

MEMORANDUM

Agenda Item No. 7(A)

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

DATE: January 19, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning in the incorporated and unincorporated areas; amending article VI of chapter 33; comprehensively revising regulations pertaining to signs; revising definitions; revising definitions of Class A, Class B, and Class C signs based on structure, size, and materials; revising regulations pertaining to onsite signs, offsite commercial advertising signs, directional signs, and entrance features; providing for digital illumination of billboards and other Class C signs; providing for billboards and other Class C signs within protected areas of expressway and rapid transit system rights-of-way, subject to certain conditions; revising procedures for obtaining sign permits; revising provisions relating to time limitation of permits, signs permitted without a permit, and prohibited signs; revising provisions relating to enforcement; revising regulations for wall and cantilever Class B signs in BU and IU zoning districts; clarifying municipal jurisdiction over regulations, enforcement, and permitting procedures related to signs and providing for municipal enforcement of County sign regulations pursuant to chapter 8CC; deleting section 33-39.2.1; deleting obsolete reference regarding delegation of enforcement authority to Team Metro; amending section 8CC-10; updating schedule of civil penalties to conform to Sign Code amendments; making technical changes

This item was amended at the 12-8-22 Chairman's Council of Policy Committee. In addition to the changes described in the substitute statement, the Chairman's Council of Policy further amended subsection 33-121.13(c)(1) to specify that Class C signs in the protected areas are only permitted in the zoning districts where Class C structures are otherwise allowed pursuant to section 33-107 (which are BU and IU zoning districts) and to require Class C signs in protected areas to meet the same minimum setback and spacing from those estate density and residential zoning districts (EU and RU) that apply to Class C signs outside protected areas.

This substitute differs from the original version in that it:


- Revises section 33-86, relating to the hearing process for appeals of administrative sign code determinations and for variances and special exceptions, to: allow the applicant to request additional time before an application is deemed denied (and thus eligible for judicial review) due to lack of action by the zoning board; and allow applications to be taken to the BCC where the CZAB lacks quorum, based on current rules;
- Revises section 33-90 to increase the sign permit expiration time from 90 days to 120 days;
- Revises section 33-107 to: rely on the Code's existing height restrictions for Class C signs around airports rather than prohibiting all Class C signs within 5,000 feet of an airport property boundary or within outer safety zones; provide a greater size allowance for Class C wall signs in BU-1A and BU-2 zoning districts; and update the references to the City of Miami official responsible for mural permitting based on the City's designation;
- Revises section 33-121.13 to: set the minimum spacing between Class C signs on the same side of an expressway at 1,500 feet, rather than as low as 600 feet, based on the requirements for an FDOT permit; set the maximum height of a Class C sign on an expressway at 30 feet as measured from the crown of the main-traveled way to which the sign is oriented to the top of the sign, based on the requirements for an FDOT permit; require that the total height of a wall sign on an expressway not

exceed the maximum height of the building to which it is attached; and eliminate the requirement that a Class C sign on an expressway be “located and oriented to minimize visual impacts to windows and balconies” of residential uses and office uses, but retain the prohibition on erecting a Class C sign within 30 feet of an existing building on the same site containing residential uses, and further retain the regulations requiring Class C signs to be oriented away from residential uses or residential zones;

- Revises sections 33-107 and 33-121.13 to eliminate the prohibitions on maintaining Class C signs on properties that are improved with buildings or other structures, to retain consistency with other existing provisions that allow buildings and Class C signs to co-exist on the same site, subject to minimum spacing;
- Revises sections 33-84, 33-84.1, and 33-121.13 to more precisely distinguish detached signs, wall signs, and cantilever signs, and to more precisely address when a wall sign is considered a Class C sign;
- Revises sections 33-121.10 and 33-121.13 to clarify the treatment of pylon signs;
- Revises sections 33-107, 33-112, and 33-121.13 to amend references to Class B, Class C, and point-of-sale signs, which are terms from the old sign classification system, to use the terminology of the new proposed sign classification system;
- Makes additional technical changes; and
- Makes conforming changes to the preamble.

Rules 5.06(i) of the Board’s Rules of Procedure provides that where double underlining and double strike-through would not clearly show the differences between an original item and the substitute, comments may instead be provided. Pursuant to this rule, the preceding comprehensive description of the differences between the original item and the substitute is provided in lieu of double underlining and double strike-through for this item.

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



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: January 19, 2022

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, reading "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Zoning


The implementation of this ordinance will not have a fiscal impact to Miami-Dade County, as it only makes a revision to the sign code.

A handwritten signature in blue ink, reading "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

Date: January 19, 2022

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

From: Daniella Levine Cava
Mayor 

Subject: Social Equity Statement for Ordinance Relating to Zoning- Sign Code

The proposed ordinance relating to the Sign Code of Miami-Dade County, codified as chapter 33, article VI, divisions 1–7 of the Code of Miami-Dade County (County Sign Code) provides for a comprehensive revision of the County Sign Code to ensure consistency with recent United States Supreme Court and other federal appellate court decisions regarding signage regulations. Those decisions allow government to regulate physical structures and other signage features that do not relate to the content of the message, while imposing significant limitations on regulations that relate to message content that is protected by the First Amendment.

The substitute item as placed on the December 8, 2021 Chairman’s Committee on Policy would have expanded the areas where Class C signs such as billboards are allowed, to include all zoning districts within the formerly protected area of expressways (within 600 feet of expressway right-of-way) and certain rapid transit system rights-of-way (within 300 feet of the Metrorail fixed guideway). This would have included all abutting residential districts and Urban Centers (with the exception of Downtown Kendall). The introduction of billboards into unincorporated residential areas where they previously have not been allowed could have presented compatibility conflicts and social equity impacts in established residential neighborhoods and posed potential compatibility conflicts within the urban center districts.

Subsequently, the committee amended the item to only provide new allowances for billboards in formerly protected areas within commercial and industrial zoning districts, where such signs are currently allowed outside the protected areas, and not in residential or urban center districts. Although this ordinance will authorize billboard signs where they were not previously permitted, the committee amendment buffers any such new signs from residential uses in the same manner as they are provided in the code today. In addition, the new signs will be subject to the same minimum spacing that is enforced by the Florida Department of Transportation (FDOT) for permits it issues, which is a minimum of 1,500 feet between billboard signs along the same side of an expressway. By contrast, where the County Sign Code currently permits billboards outside of the protected areas, the minimum spacing between billboards is 600 feet. Subjecting the newly-authorized spacing to the greater 1,500-foot spacing will minimize the potential overutilization of billboard signs along the expressway and rapid transit system rights-of-way. The substitute addresses the social equity concerns in the original item.

The attached map identifies the commercial and industrial properties in the unincorporated area, with reference to the commission districts. It further depicts the protected areas along portions of expressway and rapid transit system right-of-way where the proposed ordinance would authorize new billboards above the current code allowance. The new billboard allowance areas are represented by the bolded areas that outline the expressway and rapid transit rights-of-way.

In addition to limiting the areas where additional billboards may be permitted, the committee amendment incorporates the existing code standards for spacing of billboards from residential uses. The code currently provides for a 30-foot setback to a residential boundary and a minimum spacing of 300 feet between a billboard and a residential use when the sign fronts or orients towards the residential use. This standard will be maintained for signs along expressway and rapid transit system protected areas.

In summary, as amended by the committee, the proposed ordinance:

- (1) Introduces a new approach to sign regulations by distinguishing sign structure classifications from sign content categories, to ensure the sign code complies with recent First Amendment case law striking down content-based restrictions.
- (2) Creates new sign content categories of directional signs, onsite signs, and commercial offsite advertising signs; and continues to allow noncommercial messages wherever commercial messages are allowed, as provided in existing regulations, to ensure compliance with First Amendment case law.
- (3) Revises procedures for sign permit applications to ensure compliance with First Amendment case law.
- (4) Allows Class C signs such as billboards (but not mural signs) to be digital, as is currently allowed for Class B signs.
- (5) Expands the areas where Class C signs, such as billboards (but not mural signs), are allowed, to commercial and industrial zoning districts within the protected areas of expressways and certain rapid transit system rights-of-way. Signs would be subject to minimum spacing that mirrors state law requirements for FDOT permits and to the same requirements to buffer from residential uses that applies to billboard signs that are currently authorized. Class C signs will not be permitted in urban centers or on residential properties. Class C mural signs continue to be allowed only within the City of Miami’s urban core, as provided in existing regulations, and are not authorized to be digital.
- (6) Updates the wall sign requirement for Class B signs to simplify the maximum size requirement consistent with that of the County’s urban center districts.
- (7) Revamps regulations applicable to Class C sign structures and commercial offsite advertising signs.
- (8) Revises regulations on nonconforming signs along expressways, rapid transit system rights-of-way, and the South Dade Transitway to conform to state law.
- (9) Codifies interpretations regarding enforcement of Sign Code within municipalities, authorizes municipalities to enforce pursuant to chapter 8CC, and continues to allow municipalities to adopt stricter regulations and to opt out of certain provisions, as provided in existing regulations

The substitute addresses the social equity concerns in the original item.



Jimmy Morales
Chief Operations Officer




MEMORANDUM

(Revised)

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

DATE: January 19, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(A)

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 _____

Agenda Item No. 7(A)
1-19-22

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING IN THE INCORPORATED AND UNINCORPORATED AREAS; AMENDING ARTICLE VI OF CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; COMPREHENSIVELY REVISING REGULATIONS PERTAINING TO SIGNS; REVISING DEFINITIONS; REVISING DEFINITIONS OF CLASS A, CLASS B, AND CLASS C SIGNS BASED ON STRUCTURE, SIZE, AND MATERIALS; REVISING REGULATIONS PERTAINING TO ONSITE SIGNS, OFFSITE COMMERCIAL ADVERTISING SIGNS, DIRECTIONAL SIGNS, AND ENTRANCE FEATURES; PROVIDING FOR DIGITAL ILLUMINATION OF BILLBOARDS AND OTHER CLASS C SIGNS; PROVIDING FOR BILLBOARDS AND OTHER CLASS C SIGNS WITHIN PROTECTED AREAS OF EXPRESSWAY AND RAPID TRANSIT SYSTEM RIGHTS-OF-WAY, SUBJECT TO CERTAIN CONDITIONS; REVISING PROCEDURES FOR OBTAINING SIGN PERMITS; REVISING PROVISIONS RELATING TO TIME LIMITATION OF PERMITS, SIGNS PERMITTED WITHOUT A PERMIT, AND PROHIBITED SIGNS; REVISING PROVISIONS RELATING TO ENFORCEMENT; REVISING REGULATIONS FOR WALL AND CANTILEVER CLASS B SIGNS IN BU AND IU ZONING DISTRICTS; CLARIFYING MUNICIPAL JURISDICTION OVER REGULATIONS, ENFORCEMENT, AND PERMITTING PROCEDURES RELATED TO SIGNS AND PROVIDING FOR MUNICIPAL ENFORCEMENT OF COUNTY SIGN REGULATIONS PURSUANT TO CHAPTER 8CC; DELETING SECTION 33-39.2.1; DELETING OBSOLETE REFERENCE REGARDING DELEGATION OF ENFORCEMENT AUTHORITY TO TEAM METRO; AMENDING SECTION 8CC-10; UPDATING SCHEDULE OF CIVIL PENALTIES TO CONFORM TO SIGN CODE AMENDMENTS; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Sign Code of Miami-Dade County, Florida, codified as chapter 33, article VI, divisions 1–7 of the Code of Miami-Dade County, Florida (the “County Sign Code”), establishes minimum standards for signs throughout the County; and

WHEREAS, as set forth in section 33-82, the County Sign Code is “applicable . . . specifically in the incorporated areas of Miami-Dade County,” and when it is “applicable to a municipality, the municipality shall be responsible for enforcement”; and

WHEREAS, as set forth in section 33-121.11, municipalities may opt out of the regulations governing proximity of signs to expressways in division 5 of the County Sign Code, but municipalities are charged with enforcing all other provisions of the County Sign Code, including regulations on digital technology and the standards for variances; and

WHEREAS, in Ordinance No. 16-15, this Board adopted technical standards for modern digital technology for signs and adopted regulations for the use of point-of-sale digital signs in Miami-Dade County; and

WHEREAS, this Board now wishes to update its regulations to allow the use of modern digital technology on billboard, bulletin board, and poster board structures, referred to as “Class C” structures, which are typically used for commercial offsite advertising, but not on large-scale murals, which are also Class C structures; and

