

MEMORANDUM

Agenda Item No. 7(C)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: January 23, 2018

FROM: Abigail Price-Williams
County Attorney

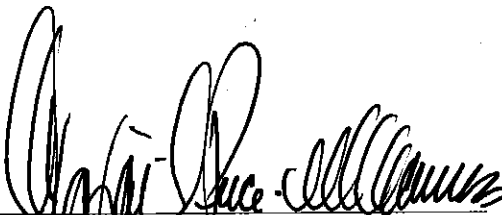
SUBJECT: Ordinance relating to zoning;
amending sections 33-84, 33-96,
33-107, 33-284.87, 33-314, 21-
166, 21-169, and 33C-2 of the
Code; providing standards,
criteria, and procedures related to
digital kiosk signs; making
technical amendments

Ordinance No. 18-03

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 10-10-17 Government Operations Committee. This substitute differs from the original in that it:

- 1. allows kiosk signs to be single- or dual-faced;**
- 2. allows but does not require wi-fi on all County kiosk signs;**
- 3. changes the dimensions of a kiosk sign which could be exempt from certain prohibitions on sign movement; and**
- 4. clarifies that this exemption related to sign movement shall only apply when a pedestrian is physically interacting with the kiosk sign's touch screen.**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Esteban L. Bovo, Jr.


Abigail Price-Williams
County Attorney

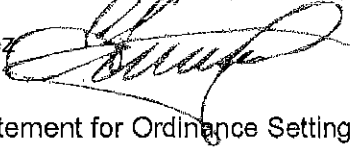
APW/lmp

Memorandum



Date: January 23, 2018

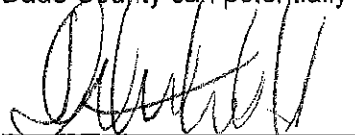
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Fiscal Impact Statement for Ordinance Setting Standards, Criteria and Procedures for Digital Kiosks

The proposed ordinance amends various sections of Chapter 33 of the Code of Miami-Dade County (Code) to set standards, criteria and procedures for digital kiosk signs on private and government property, pedestrian oriented developments, and bus shelters throughout the County. This proposed ordinance also amends Chapter 21 of the Code, which is related to bus shelter standards, to ensure compliance with the amendments in Chapter 33.

Implementation of this ordinance will not create a fiscal impact to Miami-Dade County, as it will not result in additional staffing needs or create future operational costs. However, by setting standards, criteria and procedures for the installation of digital kiosk signs on government property, Miami-Dade County can potentially benefit from additional revenue.



Jack Osterholt
Deputy Mayor

Fis06617 171758

Memorandum



Date: January 23, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

Subject: Social Equity Statement for Ordinance Setting Standards, Criteria and Procedures for Digital Kiosks

The proposed ordinance amends the Code to provide standards, such as size, placement, structural specifications and allowable zoning districts for static and digital kiosk signs on private and government property, pedestrian oriented developments, and bus shelters throughout the County. In addition, the proposed ordinance allows a limited exception to the Code related to illumination standards to accommodate an interactive component for kiosks and bus shelters, and also includes a provision that it is County policy that kiosks and bus shelters placed by, or on behalf of, the County shall have services and information that benefit users.

Other than the intended services and information that will be provided to users by the kiosks and bus shelters, no particular social equity benefit or burden can be determined at this time.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor

171758

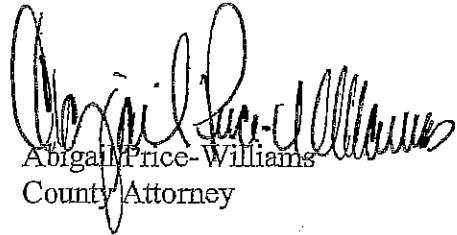


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: January 23, 2018

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(C)

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 ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)
1-23-18

ORDINANCE NO. 18-03

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-84, 33-96, 33-107, 33-284.87, 33-314, 21-166, 21-169, AND 33C-2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING STANDARDS, CRITERIA, AND PROCEDURES RELATED TO DIGITAL KIOSK SIGNS; MAKING TECHNICAL AMENDMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, a kiosk sign is currently defined in section 33-84 of the Code of Miami-Dade County as a detached, dual-face sign placed within a base and affixed or permanently attached to the ground, similar in dimensions to a bus-shelter sign; and

