

# MEMORANDUM

Agenda Item No. 7(H)

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

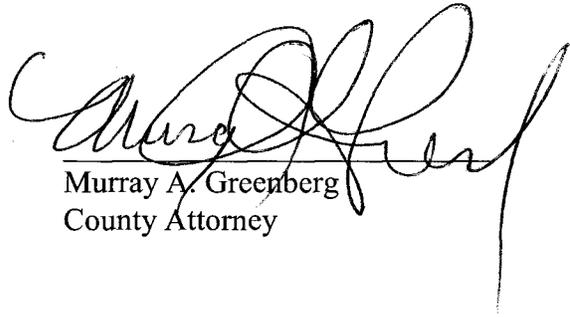
**DATE:** September 8, 2005

**FROM:** Murray A. Greenberg  
County Attorney

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

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



Murray A. Greenberg  
County Attorney

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# Memorandum



**Date:** September 8, 2005

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

**From:** George M. Burgess  
County Manager 

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

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This 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 will have a fiscal impact to Miami-Dade County.

The implementation of the proposed ordinance potentially affects the operations of the Miami-Dade County Department of Planning and Zoning (DP&Z), Team Metro and municipalities. DP&Z would now be responsible for issuing compliance determinations for Class C (outdoor advertising) signs in both the unincorporated and incorporated area of Miami-Dade County. DP&Z would continue its current responsibility for the issuance of sign permits in unincorporated Miami-Dade County. Team Metro would continue to be responsible for enforcement of the minimum standards established in the County's sign code in the unincorporated area and in incorporated areas where municipal enforcement does not occur.

The proposed ordinance identifies the Busway Right-of-Way as a new corridor and prohibits Class C signs within the protected area of the Busway Right-of-Way. The ordinance does not create new regulations for Class A or Class B signs. The proposed ordinance also makes explicit the County's authority to enforce the minimum standards of Article VI of Chapter 33 of the Code of Miami-Dade County within municipalities. Historically, the Board has not given direction to enforce these provisions of the zoning code within incorporated areas; therefore, enforcement of the Sign Code by Team Metro has been exclusively within the Unincorporated Municipal Service Area (UMSA).

Because of the possibility for the Board to revisit its policy direction in this matter, we present two possible fiscal impact scenarios. The first fiscal impact statement assumes that there is little to no change in this policy direction and the second fiscal impact assumes the policy is broadened to include enforcement of complaints of sign code violations in municipalities.

The first scenario assumes little or no expansion of the Board's current direction; limiting enforcement to UMSA. In this case, fiscal impact will be primarily in the way of modifications to the Team Metro Case Management System and the Geographical Information System (GIS) as complaint calls received through 311 may be referred to municipalities. These costs are estimated to be \$22,100.00. The cost of modification to the 311 Customer Service Request (CSR) software application cannot be estimated at this time. There is minimal cost impact to the day-to-day operation of code enforcement field staff.

The alternative scenario is based on the assumption that the Board gives policy direction to enforce the minimum sign standards within municipalities. In this case Team Metro would have to add more enforcement staff to each office to maintain existing service levels of code compliance services in UMSA. At a minimum the following staffing is projected to be necessary; eight (8) additional Neighborhood Compliance Officers (NCOs) (\$512,000), to include one additional officer for each of the eight (8) Team Metro Regional Offices; three (3) Service Representatives (\$120,000), to provide additional back-office support for work generated by compliance officers and maintain consistency with the current departmental ratio of one service representative to every two officers. The total estimated impact to Team Metro is \$654,100, including computer application modifications.

Furthermore, if adopted and implemented, the impact of the proposed ordinance on municipalities will be limited. Under the current zoning code, municipalities are already required to meet the minimum standard established in the sign code for sign regulation in the unincorporated area and the incorporated area of Miami-Dade County. Under the proposed ordinance municipalities may not issue a Class C sign permit until the director of DP&Z has issued a written determination that the proposed Class C sign would be in compliance with spacing requirements and municipalities will be required to submit to the DP&Z copies of all sign permits within 30 days of issuance. The fiscal impact to DP&Z of providing expanded service would include the creation of a database and the purchase of a scanner for permit documents in order to archive the permit information at an estimated cost to DP&Z of \$8,500.