WHEREAS, updating regulations for Class C structures also requires updating regulations for wall and cantilever sign structures, referred to as “Class B” structures, in business and industrial zoning districts, because the Class C regulations for wall signs refer to those regulations; and

WHEREAS, this Board also wishes to provide additional locations, including along expressways and Rapid Transit System rights-of-way, in which to install Class C structures other than large-scale murals, while recognizing that the installation of such structures along expressways may also be subject to state and federal highway beautification regulations and other regulations and basing the minimum spacing between such structures along expressways and the methodology for measuring height on the standards governing state-issued permits set forth in section 479.07 of the Florida Statutes; and

WHEREAS, because this ordinance provides expanded opportunities to install legal signage, it is also appropriate to provide for stricter enforcement measures and penalties to address illegal signage; and

WHEREAS, recent United States Supreme Court and other federal appellate court decisions have clarified what constitute permissible time, place, and manner sign regulations, permissible regulations on commercial messages, and impermissible content-based restrictions on signs; and

WHEREAS, considering these legal developments, a comprehensive revision of the County Sign Code is warranted to ensure consistency with the First Amendment of the United States Constitution; and

WHEREAS, accordingly, this ordinance: (1) more clearly distinguishes regulations that apply to sign structures—which address materials, size, permissibility of particular structures within certain zoning districts, and other physical requirements—from regulations that regulate commercial sign content—which address whether the sign contains point-of-sale or onsite messages as distinguished from offsite commercial advertising messages; (2) maintains the County Sign Code’s protection of noncommercial speech by continuing to allow lawful noncommercial messages on any sign that may lawfully contain commercial messages; and (3) updates the procedures for seeking permits pursuant to the County Sign Code to ensure that applications are timely decided; and

WHEREAS, the County’s regulations governing non-conforming signs within expressway protected areas must also be revised to address section 479.15, Florida Statutes, which imposes additional limitations on a local government’s authority to require the removal of lawfully erected signs around certain expressways; and

WHEREAS, this Board also wishes to clarify municipal jurisdiction over signage regulations by codifying prior interpretations regarding enforcement of the County Sign Code within municipal jurisdictions, authorizing municipalities to enforce sign regulations pursuant to chapter 8CC of the County Code, and specifying that the County Sign Code operates as a minimum standard within municipalities but that municipalities may adopt stricter standards, may provide their own enforcement mechanisms for municipal sign regulations, and may adopt their own procedures for review of sign permit applications,

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

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

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 >>within the incorporated and unincorporated areas<<.

- (a) This article shall be known as the "Sign Code of Miami-Dade County, Florida" and shall be applicable in the unincorporated areas of Miami-Dade County, and specifically in the incorporated areas of Miami-Dade County >>as a minimum standard.

- (1) In the unincorporated areas, this chapter shall be enforced by the County, and in the incorporated areas, this chapter shall be enforced by the municipalities.

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.

- (2) Any municipality may establish and enforce more stringent regulations as such municipality may deem necessary, may establish penalties for violations thereof, and may establish procedures for review and approval of sign permit applications.
 - (3) It is provided, however, that if the provisions herein are not enforced within a municipality, and the municipality has not opted out of the applicable provisions if so permitted pursuant to this article, the County may enforce such provisions.
 - (4) Pursuant to section 8CC-3, each municipality shall have the authority to designate code inspectors to issue civil violation notices for violations of this article<<. [~~When the provisions of this article are applicable to a municipality, the municipality shall be responsible for enforcement.~~]
- (b) >>Except as provided in division 5, if<< [[If]] property in the unincorporated area fronting a street right-of-way forms a common boundary with a municipality, and if the zoning classifications on both sides of the boundary are comparable, the property in the unincorporated area shall comply with the provisions of the municipal ordinance, provided the municipality has a sign ordinance with stricter standards than this article. In such event Miami-Dade County shall apply and enforce the provisions of the municipal ordinance in the unincorporated areas of the County. No variance from this section shall be permitted without the prior express consent of the affected municipality.
- (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. 33-83. - Purpose.

- (a) The purpose of this >>article<< ~~[[chapter-[article]]~~ is to permit signs that will not, because of size, location, method of construction and installation, or manner of display:
 - (1) Endanger the public safety; or
 - (2) Create distractions that may jeopardize pedestrian or vehicular traffic safety; or
 - (3) Mislead, confuse, or obstruct the vision of people seeking to locate or identify uses or premises; and
 - (4) Destroy or impair aesthetic or visual qualities of Miami-Dade County which >>are<< ~~[[is]]~~ so essential to tourism and the general welfare.
- (b) The purpose of this article is also to permit, regulate and encourage the use of signs with a scale, graphic character, and type of lighting compatible with buildings and uses in the area, so as to support and complement land use objectives as set forth in the Comprehensive Development Master Plan.
- (c) The purpose of this article is also to protect noncommercial speech such that>>, except where specifically provided otherwise in this article,<< any sign authorized herein may contain, in lieu of any other message or copy, any lawful noncommercial message, so long as such sign complies with the size, height, area >>2<< and other requirements of this article.

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 >>may interpret the Sign Code, consistent with federal and Florida law, to determine the correct classification or definition of a sign<< ~~[[shall place said sign in the strictest category and/or classification]]~~.

- (1) Sign: [[Any display of characters, letters, logos, illustrations or any ornamentation designed or used as an advertisement, announcement, or to indicate direction.]] >>A lettered, numbered, symbolic, or pictorial visual display, device, or communication designed or used for the purpose of conveying a message.
 - (a)<< Use of merchandise, products, vehicles, equipment, inflated balloons, or the like as an ~~[[attention attractor or]]~~ advertising device, with or without a printed or written message or advertisement, shall be considered a sign.

- >>(b) Except where context dictates otherwise, the term “sign” includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers.
- (c) The term “sign” excludes the following, provided that they do not contain numbers, letters, or trademarks:
 - (i) integral architectural features of buildings; and
 - (ii) sculptures, fountains, and other decorative elements, as defined in section 33-1, and as may be subject to section 33-20 or other applicable regulations.<<
- (2) *Attraction board:* A sign or portion of a sign on which copy is changed periodically~~[[, advertising special sales, bargains, etc]].~~ Said attraction board may be incorporated into the sign permitted.
- (3) *Awning, canopy, roller curtain or umbrella sign:* Any sign painted, stamped, perforated, or stitched on the surface area of an awning, canopy, roller curtain or umbrella.
- (4) >>Billboard: A detached sign with a sign face that is at least 14 feet in height or at least 48 feet in width, not including embellishments to the sign.
- (5)<< Blank wall>>:<<[[-]] The wall of a building that is free of windows, balconies, railings, articulated facade, decorative grills or gratings, or other architectural elements. Walls constructed on rooftops or as part of a parapet shall not be considered blank walls for the purposes of this article.
- >>(6) Bulletin board: A detached sign that is greater than 10 feet but less than 14 feet in height or is at least 36 feet but less than 48 feet in width, not including embellishments to the sign. A detached sign that is greater than either of the foregoing measurements shall be deemed to be a billboard.
- (7)<< ~~[[(5)]]~~ Cantilever: That portion of a building, projecting horizontally, whether it be on the same plane as the roof line or not.
- >>(8)<< ~~[[(6)]]~~ Cantilever sign: Any sign which is mounted on a cantilever. No cantilever sign may extend beyond the cantilever. >>A detached Class C sign that contains a single sign face, or two sign faces mounted back-to-back, shall also be considered a cantilever sign.<<
- ~~[[(7)]]~~ Class A (temporary signs): Any sign(s) to be erected on a temporary basis, such as signs advertising the sale or rental of the premises on which located; signs advertising a subdivision of property; signs advertising construction actually being done on the premises on which the sign is located; signs advertising future construction to be done on

~~the premises on which located, and special events, such as carnivals, concerts, public meetings, sporting events, political campaigns or events of a similar nature.~~

(8) ~~*Class B (point of sale sign): Any sign advertising or designating the use, occupant of the premises, or merchandise and products sold on the premises, shall be deemed to be a point of sale sign (class B) and shall be located on the same premises whereon such is situated or the products sold.*~~

(9) ~~*Class C (commercial advertising signs): Any sign which is used for any purpose other than that of advertising to the public the legal or exact firm name of business or other activity carried on the premises, or for advertising any service or product or products actually and actively being offered for sale on the premises, or which is designed and displayed solely to offer for sale or rent the premises, or to advertise construction being done, or proposed to be done, on the premises, or to advertise special events, shall constitute a class C sign.*~~

~~*Class C signs may be in the form of a billboard, kiosk, bulletin board, mural, or poster board, or may be affixed flat to a building or painted thereon.]]*~~

>>(9)<< [[(10)]] ~~*Detached sign:*~~ Any sign not attached to or painted on a building, but which is affixed and permanently attached to the ground. Permanently attached as used herein shall mean that the supporting structure of the sign is attached to the ground by a concrete foundation.

>>(10)<< [[(11)]] ~~*Digital technology (signs):*~~ Electronic technology that allows for changes to sign copy resulting from digital data input. Included in this technology are signs that use series of lights, including light emitting diodes (LED), fiber optics, or other similar technology.

>>(11)<< [[(12)]] ~~*Director:*~~ The Director of the Miami-Dade County Department of Regulatory and Economic Resources or successor department, or the Director's designee>>: except where the County's approval is required or the context dictates otherwise, this term also includes the municipal equivalent<<.

[[(13)]] ~~*Directional sign:*~~ A sign which guides or directs the public and contains no advertising. The name of the facility (such as store name), which the sign is giving direction to, may be included when specified conditions in the ordinance are complied with.

(14) ~~*Entrance features:*~~ Any combination of decorative structures and landscape elements located at the entrance to a development, which identifies or draws attention to the development and/or exercises control of ingress and egress

~~to the development. An entrance feature may include, although not necessarily be limited to, ornamental walls, fences, identifying lettering, logos, works of art, and other decorative structures, earthworks, water bodies, fountains, trees, plantings, and other landscape elements, as well as gatehouses, either singly or in any combination thereof.]]~~

>>(12) Embellishment: Letters, figures, images, mechanical devices, or lighting extending beyond the sign face of a billboard, bulletin board, or poster board.

(13)<< [[(15)]] Flat sign: Any sign attached to and erected parallel to the face of, or erected or painted on the outside wall of any building, and supported throughout its length by such wall or building. >>Wall signs and attached cantilever signs are types of flat signs.

(14)<< [[(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.

>>(15)<< [[(17)]] Marquee: A covered structure projecting from, and supported by the building with independent roof and drainage provisions, and which is erected over a doorway or entranceway as protection against the weather.

>>(16)<< [[(18)]] Marquee sign: Any sign attached to or hung from a marquee.

>>(17)<< [[(19)]] Mural: Any ~~[[Class C]]~~ wall sign >>that is greater in size than the maximum allowed for a Class B wall sign<< ~~[[painted on, affixed, or secured flat to the facade of a building]].~~

>>(18)<< [[(20)]] Nits (nt): The unit of measurement for luminance. Luminance is the measure of the light emanating from an object with respect to its size and is the term used to quantify electronic sign brightness. A nit is the total amount of light emitted from a sign divided by the surface area of the sign (candelas per square meter (cd/m²)).

>>(19) Poster board: A detached sign that is 10 feet in height or at least 22 feet in width but less than 36 feet in width, not including embellishments. A detached sign that is greater than either of the foregoing measurements shall be deemed to be a bulletin board or a billboard, as applicable.

(20)<< [[(21)]] Portable sign: Any sign not attached to or painted on a building and not affixed or permanently attached to the ground.

>>(21)<< [[(22)]] Projecting sign: Any sign which is an independent structure, which is attached to the building wall, and which

extends at any angle from the face of the wall. No projecting sign shall extend above the roof or parapet wall in any residential district.

>>(22)<< ~~[(23)]~~ *Projected Technologies*: The projection, through digital technology, of two-dimensional or three-dimensional static or moving images.

>>(23)<< ~~[(24)]~~ *Pylon*: A vertical extension of a building, constructed integrally and concurrently with the building, or in connection with a major remodeling or alteration of a building>>, and having<< ~~[[To classify as a pylon for sign purposes, the pylon structure must be an integral part of the building structure, extending to ground level. In business and industrial districts only, the material and construction may vary from the materials and type of construction of the exterior walls of the building, but same must be approved by the Director. In all cases, the pylon shall have]]~~ the appearance of a solid structure.

