

MEMORANDUM

Agenda Item No. 7(B)

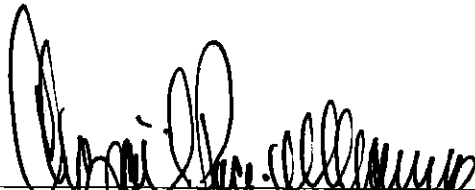
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: (Second Reading 9-5-18)
June 5, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to zoning;
amending sections 33-96.1 and
33-96 of the Code; permitting
digital point-of-sale signs at
certain buildings for public
assemblage; making conforming
amendments and technical
changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.


Abigail Price-Williams
County Attorney

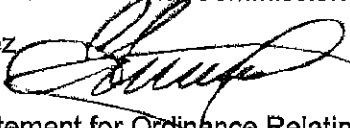
APW/lmp

Memorandum



Date: September 5, 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 Relating to Zoning: Permitting Digital Point of Sale signs at certain buildings for public assemblage

The proposed ordinance relating to Zoning amends Sections 33-91.1 and 33-96 of the Code of Miami-Dade County to permit digital point of sale signs at certain buildings for public assemblage. The modification of these sections of the Code would ensure public safety and preserve community aesthetics, while considering the locations where digital point of sale signs are already permitted. The inclusion of these public buildings and structures would be those properties that are intended for 50 or more persons to assemble, including, without limitation, education and religious facilities.

The proposed ordinance does not require any additional expenditures related to this ordinance and, as such, there are no costs associated with the implementation of this legislation.

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

Jack Osterholt
Deputy Mayor

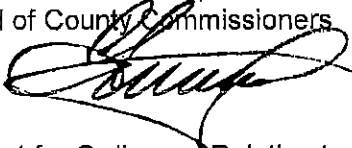
FIS06118 181247

Memorandum

MIAMI-DADE
COUNTY

Date: September 5, 2018

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

From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Statement for Ordinance Relating to Zoning- Digital Point of Sale Signs

The proposed ordinance relating to Zoning amends Sections 33-96.1 and 33-96 of the Code of Miami-Dade County (Code) to expand the allowance of Digital Point of Sale Signs (DPSS) to sites with buildings for public assemblage (50 or more people) including educational and religious facilities.

A DPSS sign is defined as a Class B or point-of-sale sign, meaning not an off-site commercial sign as a billboard. The current section of the Code only allows DPSS signs on sites zoned BU and IU and sites being used for airports, seaports, sports stadiums, racetracks, and other similar uses. In recent years, private and charter schools as well as religious facilities have been requesting the ability to place such signs on their properties (Dade County Public Schools are not regulated by the County or the municipalities).

The proposed ordinance enables a public assembly site with, for instance, a school or religious facility to establish a digital sign or digital sign component which in turn gives the facility the flexibility of advertising its activities or events through the digital component as well.



Jack Osterholt
Deputy Mayor

181247




MEMORANDUM

(Revised)

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

DATE: September 5, 2018

FROM:


Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(B)

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(B)
9-5-18

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-96.1 AND 33-96 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PERMITTING DIGITAL POINT-OF-SALE SIGNS AT CERTAIN BUILDINGS FOR PUBLIC ASSEMBLAGE; MAKING CONFORMING AMENDMENTS AND TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, section 33-96.1 of the Code of Miami-Dade County currently provides for digital point-of-sale (Class B) signs on properties that meet certain criteria; and

WHEREAS, in light of the need to ensure public safety and preserve community aesthetics while considering the locations where digital point-of-sale signs are already permitted, this Board finds that digital point-of-sale signs are appropriate for additional properties intended for the assemblage of a significant number of people,

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

Section 1. The foregoing recitals are incorporated herein and are approved.

Section 2. Section 33-96.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-96.1. - Digital Point-of-Sale signs.

>>(a)<< ~~[[Subject to the following mandatory conditions;]]~~ Digital Point-of-Sale Sign[[s]] ("DPSS")~~[[s]]~~ shall >>mean a Class B (Point of Sale) sign on which a sign face is illuminated with digital technology. This section shall apply only to DPSS. A DPSS shall<< be permitted ~~[[in]]~~ >>:

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.

- (1) In<< BU and IU districts >>; or
 - (2) For buildings or other structures intended for public assemblage, wherein provisions are made for 50 or more persons to assemble in one room or structure, including, without limitation, educational facilities, religious facilities<<, seaports, airports, sports stadiums, racetracks, and other similar uses >>.
- (b) DPSS shall be subject to the following mandatory conditions<< [[as follows]]:
- ~~[[a)]~~ ~~A DPSS means a Class B sign on which a sign face is illuminated with digital technology. This section shall apply to Class B (Point of Sale) signs only.~~
 - ~~[[b)]~~ >>(1)<< A DPSS shall conform to all sign size, placement, setback, and quantity limitations as provided elsewhere in this chapter and shall comply with all building code requirements.
 - ~~[[c)]~~ >>(2)<< Each DPSS shall comply with Section 33-96 of this chapter.
 - ~~[[d)]~~ >>(3)<< A minimum of ~~[[ten-(10)]]~~ >>10<< acres gross improved land area shall be required for the placement of a DPSS.
 - ~~[[e)]~~ >>(4)<< With the exception of airports or seaports, the subject DPSS shall be located only on a major or minor roadway as depicted on the adopted Comprehensive Development Master Plan Land Use Plan map.
 - ~~[[f)]~~ >>(5)<< A detached DPSS shall be surrounded by a minimum of ~~[[twenty-five-(25)]]~~ >>25<< square feet of landscaped area. A plan indicating such landscape area shall be submitted to the Director at the time of building permit application.

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[[~~(g)~~]] >>(6)<< The content of the DPSS shall be limited solely to the promotion of products or services offered on the premises. The only fixed message shall be the name of the company possessing a valid Certificate of Use for the subject premises.

[[~~(h)~~]] >>(7)<< A DPSS on which [[~~thirty (30)~~]] >>30<< percent or less of the sign face is illuminated with digital technology shall not be subject to the minimum land area, landscaping, and roadway placement criteria set forth in subsections [[~~(d), (e), and (f)~~]] >>(3), (4), and (5)<< above.

Section 3. Section 33-96 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-96. - Illumination.

* * *

(d) *Variances.*

* * *

(2) *Area Variances.* Notwithstanding the foregoing, area variances from the requirements of Section 33-96.1(b)>>(1)<<, ([[~~d~~]]>>3<<), and ([[~~f~~]]>>5<<), regarding sign size, setback, spacing, distance, quantity, minimum land area, and landscaping may be granted where the applicant demonstrates that the benefits to granting the area variance outweigh any detriments to the community. The Board shall consider the following factors in making this determination: (i) whether the area variance would create an undesirable change in the character of the neighborhood or a detriment to nearby properties; (ii) whether the benefit can be achieved by some other method; (iii) whether the area variance is substantial; (iv) whether the area variance will have an adverse effect on physical or environmental conditions in the neighborhood or district; and (v) whether the alleged difficulty was self-created, provided that the existence of a self-created difficulty shall be relevant to a board's decision but shall not necessarily

preclude the granting of the area variance. The applicant shall also demonstrate that granting the area variance maintains the basic intent and purpose of the zoning, subdivision, and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the area variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required for an area variance.

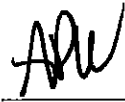
Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. 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 6. 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:



Christopher J. Wahl
Dennis A. Kerbel

Prime Sponsor: Commissioner Joe A. Martinez