WHEREAS, because of their size and characteristics, such kiosk signs are particularly suited to serve pedestrians and pedestrian-oriented development; and

WHEREAS, the aesthetic of the kiosk sign is particularly suited to dense urban areas and other areas where pedestrians may gather; and

WHEREAS, kiosks also have the potential to integrate other services and information that may provide benefits to pedestrians, such as wi-fi capability, charging stations for electronic devices, maps, transit information such as schedules and routes, and other information useful to pedestrians; and

WHEREAS, this ordinance would allow kiosk signs on large properties that meet certain zoning and locational criteria, on properties within CDMP-designated urban centers that meet certain zoning criteria, and at various transit stations; and

WHEREAS, this ordinance would also allow kiosk signs to have a limited exception to certain illumination standards that prohibit moving content, to allow a portion of the sign face to display movement and emit auditory messages only when a pedestrian is interacting with the ~~[[sign]]~~ >>sign's touch screen<<¹; and

WHEREAS, this exception to the illumination standards is limited in time and size, and these limitations are designed to ensure that the kiosk sign remains aesthetically compatible with the areas where they are to be located and would not impact drivers or pedestrians who are not interacting with the sign; and

WHEREAS, this ordinance also provides that signs affixed to bus shelters and bus benches shall be governed by the sign illumination standards in the zoning code; and

WHEREAS, as part of this ordinance, this Board declares its policy to require that, where kiosks are placed by the County or pursuant to a County contract, all such kiosks >>may<< ~~[[shall]]~~ include wi-fi capability~~[[;]]~~ >>and shall include<< charging stations for electronic devices, maps, transit information such as schedules and routes, and other information useful to pedestrians,

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

Section 1. Section 33-84 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:²

¹ 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.

² 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.

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.

* * *

(16) *Kiosk sign*: A detached, >>single- or<< dual-face sign placed within a base and affixed or permanently attached to the ground, >>where the sign face is<< similar in dimensions to a bus-shelter sign. >>The kiosk structure shall be of pedestrian scale and may also contain wi-fi or other equipment that is housed in a compartment that screens the equipment from view.<<

* * *

Section 2. Section 33-96 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-96. - Illumination.

(a) All signs shall be static and shall not include digital technology, except as expressly provided for in this Code. This section does not allow digital technology signs in any particular location or zoning district; digital technology signs may only be permitted as specifically authorized in other sections of this chapter. All static signs shall conform to subsection (b) below. All digital technology signs shall conform to subsection (c) below.

* * *

(c) *Digital Signs*. Where digital technology is allowed, it shall be provided in compliance with the following:
(1) No auditory message or mechanical sounds shall be emitted from the sign.

- (2) The sign shall not display any illumination that moves, appears to move, blinks, fades, rolls, dissolves, flashes, scrolls, shows animated movement, or changes in intensity during the static display period.
- (3) All digital signs shall be modulated so that, from sunset to sunrise, the brightness shall not be more than 500 Nits. Sunset and sunrise times are those times established by the Miami office of the National Weather Service. At all other times, the maximum brightness levels shall not exceed 5,000 Nits. All digital signs shall have installed ambient light monitors and at all times shall allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions.
- (4) The message display shall not change more often than once each eight seconds, with all moving parts or illumination moving or changing simultaneously.
- (5) Any digital sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall immediately revert to a black screen and shall be restored to its normal operation conforming to the requirements of this section within ~~24~~ 24 ~~[[twenty-four (24)]]~~ hours.
- ~~>>~~(6) Kiosk signs allowed pursuant to this code may have a portion of the sign face, that is no greater than ~~<<~~ 39 inches wide ~~<<~~ ~~[[55" measured diagonally]]~~ and extending no higher than ~~<<~~ 7 ~~<<~~ ~~[[6]]~~ feet from the ground, that is exempt from subsections (1), (2), and (4) above, to allow movement and auditory information when a pedestrian is interacting with the sign, provided that all of the following conditions are met:
- ~~(i)~~ This exemption only applies during the time period when a pedestrian is ~~<<~~ physically ~~<<~~ interacting with the kiosk ~~<<~~ ~~[[sign]]~~ sign's touch screen ~~<<~~ , and at all other times, the entire area of the kiosk sign is required to comply with subsections (1), (2), and (4), and this exemption shall not apply.
- ~~(ii)~~ If a kiosk sign is located along a road or public right-of-way, the kiosk sign shall only have interactive mode on one sign face, and the interactive sign face shall not be visible

