

ORDINANCE C-469

AN ORDINANCE OF THE TOWN OF MEDLEY, FLORIDA, AMENDING SECTION 62-38 (F) OF THE TOWN CODE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council has previously adopted an Ordinance regulating and controlling billboards within the Town, found at Section 62-38 of the Town Code; and

WHEREAS, the Town Council has investigated and determined it is in the best interest of the Town of Medley to allow conversion of existing billboards to digital and trivision billboards and to allow construction of new digital and trivision billboards under certain conditions; and

WHEREAS, the Town Council has expressed the desire to revise Section 62-38(f) of the Town Code, in order to increase the number of permitted digital billboard faces in the Town, while limiting the number of billboard faces along the Palmetto Expressway/SR 826, to avoid visual clutter due to the proliferation of billboards along the Palmetto Expressway, and for various other reasons, including additional revenue to the Town; and

WHEREAS, the Town Council finds and determines that the adoption of this Ordinance is in the best interest of the public health, safety, and welfare of the Town.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MEDLEY, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby ratified as true and correct and incorporated herein by reference.

Section 2. Town Code Amended. That Section 62-38 (f) of the Town Code of the Code of Ordinances of the Town of Medley is hereby amended to read as follows:

Section 62-38 (f).

(f) *Conversion of existing billboards and construction of new digital billboards.* New construction of a digital billboard or trivision billboard is only allowed as a new construction of a digital or trivision billboard, or as a conversion and replacement of a legally nonconforming billboard, in the same location or on an existing parcel. These digital billboards must comply with all of the requirements of this section and state law, including the following:

(1) *Maximum number.* A maximum of twelve legally nonconforming or confirming billboard sign faces in the town may be permanently converted to digital billboards or trivision billboards.

(2) *Agreement.* Each existing or new digital billboard construction or conversion must be approved as part of any agreement between the sign owner and the Town, which requires the approval of the Town Council (the “Billboard Reconstruction Agreement” or “Billboard Construction Agreement”). Prior to issuance of a permit for construction of a digital or trivision billboard or conversion of an existing billboard to a digital billboard or trivision billboard, and as a precondition of any approval of such permit, the operator of the replacement sign shall submit an executed offer of a billboard construction or reconstruction agreement with the Town. . . .

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion In The Code. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Medley, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

Section 5. Repeal of Ordinances in Conflict. All ordinances or parts of ordinances in conflict herewith or inconsistent herewith, are hereby repealed, but only insofar as such ordinances may be inconsistent or in conflict with this Ordinance.

Section 6. Effective Date. This Ordinance shall be effective immediately upon its adoption on second reading.

PASSED on First Reading by the Town Council of the Town of Medley this __ day of September, 2023.

PASSED AND ADOPTED on Second Reading by the Town Council of the Town of Medley this ____ day of _____, 2023.

ROBERTO MARTELL, MAYOR

ATTEST:

VICTORIA MARTINEZ, FRP, CMC, TOWN CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

MICHAEL A. PIZZI JR., TOWN ATTORNEY

SUMMARY OF VOTE – FIRST READING

The motion to PASS the foregoing Ordinance of FIRST READING was made by _____ and seconded by _____ and on roll call, the following vote was had:

Mayor Roberto Martell	_____
Vice-Mayor Edgar Ayala	_____
Councilperson Ivan Pacheco	_____
Councilperson Karina Pacheco	_____
Councilperson Lizelh Rodriguez	_____

SUMMARY OF VOTE – SECOND READING

The motion to PASS AND ADOPT the foregoing Ordinance of SECOND READING BY TITLE ONLY was made by _____ and seconded by _____ and on roll call, the following vote was had:

Mayor Roberto Martell	_____
Vice-Mayor Edgar Ayala	_____
Councilperson Ivan Pacheco	_____
Councilperson Karina Pacheco	_____
Councilperson Lizelh Rodriguez	_____