TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/(797-1101)
Prepared by: Bradley Swing, AICP, Planner II

SUBJECT: ZB(TXT) 6-1-03/Ordinance to amend the Land Development Code relating to Billboards

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The ordinance before Town Council this evening is based on the need to provide for three (3) additional billboards in the Town of Davie. This request to amendment to the Town of Davie Land Development Code will increase the number of additional billboards allowed in the Town from ten (10) to thirteen (13). A portion of the revenues generated from this increase will be used to provide additional funding of the operational costs of nonprofit organizations serving the interests of the citizens of the Town.

A total of five (5) charities/applicants have submitted requests for certification of nine (9) potential new billboard sites. Section 12-238(J)(9) of the Land Development Code provides that new billboards may be erected within the Town subject to Town Council certifying that any potential site upon which these billboards may be erected and the proposed billboards meet the requirements of subsections (a) - ~~(g)~~(f).

~~One (1) billboard will be located on the property located at 15701 SW 41 Street and two (2) billboards will be located on the east side of Florida's Turnpike north of Orange Drive.~~ Each of these facilities will provide no less than ~~$8,000~~ $25,000 per year to assist in the long-term funding of nonprofit corporations serving the residents of the Town. Approval of this amendment will allow the Town to process permits for the proposed billboards in accordance with Section 12-238(J)(9) of the Land Development Code.

PREVIOUS ACTIONS: The item was tabled from the February 18, 2004 Town Council meeting to the May 5, 2004 Town Council meeting at the request of staff due to issues that were raised at the workshop meeting for billboards held by Town Council on January 5, 2004.

The item was tabled from the January 21, 2003 Town Council meeting to the February 18, 2004 Town Council meeting at the request of Michael T. Burke, Esq., Special Council for the Town

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due to issues that were raised at the workshop meeting for billboards held by Town Council on January 5, 2004.

The item was tabled from the November 19, 2003 Town Council meeting to the January 21, 2003 Town Council meeting at the request of Michael T. Burke, Esq., Special Council for the Town.

The item was tabled from the November 5, 2003 Town Council meeting to November 19, 2003 Town Council meeting at the request of Michael T. Burke, Esq., Special Council for the Town.

The item was tabled at the September 17, 2003 Town Council meeting to the November 5, 2003 Town Council meeting.

At the September 3, 2003 Town Council meeting Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. Motion carried 4-1, with Councilmember Paul opposed.

The item was tabled from the August 6, 2003 Town Council meeting to the September 3, 2003 Town Council meeting at the request of staff because of the Local Planning Agency request to table to August 13, 2003.

CONCURRENCES: At the August 13, 2003 Local Planning Agency meeting two proposals were made to increase the number of new billboards in the Town. Proposal 1, to increase the number of new billboards from ten to thirteen, was denied by a 4-0 vote. Proposal 2, made at the request of Jolmy Enterprises, Inc., to increase the number of new billboards from ten to sixteen, was denied by a 4-0 vote.

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject text change complete and suitable for transmittal to Town Council for further consideration**.**

Attachment(s): Ordinance (highlighted text indicates revisions by Michael T. Burke, Esq., Special Council for the Town, for 2nd reading of the ordinance)~~, (Proposal 1, 13 New Billboards and Proposal 2, 16 New Billboards)~~, Draft Billboard Application, Inventory of Existing and Proposed Billboards

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ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code to expand the number of billboards that may be erected within the Town; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on August 13, 2003; and

WHEREAS, the Town Council of the Town of Davie held a public hearing on September 3, 2003; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That Section 12-238(J)(9) of the Town Code is amended to read as follows:

(J) The following ~~S~~signs, except as more specifically provided herein, shall be ~~P~~prohibited in ~~A~~all ~~D~~districts:

(9) Off-site signs which advertise businesses, establishments, activities, goods, products, facilities or services or other message not made, produced, sold or present on the premises or site where the sign is installed and maintained except as more specifically provided herein. ~~Additionally, it shall be unlawful to erect, construct or reconstruct a billboard sign in any area of the Town.~~ A building permit, to be renewed annually, must be obtained for each existing billboard sign location and any future billboard sign location~~,~~. ~~except that up to~~ A maximum of ~~ten (10)~~ thirteen (13) ~~new~~ billboards may be erected within the Town of Davie, provided that ~~the Town Council has determined that~~ at least a minimum of five (5) percent of the gross revenues from the advertising on said billboards, which under no circumstances shall be less than ~~eight thousand dollars ($8,000.00)~~ twenty-five thousand dollars ($25,000) per year per sign, are directed to nonprofit corporations serving the residents of the Town of Davie, which funds will assist in funding such nonprofit corporation projects serving the interest of the citizens of the Town of Davie, subject to the Town Council certifying that any potential site upon which these billboards may be erected and the proposed billboards meet the following requirements:

