

MEMORANDUM

Substitute
Agenda Item No. 5(G)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: February 17, 2021

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Ordinance relating to
zoning regulation of signs in
incorporated and unincorporated
areas; amending article VI of
chapter 33 of the Code;
authorizing roof signs in
industrial (IU) zoning districts
and for regional entertainment
venues subject to certain criteria;
providing for applicability in
incorporated areas; defining
regional entertainment venue

This substitute differs from the original item as stated in the Mayor's memorandum.

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
Successor County Attorney

GBK/smm

Memorandum



Date: February 17, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Ordinance Providing for Roof Signs Under Certain Conditions in the Industrial Zoning Districts and in Regional Entertainment Venues

The substitute differs from the original in that it specifies that: (1) the maximum size of the roof sign is to be measured only by the area actually occupied by the sign's graphics and text; and (2) the Director's decision regarding compliance with County regulations is binding on a municipality and subject only to appeal in accordance with the zoning procedures established in section 33-314.

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance providing for point-of-sale roof signs that are painted or affixed flat against the roof of an industrial building or a regional entertainment venue, provided that such signs are not visible from public road rights-of-way and comply with certain other conditions.

Scope

This ordinance has a countywide impact. The Sign Code of Miami-Dade County, Florida, codified in article VI of chapter 33 ("Sign Code"), sets a minimum standard for municipalities.

Fiscal Impact/Funding Source

Approval of this item is not anticipated to create a fiscal impact to the County, as the proposed changes will not require additional staffing resources or generate additional operational expenses.

Social Equity

The purpose of the proposed ordinance is to provide for a type of roof sign in industrial zoning districts and for regional entertainment venues under certain conditions. No social equity impact is expected as a result of the implementation of the proposed ordinance.

Track Record/Monitor

Nathan Kogan, Assistant Director, Development Services Division, Department of Regulatory and Economic Resources (RER) will be responsible for monitoring this ordinance.

Background

Sign codes around the nation have been evolving in response to technological, market, and legal changes. The County's sign code has and is expected to continue evolving as well.

Technological advancement, particularly in the illumination field, has resulted in the introduction of new types of signs, such as projecting signs, while recent market trends favor new types of commercial signs affixed to buildings, such as larger signs defined in the Sign Code as "murals" and a variety of signs that are primarily visible from the air, which would be classified as "roof signs" under the Sign Code. In particular, the Sign Code defines roof signs as signs that are painted on, fastened to, or supported by the roof or erected over the roof of a building.

Those "flying" over major metropolises around the nation, whether on a plane or through mapping applications, may have noticed a series of flat roof signs, painted on or affixed to the roofs of large buildings such as sports venues and entertainment/commercial centers, and even warehouses. In general, these roof signs are point-of-sale signs, meaning that they advertise the name or logo of the facility. They are not visible from public rights-of-way, but in some dense contexts, such as in central business districts, they may be visible from other buildings.

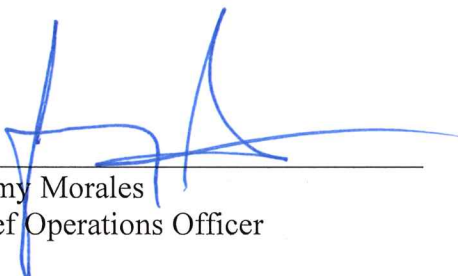
Increasingly, roof signs have become emblematic of world-class, major metropolitan areas, particularly for regional event venues such as performing arts centers, stadiums, arenas, convention centers. Regional event venues have unique signage needs because the nature of their on-site activities may attract national and international media attention through aerial photography and videography. Larger industrial facilities also attract similar attention, as they tend to be within major flight paths; and those facilities are generally not located near residential areas that could be visually impacted by the signage.

The proposed ordinance seeks to modernize the Sign Code to allow flat roof signs, which are painted or affixed to a roof, under certain conditions, including the following:

1. The sign is located on the roof of (a) a property that is zoned industrial (IU) and has at least 5 gross acres or (b) a regional entertainment venue, which the proposed ordinance defines as "a performing arts center, stadium, arena, racetrack, convention center, coliseum, auditorium, museum, cultural complex or similar facility that: (1) draws its audience from throughout Miami-Dade County; (2) is located on a major or minor roadway as depicted on the adopted Comprehensive Development Master Plan Land Use Plan Map [which excludes local roadways]; and (3) is either located on a site with a minimum of 5 gross acres or contains a minimum of 300,000 square feet of non-residential building area."
2. The roof sign is not visible from public road rights-of-way and is spaced 1,000 feet from another roof sign on a different property.
3. A single property shall not have more than two roof signs, and the cumulative size of the roof signs shall not exceed 50 percent of the total roof area.
4. The only type of illumination permitted would be external lighting directed to the surface of the roof. Digital illumination would be prohibited.

Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
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With these and other required conditions, the proposed ordinance appropriately promotes the unique aesthetic of Miami-Dade County as a world-class metropolitan area while maintaining traffic safety and minimizing potential visual impacts to residential areas, consistent with the existing provisions of the County's Sign Code.