from the incoming traffic on the abutting lane.

(iii) This is a limited exception and shall be interpreted narrowly.<<

* * *

Section 3. Section 33-107 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-107. Class C commercial signs.

>>(A) The table set forth below identifies the types<< [[Type]] of signs permitted: Billboard; bulletin board; poster board; >>kiosk sign; or<< mural in locations specified herein >>and with certain applicable conditions<<.

<i>Type of Signs</i>	<i>Size</i>	<i>Number</i>	<i>Setback and Spacing</i>	<i>Illumination</i>	<i>Maximum Height</i>	<i>Special Conditions</i>
		*	*	*		
Wall	Same as detached, except in BU-1A and BU-2 Districts, wall signs shall conform to class B point of sale wall signs	No more than 2 in group	Same as detached	Same as detached	Shall not extend above the roof or parapet of the building	None
>>Kiosk sign	As per definition	The number of kiosk signs shall not exceed that of twice the	30 feet from any right-of-way; 20 feet from an interior	Static and digital	As per definition	As provided in sub-section

		detached class B signs allowed, unless otherwise provided in this chapter.	property line; 30 feet from any detached sign; 30 feet from another kiosk sign, unless otherwise provided in this chapter.			(e) below.<<
* * *						

- >>(B)<< *Zones/districts permitting use.* Class C commercial advertising signs shall be permitted in the following zones:
 - >>(1)<< [(a)] In BU-3, IU-1, IU-2 and IU-3 Zones.
 - >>(2)<< [(b)] In BU-1A and BU-2 Zones subject to the following conditions:
 - >>(i)<< [(4)] Cantilever construction. Detached class C signs in these zones must be of cantilever type construction (double-faced sign, both faces of the same size, secured back to back on the same set of vertical supports with no supporting bracing) with a minimum of 5 feet clearance between grade and bottom of board surface. Second face of sign will not be required if the rear of sign is properly and adequately concealed or hidden.
 - >>(ii)<< [(2)] Sites for signs. Sites for location of each detached class C sign in these zones must conform to the same minimum lot requirements as to size and frontage as required for erection of commercial buildings, and such sites cannot be improved with buildings or other structures.
 - >>(iii) Any<< [~~In a BU-1A or BU-2 Zone, any~~] class C signs erected on a site shall be immediately removed from such site at the time the first building permit is issued for permanent building to be erected thereon if the sign is within 300 feet of the proposed building.

>>(3)<< If a building exists on property, no permits for erection of class C signs thereon shall be issued if the sign is within 300 feet of an existing building.

>>(4)<< In addition, unless approved as result of a public hearing, no class C signs shall be erected on any property zoned BU-1A, BU-2, BU-3, IU-1, IU-2 or IU-3 unless the street frontage on the opposite side of the street is zoned commercial or industrial.

>>(C) Kiosk signs

(1) Purpose and Intent.

(i) Because of their size and characteristics as defined in this chapter, kiosk signs are particularly suited to serve pedestrians and pedestrian-oriented development. Pedestrians may interact with kiosk signs through touch screens or auditory messages, and where such interactive mode is allowed in a limited manner, restricted by size, and only allowed during the time that a pedestrian is interacting with the kiosk sign, the interactive capabilities and features are consistent with pedestrian oriented development and the aesthetics of the areas where these signs are to be allowed. Effects on traffic or to pedestrian safety would be minimal based on the size of the interactive portion of the kiosk sign and the presence of a pedestrian interacting with the kiosk sign.

