

ORDINANCE NO. 6531-08

AN ORDINANCE APPROVING AN APPLICATION FOR TWO OFF-SITE SIGNS TO BE LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WARWICK BOULEVARD AND AVENUE FOR THE ARTS WHICH SIGNS SHALL CONFORM TO THE REQUIREMENTS STATED HEREIN AND TO THE REQUIREMENTS OF SECTION 33.01-6(f) OF THE NEWPORT NEWS CITY CODE.

WHEREAS, an application (PDFO-08-03) has been duly filed pursuant to the provisions of Section 33.01-6(f) of the Newport News City Code seeking approval of two off-site signs to be located at the southwest corner of the intersection of Warwick Boulevard and Avenue of the Arts; and

WHEREAS, this application has been duly reviewed as required by the provisions of Section 33.01-6(f); and

WHEREAS, the Newport News Planning Commission has recommended that the Application be approved; and

WHEREAS, this Council has maturely considered the application and all relevant information provided in relation thereto.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

a. That the application for the off-site signs referenced above is hereby approved, subject to the applicant's compliance with all provisions of subsection (f) of Section 33.01-6 of the Newport News City Code and with all conditions hereinafter set forth.

b. That the following conditions shall be applicable to the off-site signs authorized to be constructed by this ordinance:

1. The placement, design, size and illumination of signage shall be in accordance with the submitted drawings and other attachments dated September 18, 2007, and identified in Appendix A-4.
2. Prior to the installation of the off-premises freestanding signs, a bond with corporate surety, in an amount deemed appropriate by the Director of Planning and the City Attorney, shall be posted by the owner of the signs with the city and maintained during the continued existence of the off-premises freestanding signs. The purpose of the bond shall be to insure that the signs remain in compliance with this ordinance and with all applicable provisions of federal, state and local law. The corporate surety on the bond must be a company duly licensed in Virginia.

3. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.
4. The applicant, as well as his successors, assigns, and agents shall obtain all necessary licenses, approvals, or conditional approvals, and permits prior to installation of the off-premises signs, which are authorized by this permit or law. The applicant, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this permit and shall further comply with all conditions contained herein.
5. Violation of any of the above conditions and safeguards attached thereto shall be deemed a violation of the Sign Ordinance, and in addition, shall serve as grounds for revocation of the permit by the City Council.
6. Notwithstanding any other provision of law, this permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore the conditions contained in this permit are not severable; in the event that any condition contained herein, or part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise unenforceable, then this permit shall be invalid. If this permit becomes void as a result of a condition or a part thereof or conditions therein being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a permit.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON
SEPTEMBER 23, 2008

Mabel V. Washington, CMC
City Clerk

Joe S. Frank
Mayor

A true copy, teste:

City Clerk