

MEMORANDUM

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Substitute to
Agenda Item No. 3(E)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: August 16, 2005

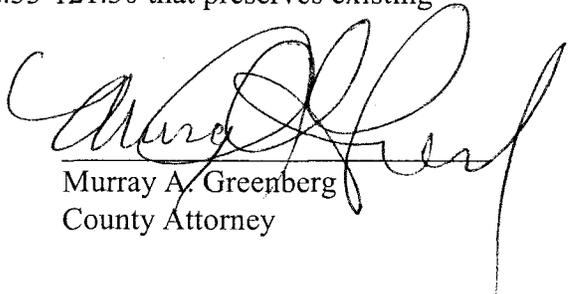
FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance pertaining to
zoning regulation of signs
and enforcement of sign
regulations

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Katy Sorenson.

This substitute differs from the original in that it corrects scrivener's errors and reflects changes accepted at the June Infrastructure and Land Use Committee meeting. Specifically, the substitute limits to Class C signs the requirement that the Miami-Dade County director of planning and zoning issue a compliance determination prior to issuance of a sign permit by a municipal authority. Further, throughout the substitute, the term "outdoor advertising sign" replaces "commercial advertising sign."

In addition to those modifications described above, at s.33-121.28, this substitute provides for amendment of the busway map by ordinance rather than by resolution. At s.33-121.29, this substitute completely prohibits Class C signs in the busway protected area. Section 33-121.30 that would have allowed Class C signs subject to criteria and that would have imposed additional regulations on Class A and Class B signs in the protected area is deleted. The substitute creates a new s.33-121.30 that preserves existing nonconforming signs.


Murray A. Greenberg
County Attorney

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MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 8, 2005

FROM: 
Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING REGULATION OF SIGNS AND ENFORCEMENT OF SIGN REGULATIONS; AMENDING SECTIONS 33-82, 33-86, 33-92 AND 8CC-10, AND CREATING SECTIONS 33-121.28-121.33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (“CODE”); PROVIDING PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-82 of the Code of Miami-Dade County, Florida, is hereby amended as follows: ¹

Sec. 33-82. Short title, ~~[[and]]~~ applicability >>and enforcement<<.

(a) This article shall be known as the “Sign Code of >>Miami-<< Dade County, Florida” and shall be applicable in the unincorporated areas ~~[[of Dade County,]]~~ and specifically in the incorporated areas of >>Miami-<< Dade County. >>This article establishes the minimum standards for signs in Miami-Dade County. Any municipality may adopt and enforce more restrictive regulations. Wherever this Sign Code is more restrictive than a municipal ordinance or regulation, the provisions of the sign code shall prevail.<< When the provisions of this article are applicable to a municipality, the municipality shall be responsible for enforcement. >>Notwithstanding the foregoing, the Director of the Miami-Dade County Department of Planning and Zoning, or designee, shall also have the authority to enforce minimum standards established in this article.<<

* * *

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

>>(c) This article shall be enforceable in accordance with the provisions of Chapter 8CC of this Code. Violations of this article shall also be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the county court. Any continuing violations of the provisions of this division may be enjoined and restrained by injunctive order of the circuit court in appropriate proceedings instituted for such purpose.<<

Section 2. Section 33-86 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-86. Permits required.

(a) Applications and permits. No sign, unless excepted >>by Section 33-94<< [[by this article]], shall be erected, constructed, posted, painted, altered, maintained, or relocated, [[except as provided in this article and]] until a permit has been issued by the >>Director of the Miami-Dade County << Department >>of Planning and Zoning, or designee, or the appropriate municipal department.<< Before any permit is issued, an application for such permit shall be filed >>with the County or appropriate municipal department<< together with three (3) sets of drawings and/or specifications (one (1) to be returned to the applicant) as may be necessary to fully advise and acquaint the issuing department with the location, method of construction, type of materials, manner of illumination, method of erection, securing or fastening, number and type of signs applied for, and advertisement to be carried>>, and a survey demonstrating that the proposed site meets the required spacing from existing permitted signs and protected areas<<. All signs which are electrically illuminated by neon or any other means shall require a separate electric permit and inspection. >>No Class C sign shall be erected, constructed, posted, painted, altered, maintained or relocated, except as provided in this article. Where the proposed Class C sign site is located within a municipality, in addition to any permit requirements established by such municipality, the applicant shall file with the Department a copy of the permit application, one (1) set of the required drawings and/or specifications, and one (1) copy of the required survey. Within fifteen (15) calendar days after receipt of the permit application, required drawings and/or specifications, the Director shall issue and transmit to the affected municipality a determination of compliance or noncompliance with this article. No such Class C sign permit may be issued by a municipality without the prior written determination of the Director that the proposed sign is in compliance with

the provisions of this article. In incorporated areas of Miami-Dade County, any municipality issuing permits for signs shall transmit a copy of each such permit to the Department of Planning and Zoning within thirty (30) calendar days after issuing the permit.<<

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Section 3. Section 33-92 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-92. Responsibility for Sign.