>>(24)<< ~~[(25)]~~ *Pylon sign*: A flat sign attached to or painted on the face of a pylon. The outer edge of the sign shall not extend beyond the pylon nor above the roof line. >>To classify as a pylon sign, the pylon structure must be an integral part of the building structure, extending to ground level. In business and industrial districts only, the material and construction may vary from the materials and type of construction of the exterior walls of the building, subject to the approval of the Director.

(25)<< ~~[(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.

(27) *Semaphore*: Any sign consisting of two ~~[(2)]~~ dual-face signs extending horizontally from a light standard. Such sign projecting from opposite sides of such light standard, and such signs must be located in the parking lot of a shopping center to identify the location of parking areas. No advertising is permitted on the sign.

(28) *Shopping center*: An area zoned for business is a shopping center where at least >>250<< ~~[[two hundred fifty (250)]]~~ feet of street frontage has been zoned for commercial

purposes under one ~~[(4)]~~ application and under one ~~[(4)]~~ ownership, and where it contains at least two ~~[(2)]~~ tiers of in-front parking, contains two ~~[(2)]~~ or more retail uses, and is subject to site plan or plot use approval as a condition of the applicable resolution or ordinance.

(29) >>V-shaped sign: Any structure composed of two sign faces that are grouped together and placed at an angle to form a single "V."

(30)<< Wall: For sign purposes, that portion of the building's exterior, horizontal surface on the same plane, regardless of vertical or horizontal indentations, and including the surface of parapets and pylons projecting from the building. For sign purposes, there shall be considered to be only four ~~[(4)]~~ planes to any building and it shall be the prerogative of the Director to determine which portion of odd-shaped buildings, such as buildings of hexagon or octagon design, to which flat signs may be affixed, with such location to be so determined as to prevent a grouping of signs which can be viewed from one ~~[(4)]~~ direction.

>>(31)<< ~~[(30)]~~ Wall sign: Any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one ~~[(4)]~~ advertising surface.

>>(32)<< ~~[(31)]~~ City of Miami Urban Core: The geographic area commencing at Biscayne Bay and the North side of NE 18th Street; thence West along the North side of NE 18th Street to the East side of NE 2nd Avenue; thence North along the East side of NE 2nd Avenue to the South side of NE 36th Street; thence East along the South side of NE 36 Street to the West side of Biscayne Boulevard; thence North along the west side of Biscayne Boulevard to the North side of I-195; thence West along the North side of I-195 to the East side of N. Federal Highway; thence North along the East side of N. Federal Highway to the North side of NE 39th Street; thence West along the North side of NE 39th Street to East side of NE 2nd Avenue; thence North along the East side of NE 2nd Avenue to North side of NE 40th Street; thence West along the North side of NE 40th Street to West side of N. Miami Avenue; thence South along the West side of N. Miami Avenue to its intersection with the South limited access right-of-way line of the I-195 Eastbound exit ramp; thence West along said South limited access right-of-way line to the intersection with the South side of NW 37th Street; thence West along the South side of NW 37th Street to the East side of NW 1st Avenue; thence South along the East side of NW 1st Avenue to the North side of NW 36th Street; thence East

along the North side of NW 36th Street to the West side of N. Miami Avenue; thence South along West side of N. Miami Avenue to the North side of NW 29th Street; thence West along the North side of NW 29th Street to the East side of NW 6th Avenue; thence South along the East side of NW 6th Avenue to the South side of NW 22nd Street; thence East along the South side of NW 22nd Street to the West side of NW 5th Avenue; thence South along the West side of NW 5th Avenue to the North side of NW 22nd Street; thence East along the North side of NW 22nd Street to the West side of NW 3rd Avenue; thence South along the West side of NW 3rd Avenue to the North Side of the Dolphin Expressway; thence West along the North side of the Dolphin Expressway to the East side of I-95; thence North along the East side of I-95 to North side of NW 20th Street; thence West along the North side of NW 20th Street to the West side of NW 14th Avenue; thence South along the West side of NW 14th Avenue to the South side of the Dolphin Expressway; thence East along the South side of the Dolphin Expressway to the East bank of the Wagner Creek Canal; thence South 300 feet along the East bank of the Wagner Creek Canal; thence East running parallel 300 feet to the South of the Dolphin Expressway to the West side of NW 7th Avenue; thence North along the West side of NW 7th Avenue to the South side of the Dolphin Expressway; thence East along the South side of the Dolphin Expressway to the West side of I-95; thence South along the West side of I-95 to the North side of NW 5th Street; thence West along the North side of NW 5th Street to the West side of NW 6th Avenue; thence South on the West side of NW 6th Avenue to the West side of NW North River Drive; thence South along the West side of NW North River Drive to the north side of West Flagler Street; thence East along the north side of West Flagler Street to the West side of I-95; thence South along the West side I-95 to the South side of SW 8th Street; thence East along the South side of SW 8th Street to the East side of S. Miami Avenue; thence North along the East side of S. Miami Avenue to the South side of the Miami River; thence East along the South side of the Miami River to the East side of Brickell Avenue; thence North along the East side of Brickell Avenue to the North side of the Miami River; thence East along the North side of the Miami River to Biscayne Bay; thence North along the Biscayne Bay shoreline to the point of beginning, as shown on the City of Miami Urban Core map shown below.

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>>**Sec. 33-84.1 – Sign structure classifications and sign content categories.**

- (a) Sign structure classifications. For purposes of this article, sign structures are divided into the following classifications:
- (1) Class A sign. Class A sign structures are: signs that are neither permanently anchored nor secured to a building, nor permanently embedded in the ground, nor affixed to a sign structure that is permanently anchored, secured to a building, or permanently embedded in the ground.
 - (2) Class B sign. Class B sign structures are: flat attached signs, including wall signs, other than murals; hanging signs; awning signs; cantilever signs, except detached Class C signs; projecting signs; marquee signs; roller curtain signs; umbrella signs; canopy signs; pylon signs; roof signs; and monument signs.
 - (3) Class C sign. Class C sign structures are: billboards, bulletin boards, and poster boards, including such signs in cantilever or V-shaped configurations; wall signs, including murals; and kiosks.
- (b) Sign content categories. For purposes of this article, signs are divided into the following content categories:
- (1) Directional sign. A directional sign is a sign that does no more than guide or direct the public, direct traffic flow, or identify facilities, entrances, and exits. This category also includes traffic signs and signals, semaphores, warnings, and signs indicating danger.
 - (2) Onsite sign. An onsite sign is a sign that identifies, designates, or advertises the use of, occupant of, or products sold or services provided on the premises where the sign is erected, or that is designed and displayed solely to offer the premises for sale or rent, or that contains a noncommercial message.
 - (3) Commercial offsite advertising sign. A commercial offsite advertising sign is a sign that relates to a commercial transaction and that is not an onsite sign.
- (b) Regulatory requirements applicable to each class of sign structure. Applicable physical standards, permissible zoning districts, permissible categories of sign content, procedures for obtaining permits, enforcement mechanisms,

and other requirements applicable to each class of sign structure are set forth in the remaining divisions of this article.<<

DIVISION 2. - GENERAL PROVISIONS

Sec. 33-85. - Interpretation>>; enforcement<<.

- >>(a)<< Only those signs that are >>expressly<< ~~[[specially]]~~ authorized by this sign code shall be permitted. Those that are not listed or authorized shall be deemed prohibited.
- >>(b)<< It is provided, however, that>>, except where specifically provided otherwise in this article,<< any sign authorized herein may contain, in lieu of any other message or copy, any lawful noncommercial message, so long as such sign complies with the size, height, area and other requirements of this article.
- >>(c) Any person violating any of the provisions of this article shall be subject to enforcement in accordance with the provisions of article I of this chapter and section 1-5 and chapter 8CC of this code.
- (d) Any and all signs posted or erected in violation of this article shall be deemed correctable violations, which shall subject the violator to continuing violation penalties, as provided in chapter 8CC, for violations that continue beyond the reasonable time period for correction contained either in the civil violation notice or the final order of the hearing officer, as applicable.<<

Sec. 33-86. - Permits required.

- (a) *Applications and permits.*
 - >>(1)<< No sign ~~[[, unless excepted by this article,]]~~ shall be erected, constructed, posted, painted, altered, maintained, or relocated, except as provided in this article ~~[[and]]>>.~~
 - (2) In addition, for signs for which a permit is required by this article, no sign shall be erected, constructed, posted, painted, altered, maintained, or relocated<< until a permit has been issued by the Department.
 - >>(3)<< Before any permit is issued, an application for such permit shall be filed together with three ~~[[{3}]]~~ sets of drawings and/or specifications (one ~~[[{4}]]~~ to be returned to the applicant) as may be necessary to

fully advise and acquaint the issuing department with>>:<< the location >>:<<[[;]] method of construction >>:<<[[;]] type of materials >>:<<[[;]] manner of illumination >>:<<[[;]] method of erection, securing>>:<< or fastening [[;]] >>:<< and<< number >>, content category of sign, and class of sign structure<< [[and type of signs]] applied for [[; and advertisement to be carried]].

>>(4)<< All signs which are electrically illuminated ~~[[by neon or any other means]]~~ shall require a separate electric permit and inspection.

(b) *Consent of property owner.* No sign shall be placed on any property unless the applicant has the written consent of the owner and lessee, if any, of the property.

(c) *Calculating number of signs.* >>The number of signs shall be calculated as follows:

(1)<< A single sign >>with two faces<< ~~[[containing advertisement on each side]]~~ shall be counted as one ~~[[(4)]]~~ sign.

>>(2)<< Every other sign shall be counted as a separate sign for each face thereof.

>>(3) Except as provided in this article for Class<< ~~[[Excepting class]]~~ C signs, "V" type signs will be considered as one ~~[[(4)]]~~ sign if the spread of the "V" at the open end is not greater than the length of its narrowest side.

(d) *Calculating sign size.* >>The size of a sign shall be calculated as follows:

(1)<< The area of a sign shall include borders>>:<< ~~[[and]]~~ framing>>, and embellishments<<.

>>(2)<< Heights shall be measured to the top extremity of the sign and distances to the farthest point.

>>(3)<< The square footage in a circular rotating or revolving sign shall be determined by multiplying one-half ~~[[(4)]]~~ of the circumference by the height of the rotating sign, except in the case of the flat rotating sign, the area will be determined by the square footage of one ~~[[(4)]]~~ side of such sign.

>>(4)<< The Director shall have the discretion of determining the area of any sign which is irregular in shape, and in such cases will be guided by calculations as made by a licensed, registered engineer when same are shown on the drawing.

(e) *Review of the application.* >>Sign permit applications shall be reviewed and decided in accordance with the following procedures and timeframes:

(1)<< The Department shall complete its review of a sign permit application for the unincorporated area within 30 calendar days after filing, and shall render a decision either for approval or denial within that time.

>>(2)<< Failure by the Department to render a decision within 30 calendar days shall be deemed a denial, appealable as provided herein.

>>(3)<< If the >>application<< [[permit]] is denied based upon grounds set forth in this article, the applicant may file an >>application to<< appeal >>the Department's decision<< to the >>Board of County Commissioners in accordance with the procedures set forth in section 33-314 for appeals of administrative decisions, and such appeal<< [[appropriate Community Zoning Appeals Board. Such appeal]] shall be heard at the next >>available zoning meeting<< [[regular meeting of such board]] after notice pursuant to the requirements of >>section 33-310.

(i) If the Board of County Commissioners does not render a decision on the appeal within 90 days of the date on which the Department deems the appeal application complete, the appeal shall be deemed denied and the applicant may seek judicial review of the Department's decision.<< [[Section 33-310(e) of this Code. Further appeal shall be as authorized pursuant to the Florida rules of court.]]

>>(ii) It is provided however, that the applicant may request additional time from the Director or from the Board of County Commissioners, as applicable, for the appeal to be considered before it is deemed denied, in which event the appeal shall not be deemed denied until the expiration of the additional time requested by the applicant.

(4) Scope of review.

(i)<< It is provided that the procedures for the review of a sign permit application pursuant to this section shall be limited to the >>application of the zoning standards set forth in this article<< [[Department of

~~Planning and Zoning]]~~ and shall not apply to other county departments' review of a sign permit application pursuant to the Florida Building Code >>, the safe-sight distance triangle and other applicable provisions of the Miami-Dade County Public Works Manual, or other applicable regulations, or to any review pursuant to chapter 479, Florida Statutes.

(ii) Review under this section shall not include challenges to the validity of the applicable regulation.

(iii) Appeals of denials based on regulations other than those set forth in this article shall be governed by the procedures applicable to such regulations.