(ii) Policy for County-installed signs. Kiosk signs have the potential to also integrate other services that may provide a benefit to the public, such as wi-fi capability, maps, and transit information such as schedules and routes. Where kiosk signs are placed by the County or pursuant to a County contract, it is the policy of the County that all such kiosks shall include services and information to assist the public, such as<< [[wi-fi]] >>transit information<< [[;]] >>and maps.

(2) Permitted zoning districts. Kiosk signs with static or digital Class B or Class C signs may only be located on:

(i) Properties that meet all of the following criteria:

- (a) Zoned BU-1A, BU-2, or BU-3, or the municipal equivalent, or properties zoned or designated for airport or seaport; and
- (b) a minimum of 25 acres in area; and
- (c) located along a major roadway as designated on the Land Use Plan Map of the Comprehensive Development Master Plan; or
- (ii) Properties designated MC, MCS, MM, or MCI on the Land Use Regulating Plan of an Urban Center/Area District, or the municipal equivalent, but not on properties developed with residential uses only; or
- (iii) A Pedestrian-Oriented Development, as defined in section 33E-8, that is not in an Urban Center/Area District; or
- (iv) Rail stations not already covered within the above categories, which may be zoned Rapid Transit Zone or other comparable district. For such rail stations, the maximum number of kiosk signs allowed shall either be equivalent to the BU zoning district or twice the detached class B signs allowed by the station's Rapid Transit Zone subzone, whichever is greater.
- (3) Placement standards. Each kiosk sign with static or digital Class B or Class C signs shall:
 - (i) Comply with the digital illumination standards set forth in this article;
 - (ii) Comply with the setback and spacing requirements set forth in this article;
 - (iii) Be oriented to serve pedestrians in the interior of the property and not be oriented to serve vehicles; in Urban Center/Area Districts, kiosk signs may be located in areas designated for pedestrian traffic along designated open spaces;
 - (iv) Not be visible from any abutting public right-of-way or from any property in residential single-family use;
 - (v) Not be located in surface parking areas;
 - (vi) Not interfere with pedestrian or vehicular visibility or traffic flow; and

(vii) Not interfere with or displace required landscaping or parking.

(4) Maximum height of sign structure. The kiosk structure may contain wi-fi or other equipment that is housed above or below the sign face in a compartment that screens the equipment from view, provided that the entire kiosk structure does not exceed 11 feet in height.

(5) Variances. Requests for variances of setback and spacing requirements shall be subject to the standards and requirements of section 33-96(d)(2). All other requests for variances of the requirements applicable to kiosks shall be permitted only pursuant to the standards and requirements of 33-96(d)(1).<<

>>(D)<< Landscaping requirements. Landscaping shall be required where appropriate, as determined by the Director.

>>(E)<< Murals. Notwithstanding the Class C sign limitations contained in this section, mural signs located within the City of Miami Urban Core shall be permitted, subject to the following conditions:

* * *

>>(F)<< Maintenance. In addition to the general maintenance requirements for this section, the owner and/or the erector of the sign shall be responsible for maintaining any landscaping required by this article and the signs concerned in good condition and appearance. Ground mounted Class C sign sites shall be maintained free from trash or debris. Failure to do so shall constitute cause for cancellation of the permit and removal of the sign, if owner and/or erector fails to correct same within 15 days after written notice of nonconformance. Written notice shall be provided to both the property owner and, if known, the erector of the sign.

>>(G)<< Zone/district exemption. Notwithstanding the Class C limitations herein, Miami International Airport (Wilcox Field) as defined by Section 33-332(1), shall be exempt from all Class C limitations for all wall-mounted Class C signs,

including landscaping and maintenance requirements. It is further provided that no Class C sign permit shall be granted to any Class C sign applicant, owner, or erector who is subject to any unresolved notice of violation or citation for violation of any provision of the Miami-Dade County sign code.

Section 4. Section 33-284.87 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 33-284.87. - Signs.

Except as provided herein, the definitions set forth in Section 33-84 of this chapter shall apply. In the event of a conflict, the provisions of this section shall govern.

