



BOARD OF COUNTY COMMISSIONERS
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M E M O R A N D U M

TO: Billboard Committee
All Commissioners

FROM: John Stormont, Commissioner - District 5

SUBJECT: Billboard Committee Discussions

DATE: June 11, 1986

Enclosed, for your information and study, prior to the first committee meeting, are two billboard study papers, one prepared by county consultants Charles Siemon, the other by Charles Papy.

Enclosed, also, please find a copy of the minutes of the Monroe County Commission (May 16, 1986), establishing the Billboard Committee. Pursuant to the authority of the minutes, I am checking possibilities of legal assistance for the committee, although such may not be necessary, per the materials attached.

You will note that the minutes call for "to develop alternative plans concerning billboards and to present same back to the County Commission for their review and action."

In reviewing all available materials (particularly Florida Statutes and DOT Rules 14-10 as revised in 1984 and subsequent Statutes enacted in 1985 and 1986), any "alternative plans" are controlled by the following items:

1. The new Comprehensive Plan prohibits off-premise signage (Section 19-1308). Therefore any and all off-premise signage becomes non-conforming as of July 15, 1986, without any action of the Commission or this committee.
2. All other off-premise signage along federal-aid highways (U.S. #1 through the Keys) is controlled by DOT.
3. However, the County may be able to remove lawful non-conforming off-premise signs upon payment of "just compensation" which can take any form from amortization over time with money value (former

State law indicated cost of materials as value), to allowing "reasonable" time factors alone to permit return of investment. (Courts have held in Daytona Beach that up to 10 years was "reasonable" for billboards within that City), or lump sum compensation.

4. No compensation need be paid for "illegal" signs, they must be removed, and DOT is the removal agency.
5. Illegal signs are those that:
 - a) are in the wrong zoning
 - b) have been constructed illegally or without Permit (i.e., in the wrong place)
 - c) have been erected in violation of Permit (i.e. a new sign placed when only permitted for "repair of existing"
6. In the DOT list of Monroe County signs, 365 signs are listed under their control. Of these 365, some 55 are illegal (14.9%), an additional 83 are already non-conforming (22.5%), some 38 are in violation of wording requirements (10.3%) and only 50% are properly legal.

As of July 15, 1986, these 50% become lawful non-conforming and can only be maintained or repaired if repairs are to less than 50% of the structure.

If need for repair exceeds 50%, they must be removed.

Therefore, it appears that the direction of the committee is limited in scope:

1. There is no need to write laws "banning" new billboards since the Comprehensive Plan already has, effective July 15, 1986.
2. Illegal status is already established under State regulations.
3. Non-conforming status is established under past County statutes.

However, in the areas where the committee may act, almost unlimited field presents itself:

1. Recommendations as to disposition of lawful non-conforming billboards
 - a) Permitting a hurricane to eliminate them (over 50% repair required)
 - b) Permitting time to eliminate them (amortization by time)
 - c) Providing "just compensation" for their removal earlier