MEMORANDUM

IITC
Agenda Item No. 1(G)1

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: November 12, 2026

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning; creating section 33-107.1 of the Code; providing for variance of County spacing and height requirements for Class C signs under certain circumstances relating to municipal annexation and incorporation applications; approving the form of application; providing for contingent effective date

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

for
Geri Bonzon-Keenan
County Attorney

GBK/smm

MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: October 20, 2026

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 4(N)

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**

_____ **Requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 votes (majority of membership) ____, CDMP 2/3 members present but not less than 7 votes (majority of membership) ____, CDMP 9 votes (2/3 membership) _____) 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(N)
10-20-26

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; CREATING SECTION 33-107.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR VARIANCE OF COUNTY SPACING AND HEIGHT REQUIREMENTS FOR CLASS C SIGNS UNDER CERTAIN CIRCUMSTANCES RELATING TO MUNICIPAL ANNEXATION AND INCORPORATION APPLICATIONS; APPROVING THE FORM OF APPLICATION; PROVIDING FOR CONTINGENT EFFECTIVE DATE; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM 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 Code"), establishes minimum standards for signs throughout the County; and

WHEREAS, under the Sign Code, commercial offsite advertising signs are generally permissible only on Class C sign structures; and

WHEREAS, the 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, Class C signs are governed by the general standards set forth in section 33-107 of the Sign Code and the standards specifically applicable to Class C signs in proximity to expressways set forth in section 33-121.13, among others; and

WHEREAS, among those standards are spacing requirements restricting how close one Class C sign can be to another Class C sign; and

WHEREAS, specifically, section 33-107(d)(7) provides that "[n]o detached Class C sign shall be erected closer than 600 feet to another detached Class C sign on the same side of the street measured along the center line of the same roadway or street," and section 33-121.13(c)(1)(ii) provides "[t]he minimum distance between Class C signs on the same side of an expressway, whether detached or wall signs, shall be 1,500 feet"; and

WHEREAS, within Miami-Dade County, chapter 20 of the County Code and the Miami-Dade County Home Rule Charter govern both municipal boundary changes, which are commonly referred to as annexations, and the incorporation of new municipalities, and there are various processes and procedures in the County Code related to the consideration of proposed annexations and incorporations; and

WHEREAS, previously, during the pendency of certain municipal annexation applications, this Board delayed the implementation date of certain newly adopted Sign Code regulations in the areas under consideration for annexation, pending the outcome of the annexation process; and

WHEREAS, specifically, when the Board adopted Ordinance No. 22-4 making comprehensive amendments to the Sign Code, section 5 of that ordinance provided that for certain proposed annexation areas, "the provisions of section 33-121.13(c)(1) and (2) that authorize Class C signs in the protected areas of an expressway, other than Class C signs oriented to serve only other streets, shall not be implemented or otherwise deemed to apply until July 31, 2022, " which date was extended by Ordinance No. 22-84 to "July 31, 2023, or, for a particular proposed annexation area, 15 days after the effective date of the ordinance effectuating the annexation for the respective annexation area"; and

WHEREAS, certain applicants seeking to permit a Class C sign during the pendency of such prior annexation applications may have had their sign permit applications held in abeyance or denied, or their permits revoked, pending the outcome of the pending annexation process; and

WHEREAS, for at least some of these affected sign permit applications, during the pendency of the annexation process, another class C sign was permitted in a nearby area unaffected by the pending annexation process so that, by virtue of the 1,500-foot spacing requirement in section 33-121.13(c)(1)(ii), the sign permit application pending the outcome of the annexation process became un-approvable and thus "spaced out" by the other sign permit; and

WHEREAS, the County's regulation of the spacing required for Class C signs oriented to expressways is stricter than state law spacing requirements for advertising signs oriented to expressways that qualify as part of the "federal-aid primary system"; and

WHEREAS, similarly, the County's regulation of the height of signs may be stricter than state law due to the point from which the height is measured, with the County's regulation measuring from the crown of the expressway to which the sign is oriented and the State's regulation measuring from the elevation of the crown of the main-traveled way to which the sign is permitted; and

WHEREAS, under certain circumstances, a variance from the County's height regulations to allow a taller sign may be warranted for the sign to be visible when erected alongside an elevated expressway, for example; and

