

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: February 21, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the Rapid Transit System—Development Zone (“RTZ”); amending section 33C-3.2 of the Code; allowing additional signage in the Rapid Transit Corridor Bicycle and Pedestrian Area subject to conditions; making technical changes

A substitute was presented and forwarded to the BCC with a favorable recommendation at the January 10, 2024 Transportation, Mobility and Planning Committee.

The substitute differs from the original in that it: amends existing subparagraph (8)(vi) on page MDC005 to allow kiosk signs to be visible from certain public rights-of-way; and revises proposed provision (8)(vii)1. on the same page to refer specifically to single-family and duplex dwellings rather than to refer to zoning districts.

Rule 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 item 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 Commissioner Raquel A. Regalado.


Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: February 21, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Allowing Additional Signage in the Rapid Transit Corridor


The implementation of this Ordinance may have a positive fiscal impact to the County from potential revenues generated from commercial advertising. However, all advertising must be approved by the Florida Department of Transportation on a case-by-case basis, so the exact fiscal impact is unknown at this time.

A handwritten signature in blue ink, appearing to be "Jimmy Morales".

Jimmy Morales
Chief Operations Officer


Date: February 21, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Additional Signage in the
Rapid Transit Corridor Bicycle and Pedestrian Area

The proposed ordinance amends Section 33C-3.2 to allow commercial advertising wall signs painted or affixed to a Metrorail column. Signs will be limited to 950 square feet, cannot be oriented towards residential zoning districts and must be 1,500 feet away from another commercial advertising wall sign. Previously, the Board of County Commissioners amended the Code to provide for directional signs, non-commercial signage and digital commercial advertising kiosk signs for the Rapid Transit Corridor Bicycle and Pedestrian Area. This ordinance could have a positive impact by providing additional revenue to support operations and maintenance of The Underline and it is intended to recognize significant donors to The Underline project as well as to allow for Art Murals. Any potential or perceived visual pollution, is mitigated by the ordinance's prohibition against advertisements being oriented toward residential areas and by imposing distancing requirements between commercial advertising wall signs.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: February 21, 2024

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)
2-21-24

ORDINANCE NO. _____

ORDINANCE RELATING TO THE RAPID TRANSIT SYSTEM—DEVELOPMENT ZONE (“RTZ”); AMENDING SECTION 33C-3.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ALLOWING ADDITIONAL SIGNAGE IN THE RAPID TRANSIT CORRIDOR BICYCLE AND PEDESTRIAN AREA SUBJECT TO CONDITIONS; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board previously adopted Ordinance Nos. 20-16, which among other things, created the Rapid Transit Corridor Bicycle and Pedestrian Area (the “RTCBPA”) within the County’s Rapid Transit Zone zoning district (the “RTZ District”) to facilitate the creation and construction of the Underline, an enhanced bicycle and pedestrian trail underneath the Metrorail’s fixed guideways, containing a variety of commercial, civic, and recreational uses to attract pedestrians and bicyclists and build a strong sense of community, and authorized certain signage in the RTCBPA as codified in section 33C-13 of the Code of Miami-Dade County, Florida; and

WHEREAS, in Ordinance No. 20-51, this Board amended section 33C-13 (since renumbered as section 33C-3.2 in Ordinance No. 22-106) to authorize additional directional and non-commercial signage for the RTCPBA on Metrorail columns, which may face US-1; and

WHEREAS, in Ordinance No. 22-4, this Board adopted a comprehensive revision of 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”), which among other things, comprehensively revised the County’s signage regulations for the incorporated and unincorporated areas to allow billboard and other Class C sign structures with offsite commercial advertising within protected areas along expressways and with digital illumination and to provide for certain

signs within protected areas along Rapid Transit System rights-of-way, including (i) Class B sign structures containing onsite commercial or noncommercial messages and (ii) Class C sign structures with offsite commercial advertising that serve streets other than the transit system rights-of-way; and

WHEREAS, in Ordinance No. 23-51, this Board authorized, along the RTCBPA but outside of road rights-of-way, digital kiosk signs with offsite commercial advertising to provide information and advertising to users of the Underline; and

WHEREAS, this Board now wishes to expand the allowances to install offsite commercial advertising signs, which may include donor recognition signs, on the Metrorail columns under certain conditions and to the extent allowable under applicable state and federal regulations,

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

Section 1. The foregoing recitals are incorporated into this ordinance and are approved.

