformity nor may any illumination be added;
 - b. It must remain structurally unchanged except for repairs and alterations;
 - c. The non-conforming sign if replaced must be located in the same position on the property;
 - d. The design and the color scheme shall blend in as much as possible with the zoning district in which the non-conforming sign is located;
 - e. It cannot be reestablished once the sign structure has been removed.

B. Sign Condition Requirements

1. All legal non-conforming signs shall be subject to all requirements of the Bethany Beach Sign Ordinance regarding safety, maintenance and repair. Non-conforming legal signs shall be maintained in good condition including non-structural repairs and incidental alterations or copy alterations, such as repainting, which do not extend or intensify the non-conforming features of the sign.
2. In the event legal non-conforming signs are not in above said condition or are demolished and/or destroyed by any force whatsoever to the extent of fifty percent (50%) or more of the fair market value of the sign structure, such legal non-conforming signs shall than be made to conform to the Bethany Beach Sign Ordinance for the zoning district in which the sign is located. The fair market value shall be certified by the Building Inspector or his/her designee as to the depreciated replacement value of the sign.

C. Discontinuance of Certain Legal Non-Conforming Signs:

1. A legal non-conforming sign for a non-conforming use that is discontinued for a period exceeding twelve (12) months, or is superseded by a conforming use shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.

Synopsis

This ordinance clarifies regulations for signage as it pertains to non-conforming legal signs.

Effective Date:

This ordinance shall take effect immediately upon its adoption.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Bethany Beach at a duly-noticed and convened meeting at which a quorum was present on _____ 2011.

So Certifies:

Attest: _____
Town Clerk

Mayor

This shall certify that the title and synopsis of the foregoing ordinance was posted at the Town Hall on _____, 2011 and published in The Coastal Point on _____, 2011.

So Certifies:

Date

Town Clerk

This shall certify that the title, synopsis, date of adoption, and effective date of the foregoing ordinance was published in The Wave on _____, 2011 and that a copy of the foregoing ordinance was posted at the Town Hall on _____, 2011.

So Certifies:

Date

Town Clerk