Memorandum

MIAMI-DADE COUNTY

(Second Reading 12-7-10)

Date: September 21, 2010

Agenda Item No. 7(I)

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Proposed Zoning Ordinance Amending Sections 33-95 and 33-100.1 of the Code to allow additional signage, including portable signs, in the AU (Agricultural) Zoning District.

Recommendation

It is recommended that the Board of County Commissioners adopt the proposed ordinance amending Sections 33-95 and 33-100.1 of the Code, to allow for additional signage, including portable signs, in the AU (Agricultural) zoning district.

Scope

The proposed ordinance applies to the unincorporated areas of Miami-Dade County.

Fiscal Impact/Funding Source

The proposed ordinance creates no fiscal impact to the County as the cost incurred to regulate the signs will be offset by the Zoning Improvement Permit fee.

Track Record/Monitor

The Department of Planning and Zoning will administer the implementation of this ordinance.

Background

The proposed ordinance expands the permitted signage in the AU zoning district to allow for portable signs and additional Class B (point of sales) signage for properties with multiple frontages or primary frontage in excess of 660 linear feet. The ordinance will also permit up to five additional small non-illuminated signs, not exceeding six square feet per sign, and advertising of a bona fide on-site agricultural use (for example, these signs could be representational in nature, by depicting a picture of the agricultural good(s) sold at the location). The proposed change also increases the sign size for directional signage in the AU zoning district from three square feet to six square feet.

Prior to the adoption of the County's Sign Code in 1985, signage in the AU zoning district was considered the same type of signs as signs in the Business (BU) zoning district for commercial establishments. With the 1985 adoption of the Sign Code, the signage for the AU zoning district was made a subset of the residential sign code. This change placed the AU signage under a more restrictive zoning classification which limited point of sale signage

to one sign per property unit and also restricted the placement of additional signage on the subject property (such other directional signage and commercial typical signage that would normally be allowed under the BU zoning district).

Since the passage of the North American Free Trade Agreement in 1992, the agricultural Industry has needed to adjust to a changing marketplace, Miami-Dade farms have become smaller and the number and size of plant nurseries has increased. The rise of the "local food" movement and an increased interest in agri-tourism have provided these businesses with new market and business opportunities that increase their viability and growth. Local growers have experienced the need to transition their businesses from their once traditional farm establishments to new customer attractive front establishments in order to sell as much of their products directly to the public. Due to this business climate change, the need to increase point of sale signage to attract patrons to the establishments has become a priority for the industry. It has become evident that nurseries require more onsite directional signage in addition to their business location signage.

The proposed ordinance is a result of industry requested changes to the County's sign regulations. The proposed changes were requested by farmers and farm stand operators, as well as the Agricultural Practices Advisory Board Members, and were discussed at several public meetings of the County's Agricultural Practices Advisory Board, which are attended by members of the agricultural community. The proposed ordinance was also presented to the County's Agricultural Practices Advisory Board at their meeting of August 4, 2010.

It is estimated that an average of two million visitors pass through the South Miami-Dade area every year on their way to destinations such as the Florida Keys, Everglades and Biscayne National Parks, creating a great opportunity for growers to create an agri-tourism industry. On March 2, 2010 the BCC adopted three ordinances (Ordinance No. 10-19, No.10-20 and No. 10-21) to assist the industry in capitalizing on the agri-tourism potential. These ordinances amended the Code to allow breweries and distilleries in the AU zoning district to permit bed and breakfast establishments and permit certain additional uses that are ancillary to an ongoing agricultural use or directly supportive of agricultural use in the AU zoning district. The proposed changes to the sign code greatly compliment the previously adopted agricultural use ordinances.

The proposed ordinance will allow for the additional signage necessary to adequately promote on-site uses in the AU zoning district while continuing to maintain the character of the area.

Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: December 7, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(I)

Please note any items checked.

_____	**"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**
_____	**Ordinance creating a new board requires detailed County Manager's report for public hearing**
_____	**No committee review**
_____	**Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**
_____	**Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(I)
12-7-10

ORDINANCE NO. _____

ORDINANCE AUTHORIZING CERTAIN POINT OF SALE SIGNS IN THE AU (AGRICULTURAL) ZONING DISTRICT; AMENDING SECTIONS 33-95, AND 33-100.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes described in the accompanying memorandum,

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

Section 1. Section 33-95 of the Code of Miami-Dade County is hereby amended to read as follows:[1]

Sec. 33-95. Prohibited signs.

* * *

(e) No signs shall be erected or painted on fence and wall enclosures in residential districts. Fence and wall signs shall be prohibited in the residential districts. >>These restrictions do not apply to Class B signs in the AU district. <<

* * *

(i) >>Unless specifically permitted by this Chapter or other law,<< [[~~Portable~~]] >>portable<< signs [[~~unless otherwise authorized by law~~]] shall be prohibited, including those that are tied down with metal straps, chaining, or otherwise temporarily anchored to an existing structure or other similar method of anchoring.

[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.

Section 2. Section 33-100.1 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 33-100.1. [[~~Permanent point~~]] >>Point<< of sale signs for AU.

Type of signs permitted: Detached; flat; awning, canopy, roller curtain, umbrella; projecting>>; portable, directional<<.

Type of Signs	*Size*>>3<<	*Number*[1]	*Setbacks and Spacing*	*Illumination*	*Maximum Height*	*Special Conditions*>>2<<
Detached	>>32 square feet (primary frontage sign, one sign only)<< 24.0 square feet >>(secondary frontage and additional sign)<<	Only 1 sign permitted >>per frontage<< of a type to be selected by applicant. >>Where the primary frontage exceeds 660 linear feet, a second sign shall be permitted. A minimum spacing of 100 feet is required between detached signs.<<	[[~~15~~]] >>5<< feet from >>dedicated << r.o.w. line >>or 15 feet from edge of pavement, whichever is greater<<	See general section on illumination Lighting permitted if does not conflict with adjacent property	20 feet from grade to top of sign	Permit required
Flat (wall and cantilever)	Same as detached	Same as detached	Not applicable	Same as detached	Not applicable	Same as above
Awning, canopy, roller curtain and umbrella signs	Same as detached	Same as detached	Same as detached	No illumination permitted	Not applicable	Same as above

Projecting	Same as detached	Same as detached	Same as detached	Same as detached	9 feet from established grade to bottom of sign	Same as detached sign Near edge of sign shall be no more than 18" from building wall
>>Portable signs	9 square feet	One sign permitted per entrance	same as detached	No illumination permitted	3.5 feet from grade	Signs shall not be left out between sunset and sunrise. Zoning Improvement Permit required<<

>>[2] In addition to signage permitted in this Section, up to five signs related to a bona fide on-site agricultural use are allowed without a permit. Such signs shall not exceed six square feet per sign and shall not be electrically illuminated.

[3] Directional signage shall meet all provisions of Section 33-111 except that sign area is permitted up to six square feet per sign.<<

Section 3. 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 4. 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 5. 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:

Prepared by:

Craig H. Coller