

MEMORANDUM

Agenda Item No. 4(A)

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

DATE: November 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning
in the incorporated and
unincorporated areas; amending
division 5 of article VI of chapter
33 of the Code; revising
regulations pertaining to
maximum height of Class C
signs on expressway rights-of-
way; 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

MDC001



MEMORANDUM
(Revised)

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

DATE: November 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 4(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. 4(A)

11-1-22

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING IN THE INCORPORATED AND UNINCORPORATED AREAS; AMENDING DIVISION 5 OF ARTICLE VI OF CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING REGULATIONS PERTAINING TO MAXIMUM HEIGHT OF CLASS C SIGNS ON EXPRESSWAY RIGHTS-OF-WAY; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on January 19, 2022, this Board adopted Ordinance No. 22-4, which comprehensively revised the County’s signage regulations for the incorporated and unincorporated areas and allowed Class C signs within protected areas along expressways in the unincorporated area; and

WHEREAS, the new allowances for detached Class C signs along expressways measured the maximum height of such signs based on the height of the expressway immediately perpendicular to the sign; and

WHEREAS, at certain locations, Class C signs are intended to serve expressway segments that are not immediately perpendicular to them, but because the expressway segment they are intended to serve is higher than the immediately perpendicular segment, such signs are not visible from the intended location; and

WHEREAS, this Board wishes to provide additional flexibility in measuring the maximum height of such signs, to address locations where the sign is intended to serve an expressway segment that is higher than the location where they are installed,

**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. Division 5 of article VI of chapter 33 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

DIVISION 5. –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.

* * *

- (d) "Oriented" shall mean, in the case of detached signs, placed at a 90 degree angle to the street being serviced~~>>~~, or for a detached sign serving an expressway, placed to face the area of the expressway starting from the point at which the sign first becomes visible to a motorist to the point at which the motorist passes the sign~~<<~~; 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.

* * *

Sec. 33-121.13. – Regulations on signs in protected areas.

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

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.

regulations where such regulations are more restrictive or more definitive than the provisions of this division and are not inconsistent therewith:

* * *

(c) *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:

* * *	
(iii) Height:	<ul style="list-style-type: none"> • Total sign height of a detached sign >>, <u>as measured from the highest crown of the expressway to which the sign is oriented to the top of the sign,</u> << does not exceed >>: << 40 feet [[;]] >>: << or 30 feet for signs within 500 feet of an EU or RU District boundary [[, as measured from the crown of the main traveled way to which the sign is oriented to the top of the sign]]. • Total sign height of a wall sign does not exceed the maximum height of the building to which it is attached.
* * *	

* * *

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:

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

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Chairman Jose "Pepe" Diaz