(5) *Time for hearing on variances or special exceptions.*

(i) Notwithstanding any other provisions to the contrary, a complete application for a special exception pursuant to, or variance of, this article shall be set for a hearing to be held no later than 90 days after the date on which the Department deems the application complete, unless: the applicant requests additional time; or the application includes additional zoning requests unrelated to signs. This provision shall not be construed to waive any applicable notice requirements as set forth in article XXXVI.

(ii) If the applicable zoning board does not render a decision within 60 days of the first date for which a hearing on the variance or special exception request is set, the application shall be deemed denied, and the applicant may seek judicial review.

a. It is provided however, that the applicant may request additional time from the Director or from the zoning board, as applicable, for the application to be considered before it is deemed denied, in which event the application shall not be deemed denied until the expiration of the additional time requested by the applicant.

b. It is further provided that, if a Community Zoning Appeals Board

does not render a decision within the prescribed time, and section 33-314 provides for jurisdiction by the County Commission, the applicant may request the application to be heard by the County Commission before the application is deemed denied. In that event, the times for hearing provided in this paragraph (5) shall recommence from the time the request for hearing pursuant to section 33-314 is deemed complete<<.

(f) *Restrictions on Certain Class C Sign Permits.*

- (1) No permit shall be issued for a mural >>or other Class C sign<< on property where a civil violation notice pursuant to ~~[[Chapter]]~~ >>chapter<< 8CC ~~[[of this Code]]~~ has been issued for an unauthorized ~~[[mural]]~~ >>Class C sign<< until such civil violation notice has been resolved.
- (2) No permit shall be issued for a mural >>or other Class C sign<< to an erector or affiliate of such erector who has been issued a civil violation notice pursuant to ~~[[Chapter]]~~ >>chapter<< 8CC ~~[[of this Code]]~~ for erecting an unauthorized ~~[[mural]]~~ >>Class C sign<< until such civil violation notice has been resolved.
- (3) No permit shall be issued to a property owner or owner of a mural >>or other Class C sign<< or affiliate thereof who has been issued a civil violation notice pursuant to ~~[[Chapter]]~~ >>chapter<< 8CC ~~[[of this Code]]~~ for erecting an unauthorized ~~[[mural]]~~ >>Class C sign<<, until such civil violation notice has been resolved.
- (4) No permit shall be issued for an existing mural in violation of this article if authorization for such mural was obtained from a municipality.
- (5) No permit for a mural shall be issued to an owner, erector or affiliate thereof, if such owner, erector or affiliate has an existing agreement with a municipality purporting to allow the establishment or continuation of a mural upon payment of fines, penalties or other payments to the municipality, if such mural is not in compliance with the requirements of this article.

- (6) For purposes of this subsection, the term "affiliate" shall mean (i) a person, corporation, partnership or other business organization ("entity"), directly controlling, controlled by, or under common control with, another entity, or (ii) any entity owning or controlling ten percent or more of the ownership interest of another entity.

>>(g) Applicability to other zoning districts not specifically addressed in this article. Notwithstanding any other provisions to the contrary, the provisions of this section shall govern sign permit applications in urban center or urban area districts, the Rapid Transit Zone District, and any other zoning districts in this code that contain sign regulations but are not specifically addressed in this article.<<

Sec. 33-87. - Compliance with codes.

- (1) [*Required.*] All signs shall conform to the requirements of the building, electrical, and other applicable technical codes, except as may be otherwise provided herein.
- (2) >>Sign<< [~~Advertising~~] *conflicting with zoning rules.* No sign shall be erected or used [~~to advertise any use or matter which~~] >>in a manner that<< would conflict with the regulations for the district in which it is located or be in conflict with the use permitted under the certificate of use or >>certificate of<< occupancy for the property.

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Sec. 33-90. - Time limitation of permits.

- >>(1)<< All signs shall be erected on or before the expiration of >>120<< [~~ninety (90)~~] days from the date of issuance of the permit.
- >>(2)<< If the sign is not erected within said >>120<< [~~ninety (90)~~] days, the permit shall become null and void, and a new permit required[~~;~~ ~~provided, however, that~~] >>.
- (3) Notwithstanding the foregoing,<< the Director may extend such permit for a period of >>90<< [~~ninety (90)~~] days from the date of the expiration of the permit if>>:
- (a)<< written application for such extension is received and approved by the Director prior to the expiration date of the initial permit >>or a previously approved extension,<< and [~~provided that~~]

- >>(b)<< the proposed sign complies with all requirements in effect at the date of such renewal.
- >>(4) Notwithstanding the foregoing, the Director shall grant additional extensions of such permits as follows:
- (a) For Class C signs that must be permitted by the State of Florida, an extension of 120 days from the date the state permit is issued; and
- (b) For other signs, where such extension is necessary to allow time to obtain permits from other applicable agencies.<<

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Sec. 33-94. - Signs permitted without a sign permit.

>>The following types of signs may be erected without obtaining a sign permit, subject to obtaining permits required by all other applicable technical codes:<<

- (a) Class A temporary signs >>as set forth in section 33-99, provided that they are<< [[not exceeding six (6) square feet in area,]] not electrically illuminated [[will not require a sign permit, but must]] >>and that they<< otherwise comply with this article and applicable technical codes.
- (b) Traffic signs >>or signals<<, [[provisional]] warnings>>,<< and signs indicating danger, [[are exempt from this chapter]] >>provided that the sole purpose of the sign is to direct traffic, provide warnings, or indicate danger, and the signs or signals are of the standard size and structure provided for under federal or state regulations for traffic control signs<<. Such [[exempted]] signs shall not contain any commercial advertisement >>and notwithstanding any other provision to the contrary, may not contain any other noncommercial message<<.
- (c) Awning, canopy, roller curtain, or umbrella sign or signs >>that are<< [[shall be]] limited to >>8<< [[eight]]-inch letters in height, and >>do<< [[shall]] not exceed a total coverage of >>24<< [[twenty four (24)]] square feet >>,<< provided that any commercial message is limited to an onsite sign<<. [[Any such sign shall be limited to the identification of the occupant and/or use of the property. No sign permit shall be required for the awning, canopy, roller curtain or umbrella sign, but the same shall comply with applicable technical codes.]]

- (d) ~~[[Disabled or handicapped parking signs.]]~~ Signs required by ~~>>law, including signs<< [[State law or County ordinance]]~~ for ~~>>identification of restricted<<~~ parking spaces ~~[[reserved for disabled or handicapped persons shall not require a sign permit]].~~ ~~>>Notwithstanding any other provision to the contrary, such signs may not contain any other noncommercial message.<<~~
- (e) Signs not exceeding one and one-half ~~[[$(1\frac{1}{2})$]]~~ square feet in area and bearing only property street numbers, post box numbers, or name of occupant of premises.
- (f) Flags and insignia ~~>>containing only noncommercial messages<< [[of any government, except when displayed in connection with commercial promotion]].~~
- (g) Legal notices ~~[[, identification, information,]]~~ or directional signs erected by or on behalf of governmental bodies. ~~>>Notwithstanding any other provision to the contrary, such signs may not contain any other noncommercial message.<<~~
- (h) ~~[[Integral decorative and architectural features of buildings except letters, logos, trademarks, moving parts or moving lights.~~
- (i) Signs within enclosed buildings or structures ~~>>, or surrounded by buildings or structures,<<~~ which are so located that they are not visible from public or private streets or adjacent properties~~>>.~~
 - (1) Signs~~<< [[such as signs]]~~ in interior areas of malls, commercial buildings, ball parks, stadiums and similar structures or uses ~~>>shall be deemed to qualify for this exemption<<~~, providing said signs are erected in such a manner as not to be hazardous.
 - ~~>>(2)<<~~ If illuminated, the necessary electrical permits shall be obtained.
- ~~[[j) Temporary holiday decorations provided said decorations carry no advertising matter and further provided that such decoration is not up more than sixty (60) days for a single holiday and is removed within seven (7) days after the holiday ends.~~
- ~~(k)]~~ ~~>>(i)<<~~ "Danger," "No Parking," "Post No Bills," "Bad Dog," and similar warning signs, provided such signs do not exceed an area of one (1) and one-half (1.5) square feet.

- [[~~(4)~~] ~~Banners and other decorative materials in conjunction with an event conducted pursuant to a dedication or a grand opening, are permitted without a sign permit. Such banners and decorative materials are not to be posted more than thirty (30) days preceding the event, and are to be removed within seven (7) days following the grand opening day of the event.~~
- ~~(m)~~ Signs required by law.
- ~~(n)~~] >>(j)<< Signs which are incorporated within bus passenger benches and shelters in compliance with ~~[[Sections 33-121.14 and 33-121.17(b)]]~~ >>article XII of chapter 21, as applicable<<.
- [[~~(o)~~] ~~Baby stroller parking signs. Signs required for parking spaces reserved for persons transporting young children and strollers shall not require a sign permit.~~
- ~~(p)~~] >>(k)<< "No Trespassing" signs, provided such signs do not exceed an area of three ~~[[~~(3)~~]]~~ square feet.
- [[~~(q)~~] ~~The Director of the Miami Dade County Park and Recreation Department, or designee, shall be permitted to post banners promoting park activities, special events and sponsorships relating to same, provided (i) such banners are posted on the Miami Dade County park property where the activity or special event will occur; (ii) that each banner shall be limited in size to no more than thirty (30) square feet; (iii) that the banner shall not be posted more than sixty (60) days preceding the activity or event and shall be removed within seven (7) days following the activity or event. Banners complying with the conditions specified in this subsection shall be permitted without a sign permit.]]~~

Sec. 33-95. - Prohibited signs.

- (a) No sign shall be so located as to constitute a danger to public safety.
- (b) No sign shall exhibit thereon any lewd or lascivious matter.
- (c) No sign shall be attached to trees, utility poles or any other unapproved supporting structure.
- (d) Roof signs are prohibited in all districts, except as provided in section 33-106.1.
- (e) No signs shall be erected or painted on >>exterior-facing fences or walls in RU and EU districts<< ~~[[fence and wall enclosures in residential districts. Fence and wall signs shall be prohibited in the residential districts]]~~. These restrictions

do not apply to >>onsite<< ~~[[Class B]]~~ signs in the AU district.

- (f) In both the incorporated and unincorporated areas of the County even if not classified as a sign, blinking or flashing lights, streamer lights, pennants, banners, streamers, and all fluttering, spinning or other type of attention attractors ~~[[or advertising devices]]~~ are prohibited ~~[[except for national flags, flags of bona fide civic, charitable, fraternal and welfare organizations and further except during recognized holiday periods such attention attractors that pertain to such holiday periods may be displayed on a temporary basis during such periods. The flags permitted by this subsection shall not be used in mass in order to circumvent this subsection by using said flags primarily as an advertising device]]]~~. >>This provision shall not apply to flags as permitted by this article.<<
- (g) No revolving or rotating sign shall be permitted or erected except as a class B ~~[[point of sale]]~~ sign in the BU and IU Districts. Such signs shall be illuminated by internal lighting only.
- (h) >>Signs that falsely present themselves as emergency or official governmental signs are prohibited. Prohibited signs include:
 - (1)<< Any signs ~~[[which are not traffic signs as defined in Section 33-94(b) which]]~~ >>that<< use the word "stop" or "danger" or present or imply the need or requirement of stopping, or which are copies or imitations of official >>governmental<< signs~~[[.]]~~ >>, but that are not traffic signs or signals, warnings, or signs indicating danger as permitted in section 33-94; and
 - (2)<< Red, green>>₁<< or amber (or any color combination thereof) revolving or flashing light giving the impression of a police or caution light ~~[[is a prohibited sign]]~~, whether on a sign or on an independent structure.
- (i) Unless specifically permitted >>as Class A signs or otherwise<< by this chapter or other law, portable signs shall be prohibited, including those that are tied down with metal straps, chaining, or otherwise temporarily anchored to an existing structure or other similar method of anchoring.
- (j) Signs painted or affixed in any manner to any vehicle, trailer or pickup truck, van>>₁<< or similar transportable device and ~~[[which is used to advertise a place of business or activity as viewed from a public road shall be prohibited.]]~~ >>used solely as an advertising device, whether in a parking lot, nearby right-of-way, or otherwise, are prohibited.