Section 2. Section 33C-3.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33C-3.2. - Signs.

* * *

- (B) Notwithstanding any provisions to the contrary, within the RTCBPA, only the following signs may be permitted, and only to the extent the use is permitted pursuant to >>section<< 33C-2, provided that such signs comply with

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 following standards and criteria and are compatible with the surrounding uses:

* * *

- (8) Off-site advertising signs, including donor recognition signs, subject to the following:
 - (i) Such sign shall be no larger than 2 square feet.
 - (ii) Such sign shall be oriented towards the bicycle and pedestrian uses of the RTCBPA.
 - (iii) Such sign shall not contain a message that can be seen or read from any road or adjacent property.
 - (iv) Small signs on benches are deemed to comply with this paragraph.
 - (v) Such signs may be attached or detached.
 - (vi) Kiosk signs may be permitted to the extent authorized by section 33-107 and this subsection but shall not be subject to the size limitations set forth in subparagraph (i) above. >>Notwithstanding any provision of section 33-107 or this chapter to the contrary, kiosk signs may be visible from abutting public rights-of-way that are not part of the federal-aid primary highway system or interstate highway system, as those terms are defined in section 479.01, Florida Statutes (collectively, the “highway system”); kiosks may only be visible from a portion of the highway system to the extent consistent with chapter 479, Florida Statutes, as determined by the Florida Department of Transportation’s Outdoor Advertising Division.
 - (vii) Class B wall signs, as defined by sections 33-84 and 33-84.1, that are painted or affixed to a Metrorail column, subject to the following:
 - 1. Such signs may contain offsite commercial advertising, provided that no such offsite commercial advertising fronts or orients toward a single-family or duplex dwelling.
 - 2. Such signs shall not be subject to the size limitations set forth in

subparagraph (i) above but may not exceed 950 square feet.

3. The minimum distance between such signs facing the same street shall be 1,500 feet, except as may be permitted for a wall mural as authorized by section 479.156, Florida Statutes.

4. Permits required by chapter 479, Florida Statutes, are obtained prior to installation of any such sign.<<

* * *

(10) Illumination may be allowed, in accordance with section 33-284.87 or, for kiosk signs, in accordance with section 33-96, only where compatible with the surrounding area.

(11) Administrative site plan review required. All signs shall be presented for administrative site plan review in accordance with Section 33-310.4 as part of a comprehensive sign program to ensure a consistent aesthetic throughout the RTCBPA.

(a) Site plans and submittals shall include all relevant information pertaining to the location, size, copy, illumination, and orientation of the proposed signs and to the characteristics of the surrounding properties, and shall include written approval from the Federal Transit Administration and any other information requested by the Director.

(b) Notwithstanding any of the above-referenced maximum dimensions or other provisions to the contrary, the Director may require that the proposed size and number of signs be reduced, and that the proposed orientation, illumination, and location of proposed signs be modified, to maintain compatibility with surrounding properties, including, but not limited, to single-family residences.

(c) As part of the administrative site plan review, the Director shall also require>>:

(i)<< the submittal of confirmation from the Florida Department of Transportation's Outdoor Advertising

- Division that the proposed sign or signs do not require a permit under chapter 479, Florida Statutes>>; or
- (ii) for a sign authorized by this section that also requires a permit under chapter 479, Florida Statutes, that, as a condition of approval, such permit shall be obtained before any such sign is installed<<.
- (d) If a permit under chapter 479, Florida Statutes, is required for a sign >>and is not obtained, or such sign violates other applicable requirements of state or federal law<<, [[said sign shall not be approved by the Director, or, where applicable,]] the Director shall revoke the sign approval>>₂<< and the sign shall be removed forthwith.

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 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:

GKS for GBK

Prepared by:



Dennis A. Kerbel

Prime Sponsor: Commissioner Raquel Regalado