WHEREAS, this Board wishes to establish a process by which applicants who were "spaced out" by another permitted sign due to a pending annexation process can apply for relief in the form of an administrative variance for a new prospective sign on a one-for-one basis; and

WHEREAS, for example, such a process could allow an eligible applicant to vary from the County Code's spacing and height requirements for a new prospective Class C sign, subject to certain conditions, provided that the prospective sign would satisfy the State's spacing and height requirements for a Class C sign oriented to an expressway that qualifies as part of the federal-aid primary system; and

WHEREAS, the expressways in Miami-Dade County that qualify as part of the federal-aid primary system are all or portions of the Florida Turnpike, State Road 112, State Road 826, and State Road 836; and

WHEREAS, this process is intended to apply to applicants who were affected by section 5 of Ordinance No. 22-4, as extended by Ordinance No. 22-84; however, the Board may in its discretion, but shall not be required to, amend this ordinance to address similar circumstances in the future that may arise with respect to municipal annexation or incorporation applications,

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

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

Section 2. Section 33-107.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

> **Sec. 33-107.1. – Administrative variance of requirements for Class C signs in areas where the County exercises zoning jurisdiction.**
>
> Notwithstanding anything to the contrary in this article, variances of spacing and height requirements for Class C signs in areas where the County exercises zoning jurisdiction shall be permitted in accordance with the provisions of this section.
>
> (a) *Eligibility.*

(1) To establish eligibility to apply for a variance under this section, a prospective applicant must submit to the Director a zoning verification letter (ZVL) request establishing the following criteria:

(A) That the County had issued a building permit application process number for a Class C sign between July 1, 2021, and March 15, 2022;

(B) That the permit application was the first permit application on a property identified by a folio number on a given side of the expressway, and such property was in an area that was the subject of a municipal annexation or incorporation application, and either (i) the County did not issue a permit after a permit application was submitted as the first Class C permit application on a property; or (ii) the County granted the application and later revoked the issued permit; and

(C) That the applied-for sign is no longer permittable at the applied-for location due to the existence of another sign within the required spacing that was approved after the County issued the respective building permit application process number; and

(D) That the applicant avers that it will not seek to establish a sign at the applied-for location except as may be permitted through an administrative variance through this section.

(2) Any such ZVL requests must be submitted to the Director within 30 days of [INSERT EFFECTIVE DATE OF THIS ORDINANCE].

(3) Within 21 days of the Director's receipt of a complete ZVL request, the Director shall issue a ZVL confirming whether the request establishes eligibility in accordance with the foregoing criteria.

(4) A ZVL shall not be assignable and shall be exercisable as a basis to apply for an administrative variance pursuant to this section only by the party it is issued to.

(b) *Administrative variance procedure.*

(1) An applicant who has obtained from the Director a ZVL under subsection (a) confirming eligibility to apply (a "ZVL-holder") has 18 months from the date of issuance of such determination to apply, on a form prescribed by the Director, for an administrative variance from the spacing and/or height requirements and limitations for Class C signs, for another proposed Class C sign. The 18-month period shall be extended by the Director for an additional 18-month period provided the ZVL-holder provides written notice to the Director prior to the expiration of the ZVL of its intent to utilize the extension, and thereafter, may be extended up to two times, for one year each, based on a showing by the ZVL-holder to the Director's satisfaction that it is diligently pursuing potential Class C sign sites. Such diligence may be demonstrated by an affidavit identifying: (i) the steps taken to identify a suitable location, negotiate a satisfactory lease, and/or prepare application materials; (ii) the impediments to obtaining a lease for a suitable location; and (iii) the steps to be taken to identify a new suitable location and/or obtain a satisfactory lease for a suitable location.

(2) The Director is hereby delegated the authority to administratively process and approve such applications in accordance with this ordinance.

(3) The application for administrative variance shall include an affidavit from the applicant confirming that to the best of the applicant's knowledge the application meets the requirements for an Outdoor Advertising Permit issued by the Florida Department of Transportation, including specifically, that the height and spacing proposed for the Class C sign is consistent with State of Florida requirements.