- (1) Without limitation, it shall be a prima face violation of this subsection for any vehicle, trailer, or other mobile article that contains commercial advertising to remain stationed for more than 72 hours in a location that is not a designated parking space.
- (2)<< This shall not be interpreted to prohibit identification of commercial vehicles>>,<< provided such vehicles are operational and moved and used daily for delivery or service purposes and are not used, or intended for use, as portable signs.
- >>(3)<< This sign shall also not be interpreted to apply to buses, taxicabs, and similar common carrier vehicles ~~[[which are licensed or certified by Miami-Dade County or other governmental agency]].~~

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.
- (b) *Static Signs.* Signs illuminated by flashing, moving, intermittent, chasing or rotating lights are prohibited. Signs may be illuminated by exposed bulbs, fluorescent tubes, interior lighting, or by indirect lighting from any external source. Indirect lighting, such as floodlights, shall not shine directly on adjacent property, motorists or pedestrians. Illumination shall be such that it will provide reasonable illumination and eliminate glare and intensity which might pose safety hazards to drivers and pedestrians. Revolving and rotating signs shall be illuminated by internal lighting only.
- (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 hours.

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(d) *Variances.*

- (1) *Use variances.* No variances from the requirements of this section or ~~[[Section]]~~ >>section<< 33-96.1 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) *Area Variances.*

>>(a)<< Notwithstanding the foregoing, area variances from the requirements of ~~[[Section 33-96.1(b)(1), (3), and (5)]]~~ >>section 33-96.1(c)(1), (3), and (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.

>>(b)<< 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.

>>(c)<< 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.

>>(d)<< No showing of unnecessary hardship to the land is required for an area variance.

Sec. 33-96.1. - Digital >>Class B<< [[~~Point of Sale~~]] signs.

(a) Digital >>Class B<< [[~~Point of Sale~~]] Sign >>(~~“DCBS”~~)<< [[(~~“DPSS”~~)]>]] 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 >>DCBSs<< [[(~~“DPSS”~~)]>]].

>>(b) A DCBS<< [[~~A DPSS~~]] shall be permitted:

- (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.

>>(c) A DCBS<< ~~[[(b) DPSS]]~~ shall be subject to the following mandatory conditions:

- (1) A >>DCBS<< ~~[[DPSS]]~~ shall conform to all sign size, placement, setback, and quantity limitations as provided elsewhere in this chapter >>for Class B signs<< and shall comply with all building code requirements.
- (2) Each >>DCBS<< ~~[[DPSS]]~~ shall comply with ~~[[Section]]~~ >>section<< 33-96 of this chapter.
- (3) A minimum of 10 acres gross improved land area shall be required for the placement of a >>DCBS<< ~~[[DPSS]]~~.
- (4) With the exception of airports or seaports, the subject >>DCBS<< ~~[[DPSS]]~~ shall be located only on a major or minor roadway as depicted on the adopted Comprehensive Development Master Plan Land Use Plan map.
- (5) A detached >>DCBS<< ~~[[DPSS]]~~ shall be surrounded by a minimum of 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.
- (6) The content of the >>DCBS<< ~~[[DPSS]]~~ shall be limited solely to >>onsite and directional signs<< ~~[[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]]~~.
- (7) A >>DCBS<< ~~[[DPSS]]~~ on which 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 (3), (4), and (5) above.

Sec. 33-97. - Maintenance of signs.

- (a) [*Required.*] All signs shall be properly maintained in a safe and legible condition at all times. >>Where a commercial use on a site has been abandoned, all commercial onsite signs associated with<< ~~[[In the event that a use having a sign is discontinued for a period of forty-five (45)]]]~~ days, all signs identifying]] the use are to be removed from the site

or>>₂<< in the case of a painted sign, painted out. Sign removal shall be the responsibility of the owner of the property.

* * *

DIVISION 3. - SIGN STANDARDS REQUIREMENTS AND CHARTS

Sec. 33-98. – Generally.

>>This division indicates<< ~~[[The following charts indicate]]~~ the physical standards and requirements applicable to signs and the districts in which they are permitted. The following standards are subject to other applicable technical code requirements.

* * *

Sec. 33-106. - >>Class B<< ~~[[Permanent point of sale]]~~ signs in the BU and IU Districts.

>>Except as provided otherwise in this article, onsite signs in the BU and IU districts shall only be permitted on Class B structures as set forth on the following table.<< ~~[[Type of signs permitted: Detached; marquee; flat; awning; canopy; roller curtain; umbrella; projecting; pylon. (Not applicable to shopping centers; see definition for shopping centers.)]]~~

<i>Type of Signs</i>	<i>Size</i>	<i>Number</i>	<i>Setbacks and Spacing</i>	<i>Illumination</i>	<i>Maximum Height</i>	<i>Special Conditions</i>
* * *						
Flat (wall and cantilever)	10 percent of the wall area [[for a building that does not exceed 15 feet in height; then 1.5 percent	[[Same as detached]] >> <u>Not applicable</u> <<	Not applicable	Same as detached	Not applicable	>> <u>Where a building is occupied by multiple tenants, the permitted sign area is shared among all tenants. A sign</u>

	increase for each foot of building height above the 15 feet measured to bottom of the sign]]					<u>survey shall be required at time of permitting to demonstrate that the proposed signage is within the maximum sign area allowed</u> <<
		*	*	*		

* * *

Sec. 33-107. - Class C >>sign structures and<< commercial >>offsite advertising<< signs.

- [[~~(A)~~]] >>(a) Except as otherwise provided in this code, commercial offsite advertising signs shall only be permitted on the Class C structures set forth in this section.
- (b) Class C structures may also be used for onsite or directional signs.
- (c)<< The table set forth below identifies the types of >>Class C sign structures that may be erected and what conditions apply to such structures<< ~~[[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>
Detached	Maximum size of 14 feet by 48 feet (672 square feet) plus embellishment providing overall size of	No more than 2 signs shall be placed in a group except when such signs are	>> <u>As provided in this section</u> << [[20 feet to official r.o.w. line 5 feet to	>> <u>As provided in this section</u> << [[No illumination shall be installed on	30 feet from normal or average grade to top of sign	When grouped, all signs shall be placed at an angle to form a [[single "V"]] >> <u>V-</u>

sign does not exceed 750 square feet	less than 48 feet long and form a triangle	<p>interior side property line 15 feet from any lot on which there is a residential building (regardless of the zoning classification of such lot) 30 feet to any EU or RU District boundary, except where the face of the sign fronts or orients toward the EU or RU District, then the spacing shall be 300 feet.</p> <p>No closer to r.o.w. than the nearest existing substantial building fronting on the same side of the street and within 100 feet of such sign. Except when flat against a legally existing building the sign shall not be placed:</p>	<p>any class C sign which may conflict with adjacent uses or be objectionable to residential areas and uses</p> <p>Also see general provisions on illumination]]</p>	<p><u>shaped</u> sign<< or placed back-to-back >>as a <u>cantilever</u> sign<< and not be placed in a straight line>>.<< Plans submitted for a permit shall show location and setback of all buildings within 100 feet of the proposed sign location</p>
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			<p>1. Within 100 feet of the point of beginning of the change of direction on the side toward which the direction of a highway changes</p> <p>2. In the inside of a curve.</p> <p>3. No sign shall be erected closer than 100 feet to any church, school, cemetery, public park, public reservation, public playground, State or national forest</p> <p>4. In the BU-1A, 2, 3, IU-1, IU-2 and IU-3 Zones, no class C sign shall be erected closer than 600 feet to another class C sign on the same side of the street measured along the</p>			
--	--	--	--	--	--	--

			center line of the same roadway or street, except that cantilever back-to-back signs shall be considered as 1 sign for the purposes of spacing and except when such signs are on opposite ends of the same building, the restriction shall not apply as between the signs on opposite ends of the same building, providing such signs otherwise conform to spacing requirements from other class C signs in the area]]			
Wall	Same as detached, >>except murals, which shall conform to subsection (j), and<< except in BU-	>>Not applicable, except murals, which shall conform to	Same as detached>>, except murals, which shall conform to subsection (j)<<	Same as detached>>, except murals, which shall conform to subsection (j)<<	Shall not extend above the roof or parapet of the building	None>>, except murals, which shall conform to subsection (j)<<

	1A and BU-2 Districts, >> <u>which</u> << [[wall signs]] shall conform to >> <u>subsection (g)</u> << [[class B point of sale wall signs]]	<u>subsection (j)</u> << [[No more than 2 in group]]				
Kiosk sign	As per definition	The number of kiosk signs shall not exceed that of twice the detached class B signs allowed, unless otherwise provided in this chapter.	30 feet from any right-of-way; 20 feet from an interior property line; 30 feet from any detached sign; 30 feet from another kiosk sign, unless otherwise provided in this chapter.	Static and digital	As per definition	As provided in >> <u>this section</u> << [[subsection (c) below]].

>>(d) Setbacks and spacing. Class C detached and wall signs shall only be located in accordance with the following setback and spacing requirements:

- (1) Such signs shall be set back 20 feet from each official right-of-way line.
- (2) Such signs shall be set back 5 feet from each interior side property line.
- (3) Such signs shall be set back 15 feet from any lot developed with a residential building (regardless of the zoning classification of such lot).
- (4) Such signs shall be set back 30 feet from any EU or RU District boundary, except that the spacing shall be 300 feet from the EU or RU District boundary where the face of the sign fronts or orients toward the EU or RU District.
- (5) No detached Class C sign shall be located closer to an official right-of-way line than the nearest existing substantial building fronting on the same side of the street and within 100 feet of the Class C sign.

- (6) No detached Class C sign shall be erected closer than 100 feet to any religious facility, educational institution, cemetery, public park, public reservation, public playground, or State or national forest.
- (7) No detached Class C sign shall be erected closer than 600 feet to another detached Class C sign on the same side of the street measured along the center line of the same roadway or street, except that:
 - (i) Cantilever back-to-back signs shall be considered as a single sign for the purposes of this requirement; and
 - (ii) Class C signs located on opposite ends of the same building shall not be subject to this restriction, provided that each of the signs otherwise conforms to spacing requirements from other Class C signs.
- (e) Height. Notwithstanding any provisions to the contrary, the maximum height of Class C signs within airport height zones shall be governed by articles XXXV or XXXVII, as applicable, and all Class C signs within those zones shall be subject to review and approval in accordance with the provisions set forth therein.
- (f) Illumination. Class C signs other than murals may illuminate the entirety of their sign faces with digital technology, only in accordance with section 33-96, provided that embellishments do not contain digital illumination.
- (g) Zoning~~<< [(B) Zones/]districts permitting use. Class C~~
~~>>sign structures<< [[commercial advertising signs]] shall~~
~~be >>a<< permitted >>use<< in the following >>zoning~~
~~districts or, where Class C sign structures are permitted by~~
~~the applicable municipality, their municipal equivalents<<~~
~~[[zones]]:~~
 - (1) In BU-3 >>and all IU Districts<<[[, IU 1, IU 2 and IU 3 Zones]].
 - (2) In BU-1A and BU-2 [[Zones]] >>Districts<< subject to the following conditions:
 - (i) Cantilever construction.
>>a.<< Detached [[class]] >>Class<< C
signs in these zones must be of
cantilever type construction>>, which
means, for purposes of this
requirement, that the structure is a<<
[[{]]double-faced sign, both faces of
the same size, secured back to back

on the same set of vertical supports with no supporting bracing~~[[y]]~~ with a minimum ~~[[of 5 feet]]~~ clearance ~~>>of 5 feet<<~~ between grade and bottom of board surface.

~~>>b.<<~~ Second face of sign will not be required if the rear of sign is properly and adequately concealed or hidden.

(ii) Sites for signs. Sites for location of each detached ~~[[class]]~~ ~~>>Class<<~~ C sign in these ~~>>districts<<~~ ~~[[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 ~~[[class]]~~ ~~>>detached 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.

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

~~>>(v)~~ Class C wall signs shall be subject to the size limitations applicable to Class C detached signs, except that if such sign faces a street frontage on the opposite side of the street that is not one of the permitted districts referenced in this subsection, then such wall signs shall conform to the size limitations for Class B wall signs unless approved as a special exception or municipal equivalent after a public hearing.

~~(3)<<~~ ~~[[4]]~~ In addition, unless approved as ~~>>a special exception or municipal equivalent after<<~~ ~~[[result of]]~~ a public hearing, no ~~[[class C signs]]~~ ~~>>detached Class C sign structures<<~~ shall be erected on any property ~~>>in one of the permitted districts referenced in this subsection<<~~ ~~[[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 ~~>>also<<~~ ~~zoned >>for one of the districts referenced in this subsection<<~~ ~~[[commercial or industrial]]~~.

