

MEMORANDUM

Agenda Item No. 5(C)

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

DATE: (Public Hearing 11-15-22)
November 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning
in the incorporated and
unincorporated areas; amending
sections 33-107 and 33-121.13
of the Code; revising regulations
pertaining to poster boards and
nonconforming billboards

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney

GBK/smm

MDC001



MEMORANDUM
(Revised)

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

DATE: November 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(C)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's 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. 5(C)
11-15-22

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING IN THE INCORPORATED AND UNINCORPORATED AREAS; AMENDING SECTIONS 33-107 AND 33-121.13 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING REGULATIONS PERTAINING TO POSTER BOARDS AND NONCONFORMING BILLBOARDS; 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, this Board recently adopted Ordinance No. 22-4, which amended the County Sign Code regulations governing billboards and other Class C signs and authorized such Class C signs (other than murals) to have digital illumination and to be located within the protected areas of expressway rights-of-way, subject to certain conditions; and

WHEREAS, Class C signs are generally the only sign structures that may contain commercial offsite advertising under the Code of Miami-Dade County; and

WHEREAS, the County Sign Code recognizes the following structures as Class C signs: billboards, bulletin boards, and poster boards, including such signs in cantilever or V-shaped configurations; wall signs, including murals; and kiosks; and

WHEREAS, the County Sign Code defines a “poster board” as “[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”; and

WHEREAS, a poster board is smaller in size than a bulletin board or a billboard; and

WHEREAS, given their smaller size, poster boards are less visually intrusive on the built environment and therefore less likely to create traffic safety hazards or negative aesthetic impacts; and

WHEREAS, although some nonconforming billboards in Miami-Dade County may have been lawfully erected at the time they were erected and may continue to be legally permissible even if they could not be erected today under the current provisions of the County Sign Code or applicable municipal sign code, it is desirable to have all Class C signs in the County comply with current regulations; and

WHEREAS, section 70.20, Florida Statutes, limits counties’ authority to require a lawfully erected sign to be removed or altered as a condition precedent to the issuance or continued effectiveness of a development order, but specifically provides that those limitations “shall not apply when the development order permits construction of a replacement sign that cannot be erected without the removal of the lawfully erected sign being replaced”; and

WHEREAS, to provide additional speech opportunities and promote the County economy, while also providing incentives to replace nonconforming billboards, this Board finds it appropriate to relax certain Class C sign regulations for poster boards, such as limitations on poster boards within BU-1A and BU-2 zoning districts, when an applicant proposing the poster board removes a nonconforming billboard that is located such that its proximity would otherwise prohibit the erection of the poster board,

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

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

Section 2. Section 33-107 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

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

* * *

>>(m) Poster board replacements for nonconforming billboards. In addition to other lawful locations for installation of poster boards, poster boards shall be permitted as replacements for nonconforming billboards (“replacement poster boards”) in accordance with this subsection, the other provisions of this section, and section 33-121.13, if applicable; in the event of a conflict, this subsection shall control:

(1) Replacement poster boards may be erected only if the applicant proposing the replacement poster board removes a nonconforming billboard located:

(i) Within 600 feet of the replacement poster board; or

(ii) Within 1,500 feet of the replacement poster board, if the replacement poster board and nonconforming billboard are within a protected area as defined in section 33-121.10 and are on the same side of an expressway.

(2) Replacement poster boards shall be set back at least 10 feet from each official right-of-way line.

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.

- (3) Replacement poster boards in BU-1A and BU-2 districts or, where Class C sign structures are permitted by the applicable municipality, in those districts' municipal equivalents, shall not be subject to the conditions set forth in subsection (g)(2) above.
- (4) Replacement poster boards shall not be subject to the restriction set forth in subsection (g)(3) above.
- (5) No poster board shall be erected pursuant to this subsection without the removal of a nonconforming billboard, and failure to remove the nonconforming billboard shall require the removal of the replacement poster board and the revocation of any permit for installation or modification of such poster board.
- (6) This subsection shall not be construed to authorize the erection of a poster board not otherwise permitted within the protected areas defined in sections 33-121.20 and 33-121.28.
- (7) For purposes of this subsection, "nonconforming billboard" shall mean a billboard that does not comply with this article or an applicable municipal sign code but that was lawful when it was erected.<<

Section 3. Section 33-121.13 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

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 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.

* * *

>>(4) Replacement poster boards may be erected within protected areas in accordance with subsection 33-107(m).<<

* * *

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

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Christopher J. Wahl
Dennis A. Kerbel



Prime Sponsor: Commissioner Kionne L. McGhee