



**TO:** Chairman and Members  
Planning & Land Development  
Regulation Commission

**DATE:** January 11, 2010

**FROM:** Becky Mendez, AICP  
Senior Planning Manager

**PLDRC HEARING:** February 9, 2010

**SUBJECT:** Ordinance No. 2010-03, amending the sign code to allow signs on benches located within the right-of-way.

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**REQUEST:** On June 4, 2009, the council considered recommendations from VOTRAN on the subject of streetside amenities for public transit. At the conclusion of the presentation, the council directed the preparation of an ordinance to allow signs on public transportation benches and shelters. The proposed ordinance authorizes such a sign when approved through a competitive selection process of the county.

**RECOMMENDED MOTION:** I move to recommend to forward Ordinance No. 2010-03 to County Council on February 18, 2010 for adoption.

**ATTACHMENTS:**

1. Minutes from the June 4, 2009 Council meeting
2. Draft Ordinance No. 2010-03

## COUNCIL MINUTES FROM JUNE 4, 2009 PRESENTATION

11:00 a.m.

### Item 6

Streetside amenities presentation

Staff Contact: Lois Bollenback, 386-756-7496, ext. 4126

VC-1236359925966

Lois Bollenback, the former General Manager of Votran, gave the staff report. It included an overhead PowerPoint slide presentation. Council discussion followed. Concerns were expressed about losing revenue from bus bench advertising. Ms. Bollenback said during the previous year, only a little more than \$1,000 had come in from that revenue stream. She explained various issues with the bench advertising program in the unincorporated areas of the County. Many of the cities had turned toward setting their own bench advertising policies, where in the past they traditionally had not had any at all. She further explained about the cost to transition the program to one of non-advertising. She concluded by stating it was staff's desire that the Council give direction on the public transit amenities program in general and also on advertising on bus benches within the unincorporated County.

Public participation followed. **Ramara Garrett**, with Waverly Media, the only current, private bench provider in the County, distributed and spoke about a report on her firm's points of objection to the streetside amenities program. She felt there should be some way for the County to partner with her firm for the public's benefit. **Douglas Kosarek**, representing the Volusia Tax Reform Executive Committee, also was opposed to the program. He encouraged the Council to leverage its money and deny or alter the proposal.

Additional Council discussion ensued. Concerns were stated about spending County revenue when advertising companies already were paying for the use of the benches as a marketing tool. County Attorney Dan Eckert pointed out either the County's longstanding bench advertising policy needed to be in compliance with its own Zoning Ordinance or else the Ordinance had to be reworked so the County could follow its own regulations. County Manager Jim Dinneen suggested ideas for enabling the system to grow by answering the needs of its users. Concerns were made about the Metropolitan Planning Organization (MPO) being included in the process.

More discussion followed. Concerns were expressed over losing the federal funding if it were not used right away. Ms. Bollenback and Ken Fischer, Interim General Manager of Votran, explained there were some time constraints, but the County would be safe from that for more than a year. Other discussion followed about various amenities and ways to develop them in different areas.

Council Member Northey said she felt the proposal was an opportunity to improve the community, develop a positive image and facilitate access for seniors and the disabled. She moved for APPROVAL of the program. Council Member Alexander seconded the motion. Some discussion on the motion followed. Chair Bruno called for an electronic vote and the motion FAILED 2-5, with Council Members Northey and Alexander in support and Council Members Hayman, Kelly, Persis, Wagner and Chair Bruno in opposition.

Chair Bruno said if the County was going to continue to have bench advertising, there would have to be a change in the sign ordinance. He said he would like a motion to direct staff to return to the Council with a change in the sign ordinance that would allow bus bench advertising. Mr. Eckert CLARIFIED the motion to be an amendment to the sign ordinance to allow the advertising and thereafter a revisiting of the procurement process for selection of an advertising firm.

Council Member Hayman so moved and Council Member Wagner seconded the motion. Further discussion ensued. Mr. Fischer gave his understanding of the Council's wishes. Ms. Bollenback explained that staff was thinking of using MPO subcommittees to disseminate information and give input, not the formal MPO board itself. After additional dialogue, the motion CARRIED 5-2, with Chair Bruno and Council Members Alexander, Hayman, Persis and Wagner in support and Council Members Northey and Kelly in opposition.

Council Member Persis then moved to ADOPT the streetside amenities program with the exception of references to the benches, shelters and advertising. Council Member Hayman seconded the motion. After some discussion, the motion CARRIED 7-0.

ORDINANCE NO. 2010-

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF VOLUSIA COUNTY, FLORIDA; AMENDING CHAPTER 72 "LAND PLANNING," ARTICLE II "ZONING", DIVISION 8 "SUPPLEMENTARY REGULATIONS" BY AMENDING SECTION 72-298 "SIGN REGULATIONS;" PROVIDING FOR SIGNS ON PUBLIC TRANSPORTATION BENCHES AND SHELTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

(Words in ~~strike-through~~ type are deletions; words in underscore type are additions.)

SECTION I: Chapter 72, article II, division 8, section 72-298 of the Code of Ordinances, County of Volusia is amended to read as follows:

Sec. 72-298. Sign regulations.

The following sign regulations shall apply within the unincorporated area of Volusia County, Florida, including areas with previously approved community development plans. For purposes of interpretation, the term "residential planned unit development, RPUD," shall include the term "community development plan, CDP".

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(2) Prohibited signs: Except as otherwise provided in this article, the following signs are prohibited in all zoning classifications established in division 7 of this article:

- a. Signs erected on public property or public rights-of-way except those placed on public transportation benches or shelters as approved through a competitive selection process of the county.