(4) The Director shall grant an administrative variance within 45 days of the filing of a complete application if the application demonstrates the following:

(A) That the applicant has obtained a ZVL confirming eligibility under subsection (a) and that such ZVL was issued to the applicant; and

(B) That such ZVL has not previously been the basis of an approved administrative variance for a location that was issued a building permit for construction of an outdoor advertising sign; and

(C) That the requested alternative Class C sign complies with:

(i) all County regulations except spacing and height, both of which shall have been attested to as meeting State of Florida requirements; and

(ii) section 479.07(9)(a), Florida Statutes, regarding required spacing and rule 14-10.004, Florida Administrative Code, as may be amended from time to time; and

(iii) section 479.07(9)(b), Florida Statutes, regarding maximum sign height and rule 14-10.004, Florida Administrative Code, as may be amended.

For avoidance of doubt, compliance with State of Florida requirements for spacing and height shall be presumed based on the applicant's affidavit attesting that the proposed sign meets State of Florida requirements.

(5) Prior to issuing the administrative variance, the Director shall provide a courtesy notification to the County Commissioner in whose district the applied-for location lies.

(6) After determining that all criteria have been met, the Director shall issue the administrative variance subject to a mandatory condition that an Outdoor Advertising Sign Permit approved by the Florida Department of Transportation be provided to the Department prior to issuance of a building permit for the sign. The Director shall, in conjunction with issuing the variance, execute the zoning portion of the "Application for Outdoor Advertising Permit," or its equivalent as may be required by the Florida Department of Transportation, and return same to the applicant.

(7) The Director shall provide a courtesy copy of the approved administrative variance to the County Commissioner in whose district the approved location lies.

(8) A person who has obtained an administrative variance under this subsection (b) must also separately obtain a building permit for the sign and satisfy all applicable building code requirements, and other requirements under federal, state, and local law. Zoning review of the building permit shall be limited to confirming all requirements and conditions of the administrative variance have been met, including but not limited to confirming that an Outdoor Advertising Sign Permit was approved by the Florida Department of Transportation for the location and that the building permit application complies with the plans approved as part of the administrative variance.

(9) Notice of decisions on administrative variances issued by the Director under this subsection (b) shall be published on the County's legal ads and public notice website or in another manner permitted by law within five business days of approval, and shall become final within 30 days of publishing unless appealed pursuant to section 33-314(C)(6).

(c) Following issuance of an administrative variance pursuant to this section, nothing herein shall be construed to limit the assignment or the transferability of such approval to another party.

Section 3. The application for the administrative variance shall be substantially in the form attached hereto as Exhibit "A."

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. This ordinance shall be effective only upon the condition and with the reservation that the settlement agreement, substantially in the form included in County Resolution No. R-_____, is approved by the Board of County Commissioners and executed by all parties thereto, and that such settlement agreement remains in effect.

Section 6. 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 but excluding section 3, 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 7. 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:

James Eddie Kirtley
Christopher J. Wahl

Prime Sponsor: Commissioner Raquel A. Regalado

EXHIBIT A

Administrative Variance Application

Miami-Dade County Department of Regulatory and Economic Resources
Development Services Division

Filing

In Person Applications may be filed in person with the Application Intake Section of the Miami-Dade County Department of Regulatory and Economic Resources, located on the 11th floor of the Stephen P. Clark Center, 111 NW First Street. Appointments are needed to file an application and can be scheduled between 9 a.m. and 3 p.m., Monday - Friday. To schedule an appointment, please call 305-375-2640.

Online Applications may be filed online at *https://energov.miamidade.gov/EnerGov_Prod/SelfService#/home* First time users will need to create an account. The same information and materials required when filing in person are required to be submitted online.

Appointments

Applicants may meet with staff prior to filing to obtain information on the administrative variance review process and filing requirements, to go over completed applications and forms, and to review plans. It is important to ensure applications are complete and in order at the time of filing. Appointments are needed for pre-filing meetings and can be scheduled between 9 am and 3 pm, Monday - Friday. To schedule an appointment, please call 305-375-2842.

File Processing Steps

Applications are reviewed within 45 days of being deemed complete. If the submitted plans do not meet the zoning district regulations, a deficiency letter will be issued, and the applicant must revise their plans. Once a deficiency letter is issued, the file will be placed on hold until the applicant addresses outstanding deficiencies. The first resubmittal is free and subsequent submittals, may require additional review fees. Applications that are dormant for 120 days will be assessed an extension fee to keep the file active. *Note: Expedite applications will be reviewed within 7 days of being deemed complete.*

Department Reviews

Other County agencies review applications and are expected to provide written comments within 21 days of receipt of the application to avoid delays in processing the application (or seven days for expedite applications). For information related to other County agency reviews, please contact them directly.

