

MEMORANDUM

Agenda Item No. 7(A)

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

DATE: (Second Reading: 5-3-22)
February 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning regulation of signs in incorporated and unincorporated areas; amending article VI of chapter 33 of the Code; authorizing illumination of roof signs and other Class B signs for regional entertainment venues within the City of Miami Urban Core subject to certain criteria; revising standards regarding digital illumination; making technical changes

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/smm

Memorandum



Date: May 3, 2022

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava". The signature is written in a cursive style.

Subject: Fiscal Impact Statement for Ordinance Relating to Zoning Regulation of Signs


The proposed ordinance amends the signage code in the City of Miami's Urban Core. The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in blue ink, appearing to read "Jimmy Morales". The signature is written in a cursive style.

Jimmy Morales
Chief Operations Officer

Date: May 3, 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 Regulation of Signs
Authorizing Illumination of Roof Signs and Other Class B Signs for Regional
Entertainment Venues Within the City of Miami Urban Core – File No. 220282

Miam-Dade County Ordinance 21-16 authorized roof signs that are oriented to the sky within a limited subsegment of properties within Miami-Dade County. Roof signs are considered “Class B” and “Onsite”, meaning that the sign can only advertise the use, occupant of, products sold or services provided on the premises including advertising the name or logo of the facility. Currently, these flat signs are permitted to be painted on or affixed to the roofs of buildings within (i) industrial zoning (IU) that are at least 5 acres in size and (ii) Regional Entertainment Venues. Additionally, existing code prohibits roof signs from being visible from existing rights-of-way, and in the case of IU zoned properties they cannot be visible from existing adjacent properties. Additionally, no more than (2) roof signs are currently permitted at any property and the graphic and text elements of the sign can utilize no more than 50% of the site’s total cumulative roof area. The code currently prohibits illumination, except for external lighting directed at the surface of the roof.

The proposed ordinance would permit illuminated roof signs and wall signs within properties classified as Regional Entertainment Venues located within the Miami Urban Core (see map). Regional Entertainment Venues include performing arts centers, stadiums, arenas, racetracks, convention centers, coliseums, auditoriums, museums, cultural complexes, or similar facilities that: (1) draws their audience from throughout Miami-Dade County; (2) are located on a major or minor roadway as depicted on the adopted Comprehensive Development Master Plan Land Use Plan Map; and (3) are 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. The proposed ordinance would allow for illumination of roof and wall signs which simulates movement on the sign face by providing for slow-moving effects such as fading, dissolving and changes to color and intensity. The permitted effects differ from digital signs in that video and other constantly moving media are prohibited, and messages or images displayed must be static with a refresh frequency of no less than 8 seconds. The proposed ordinance would not allow more than 2 wall signs per building and retains the limit of two roof signs per building already in the Code.

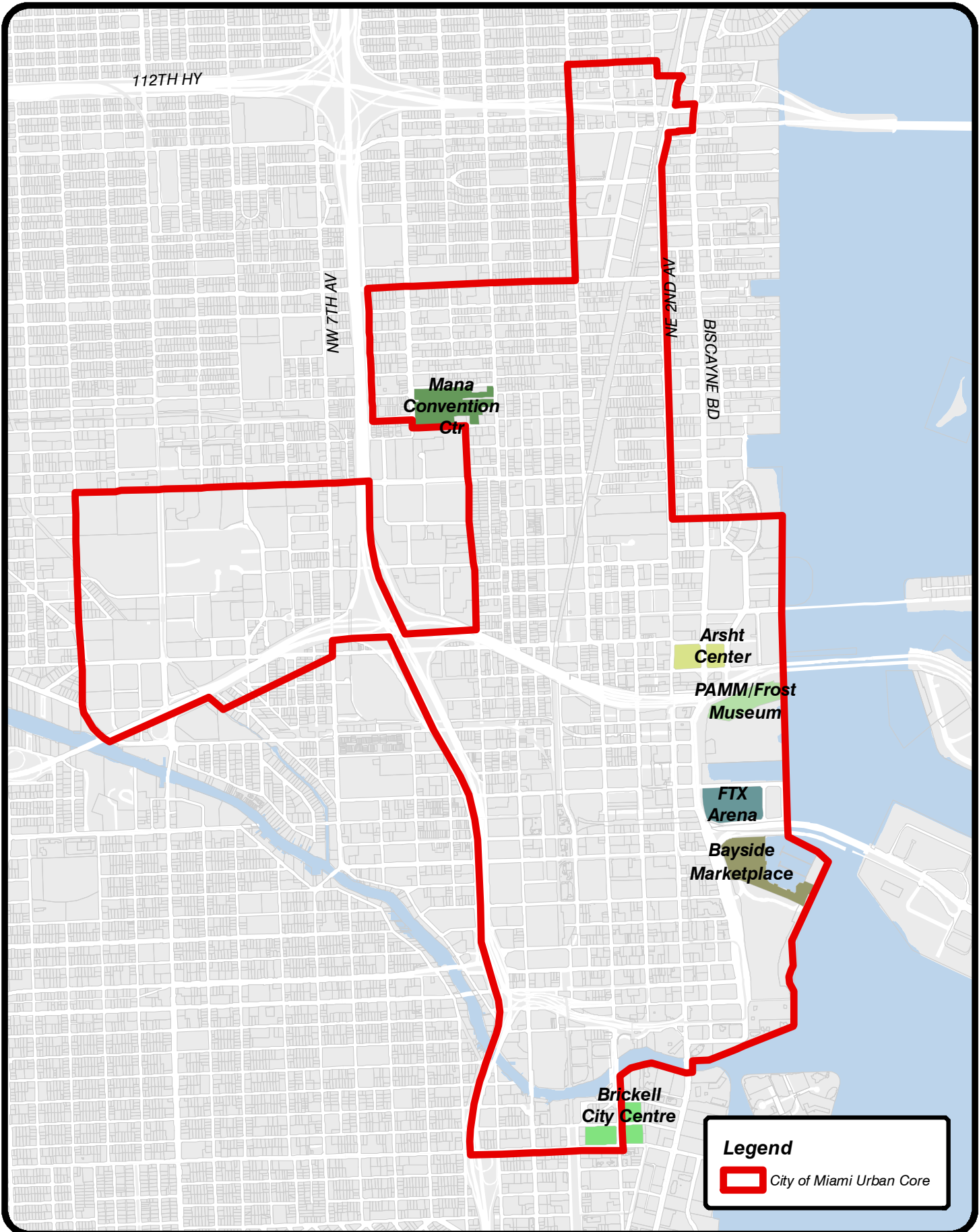
There are currently six (6) sites within the Miami Urban Core which meet the definition of Regional Entertainment Venue. They include the FTX Arena (formally known as the American Airlines Arena), the Adrienne Arsht Center, Brickell City Centre, Bayside Marketplace, PAMM/Frost Museum and the Mana Convention Center in Wynwood. The intensity of the illumination for these signs will be regulated in the same manner as digital signs elsewhere in Miami-Dade County, where brightness is to be adjusted based on the time of day. Additionally, the illumination of these signs would be limited to start no earlier than 6:00 am and is required to terminate no later than 12:00 am, or one hour after the conclusion of the event being hosted on the premises.

Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
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Although these roof signs will not be seen from the right-of-way, they would be visible to nearby properties, both residential and mixed use, as many of the buildings in the Miami Urban Core of such height that roof signs can be observed from upper floors. Additionally, although the illumination is required to terminate one hour after the event being hosted at the venue, there is no time limit on the event itself, which could potentially allow the sign to remain illuminated throughout the night in a manner visible to residents within Miami Urban Core and could potentially have a negative impact while residents in nearby buildings are sleeping. Unless certain blackout dates are specified, the illumination schedule may conflict with environmental initiatives targeted at reducing light pollution, such as the annual International Dark Sky Week, which is scheduled to take place from April 22, 2022 to April 30, 2022.



Jimmy Morales
Chief Operations Officer



Legend

 City of Miami Urban Core

⌘ This map and the information depicted herein are provided "as is" and may contain inaccuracies.
 ⌘ No assurance of merchantability or fitness for a particular purpose is given.





MEMORANDUM
(Revised)

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

DATE: February 15, 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)
5-3-22

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING REGULATION OF SIGNS IN INCORPORATED AND UNINCORPORATED AREAS; AMENDING ARTICLE VI OF CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING ILLUMINATION OF ROOF SIGNS AND OTHER CLASS B SIGNS FOR REGIONAL ENTERTAINMENT VENUES WITHIN THE CITY OF MIAMI URBAN CORE SUBJECT TO CERTAIN CRITERIA; REVISING STANDARDS REGARDING DIGITAL ILLUMINATION; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in Ordinance No. 21-16, this Board authorized roof signs on, among other locations, regional entertainment venues, subject to certain conditions; and

WHEREAS, that ordinance recognized regional entertainment venues as emblematic of world-class, major metropolitan areas and further recognized that such venues may attract national and international media attention through aerial photography and videography of on-site events; and

WHEREAS, in Ordinance No. 19-05, this Board recognized the uniqueness of the defined City of Miami Urban Core, an iconic area characterized by a dense blend of commercial and residential uses, and the need to provide for more flexible signage to foster that area's unique aesthetic and commercial growth; and

WHEREAS, in considering the unique nature and location of regional entertainment venues within the City of Miami Urban Core, the Board of County Commissioners recognizes the importance of allowing more flexibility in the illumination of signage at such facilities; and

WHEREAS, technological advancements in illumination may allow for greater artistic creativity in signage at these unique types of facilities; and

WHEREAS, this Board desires to allow additional illumination of regional entertainment venue signage within the City of Miami Urban Core while protecting the public interest and ensuring appropriate operational standards to minimize unwanted impacts on surrounding properties from such signage; and

WHEREAS, to that end, this ordinance would allow, with particular limitations, the following additional digital illumination for regional entertainment venues within the City of Miami Urban Core: (a) the internal illumination of roof signs; and (b) slow-moving illumination effects on certain signs,

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

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

Section 2. 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.