Jimmy Morales
Chief Operations Officer




MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: February 17, 2021

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Substitute
Agenda Item No. 5(G)

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
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 5(G)
2-17-21

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING REGULATION OF SIGNS IN INCORPORATED AND UNINCORPORATED AREAS; AMENDING ARTICLE VI OF CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING ROOF SIGNS IN INDUSTRIAL (IU) ZONING DISTRICTS AND FOR REGIONAL ENTERTAINMENT VENUES SUBJECT TO CERTAIN CRITERIA; PROVIDING FOR APPLICABILITY IN INCORPORATED AREAS; DEFINING REGIONAL ENTERTAINMENT VENUE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes set forth in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. The Board ratifies and adopts the matters set forth in the accompanying justification memorandum as if fully set forth herein.

Section 2. Article VI of chapter 33 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

ARTICLE VI. – SIGNS

DIVISION 1. - TITLE, APPLICABILITY, PURPOSE AND DEFINITIONS

Sec. 33-82. - Short title and applicability.

* * *

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.

- (c) Notwithstanding the foregoing, this article shall not apply in the City of Miami Urban Core, as defined in this article, so long as the City of Miami has, by ordinance, opted out of this article as to that area and has established its own regulations of signs, provided, however, that any portion of the City of Miami Urban Core as to which the City of Miami has opted out of this article shall nevertheless remain subject to the regulations in this article governing illumination and murals, including, but not limited to, sections 33-84, 33-86, 33-94, 33-95, 33-96, 33-96.1, and 33-107>>, and the regulations in this article governing roof signs in section 33-106.1<<. A copy of any municipal ordinance opting out of this article as to the City of Miami Urban Core, or establishing regulations differing from this article as to the City of Miami Urban Core, shall be filed with the Director within 15 days after adoption by the City of Miami.

* * *

Sec. 33-84. – Definitions.

For the purposes of this article the following words and phrases are hereby defined as provided in this section, unless the context clearly indicates otherwise. Where there is a question as to the correct classification or definition of a sign, the Director shall place said sign in the strictest category and/or classification.

* * *

- (12) *Director:* The Director of the Miami-Dade County Department of Regulatory and Economic Resources or successor department, or the Director's designee.

* * *

- >>(25.1) *Regional entertainment venue:* A performing arts center, stadium, arena, racetrack, convention center, coliseum, auditorium, museum, cultural complex, or similar facility that: (1) draws its audience from throughout Miami-Dade County; (2) is located on a major or minor roadway as depicted on the adopted Comprehensive Development Master Plan Land Use Plan Map; and (3) is either located on a site with a minimum of 5 gross acres or contains a minimum of

300,000 square feet of non-residential building area.<<

- (26) *Roof sign:* Any sign which is painted on, fastened to, or supported by the roof or erected over the roof.

* * *

DIVISION 2. - GENERAL PROVISIONS

* * *

Sec. 33-95. - Prohibited signs.

* * *

- (d) Roof signs are prohibited in all ~~[[the]]~~ districts>>, except as provided in section 33-106.1<<.

* * *

DIVISION 3. - SIGN STANDARDS REQUIREMENTS AND CHARTS

* * *

>>Sec. 33-106.1 – Permanent point-of-sale roof signs.

Notwithstanding any other provisions to the contrary, permanent point-of-sale roof signs shall be permitted in accordance with all of the following requirement:

- (a) The sign shall be located on the roof of:
 - (1) a regional entertainment venue; or
 - (2) a building in an IU zoning district on a property that is at least 5 gross acres.
- (b) The roof sign is painted on or affixed flat against the roof.
- (c) The roof sign shall not be visible from any existing public road rights-of-way; it is provided, however, that a roof sign established in accordance with this section shall not be required to be removed because the sign becomes visible from a subsequently constructed

- public road right-of-way or subsequent improvement to an existing public road right-of-way.
- (d) For IU-zoned properties, the roof sign shall not be visible from an adjacent property; it is provided, however, that a roof sign established in accordance with this section shall not be required to be removed because the sign becomes visible from a subsequent development on an adjacent property.
- (e) Illumination is prohibited, except for external lighting directed at the surface of the roof, provided that such illumination complies with section 33-96.
- (f) A single property shall not have more than two roof signs, and the<< >>area actually occupied by the graphic and text elements<<² [~~cumulative size~~]] >>of the roof signs shall not exceed 50 percent of the<< >>site's total cumulative<< [~~total~~]] >>roof area.
- (g) Except where approved otherwise as a special exception after public hearing, no roof sign shall be placed closer than 1,000 feet to a roof sign on another property.
- (h) No sign permit shall be issued by the County or a municipality unless the Director has reviewed and approved the permit application for compliance with this article. The Director shall render a decision within 30 days of receipt of the application.<< >>The Director's decision as to compliance with the requirements of this section shall be binding on a municipality and may only be challenged in accordance with the provisions of section 33-314 for appeals of administrative decisions.<<
- >>(i) Variances. No variances of the requirements set forth in paragraphs (a) through (e) above may be granted, except: where it would not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions herein will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided that the variance will be in harmony with the general purpose and intent of the regulations, and that the same is the minimum variance that will permit the reasonable use of the premises.<<

² The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

* * *

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 a 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:

Dennis A. Kerbel
Abbie Schwaderer-Raurell