- >>(4) Prohibited areas. Notwithstanding any other provision to the contrary, detached Class C sign structures shall be prohibited in the following areas:
- (i) Upon property designated historical; or
 - (ii) Within the runway protection zones or equivalent designations of an airport, as identified in articles XXXV and XXXVII.
- (5) Applicability to municipalities. Each municipality may, within its sole discretion, designate the equivalent zoning districts in which Class C sign structures are permitted, provided that such districts remain subject to the prohibitions set forth in paragraph (4) above.

(h)<< [[(C)]] *Kiosk signs.*

* * *

- (2) Permitted zoning districts. Kiosk signs with static or digital >>illumination<< [[Class B or Class C signs]] may only be located on:

* * *

- (3) Placement standards. Each kiosk sign with static or digital >>illumination<< [[Class B or Class C signs]] shall:

* * *

>>(i)<< [[(D)]] *Landscaping requirements.* Landscaping shall be required where appropriate >>to ensure compatibility and provide appropriate buffering between the sign structure and the surrounding properties<<, as determined by the Director.

>>(j)<< [[(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 >>, and may contain commercial offsite advertising<<, subject to the following conditions:

- (1) Prior to permit issuance, the City of Miami >>official responsible, pursuant to City Code, for administering the mural sign program<< [[Zoning Administrator]] shall refer all mural sign permit applications to the >>County's<< Director [[of the Miami Dade County

~~Department of Planning and Zoning]]~~ to determine compliance with this article, including, but not limited to, Divisions 5 and 6 of this article (Commercial Signs on Expressway Right-of-Way and Commercial Signs on Rapid Transit System Right-of-Way).

- (2) The >>responsible<< City of Miami >>official<< ~~[[Zoning Administrator]]~~ shall prepare a statement indicating that the proposed mural sign complies with all applicable City of Miami regulations, and that the applicant has demonstrated that it is not a party to an existing agreement with a municipality purporting to allow the establishment or continuation of a mural upon payment of fines, penalties or other payments to the municipality, if such mural is not in compliance with the requirements of this article. Such statement shall be submitted to the >>County's<< Director ~~[[of the Department of Planning and Zoning]]~~, together with the city-approved mural application, related plans, and Miami-Dade County application review fee.

* * *

- (5) Mural sign shall be placed only on blank walls as defined in >>this<< ~~[[the]]~~ article. It is provided, however, that a mural may be permitted to cover windows if the material covering the windows is>>:<<
- (i) composed of adhesive-backed perforated vinyl transparent to the occupants of the building>>:<<~~[[,]]~~
 - (ii) does not prevent opening of windows intended to be opened>>:<<~~[[,]]~~ and
 - (iii) does not prevent ingress or egress.
- (6) No mural sign shall be placed closer than 300 feet to another mural sign oriented toward the same street.
- >>(i)<< The 300-foot spacing requirement shall be measured in a straight line from the closest edge of the mural sign on one building to the closest edge of the mural sign on the other building.
- >>(ii)<< It is provided, however, that such spacing requirement shall not be applicable within the City of Miami Park West Entertainment District as defined in the Code of the City of Miami, Florida, >>as of May 6, 2007<< ~~[[on~~

the effective date of this ordinance]].

* * *

- (9) Mural signs may be illuminated only in accordance with the provisions of Sections 33-96 and >>this section<< [[~~33-107~~]]. Illumination of mural signs:

>>(i)<< shall be limited to the hours of 6 p.m. to midnight >>; and

(ii) shall not include digital illumination<<.

- [[~~(10)~~ No permit for a mural shall be issued less than 45 days from the effective date of this ordinance. In the event that on the 45th day after the effective date the initial number of requests for mural permits exceeds the maximum number of murals authorized by this ordinance, the City of Miami Zoning Administrator shall determine the award of mural permits by a procedure established by the City of Miami.]]

>>(k)<< [[~~(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.

>>(l) Airport<< [[~~(G)~~ *Zone/district*]] *exemption*. Notwithstanding the [[~~Class C~~]] limitations >>set forth in this article<< [[~~herein~~]], Miami International Airport (Wilcox Field) >>, as defined by >>this chapter<< [[~~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.~~]]

* * *

Sec. 33-111. - Directional signs.

>>(a) Directional signs shall be permitted in all zoning districts in connection with any permitted use, provided that, unless otherwise provided in this section, each sign:

(1) Shall not exceed 3 square feet in area;

(2) Shall not exceed 4 feet in height above grade; and

(3) Shall be shown and approved on site plans that indicate sign size, location, copy, etc.

(b) In addition to the foregoing, directional signs shall be permitted in accordance with the following table.<<
~~[[Permitted only in connection with the specified uses. Limited directional signs also permitted in all districts for any use.*]]~~

							Special Conditions		
<i>Use</i>	<i>Type of Sign</i>	<i>Sign Size</i>	<i>Number</i>	<i>Setbacks</i>	<i>Locations</i>	<i>Maximum Illumination</i>	<i>Minimum Site Height</i>	<i>Other Requirements</i>	<i>Conditions</i>
* * *									
Shopping centers	Same as airport	Same as colleges	Same as airport	Same as airport	Same as airport	Same as airport	Same as airport	Minimum 30 acres net Minimum of 400,000 square feet of gross leasable floor area [[and at least 2 full line department stores as lead tenants]]. Sign permits shall be issued only to the owner of a shopping center. [[Only major tenants with a minimum of 75,000 square feet gross leasable floor area may be identified on said sign]]	

DIVISION 4. - ENTRANCE FEATURES

Sec. 33-112. - Permitted features described.

Notwithstanding any other provision of this article, entrance features in compliance with each of the standards enumerated below shall be permitted:

- (a) >>“Entrance feature” means a combination of decorative structures and landscape elements located at the entrance to a development, which identifies or draws attention to the development or exercises control of ingress and egress to the development.
- (b) An entrance feature may include, without limitation, on site signage, ornamental walls, fences, artwork, and other decorative structures, earthworks, water bodies, fountains, trees, plantings, or other landscape elements, as well as gatehouses, either singly or in any combination thereof.
- (c)<< Entrance features that are placed on private property shall be continually and properly maintained by the owners. To assure the proper maintenance of entrance features:

* * *

- >>(d)<< ~~[(b)]~~ Entrance features may be placed within public rights-of-way provided:

* * *

- >>(4) The entrance feature does not contain any commercial signage unless expressly authorized by this code.

- (e)<< ~~[(e)]~~ Entrance features shall be placed so as not to encroach upon utility lines or traffic control devices whether such lines or devices be located overhead or underground; and where a conflict is indeed encountered, the developer or designated property owner shall be responsible for the removal or relocation of the said features or a part thereof.

- >>(f)<< ~~[(d)]~~ Entrance features shall be placed so as not to cause a visual obstruction and thereby create a traffic hazard, and should the use of illumination be incorporated in said

features, such illumination shall be placed so as to be unobtrusive to moving traffic lanes or adjacent properties >>and shall comply with the illumination standards set forth in division 2<<.

>>(g)<< ~~[(e)]~~ The character and scale of entrance features shall be of a design such that said features are complementary to the identified development and compatible with the immediate neighborhood insofar as its overall impact is concerned.

>>(h)<< ~~[(f)]~~ All structures within entrance features shall meet all standards of the ~~[[South]]~~ Florida Building Code and any other applicable standards, and all water bodies with depths greater than ~~[[eighteen-]]~~ 18 ~~[[--]]~~ inches shall meet all applicable standards of this chapter ~~[[,]]~~ applicable to reflecting pools and water features~~[[, standards]]~~.

>>(i)<< ~~[(g)]~~ Applications for permits for entrance features shall be made by the fee owner of the property in question and shall be submitted to the Department. Applications shall include an accurately dimensioned plot use plan identifying all structures and landscaping incorporated in said features and identifying all setbacks and elevations of the same.

>>(j)<< ~~[(h)]~~ Upon receipt of all necessary information, the >>Director shall review<< ~~[[County's plat division shall review the same, and in turn, the joint directors of the County's plat division shall review the information, including staff's report,]]~~ and render a decision either approving, modifying, or denying the request.

>>(1)<< A copy of >>the Director's<< ~~[[said]]~~ decision shall be published in a newspaper of general circulation.

>>(2)<< All approvals or modifications shall not be effective until >>15<< ~~[[fifteen--(15)]]~~ days after >>publication of the Director's decision<< ~~[[the directors' decision is published in a newspaper of general circulation]]~~.

>>(3)<< The >>Director's<< decision ~~[[of the directors]]~~ shall be recorded on the official zoning maps of Miami-Dade County.

>>(k)<< ~~[(i)]~~ The applicant, or any aggrieved property owner in the area, may appeal the >>Director's<< decision ~~[[of the joint directors to the Community Zoning Appeals Board,]]~~ in the manner provided for appeals of administrative >>decisions in section 33-314.<< ~~[[decision (Section 33-311(e)(2) of the Code of Miami Dade County).]]~~

~~Sec. 33-113. - Penalty; injunctive remedy.~~

~~Any person violating any of the provisions of this division shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the County Court. Each day's violation shall be considered a separate violation. Any continuing violations of the provisions of this article may be enjoined and restrained by injunctive order of the Circuit Court in appropriate proceedings instituted for such purpose.]]~~

DIVISION 5. - [[COMMERCIAL]] SIGNS ON EXPRESSWAY RIGHT-OF-WAY

Sec. 33-121.10. - Definitions.

>>Except as expressly provided in this division, the provisions of this division shall be subject to the definitions, categories of sign content and sign structures, and other requirements and prohibitions set forth in divisions 1 through 3. In addition, the following words and phrases are hereby defined as provided in this section, unless the context clearly indicates otherwise.<<

- (a) "Expressway" shall mean>>the following, whether now existing or as may be later constructed or designated:<< limited access rights-of-way and facilities and related approaches, viaducts, bridges>>,<< ~~[[and]]~~ interchange facilities>>,<< and service roads>>,<< and any portion of the interstate highway system~~[[, now existing or as may be later constructed or designated]]~~.
- (b) "Applicable regulations" shall mean any pertinent zoning, building or other regulations in effect in the incorporated or unincorporated areas of Miami-Dade County or the State of Florida.
- (c) "Protected areas" shall mean all property in Miami-Dade County within >>600<< ~~[[six hundred (600)]]~~ feet of the right-of-way of any expressway right-of-way ~~[[provided that directional signs and semaphore signs may be located on any portion of a shopping center which is approved as a development of regional impact pursuant to section 380.06, Florida Statutes, or which has received a binding letter of vested rights from the State of Florida issued prior to January 1, 1980, exempting it from development of regional impact~~

~~review. Any such signs shall be subject to the requirements of Article VI of this Chapter, but the provisions of section 33-121.15 shall not apply]].~~

- (d) >>"Oriented" shall mean, in the case of detached signs, placed at a 90 degree angle to the street being serviced; and in the case of pylon signs, shall mean that the pylon is projected at a 90 degree angle from the building and is no more than 20 percent of the width of the building.<<
~~["Sign" shall mean any display of characters, letters, illustrations or any ornamentation designed or used as an advertisement, announcement or to indicate direction.~~
- (e) "Erect" shall mean to construct, build, rebuild (if more than fifty (50) percent of the structural members involved); relocate raise, assemble, place, affix, attach, paint, draw, or in any other manner bring into being or establish.
- (f) "Temporary sign" shall mean signs to be erected on a temporary basis, such as signs advertising the sale or rental of the premises on which located; signs advertising a subdivision of property; signs advertising construction actually being done on premises on which the sign is located; signs advertising future construction to be done on the premises on which located and special events, such as public meetings, sporting events, political campaigns or events of a similar nature.
- (g) "Point of sale sign" shall mean any sign advertising or designating the use, occupant of the premises, or merchandise or products sold on the premises.
- (h) "Outdoor advertising sign" shall mean any sign which is used for any purpose other than that of advertising to the public the legal or exact firm name or type of business conducted on the premises, or of products or merchandise sold on the premises; or which is designed and displayed to offer for sale or rent the premises on which displayed, or the subdivision of such premises, or present or future construction or development of such premises, or advertising special events, shall constitute an outdoor advertising sign.]]

Sec. 33-121.11. - Applicability.

- >>(a)<< This division shall apply to both the incorporated and unincorporated area, except that, notwithstanding [[Section]] >>section<< 33-82 [[of this Code]], this division shall not apply in those municipalities that by ordinance have opted out of this division and have established their own regulations of signs in proximity to expressways.

>>(b)<< A copy of each municipal ordinance establishing regulations differing from this division shall be filed with the Director within >>15<< ~~[[fifteen-(15)]]~~ days after adoption by the municipality.