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(a) The billboard is limited in size to fourteen (14) feet by forty-eight (48) feet and is supported by a single pole;

(b) The billboard structure under the sign includes a statement that revenues from the sign are used to help a specific non-profit corporation which shall be named in the statement in lettering no less than eighteen (18) inches tall~~.~~;

(c) The billboard site is located in an industrial or commercial zoning district and is not located within a ~~residential zoning designation, nor is it within one hundred (100)~~ one thousand five hundred (1,500) feet of a residential zoning district as measured from the nearest portion of the billboard;

(d) The billboard site is located adjacent to the I-595 or I-75 corridors or the Florida Turnpike;

(e) The billboard site is not located within one thousand five hundred (1,500) feet of a site previously certified by the town council; and

(f) The advertising structure shall comply with the Florida Building Code and all other applicable Town regulations. ~~Any additional reasonable regulations, including the posting of bonds if deemed necessary by the town council.~~

~~(g) The town council shall have the right to reject any proposed site notwithstanding the site's compliance with subsections (a) through (f) above.~~

~~A permit for these billboards shall be issued by the Town of Davie upon submission to the town Building Department of the following:~~ The procedure for the processing and approval of the three (3) additional billboards authorized by the Town in this Ordinance shall be as follows:

The Town shall post a Notice of accepting applications for the billboards and shall designate a ten (10) day application period during which the following materials shall be submitted by interested persons to the Town Building Department:

(a) ~~Certification that the town council has determined that the site for the billboard and the proposed billboard comply with the requirements of this subsection (9);~~ An applicant shall submit an application on a form to be provided by the Development Services Department which demonstrates compliance with Section 12-238(J)(9)(a) through (f) above.

(b) An executed agreement by a company providing outdoor advertising substantially in the form attached hereto and incorporated herein by reference, together with the requisite evidence that the company has entered into an agreement with a nonprofit corporation to assure that at least a minimum of five (5) percent of the gross revenues from the advertising on said billboards, which under no circumstances shall be less than ~~eight thousand dollars ($8,000.00)~~ twenty-five thousand dollars

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($25,000.00) per year per sign, are directed to said nonprofit corporation to assist in funding such nonprofit corporation's projects exclusively serving the residents of the Town of Davie; and

(c) Documents demonstrating applicant ownership or a ~~A~~ lease for the proposed site upon which the billboard is to be erected.

(d) Plan reflecting that the billboard is no more than sixty (60) feet above the crown of any adjacent, limited-access arterial roadway;

(e) Plans reflecting that the billboard placement within the site conforms with the requirements of Chapter 479, Florida Statutes, all other applicable federal, state and county regulations, and municipal regulations, not in conflict with the provisions of this subsection (9).

In the event that more than three (3) of the billboard applications submitted pursuant to the above-referenced process satisfy the criteria, the following procedure will be undertaken to determine which of the applications will be given permits:

(a) All of the applications that are determined by the Development Services Department to satisfy the above referenced criteria shall be scheduled for review before the Town Council. During the review meeting(s) the applicant will have an opportunity to present their billboard applications to the Town Council.

(b) After reviewing each application and hearing the presentations by applicants, the Town Council will select the applications to be given permits based on the following criteria:

i. The extent of any adverse impact placement of the billboard may have on the aesthetic and visual environment of the area surrounding the site:

ii. The extent to which placement of a billboard may adversely impact traffic and pedestrian safety in the area surrounding the site; and

iii. The extent to which placement of a billboard may adversely impact the value of property in the area surrounding the site.

A certified public accountant serving as an outside auditor to the permit holder shall, at the permit holder's expense, provide to the town on an annual basis a statement verifying revenues from each permitted sign for purposes of verification of the gross revenues. The town's Finance Department shall thereafter be authorized to inquire of the certified public accountant as to the statement and to review the work papers of the certified public accountant and verify the findings. For purposes of this subsection (9), gross revenues shall not include monies received for payment of sales tax.

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Certification of any site shall terminate one hundred eighty (180) days after certification if a building permit for the sign has not been issued within the one-hundred-eighty-day period. In the event a permittee uses all sites allowable under its agreement with the town, the certification of all additional sites shall then immediately expire.

These same procedures shall apply in the event that the Town, at some time in the future, chooses to permit futher billboards in addition to the thirteen (13) currently permitted.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS_____DAY OF_____, 2003

PASSED ON SECOND READING THIS_____DAY OF_____, 2004

_____
MAYOR/COUNCILMEMBER

ATTEST:

_____
TOWN CLERK

APPROVED THIS _____ DAY OF _____ , 2004

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TOWN OF DAVIE USE ONLY
Petition Number: _____
Initial Fee: _____
Receipt Number: _____
Submittal Date: _____
Received By: _____

Billboard Application
Planning and Zoning Division
Development Services Department

Folio Number:

Future Land Use:

Zoning:

Property Address:

Project or Subdivision Name:

Petitioner:

Mailing Address:

Telephone:
Fax:

Relationship to the property:

Owner:

Mailing Address:

Telephone:
Fax:

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I hereby certify that I am the owner of the described property, I have authorized the filing of the aforesaid request, and I understand that I or my authorized agent must be present at the public hearing to present the request to the Board.

