

MEMORANDUM

Supplement to
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: Supplemental information
to ordinance relating to the Rapid
Transit System—Development
Zone

This supplement is being submitted to show changes to this ordinance that the Prime Sponsor, Commissioner Raquel A. Regalado, intends to propose as a floor amendment.

Commissioner Raquel A. Regalado intends to propose amendments to subparagraph 33C-3.2(B)(8)(vii) as shown on top-numbered page 4 in the attached document to:

- Reduce the maximum size of a sign painted or affixed to a Metrorail column to 150 square feet per sign face of a column and no more than 300 square feet combined if signs are on adjacent column sides;
- Clarify that spacing between signs is measured along the same street to which the signs face;
- Specify that spacing does not apply to a wall mural that contains no offsite commercial advertising, to the extent permitted by chapter 479, Florida Statutes; and
- Prohibit digital illumination on such Metrorail column signs.

In addition, an uncodified section is added on top-numbered page 6:

- Setting as County policy, in recognition that this ordinance addresses only County-owned property and that the County may exercise proprietary control over signage on its property in addition to its signage regulations, that wall signs that are painted or affixed to a Metrorail column and that are exempt from minimum distance requirements shall only consist of artwork and shall not include commercial logos or commercial messages; and
- Providing, as a condition of authorization to install such signage, and notwithstanding anything to the contrary in the Underline Management Agreement adopted by Resolution No. R-120-18, as may be amended, no wall signs that are exempt from minimum distance requirements shall be installed unless reviewed and approved by the County Mayor or County Mayor's designee to ensure compliance with the County policy that such signs consist only of artwork.

Finally, a conforming change to the last recital on top-numbered page 2 in the attached document is proposed, to specify that the Board wishes to expand the allowance for artwork on Metrorail columns.

The attached document shows the proposed final form of the ordinance, incorporating the above-mentioned floor amendment.

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 a revised item, comments may instead be provided. Pursuant to this rule, the preceding comprehensive description of the differences is provided in lieu of double underlining and double strike-through for this item.

The accompanying supplement was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/jp

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.

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, and artwork 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.

* * *

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.

- (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 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 150 square feet per sign face of a column and no more than 300 square feet combined on adjacent column sides, to the extent permitted by chapter 479, Florida Statutes.
3. The minimum distance between such signs facing the same street shall be 1,500 feet as measured along the same street, except as may be permitted for a wall mural that contains no offsite commercial advertising, to the extent permitted by chapter 479, Florida Statutes.
4. Permits required by chapter 479, Florida Statutes, are obtained prior to installation of any such sign.
5. Such sign shall not be illuminated using digital technology.<<

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- (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>>,<< and the sign shall be removed forthwith.

Section 3. *County policy regarding artwork on Metrorail columns.* Recognizing that this ordinance addresses only County-owned property, and that the County may exercise proprietary control over signage on its property in addition to the regulations set forth above, this Board hereby establishes as County policy that wall signs that are authorized by this ordinance to be painted or affixed to a Metrorail column and that are exempt from minimum distance requirements shall only consist of artwork and shall not include commercial logos or commercial messages. In furtherance of this policy, as a condition of authorization to install such signage, and

notwithstanding anything to the contrary in the Underline Management Agreement adopted by Resolution No. R-120-18, as may be amended, no such signage shall be installed unless reviewed and approved by the County Mayor or County Mayor’s designee to ensure compliance with the County policy set forth herein, and the Underline management organization shall be bound by the determination of the County Mayor or County Mayor’s designee.

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: _____

Dennis A. Kerbel

Prime Sponsor: Commissioner Raquel A. Regalado