>>(c)<< It is further provided that any municipality that has not opted out of this division may establish and enforce more restrictive regulations as such municipality may deem necessary.

Sec. 33-121.12. – Signs >>restricted<< ~~[[prohibited]]~~ in protected areas.

It shall be unlawful hereafter for any person, firm or corporation, or any other legal entity to erect, permit or maintain any sign in protected areas, except as provided for hereinafter.

Sec. 33-121.13. – >>Regulations on signs in protected areas<< ~~[[Exceptions]]~~.

Erection of the following signs shall be permitted in protected areas >>where consistent with the applicable zoning district or as otherwise provided herein<<, subject to the conditions and limitations listed herein and further~~[[;]]~~ subject to other applicable regulations where such regulations are more restrictive or more definitive than the provisions of this division and are not inconsistent therewith:

(a) ~~[[Temporary signs which]]~~ >>Class A signs.

(1) Class A signs are permitted only where they<< are located and oriented to serve streets other than an expressway>>; and<< ~~[[, and]]~~ are located at least >>100<< ~~[[one hundred-(100)]]~~ feet from the expressway right-of-way>>.

(2) It is provided, however<<, ~~[[except]]~~ that such signs may serve and be oriented to an expressway if the property concerned abuts the expressway right-of-way and is not served by a parallel expressway service road or is abutting the expressway right-of-way and has direct, permanent legal access to the expressway.

>>(3)<< In no event shall any >>Class A<< ~~[[temporary]]~~ sign be larger than >>120<< ~~[[one hundred twenty-(120)]]~~ square feet.

(b) ~~[[Point of sale signs which are]]~~ >>Class B signs.

(1) Class B signs, including pylon signs, are permitted only where they are<< located on and oriented to the

frontage on the street which provides actual and direct access to the front or principal entrance of the place of business ~~[[;however]]~~ >>.

(2) In addition<<, on corner lots >>_i<< a second ~~[[detached]]~~ >>Class B<< ~~[[point of sale]]~~ sign will be permitted>>_i<< provided that the same is not larger than >>40<< ~~[[forty (40)]]~~ square feet >>and<< ~~[[;]]~~ is located on and oriented to the street frontage of the street other than the one ~~[[(+)]]~~ serving the principal entrance of the place of business. ~~[[“Oriented,” in connection with point of sale signs shall mean, in the case of detached signs, placed at a ninety (90) degree angle to the street being serviced; in the case of roof signs, parallel to and fronting such street and within the front twenty-five (25) percent of the building concerned; and in the case of pylon signs, within the front twenty (20) percent of the building concerned.]]~~

>>(3)<< Wall signs within >>200<< ~~[[two hundred (200)]]~~ feet of an expressway shall be confined to the wall of the building containing the principal entrance, except that a wall sign may be placed on one ~~[[(+)]]~~ other wall of such building and shall be limited to ten ~~[[(+)]]~~ percent of such other wall area. In no event shall any detached >>Class B<< ~~[[point of sale]]~~ sign be erected within the protected area which is greater in height than >>25<< ~~[[twenty five (25)]]~~ feet above the average grade of the premises concerned ~~[[, and no point of sale roof sign shall be erected which is greater in height above the roof than ten (10) feet]]~~.

(c) ~~[[Outdoor advertising signs shall not be erected for the purpose of serving any expressway, and]]~~ >>Class C signs.

(1) Notwithstanding any other provisions to the contrary, Class C signs, whether detached or wall signs, may be erected within protected areas in all zoning districts where such structures are permitted pursuant to section 33-107, provided that all of the conditions in section 33-107 and the following chart are met; in the event of a conflict, this section shall control:

(i) <u>Minimum Setbacks:</u>	<u>Signs shall be set back from the official right-of-way line at least 15 feet</u>
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(ii) <u>Minimum Distance to Another Class C Sign on the Same Side of an Expressway (Digital or Static):</u>	<ul style="list-style-type: none"> • <u>The minimum distance between Class C signs on the same side of an expressway, whether detached or wall signs, shall be 1,500 feet.</u> • <u>Cantilever signs with two faces shall be considered a single sign for the purposes of these requirements, provided that the structure is a double-faced sign where both faces are the same size and are secured back-to-back on vertical supports with no supporting bracing.</u> • <u>V-shaped signs shall be considered a single sign for the purpose of these requirements if the two sign faces are the same size and the angle between the faces is 60 degrees or less.</u>
(iii) <u>Height:</u>	<ul style="list-style-type: none"> • <u>Total sign height of a detached sign does not exceed 30 feet as measured from the crown of the main-traveled way to which the sign is oriented to the top of the sign.</u> • <u>Total sign height of a wall sign does not exceed the maximum height of the building to which it is attached.</u>
(iv) <u>Additional requirements:</u>	<ul style="list-style-type: none"> • <u>The conditions in subparagraphs (2)(i)-(v) and paragraph (3) of subsection 33-107(g) shall not apply.</u>
(v) <u>Orientation</u>	<ul style="list-style-type: none"> • <u>Detached Class C signs shall be primarily oriented toward the adjacent roadway and shall be subject to the requirements regarding setbacks and spacing from EU and RU districts set forth in section 33-107(d)(4).</u> • <u>Wall signs shall not be oriented toward residential uses or residentially zoned properties.</u>

(2) A Class C sign that is located within a protected area and is oriented to an elevated portion of an expressway shall not be subject to the requirements of section 33-82(b) for properties fronting a common boundary with a municipality.

(3) In addition, a Class C sign~~<< [[outdoor advertising signs in protected areas shall]]~~>>may~~<< be erected~~>>in a protected area if~~<< [[and]]~~ oriented to serve only streets other than expressways, subject to the following conditions:

>>(i)<< [[(1)]] That in no event shall~~<< [[any outdoor advertising]]~~>>a detached~~<< sign be erected or placed closer than~~>>200~~<< [[two hundred (200)]] feet to the right-of-way lines of any expressway.~~

>>(ii)<< [[(2)]] That~~<< [[outdoor advertising signs shall be]]~~>>such sign is~~<< erected and placed only in business or~~>>industrial~~<< [[commercial (not including industrial)]]~~

- zoning districts which permit >>Class C signs<< ~~[[outdoor advertising]]~~ under the applicable zoning regulations ~~[[of the County or municipality having jurisdiction]]~~.
- >>(iii)<< ~~[[3]]~~ That no ~~[[outdoor advertising]]~~ >>such<< sign shall be ~~[[erected that is]]~~ larger than >>15<< ~~[[fifteen (15)]]~~ feet in width and >>50<< ~~[[fifty (50)]]~~ feet in length, whether single or multiple boards.
- >>(iv)<< ~~[[4]]~~ That no ~~[[detached outdoor advertising]]~~ >>such<< sign ~~[[shall be erected which]]~~ is more than >>30<< ~~[[twenty-five (25)]]~~ feet above the average existing grade of the site on which such sign is erected, or the flood criteria elevation (if property is filled to such elevation) whichever is the greater~~[[; nor shall an outdoor advertising roof sign be erected which is more than twenty (20) feet above the roof]]~~.
- >>(v)<< ~~[[5]]~~ That no >>such<< ~~[[advertising]]~~ signs shall be erected or placed within >>300<< ~~[[three hundred (300)]]~~ feet of another ~~[[outdoor advertising]]~~ >>Class C<< sign, such distance to be measured in all directions from the outermost edges of such sign.
- >>(vi)<< ~~[[6]]~~ That no ~~[[outdoor advertising]]~~ >>such<< sign shall be erected or placed within >>100<< ~~[[one hundred (100)]]~~ feet of any church, school, cemetery, public park, public reservation, public playground, State or national forest.
- >>(vii)<< ~~[[7]]~~ That ~~[[outdoor advertising]]~~ >>such<< signs shall be erected and placed at right angles to the street which they are serving and shall be located within the front >>70<< ~~[[seventy (70)]]~~ feet of the lot or tract on which erected >>or shall be V-shaped signs<<.
- >>(viii)<< ~~[[8]]~~ That no ~~[[outdoor advertising]]~~ >>such<< signs shall be erected or placed on a street dead-ended by the expressway, between the expressway and the first street running parallel to the expressway and on the same side of the dead-end street, even though such distance may be greater than >>200<<

~~[[two hundred (200)]]~~ feet.

>>(ix)<< ~~[[(9)]]~~ That ~~[[outdoor—advertising]]~~
>>such<< signs shall be erected and placed
only on property conforming in size and
frontage to the requirements of the zoning
district in which located~~[[, —and detached~~
~~outdoor advertising signs shall not be erected~~
~~on property already containing a use or~~
~~structure]]~~.

>>(x)<< ~~[[(10)]]~~ That ~~[[detached—outdoor~~
~~advertising]]~~ >>such<< sign structures
shall>>:

- a.<< be ~~[[of the so-called]]~~ >>wall,<<
cantilever ~~[[type—construction~~
~~(double faced sign, both faces of the~~
~~same size, secured back to back on~~
~~vertical supports with no supporting~~
~~bracing)]]~~ >>, or V-shaped signs; and
b. meet the conditions set forth in
subsection (c)(1) to be considered a
single sign<<.

(d) Any sign which fails to conform with the provisions of this division but is not visible from any expressway due to an intervening obstruction.

>>(e) Directional signs are permitted in the following locations:

- (i) wherever Class A, Class B, or Class C signs are permitted; or
- (ii) where located on a portion of a shopping center that is approved as a development of regional impact pursuant to section 380.06, Florida Statutes, or which has received a binding letter of vested rights from the State of Florida issued prior to January 1, 1980, exempting it from development of regional impact review. Any such signs shall be subject to the other provisions of this article, except that section 33-121.15 shall not apply.<<

Sec. 33-121.14. - Nonconforming signs.

(a) Signs which have been >>legally<< erected prior to >>[insert effective date of ordinance]<< ~~[[the effective date of this division]]~~ may continue to be maintained>>, subject to the requirements of section 33-35.<< ~~[[until March 1, 1968. Thereafter, unless such signs conform to the provisions of this division, they shall be removed: If a~~

~~nonconforming spacing situation can be eliminated by the removal of one (1) sign, the sign which has been erected for the longest period of time shall have priority.]]~~

- (b) ~~[[Any sign legally erected, permitted, or maintained subsequent to July 11, 1963, which is not in violation of this division but upon the opening for public use of an expressway or applicable portion thereof becomes nonconforming, the same may continue to be maintained for a period of five (5) years from the day of such opening provided on or before the expiration of the five (5) year period, the nonconforming sign must be removed; provided, any sign which is exempt from the provisions of this division pursuant to Subsection (d) of Section 33-121.13 hereof, but subsequently becomes nonconforming due to the elimination of the obstruction preventing its visibility from an expressway, must be removed within five (5) years from the time of the elimination of such obstruction; further provided, after the effective date of this amendment any sign erected, permitted or maintained after a future expressway right of way has been designated by the recording of an expressway right of way map in the public records of Miami Dade County, Florida, which becomes nonconforming due to the completion of such expressway shall be removed within thirty (30) days after such expressway or applicable portion thereof is opened for public use.~~

- (e) ~~If]] >>Notwithstanding any other provision to the contrary, if<< approved >>as a special exception after<< [[as a result of]] a public hearing by the appropriate Community Zoning Appeals Board >>or, for properties within an urban center or urban area district or the RTZ District, the Board of County Commissioners<<, a nonconforming sign may be replaced or modernized provided the board size and height is not increased.~~

Sec. 33-121.15. - Variances.

No variances shall be granted through provisions of applicable regulations which will in any way conflict with or vary the provisions of this division.

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~~[[Sec. 33-121.16. — Penalty.~~

~~Any person violating any of the provisions of this division shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the County Court. Any continuing violations of the provisions of this division may be enjoined and restrained by injunctive order of the Circuit Court in appropriate proceedings instituted for such purpose]].~~

* * *

DIVISION 6. - ~~[[COMMERCIAL]]~~ SIGNS ON RAPID TRANSIT SYSTEM RIGHT-OF-WAY

Sec. 33-121.20. - Definitions.