The owner and ~~[[/or]]~~ tenant of the premises >>where a sign is erected<<, ~~[[and]]~~ the owner and ~~[[/or]]~~ >>the<<erector of the sign >>and the beneficiary of the sign<<. shall be held responsible for any violation of this article; provided, however, that when the sign has been erected in accordance with this article, the sign company shall be relieved of further responsibility after final approval of the sign. >>For the purposes of this section, "beneficiary" shall mean the person or entity whose activity is being advertised or promoted. <<

Section 4. Division 7 of the Sign Code of Miami-Dade County, Florida, is hereby created as follows:

>>DIVISION 7. BUSWAY RIGHT-OF-WAY

Sec. 33-121.28. Definitions.

(a) Busway right of way map shall mean an official map designating outside boundaries for the Miami-Dade Transit Busway for Miami-Dade County, Florida, which shall be certified by the Clerk of the Board as the official busway zoning right-of-way map, and which shall be maintained on file in the records of the Department of Planning and Zoning. The busway zoning map may from time to time be altered, enlarged, amended or deleted by ordinance.

(b) Applicable regulations shall mean any pertinent zoning or building ordinance or other legislation regulating the use of signs in the incorporated or unincorporated areas of Miami-Dade County.

(c) Busway protected areas shall mean all property in Miami-Dade County within three hundred (300) feet of the busway right-of-way.

(d) Sign shall mean any display of characters, letters, illustrations or any ornamentation designed or used as an advertisement, announcement or to indicate direction.

(e) Erect shall mean to construct, build, rebuild (if more than 50% of the support structure is involved), relocate, raise, assemble, place, affix, attach, paint, draw, or in any other manner bring into being or establish a sign.

Sec. 33-121.29. Signs prohibited in protected areas.

It shall be unlawful to erect, permit or maintain any Class C (outdoor advertising) sign in protected areas.

Sec. 33-121.30. Nonconforming signs.

Signs which have been lawfully erected prior to the effective date of this division may continue to be maintained as provided in Section 33-35 of this chapter.

Sec. 33-121.31. Variances.

Relief from the requirements of this section shall only be permitted pursuant to the requirements in Section 33-311(A)(4)(a) of the Code of Miami-Dade County.

Sec. 33-121.32. Repeal clause.

All County and municipal ordinances, County and municipal resolutions, municipal charters, special laws applying only to Miami-Dade County or any municipality in Miami-Dade County, or any general law which the Board of County Commissioners is authorized by the Constitution to supersede, nullify, modify or amend, or any part of such ordinance, resolution, charter or law, in conflict with any provision of this division, is hereby repealed.

Sec. 33-121.33. Reserved.<<

Section 5. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

| * <i>Code Section</i> | * <i>Description of Violation</i> | * <i>Civil Penalty</i> |
|------------------------------|--|------------------------------------|
| * | * | * |
| 33-107 | Failure to maintain the landscaping, or the Class C sign in good condition or the sign site free from trash and debris | \$ [[1]] >>5<<00.00 |
| 33-107 | Failure to remove Class C sign at cancellation of permit >> <u>First offense</u> << | [[500.00]] >>1,000.00<< |
| >>33-107 | <u>Failure to remove Class C sign at cancellation of permit</u> <u>Second offense</u> | <u>2,000.00</u> |
| <u>33-107</u> | <u>Exceeding maximum Class C Sign Size</u> | <u>1,000.00</u> |
| <u>33-107</u> | <u>Exceeding the maximum height for a Class C sign</u> | <u>1,000.00</u> |
| <u>33-107</u> | <u>Failure to meet setback or spacing requirements for Class C sign</u> | <u>1,000.00</u> |

| | | |
|------------------|---|--------------------|
| <u>33-121.12</u> | <u>Unlawfully erecting, permitting or maintaining a prohibited sign in a protected area</u> | <u>2,000.00</u> |
| <u>33-121.14</u> | <u>Failure to remove nonconforming sign</u> | <u>2,000.00</u> |
| <u>33-121.21</u> | <u>Unlawfully erecting, permitting or maintaining a prohibited sign in a protected area</u> | <u>2,000.00</u> |
| <u>33-121.24</u> | <u>Failure to remove nonconforming sign</u> | <u>2,000.00</u> |
| <u>33-121.29</u> | <u>Unlawfully erecting, permitting or maintaining a prohibited sign in a protected area</u> | <u>2,000.00</u> |
| <u>33-121.31</u> | <u>Failure to remove nonconforming sign</u> | <u>2,000.00</u> << |

Section 6. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 7. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, 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 8. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as *C. M. C. P.*
to form and legal sufficiency:

Prepared by: *JM*
John McInnis

Sponsored by Commissioner Katy Sorenson