_____
OWNER'S NAME(S) (PRINT)

_____
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

_____
ADDRESS

_____
CITY, STATE, ZIP CODE

_____
TELEPHONE

The foregoing instrument was acknowledged before me this_____day of_____, 20___, by_____ who is personally known to me or has produced

_____
as identification and who did take an oath.

NOTARY PUBLIC:

SIGN:_____

PRINT:_____
My Commission Expires:

_____
PETITIONER'S NAME (PRINT)

_____
PETITIONER'S SIGNATURE

_____
ADDRESS

_____
CITY, STATE, ZIP CODE

_____
TELEPHONE

The foregoing instrument was acknowledged before me this_____day of_____, 20___, by_____ who is personally known to me or has produced

_____
as identification and who did take an oath.

NOTARY PUBLIC:

SIGN:_____

PRINT:_____
My Commission Expires:

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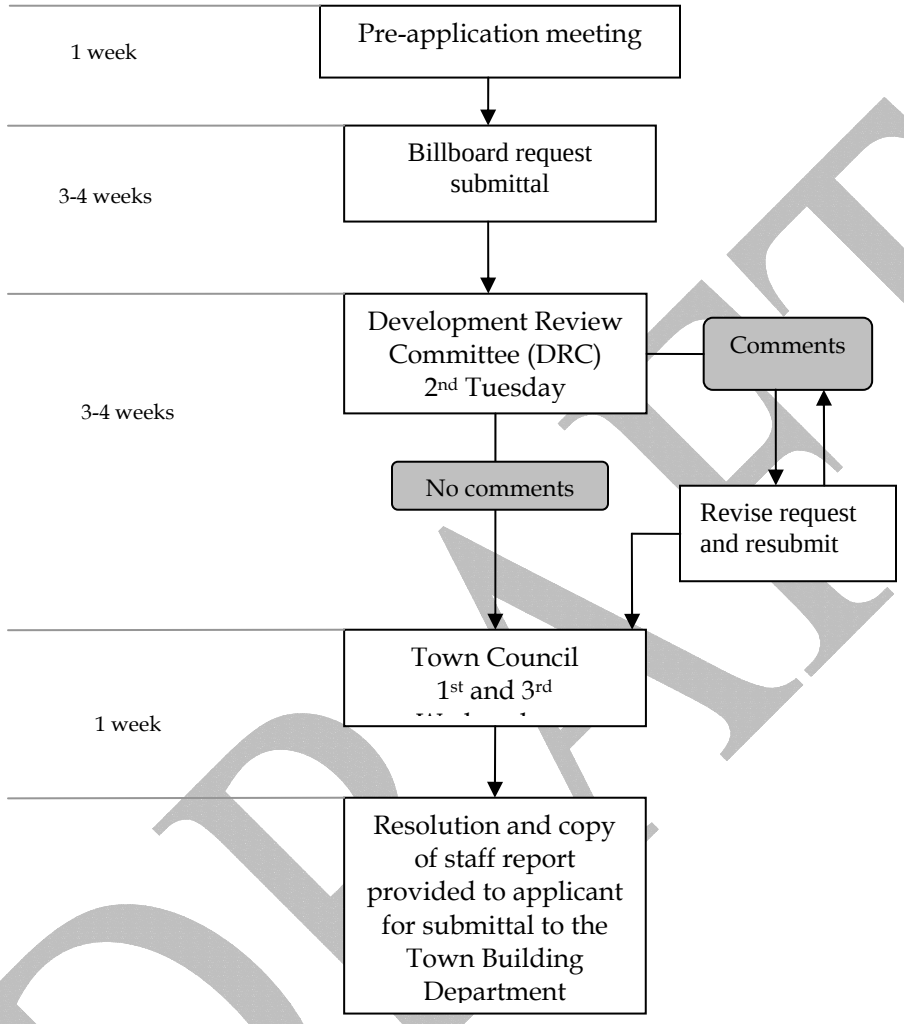
Billboard Approval Process

Timeline



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Billboard Application Criteria

All required information must be provided at the time of submittal unless otherwise noted. Applications that are deemed incomplete may follow a different project tracking.

1. Pre-application meeting form signed by a member of Planning and Zoning staff.

2. Justification letter which demonstrates that the proposed billboard and the billboard site is in compliance with §12-238(J)(9)(a) through (f) of the Land Development Code.

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Town of Davie Existing And Proposed Billboards

PH - GIS - 4/22/04

Map Features

- Proposed Billboards
- Other Billboards
- Billboards Permitted by Code
- Proposed Billboard Parcels

N

0 1 2 Miles