>>Except as expressly provided in this division, the provisions of this division shall be subject to the definitions, categories of sign content and sign structures, and other requirements and prohibitions set forth in divisions 1 through 3 and 5. In addition, the following words and phrases are hereby defined as provided in this section, unless the context clearly indicates otherwise.<<

- (a) *Rapid Transit System right-of-way* shall mean an official map designating outside boundaries for the Fixed-Guideway Rapid Transit System for Miami-Dade County, Florida, which may from time to time be amended. The Rapid Transit System right-of-way map shall be so designated and recorded and on file in the public records of Miami-Dade County, Florida.
- (b) ~~[[Applicable regulations shall mean any pertinent zoning, building or other regulations in effect in the incorporated or unincorporated areas of Miami Dade County or the State of Florida.~~
- (c) *Protected areas* shall mean all property in Miami-Dade County within >>300<< ~~[[three hundred (300)]]~~ feet of the right-of-way of any Rapid Transit System right-of-way.
- ~~[[d)] *Sign* shall mean any display of characters, letters, illustrations or any ornamentation designed or used as an advertisement, announcement or to indicate direction.~~
- (e) ~~*Erect* shall mean to construct, build, rebuild (if more than fifty (50) percent of the structural members involved), relocate, raise, assemble, place, affix, attach, paint, draw, or in any other manner bring into being or establish.~~
- (f) ~~*Temporary sign* shall mean signs to be erected on a temporary basis, such as signs advertising the sale or rental~~

~~of the premises on which located; signs advertising a subdivision of property; signs advertising construction actually being done on premises on which the sign is located; signs advertising future construction to be done on the premises on which located and special events, such as public meetings, sporting events, political campaigns or events of a similar nature.~~

- (g) ~~Point of sale sign shall mean any sign advertising or designating the use, occupant of the premises, or merchandise or products sold on the premises.~~
- (h) ~~Outdoor advertising sign shall mean any sign which is used for any purpose other than that of advertising to the public the legal or exact firm name or type of business conducted on the premises, or of products or merchandise sold on the premises; or which is designed and displayed to offer for sale or rent the premises on which displayed, or the subdivision of such premises, or present or future construction or development of such premises, or advertising special events, and which shall constitute an outdoor advertising sign. Outdoor advertising sign shall not include a sign which is erected inside a building for the purpose of serving the persons within the building.]]~~

Sec. 33-121.21. - Applicability.

This division shall apply to both the incorporated and unincorporated area. Any municipality may establish and enforce equivalent or more restrictive regulations, as such municipality may deem necessary.

Sec. 33-121.22. - Signs >>restricted<< [[~~prohibited~~]] in protected areas.

It shall be unlawful hereafter for any person, firm or corporation, or any other legal entity, to erect, permit or maintain any sign in protected areas, except as provided for hereinafter.

Sec. 33-121.23. - >>Regulations on signs in protected areas<< [[~~Exceptions to sign prohibition~~]].

Erection of [[~~the following~~]] signs shall be permitted in protected areas, subject to the conditions and limitations >>set forth in section 33-121.13, except that references to “expressway” or “expressway right-of-way” therein shall be construed to mean “Rapid Transit System” or “Rapid Transit System right-of-way,” respectively, for purposes of this section, and references to

“protected areas” shall be construed to mean “protected areas” as defined in this division.~~<< [[listed herein and further, subject to other applicable regulations where such regulations are more restrictive or more definitive than the provisions of this division and are not inconsistent therewith:~~

- ~~(a) Temporary signs which are located and oriented to serve streets other than a Rapid Transit System, and are located at least one hundred (100) feet from the Rapid Transit System right of way, except that such signs may serve and be oriented to a Rapid Transit System if the property concerned abuts the Rapid Transit System right of way and is not served by a parallel Rapid Transit System service road or is abutting the Rapid Transit System right of way and has direct, permanent legal access to the Rapid Transit System. In no event shall any temporary sign be larger than one hundred twenty (120) square feet.~~
- ~~(b) Point of sale signs which are located on and oriented to the frontage on the street which provides actual and direct access to the front of principal entrance of the place of business; however, on corner lots a second detached point of sale sign will be permitted provided that the same is not larger than forty (40) square feet, is located on and oriented to the street frontage of the street other than the one (1) serving the principal entrance of the place of business. "Oriented," in connection with point of sale signs, shall mean, in the case of detached signs, placed at a ninety degree angle to the street being served; in the case of roof signs, parallel to and fronting such street and within the front twenty five (25) percent of the building concerned; and in the case of pylon signs, within the front twenty (20) percent of the building concerned. Wall signs within two hundred (200) feet of a Rapid Transit System shall be confined to the wall of the building containing the principal entrance, except that a wall sign may be placed on one (1) other wall of such building and shall be limited to ten (10) percent of such other wall area. In no event shall any detached point of sale sign be erected within the protected area which is greater in height than twenty five (25) feet above the average grade of the premises concerned, and no point of sale roof sign shall be erected which is greater in height above the roof than ten (10) feet.~~
- ~~(c) Outdoor advertising signs shall not be erected for the purpose of serving any Rapid Transit System, and outdoor advertising signs in protected areas shall be erected and oriented to serve only streets other than Rapid Transit Systems, subject to the following conditions:~~
 - ~~(1) That in no event shall any outdoor advertising sign~~

be erected or placed closer than three hundred (300) feet to the right-of-way lines of any Rapid Transit System.

- (2) ~~That outdoor advertising signs shall be erected and placed only in business and commercial (not including industrial) zoning districts which permit outdoor advertising under the applicable zoning regulations of the County or municipality having jurisdiction.~~
- (3) ~~That no outdoor advertising sign shall be erected that is larger than fifteen (15) feet in width and fifty (50) feet in length, whether single or multiple boards.~~
- (4) ~~That no detached outdoor advertising sign shall be erected which is more than twenty five (25) feet above the average existing grade of the site on which such sign is erected or the flood criteria elevation (if property is filled to such elevation), whichever is the greater; nor shall an outdoor advertising roof sign be erected which is more than twenty (20) feet above the roof.~~
- (5) ~~That no advertising signs shall be erected or placed within three hundred (300) feet of another outdoor advertising sign, such distance to be measured in all directions from the outermost edges of such sign.~~
- (6) ~~That no outdoor advertising sign shall be erected or placed within one hundred (100) feet of any church, school, cemetery, public park, public reservation, public playground, State or national forest.~~
- (7) ~~That outdoor advertising signs shall be erected and placed at right angles to the street which they are serving and shall be located within the front seventy (70) feet of the lot or tract on which erected.~~
- (8) ~~That no outdoor advertising signs shall be erected or placed on a street dead ended by the Rapid Transit System, between the Rapid Transit System and the first street running parallel to the Rapid Transit System and on the same side of the dead end street, even though such distance may be greater than three hundred (300) feet.~~
- (9) ~~That outdoor advertising signs shall be erected and placed only on property conforming in size and frontage to the requirements of the zoning district in which located, and detached outdoor advertising signs shall not be erected on property already containing a use or structure.~~
- (10) ~~That detached outdoor advertising sign structures shall be of the so-called cantilever type construction~~

~~(double faced sign, both faces of the same size, secured back to back on vertical supports with no supporting bracing).~~

- (d) ~~Any sign which fails to conform with the provisions of this division but is not visible from any Rapid Transit System due to an intervening obstruction.]]~~

Sec. 33-121.24. - Nonconforming signs.

>>Nonconforming signs shall be governed by section 33-121.14.<<

- [[~~(a) Signs which have been erected prior to the effective date of this division may continue to be maintained until January 1, 1984. Thereafter, unless such signs conform to the provisions of this division, they shall be removed. If a nonconforming spacing situation can be eliminated by the removal of one (1) sign, the sign which has been erected for the longest period of time shall have priority.~~
- (b) ~~[If] any sign [be] legally erected, permitted or maintained subsequent to the effective date of this division, which is not in violation of this division but upon the opening for public use of a Rapid Transit System or applicable portion thereof becomes nonconforming, the same may continue to be maintained for a period of three (3) years from the day of such opening, provided on or before the expiration of the three year period, the nonconforming sign must be removed; provided any sign which is exempt from the provisions of this division pursuant to (d) of Section 33-121.23 hereof, but subsequently becomes nonconforming due to the elimination of the obstruction preventing its visibility from a Rapid Transit System, must be removed within three (3) years from the time of the elimination of such obstruction; further provided, after the effective date of this amendment any sign erected, permitted or maintained after a future Rapid Transit System right of way has been designated by the recording of a Rapid Transit System right of way map in the public records of Miami Dade County, Florida, which becomes nonconforming due to the completion of such Rapid Transit System shall be removed within thirty (30) days after such Rapid Transit System or applicable portion thereof is opened for public use.]]~~

Sec. 33-121.25. – Variances.

No variance shall be granted through provisions of applicable regulations which will in any way conflict with or vary

the provisions of this article.

~~[[Sec. 33-121.26. -- Penalty; injunctive remedy.~~

~~Any person violating any of the provisions of this division shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the County Court. Any continuing violations of the provisions of this division may be enjoined and restrained by injunctive order of the Circuit Court in appropriate proceedings instituted for such purpose]].~~

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DIVISION 7. ->>SIGNS ON SOUTH DADE TRANSITWAY<< [[BUSWAY]] RIGHT-OF-WAY

Sec. 33-121.28. - Definitions.

>>Except as expressly provided in this division, the provisions of this division shall be subject to the definitions, categories of sign content and sign structures, and other requirements and prohibitions set forth in divisions 1 through 3 and 5. In addition, the following words and phrases are hereby defined as provided in this section, unless the context clearly indicates otherwise.<<

- (a) >>South Dade Transitway<< [[Busway]] right of way map shall mean an official map designating outside boundaries for the >>South Dade Transitway<< [[Busway Miami Dade Transit Busway for Miami Dade County, Florida]], which shall be certified by the Clerk of the Board as the official busway zoning right-of-way map, and which shall be maintained on file in the records of the Department ~~[[of Planning and Zoning]]~~. The >>transitway<< [[busway]] zoning map may from time to time be altered, enlarged, amended or deleted by ordinance >>or other action of the Board of County Commissioners<<.
- (b) ~~[[Applicable regulations shall mean any pertinent zoning or building ordinance or other legislation regulating the use of signs in the incorporated or unincorporated areas of Miami Dade County.~~
- (c) ~~Busway protected]]~~ >>Protected<< areas shall mean all property in Miami-Dade County within >>300<< [[three hundred (300)]] feet of the >>South Dade Transitway<< [[busway]] right-of-way.

- [[~~(d) Sign shall mean any display of characters, letters, illustrations or any ornamentation designed or used as an advertisement, announcement or to indicate direction.~~
- (e) ~~Erect shall mean to construct, build, rebuild (if more than 50% of the support structure is involved), relocate, raise, assemble, place, affix, attach, paint, draw, or in any other manner bring into being or establish a sign.~~]]

Sec. 33-121.29. - Signs prohibited in protected areas.

It shall be unlawful to erect, permit or maintain any Class C ~~[[outdoor advertising]]~~ sign in protected areas.

Sec. 33-121.30. - Nonconforming signs.

~~>>Nonconforming signs shall be governed by section 33-121.14.<< [[Signs which have been lawfully erected prior to the effective date of this division may continue to be maintained as provided in Section 33-35 of this chapter.]]~~

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Section 3. Section 33-39.2.1 of the Code of Miami-Dade County, Florida, is hereby

deleted in its entirety:

~~[[Sec. 33-39.2.1. - Team Metro: Delegation of enforcement power and duties.~~

~~Unless otherwise provided by ordinance, the Director of the Department of Planning and Zoning shall delegate his enforcement powers and duties to the Director of Team Metro for the expressed purpose of enforcing the regulations of this Chapter as specified in Section 2-969 or in an administrative order of the County Manager.]~~

Section 4. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 8CC-10. – Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the

provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

* * *

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
* * *		
33-112 [(a)]	Failure to maintain an entrance feature	200.00
33-112 [(d)]	Illegally maintaining illumination incorporated into an entrance feature	200.00
* * *		
33-121.14	>> <u>Violation of</u> << [[Failure to remove]] nonconforming sign >> <u>regulation</u> <<	2,000.00
* * *		
[[33-121.21]] >>33-121.22<<	Unlawfully erecting, permitting or maintaining a prohibited sign in a protected area	2,000.00
33-121.24	>> <u>Violation of</u> << [[Failure to remove]] nonconforming sign >> <u>regulation</u> <<	2,000.00
* * *		
[[33-121.31]] >>33-121.30<<	>> <u>Violation of</u> << [[Failure to remove]] nonconforming sign >> <u>regulation</u> <<	2,000.00
* * *		

Section 5. 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 6. 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 7. 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
Christopher J. Wahl
Abbie Schwaderer-Raurell



Prime Sponsor: Chairman Jose "Pepe" Diaz