

ORDINANCE No. 2022-07

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING ARTICLE VI, “OFF-PREMISES BILLBOARD SIGNS”, IN CHAPTER 80 OF THE CITY’S CODE OF ORDINANCES BY ADDING SEC. 80-314, “BILLBOARD REDUCTION INCENTIVE PROGRAM”; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, it is the long-standing policy of the City of Doral (the “City”) to promote and enhance the beauty, order and attractiveness of the City to residents, tourists and visitors, as well as positively influence the economic prosperity of the area; and

WHEREAS, while Chapter 80, Article VI of the City of Doral Land Development Code permits a certain fixed number of off-premises billboard signs within the City, the City has determined that it is in the best public interest to obtain a voluntary reduction of billboards within the City to the extent possible; and

WHEREAS, a voluntary billboard reduction incentive program will afford the opportunity to reduce the number of billboards within the City; and

WHEREAS, on February 9, 2022, the City Council of the City of Doral sitting as the Local Planning Agency (LPA) at a properly advertised hearing received testimony and evidence related to the proposed text amendment to the City’s Land Development Code as required by state law and local ordinances; and

WHEREAS, on February 9, 2022, the City Council of the City of Doral at a properly advertised hearing (First Reading) received testimony and evidence related to the proposed text amendment to the City’s Land Development Code as required by state law and local ordinances; and

WHEREAS, on March 23, 2022, the City Council of the City of Doral at a properly advertised hearing (Second Reading) received testimony and evidence related to the proposed text amendment to the City’s Land Development Code as required by state law and local ordinances; and

WHEREAS, the Mayor and City Council finds that the adoption of the text amendment to the City’s Land Development Code is in the best interest of the health, safety and welfare of the residents of the City of Doral.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. Recitals. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2. Code Amended. The City Council of the City of Doral hereby approve the text amendment to the City’s Land Development Code, Chapter 80, “Sign Regulations,” creating section 80-314, “Billboard Reduction Incentive Program.” The Land Development Code of the City of Doral, Florida, is hereby amended to read as follows:

* * *

CHAPTER 80 – SIGN REGULATIONS

ARTICLE VI. OFF-PREMISES BILLBOARD SIGNS

Section 80-314. Billboard Reduction Incentive Program:

In exchange for the voluntary removal of a billboard structure with two static faces or the voluntary withdrawal of a permit for a billboard structure, any billboard owner (Owner)

may receive approval for two automatic changing signs (Additional LEDs) in consideration of the billboard reduction (the Billboard Reduction Program). This Billboard Reduction Program does not create or confer any rights to any Owner. Approval pursuant to the Billboard Reduction Program is discretionary and shall be administrative. A fully completed application, accompanied by the requisite documentation and fee, shall be subject to terms and conditions as follows:

(a) Application required. The Owner shall complete an electrical building permit application to participate in the Billboard Reduction Program, which application shall identify the billboard to be removed or the permit to be withdrawn, together with the proposed location(s) for the Additional LEDs and the originally approved or as built signed and sealed engineering drawings. The application shall be accompanied by a letter of intent explaining that the application is submitted pursuant to the Billboard Reduction Program and the structure shall comply with all technical building codes and regulations, all setback requirements, all FDOT regulations, and all encroachment restrictions.

(b) Structure Replacement. If any billboard sign structure on which an Additional LED will be located under the Billboard Reduction Program is insufficient to support the Additional LED sign face, the Owner may replace the billboard sign structure with a structure that is sufficient to support the Additional LED sign face.

(c) Permit Fees. The permitting fee for each of the Additional LEDs shall be established by resolution of the City Council. The permitting fees are non-refundable. Payment of the permitting fee for each Additional LED (the Initial LED Exchange Fee) shall be made within ten (10) business days of the issuance of all City and state permits necessary for the erection, installation, and operation of the Additional LED sign face.

(d) Annual LED Sign Payments. In addition to the permitting fees described in sub-paragraph (c) above, the Owner shall make annual payments established by resolution of the City Council to the City for each of the Additional LEDs it develops as follows:

- i. On the one (1) year anniversary of (A) the payment of the Initial LED Exchange Fee, or (B) the date of issuance of all City and state permits necessary for the erection, installation, and operation of the Additional LED sign face, whichever is later, and on the same day each year thereafter, the Owner will pay to the City an annual LED payment for each Additional LED sign face it has developed (the Annual LED Payment), for so long as the Additional LED sign face remains erected and operational. Once an application for the Billboard Reduction Program is approved, the Annual LED Payment will not be increased for that application except for the per annum percentage provided in sub-paragraph (d)ii. below.
- ii. The Annual LED Payment shall be increased at a rate of three percent (3%) per annum over the first Annual LED Payment (the Annual LED Payment Adjustment), beginning on the third anniversary of the first Annual LED Payment for each Additional LED.
- iii. In the event any Additional LED sign face is not erected or operational for all or part of the twelve (12) month period preceding the Annual LED Payment associated with that Additional LED, the