The combined total fiscal impact to Miami-Dade County, if this ordinance is approved by the Board, is estimated at \$ 662,600.

Finally, violations of this ordinance may result in citations under Chapter 8CC. The costs of pursuing such violators may be recovered. Whether utilizing the enforcement mechanisms available under Chapter 8CC citations will result in additional revenue to the County is difficult to determine at this time.

  
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Assistant County Manager

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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. 7(H)

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

Agenda Item No. 7(H)

Veto \_\_\_\_\_

9-8-05

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: <sup>1</sup>

**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 upon prior notice to the affected municipality.<<

\* \* \*

<sup>1</sup> 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 article 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 §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 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.

**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, a copy of which is attached hereto, 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 amended by resolution.

(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.

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(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 sign in protected areas, except as provided in Section 33-121.30.

**Sec. 33-121.30. Exceptions to sign prohibition.**

Unless otherwise prohibited by ordinance or state law, erection of the following signs shall be permitted in protected areas, subject to the conditions and limitations herein:

(a) Class A (temporary) signs which are located and oriented to serve streets other than the busway shall be permitted. Such Class A signs shall be located at least 100 feet from the busway. In no event shall any temporary sign be larger than 120 square feet.

(b) Class B (point of sale) signs which are located on and oriented to the frontage on the street which provides actual and direct access to the principal entrance of a place of business shall be permitted; however, on corner lots a second detached point-of-sale sign will be permitted provided that the same is not larger than 40 square feet and is located on and oriented to the frontage of the street other than that serving the principal entrance of the place of business. "*Oriented*," in connection with point-of-sale signs, shall mean, in the case of detached signs, placed at a ninety-degree angle to the street being served; and in the case of pylon signs, within the front 20% of the building concerned. Class B wall signs within 200 feet of the busway right-of-way shall be confined to the wall of the building containing the principal entrance, except that a second wall sign may also be placed on one (1) other wall of such building and shall be limited to 10% of such other wall area. In no

event shall any detached point of sale sign be erected within the protected area which is greater in height than twenty-five (25) feet above the average grade of the premises concerned.

(c) Class C (outdoor advertising) signs shall be erected and oriented to serve only streets other than the busway, and shall be subject to the following conditions:

(1) That in no event shall any Class C sign be erected or placed closer than 300 feet to the busway right-of-way.

(2) That Class C signs shall be erected and placed only in business and commercial (not including industrial) zoning districts which permit commercial advertising under the applicable zoning regulations.

(3) That no Class C sign shall be erected that is larger than 15 feet in width or 50 feet in length, whether single or multiple boards.

(4) That no detached Class C sign shall be erected which is more than 25 feet above the average existing grade of the site on which such sign is erected or the flood criteria elevation (if property is filled to such elevation), whichever is the greater.

(5) That no advertising signs shall be erected or placed within 300 feet of an existing, legally permitted Class C sign, such distance to be measured in all directions from the outermost edges of each sign.

(6) That Class C signs shall be erected and placed at right angles to the street which they are serving and shall be located not more than 70 feet from the legal frontage of the lot or tract on which erected.

(7) That Class C signs shall be erected and placed only on property conforming in size and frontage to the requirements of the zoning district in which located.

(8) That detached Class C signs shall not be erected on property already containing a use or structure.

(9) That detached Class C sign structures shall be of the so-called cantilever-type construction (double-faced sign, both faces of the same size, secured back to back on vertical supports with no supporting bracing).

(10) That no Class C sign shall be erected or placed within 100 feet of any church, school, cemetery, public park, public reservation, public playground, State or national forest.

(d) A sign which fails to conform to the provisions of this division but is not visible from the busway due to an intervening obstruction shall be permitted. It is provided, however, that any sign which is exempt from the provisions of this division pursuant to this subsection that subsequently becomes nonconforming due to the elimination of the obstruction preventing its visibility from the busway, may continue to be maintained as a nonconforming use as provided in 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.<<

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**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  
to form and legal sufficiency:



A handwritten signature in cursive, appearing to be 'C. M. O.', written above a horizontal line.

Prepared by:  
John McInnis



Handwritten initials 'JM' written above a horizontal line.

Sponsored by Commissioner Katy Sorenson