* * *

- (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

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.

the City of Miami Urban Core as to which the City of Miami has opted out of this article shall nevertheless remain subject to the regulations in this article governing illumination and murals, including, but not limited to, sections 33-84, 33-86, 33-94, 33-95, 33-96, 33-96.1, and 33-107, and the regulations in this article governing roof signs in section 33-106.1. A copy of any municipal ordinance opting out of this article as to the City of Miami Urban Core, or establishing regulations differing from this article as to the City of Miami Urban Core, shall be filed with the Director within 15 days after adoption by the City of Miami.

* * *

Sec. 33-84. – Definitions.

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

* * *

- (25) *Regional entertainment venue*: A performing arts center, stadium, arena, racetrack, convention center, coliseum, auditorium, museum, cultural complex, or similar facility that: (1) draws its audience from throughout Miami-Dade County; (2) is located on a major or minor roadway as depicted on the adopted Comprehensive Development Master Plan Land Use Plan Map; and (3) is either located on a site with a minimum of 5 gross acres or contains a minimum of 300,000 square feet of non-residential building area.
- (26) *Roof sign*: Any sign which is painted on, fastened to, or supported by the roof or erected over the roof.

* * *

DIVISION 2. - GENERAL PROVISIONS

* * *

Sec. 33-95. - Prohibited signs.

* * *

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

* * *

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 >>or as soon as practicable, provided that the sign shall remain as a black screen and not be illuminated until restored as required<<.

* * *

(d) >>Illumination of regional entertainment venue signs within the City of Miami Urban Core. Notwithstanding any other provision of this code to the contrary, and in addition to any other illumination allowed by this article, a Class B onsite or directional sign at a regional entertainment venue within the City of Miami Urban Core may provide for alternate or sequential activation of various illuminated elements for the purpose of producing varied light patterns that mimic slow-moving effects such as fading and dissolving and that change in color and intensity, provided that all of the following are complied with:

- (1) The sign may provide for each three-square-inch area within the visual field of the sign (a “panel”) to stagger or phase its illumination separately from other panels.
- (2) Each panel shall remain static for at least eight seconds.
- (3) Panels shall not contain letters, numbers, or pictures.
- (4) The illumination shall not create a blinking, flashing, fluttering, or spinning effect.
- (5) No more than two signs per street frontage, in addition to roof signs permitted pursuant to section 33-106.1, may be illuminated as provided in this subsection.

- (6) All illumination subject to this subsection shall be turned off by the later of (i) 12:00 a.m. or (ii) one hour after an event occurring at the venue, and no such illumination shall be turned on earlier than 6:00 a.m.
- (7) Except as expressly provided in this subsection (d), each sign illuminated as provided in this subsection shall otherwise comply with the illumination requirements for digital signs set forth in this section.

(e)<< Variances.

* * *

Sec. 33-96.1. - Digital Class B signs.

- (a) Digital Class B Sign (“DCBS”) shall mean a Class B sign on which a sign face is illuminated with digital technology. This section shall apply only to DCBSs.
- (b) A DCBS 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, >>regional entertainment venues<< and other similar uses.

* * *

DIVISION 3. - SIGN STANDARDS REQUIREMENTS AND CHARTS

* * *

Sec. 33-106.1 – Permanent >>Class B<< [~~point-of-sale~~] roof signs.

Notwithstanding any other provisions to the contrary, permanent [~~point-of-sale~~] >>Class B<< roof signs >>containing only onsite or directional content<< shall be permitted in accordance with all of the following >>requirements<< [~~requirement~~]:

- (a) The sign shall be located on the roof of:
 - (1) a regional entertainment venue; or
 - (2) a building in an IU zoning district on a property that is at least 5 gross acres.
- (b) The roof sign is painted on or affixed flat against the roof. >>Such sign may be affixed flat by use of a substructure that does not exceed four feet in height above the roof.<<
- (c) The roof sign >>face<< shall not be visible from any existing >>at-grade<< public road rights-of-way; it is provided, however, that a roof sign established in accordance with this section shall not be required to be removed because the sign >>face<< becomes visible from a subsequently constructed >>at-grade<< public road right-of-way or subsequent improvement to an existing public road right-of-way.
- (d) For IU-zoned properties, the roof sign >>face<< shall not be visible from an adjacent property; it is provided, however, that a roof sign established in accordance with this section shall not be required to be removed because the sign >>face<< becomes visible from a subsequent development on an adjacent property.
- (e) Illumination is prohibited, except for>>:
 - (1) illumination of roof signs at regional entertainment venues within the City of Miami Urban Core, only in accordance with subsection 33-96(d); and
 - (2)<< external lighting directed at the surface of the roof, provided that such illumination complies with section 33-96.
- (f) A single property shall not have more than two roof signs, and the area actually occupied by the graphic and text elements of the roof signs shall not exceed 50 percent of the site's total cumulative roof area.
- (g) Except where approved otherwise as a special exception after public hearing, no roof sign shall be placed closer than 1,000 feet to a roof sign on another property.

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel
Abbie Schwaderer-Raurell

Handwritten initials "GBK" in blue ink above a handwritten signature in black ink.

Prime Sponsor: Chairman Jose "Pepe" Diaz