Owner shall be entitled to reduce its Annual LED Payment pro rata to account for the period during which the Additional LED was not erected or operational. By way of example only, if, after the payment of the Initial LED Exchange Fee, an Additional LED is not operational for a period of four (4) months, the Owner's next Annual NEA LED Payment shall be reduced pro rata to reflect that the Additional LED was only operational for eight (8) of the twelve (12) preceding months. The Owner shall provide the City with written notice (A) that the Additional LED is not operational, such notice to be accompanied by a supporting diagnostic report and/or a signed affidavit confirming that despite having taken commercial reasonable precautions because of an act of God, interruption of electrical power, equipment failure or damage reasonably beyond the Owner's control the Additional LED is not operational, and thereafter, (B) that the Additional LED is operational again, both notices to be given within five (5) business days of the triggering event.

(e) Emergency and Public Service Announcements.

- i. Emergency Announcements. The City will be permitted to use any of the Owner's Additional LED sign faces within City limits through the State of Florida's Office of Emergency Management (the OEM), upon official activation of the OEM for emergency reasons such as hurricanes, amber alerts, and police or fire emergency situations.

Such access shall be subject to any agreements the Owner has in place from time to time with the FBI, State of Florida, and the OEM.

- ii. The Owner will, if space is available on any of its LED sign faces within the City limits, provide public, educational, and government materials display to the City at no cost to the City. The Owner shall be entitled to remove the City's copy as locations are sold to paying advertisers.

(f) Relocation of the Additional LEDs.

- i. Relocation of the Additional LEDs will be permitted and shall be subject to Section 80-308-Regulations of off-premises automatic changing signs, if through no fault of the Owner, relocation is necessitated for causes or circumstances beyond the Owner's control. The term "necessity" shall mean, at minimum, the Owner has delivered to the City an affidavit or declaration attesting that one or more of the following conditions exists with respect to the affected Additional LED: (A) cancellation of a lease or easement; (B) partial obstruction to the viewing motorists which means incapable of being seen and/or read without obstruction by an occupant of a vehicle traveling within the visibility area; (C) the landlord invokes a requirement in a lease to remove the Additional LED from the property; (D) removal of the Additional LED by any government entity through the power of eminent domain; (E) removal of an Additional LED in connection with the issuance of an amended permit for a

proposed relocated and reconstructed billboard. All relocation decisions under this sub-paragraph (f) shall be administratively approved.

ii. If the Owner relocates an Additional LED pursuant to this sub-paragraph (f), the Owner will pay the permitting fee established by resolution of the City Council.

iii. If the Owner is unable to relocate an affected Additional LED, the Owner shall not be required to make any additional Annual LED Payments required by sub-paragraph (d) above and the City shall issue a credit for any prepaid Annual LED Payments on a pro rata basis. The credit shall be applied to any future Annual LED Payments for other Additional LEDs due and shall be appropriately pro-rated to take into account the period of time for which the affected Additional LED was not erected or operational in that particular calendar year. By way of example only, if the Annual LED Payment for an affected Additional LED sign face was made on January 1 of a calendar year, and the Owner removes the affected Additional LED sign face on April 30 of that same calendar year, then the City shall issue a credit to the Owner for the remaining months May through December of that calendar year.

(g) Limitations on LEDs.

i. The limit on the number of automatic changing signs in Sec. 80-302(9), and Sec. 80-313, shall not apply if a billboard reduction occurs pursuant to the Billboard Reduction Program.

- ii. The automatic changing sign standards set forth in Section 80-308, shall apply to the Additional LEDs constructed pursuant to this section, except as otherwise provided above in sub-paragraph (g)i.

Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Codification. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective immediately upon passage by the City Council on second reading.

The foregoing Ordinance was offered by Councilmember Mariaca, who moved its adoption. The motion was seconded by Vice Mayor Cabral upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Digna Cabral	Yes
Councilman Pete Cabrera	No
Councilwoman Claudia Mariaca	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED on FIRST READING this 9 day of February, 2022.

PASSED AND ADOPTED on SECOND READING this 23 day of March, 2022.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY

CODING

Words in underscoring type are additions
Words in ~~strikethrough~~ type are deletions