

ORDINANCE No. 2007-03-109

AN ORDINANCE ADOPTING A MORATORIUM ON THE PROCESSING OF PERMITS FOR AUTOMATIC CHANGING ELECTRIC SIGNS ("DIGITAL SIGNS"), INCLUDING BUT NOT LIMITED TO SITE PLANS, BUILDING, PLUMBING, MECHANICAL AND ELECTRICAL PERMITS, DEVELOPMENT APPLICATIONS AND ORDERS, AND ANY RELATED ACTIONS AND/OR APPROVALS FOR SUCH SIGNS WITHIN THE CITY; PROVIDING FOR A TERM; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A STUDY(S); PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, recently several Automatic Changing Electric Signs, a/k/a "digital signs" have been erected in the City, and

WHEREAS, the Miami-Dade County Code is made applicable to the City by virtue of Section 8.3 of the City's Charter; however, Miami-Dade County does not have adequate regulations to address these signs, and

WHEREAS, the City has received a number of complaints from residents and Council members relating to these signs, and

WHEREAS, the City Manager has requested that the City Council issue a six (6) month moratorium on the processing of these signs to permit a study to be conducted to determine whether these signs should be permitted in the City,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. ESTABLISHMENT OF MORATORIUM: A moratorium on the processing and permitting of Automatic Changing Electric Signs a/k/a "digital signs" is hereby established for a period of one hundred and eighty (180) days from the effective date of this ordinance. The moratorium covers the processing of all site plans, development applications and orders, building, plumbing, electrical and mechanical permits for digital signs, subject to the provisions of Section 3 herein. Except as otherwise provided herein, no department of the City shall issue any permits, development orders, or undertake the review and approval of any site plans, building permits, or development plans with respect to such uses within the City, during the term of the moratorium established hereby.

SECTION 3. EXEMPTION: The moratorium established hereby shall not apply to the following:

- a) Building, plumbing, mechanical and electrical permits for the repair of lawfully existing Automatic Changing Electric Signs.
- b) The renewal of a previously existing building, plumbing, mechanical or electrical permits for a lawfully existing digital sign.

SECTION 4: STUDY AND CITY MANAGER: The City Manager is hereby authorized and directed to coordinate with the City's consultants, as well as such other departments of the City, as the City Manager shall deem appropriate to conduct necessary studies of Automatic Changing Electric Signs within the City of Miami Gardens, and to determine the most appropriate geographic area(s) if any for the location of such signs. The City Manager shall report back to the Mayor and City Council the results of any studies.

SECTION 5: CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY: 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 portions of this Ordinance.

SECTION 7. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 10th DAY OF JANUARY 2007.

ADOPTED AND PASSED ON SECOND READING BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 24TH, JANUARY, 2007.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

PREPARED BY: SONJA K. DICKENS, City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Councilwoman Watson

SECONDED BY: Councilman Bratton

VOTE: 7-0

Mayor Shirley Gibson	<u>x</u> (Yes)	___ (No)
Vice Mayor Oscar Braynon, III	<u>x</u> (Yes)	___ (No)
Councilman Melvin L. Bratton	<u>x</u> (Yes)	___ (No)
Councilman Aaron Campbell	<u>x</u> (Yes)	___ (No)
Councilman Andre' Williams	<u>x</u> (Yes)	___ (No)
Councilwoman Sharon Pritchett	<u>x</u> (Yes)	___ (No)
Councilwoman Barbara Watson	<u>x</u> (Yes)	___ (No)



City of Miami Gardens

1515 NW 167th Street, Bldg. 5, Suite 200
Miami Gardens, Florida 33169

Mayor Shirley Gibson
Vice Mayor Oscar Braynon II
Councilman Melvin L. Bratton
Councilman Aaron Campbell
Councilwoman Sharon Pritchett
Councilwoman Barbara Watson
Councilman André Williams

MEMORANDUM

To: The Honorable Mayor and City Council Members
From: Jay Marder, AICP, Development Services Director
Thru: Dr. Danny O. Crew, City Manager
Date: January 24, 2007

Re: Moratorium on Automatic Changing Signs

On December 21, 2006, the City Manager enacted an administrative moratorium on digital/automatic changing electronic signs. The City Attorney has prepared an ordinance to enact a moratorium ordinance on such signs. During the moratorium period, staff will review this matter and provide a report with a recommendation to the City Council.

Recommend that the City Council adopt this moratorium ordinance on automated and digital signs for a period of 90 days.

Attachment: Ordinance

**I-1) ORDINANCE
2ND READING
AUTOMATIC CHANGING
SIGNS MORATORIUM**