Memorandum

MIAMI-DADE COUNTY

Date: December 16, 2008

Supplement to
Agenda Item No. 8(J)1(A)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Supplemental Information: Resolution Authorizing Execution of First Amendment to Contract TR03-ADV with CBS Outdoor Group, Inc. (formerly Viacom Outdoor Group, Inc.)

The following information is offered to provide additional information on the subject agenda item which was deferred from the September 2, 2008 Board of County Commission meeting. At the time that this item was presented, CBS Outdoor Group, Inc. (CBS) had a number of outstanding billboard compliance issues at three locations. These violations are being addressed and an appropriate action plan has been developed to resolve all issues. The compliance status is as follows:

- **6700 SW 24th Street; Zoning Application Process No. Z2008000208**

The sign was built on a vacant property and the sign code has always required that there be a spacing of 300 feet between a sign and a building on the same property. Subsequent to the sign being built, a Class C sign was erected within 300 feet of an existing building. It was recommended by the Planning and Zoning Department that zoning hearing approval would need to be obtained. Zoning Application, Process No. Z2008000208 for a Zoning Hearing was filed by CBS with the Department of Planning and Zoning on October 20, 2008 pursuant to the Department's directive.

- **14901 W Dixie Highway; Zoning Application Process No. Z2008000207**

The Zoning Classification on the property is BU-1. Though the sign was constructed many years ago, this Zoning Classification has always prohibited Class C signs and a building permit has not been found for this sign nor has one been produced by CBS or the property owner. It is the Planning and Zoning Department's position that this is not a legal, non-conforming sign and zoning hearing approval would need to be obtained. Pursuant to the Department's directive, a Zoning Application for a Zoning Hearing was filed by CBS on October 20, 2008.

- **SW 224th Street and South Dixie Building Permit Application No. C2009007998**

On November 13, 2005 an ordinance (R-05-202) went into effect which established sign regulations for the busway right-of-way. One of the regulations is that a Class C sign or billboard cannot be located within 300 feet of the protected area of the busway right-of-way. The location of the CBS billboard is within the 300 feet of this protected area.

The billboard was damaged by Hurricane Wilma in October 2005 and was completely removed, repaired, and then erected again after the Ordinance went into effect. This was done without a valid building permit. On May 10, 2006, a sign contractor applied for a repair permit for this billboard under Process No. C2006167492. However, the Zoning Plans Processing Section denied the permit application because of the 300 feet restriction.

On October 17, 2008, CBS re-applied for a building permit for the billboard (C2009007998). Again, the application was denied for the same reason. CBS officially filed an appeal of the department's denial of a permit for a billboard at this location. It is CBS' contention that the sign should be considered grandfathered and be allowed to remain at its current location. To finalize the application for appeal, CBS has to provide a lease agreement to the Department of Planning and Zoning. The appeal will then be presented to the Board of County Commissioners for final ruling.

The compliance progress can be tracked through the Zoning Application Process numbers that are attached to each matter. CBS has taken all necessary steps to bring the billboards at the three sites into compliance following the action plan described above. The appropriate Boards (Board of County Commissioners or the Community Zoning Appeals Board) may hear them in February 2009, if all documentation is complete. These steps taken by CBS demonstrate good faith in trying to correct the violations since their two options were to either remove the signs or apply for a public hearing to legalize locations. These options were discussed with the County Attorney's Office, the Office of Neighborhood Compliance (ONC), Planning and Zoning and MDT; all departments were in agreement with CBS pursuing either option as an acceptable way to obtain compliance. However, if CBS is denied at public hearing, the company will have to remove the signs. If denied at hearing, ONC will reassume its enforcement and take appropriate action to compel compliance.

It is anticipated that the hearings including the appeal will be held in February 2009. In most enforcement cases, the County has normally stayed enforcement until the outcome of a public hearing if there are no life safety issues or the use is not deemed a nuisance to the community. The steps taken so far by CBS are sufficient. The County still has leverage on enforcing the signs if the signs are denied at hearing or if the hearing applications are not perfected in a timely manner. In light of these recent actions by CBS, it is recommended that the subject Board item proceed, so that MDT can finalize the first amendment to the advertising contract, which calls for an annual minimum guarantee increase from $1 Million to $2 Million.

Assistant County Manager