* * *

F. >>Kiosk signs. Kiosk signs shall be permitted in accordance with section 33-107.

G.<< Prohibited Signs. The following types of outdoor signs shall be prohibited:

1. Revolving, rotating, and other moving signs.
2. Backlit signs of any type.
3. Banners.
4. Roof signs.
5. Balloon signs.
6. Class C commercial signs or other outdoor advertising, except those within bus shelters >>and kiosk signs as provided herein<<.

Section 5. Section 33-314 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 33-314. - Direct applications and appeals to the County Commission.

(A) The County Commission shall have jurisdiction to directly hear the following applications:

* * *

>>(6) Applications requesting variances from regulations pertaining to kiosk signs, as set forth in section 33-96, 33-107, or 33-284.87.<<

* * *

Section 6. Section 21-166 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 21-166. Bus shelter location and extension onto private property.

Bus shelters shall be placed only at ~~[[MDTA authorized]]~~ bus stops >>authorized by the Miami-Dade County Department of Transportation and Public Works or successor entity ("DTPW")<<. The shelter structure shall be permitted to extend onto private property, subject to private consent, provided all of the following prohibitions and requirements are met and only to the extent necessary to conform with setback requirements specified in subsection (c) of this section:

- (a) Bus shelters shall be prohibited on private property in the RU-1, RU-2, EU-1, EU-1C, EU-2, EU-S, EU-M and AU zoning districts.
- (b) Bus shelters shall not exceed >>152<< ~~[[one hundred fifty-two (152)]]~~ square feet in size.
- (c) Bus shelters placed on Miami-Dade County or State of Florida maintained rights-of-way shall conform to >>DTPW's<< ~~[[Miami Dade County Public Works Department's]]~~ bus shelter setback requirements or State of Florida, Department of Transportation regulations, whichever is applicable >>and shall comply with section 33-11.

- (d) Bus shelters shall be of pedestrian scale and designed for the comfort and shelter of transit users. At a minimum, a bus shelter shall provide protection from the elements for at least one person in the form of a roof or overhang that extends at least 18-24 inches, as determined by the Director of the Department of Regulatory and Economic Resources or successor entity.
- (e) Bus shelters may contain wi-fi or other equipment for the comfort or shelter of transit users, provided that such equipment is housed in a compartment that screens the equipment from view.<<

Section 7. Section 21-169 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 21-169. Exemption of signs from zoning requirements.

Signs affixed to bus shelters and bus passenger benches placed at ~~[[MDTA-authorized]]~~ bus stops ~~>>~~authorized by the Miami-Dade County Department of Transportation and Public Works or successor entity (“DTPW”)~~<<~~ and extending onto private property are exempt from the provisions of Chapter 33 of the Code of Miami-Dade County ~~>>~~, except that all signs shall comply with section 33-96, which relates to sign illumination, and shall comply with those portions of chapter 33 that specifically reference bus shelter signs, including but not limited to section 33-284.99.60(B)(7)~~<<~~.

Section 8. Section 33C-2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33C-2. - Rapid Transit Zone.

* * *

- (D) *Uses.* No land, body of water, or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, structurally altered, or maintained for any purpose in the Rapid Transit Zone, except as provided in this article.

- (1) Permitted land uses. The following land uses are permitted within the Rapid Transit Zone:
 - (a) Fixed guideways for the Rapid Transit System.
 - (b) Stations for the Rapid Transit System, including such uses as passenger platforms and waiting areas, ticket and information booths, restrooms, utility rooms, >>kiosk signs only to the extent permitted by section 33-107,<< in-station advertising displays, stairs, elevators, walkways, concessions, vending machines, and other service-related businesses offering goods and services for sale to passengers, and other similar uses as are necessary for or ancillary to the proper functioning of a rapid transit station.
 - (c) Parking lots and parking structures.
 - (d) Bus stops and shelters.

* * *

Section 9. 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 10. 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 11. This ordinance shall become effective 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: January 23, 2018

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

Dennis A. Kerbel
Abbie Schwaderer Raurell

Prime Sponsor: Chairman Esteban L. Bovo, Jr.