- RER – Division of Environmental Resources Management 305-372-6764
- RER – Platting and Traffic Review Section 305-375-2141

Questions

Applicants with questions related to filing an application, or the admin variance process, should call the Application Intake Section at 305-375-2640. For a more detailed explanation of the zoning review procedures, call Voice Response Line at 305-591-7966 and direct dial 1-4-1 (for English) or 2-4-1 (for Spanish), pausing between numbers.

General information on zoning requirements, prior zoning hearing history, Declaration of Restrictions, Unities of Title and related zoning criteria is available at the Zoning Information Section, 11th Floor, Stephen P. Clark Center, 111 NW 1 Street or by calling 305-75-1806 or 305-375-1807.

Applicant's Checklist

The following items must be submitted

- ☐ Pre-application letter and attachments.
- ☐ Letter of Intent, detailing the proposed project. If you are seeking a reasonable accommodation under the Americans with Disabilities Act or the Fair Housing Act, you may indicate this in your letter of intent.
- ☐ Application filled out completely and properly executed. (Folio numbers are mandatory).
- ☐ Ownership affidavit(s).
- ☐ Disclosure of Interest, if the owner, applicant or contract purchaser is a corporation, partnership, trustee.
- ☐ Owner's Sworn-to-Consent form signed by the owner-of-record of the property, giving lessee permission to file for the hearing if applicant is a lessee.
- ☐ One (1) folded standard set of plans as described below and an electronic version in flattened PDF format. Flattened PDFs are documents that do not have mark up or layers of any kind:
- ☐ Title Block: Plans must contain a Title Block identifying the project, name, title and address of person who prepared the plan, date prepared, and scale used.
- ☐ Zoning Legend: All plans must contain a complete zoning data legend.
- ☐ Site Plans (must show entire property and all dimensions measured to centerline of the streets, sizes and uses of existing and proposed buildings, spacing, setback distances, typical parking spaces, driveway and walkway widths, etc. A complete zoning legend, showing data calculations for the site, must also be shown on the plan).
- ☐ Zoning Verification Letter establishing eligibility for adminsitrative variance
- ☐ Affidavit confirming that to to the best of the applicant's knowledge the application meets the requirements for an Outdoor Advertising Permit issued by the Florida Department of Transportation
- ☐ Sign Area Survey (signed and sealed required with every application, **not older than 1 year**. Must show all structures, rights-of-way, etc. and any municipal boundary, if any).
- ☐ Special Purpose survey for spacing radius of other Class C outdoor advertising signs
- ☐ Legal description - must be accurate; and if lengthy, to be submitted in Microsoft Word format via e-mail, CD or other digital media, in addition to printed (hard) copy.
- ☐ Signage Plans: Show sign detail including sign dimensions, height and setback distance.
- ☐ Application fees - the fees paid at time of filing may not be the total cost of the application. Application fees will be calculated at time of the pre-application.

Administrative Variance Application

Miami-Dade County Department of Regulatory and Economic Resources
Development Services Division

Expedite ☐

Date Stamp Received

Applicant Information

NAME OF APPLICANT (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

PROPERTY FOLIO(S): _____

APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER, E-MAIL:

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone no.: _____

Fax no.: _____ E-mail: _____

OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:
Owner's Name (Provide name of all owners):

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone no.: _____

Fax no.: _____ E-mail: _____

CONTACT PERSON/APPLICANT'S REPRESENTATIVE INFORMATION:

Name: _____ Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone no.: _____

Fax no.: _____ E-mail: _____

Subject Property Legal Description

Provide complete legal description, i.e., lot, block, subdivision name, plat book and page number, or metes and bounds. Include section, township, and range. Attach separate sheets as needed and clearly identify each legal description. If lengthy, legal description is required to be submitted in Microsoft Word via email or other digital media.

Subject Property Legal Description (continued)

_____

_____

Address or Location of Property

For location, use description such as NE corner of, etc.:

_____

_____

Size of Property

In acres: _____

Date Property Acquired/Leased

☐ acquired ☐ leased: _____ (month and year)

Lease term (years): _____

Notice of Violation

Is this application a result of a violation notice? no ☐ yes ☐. If yes, provide name to whom the violation notice was served and describe the violation:
(Pursuant to Section 8CC-7(d) no zoning action may be approved for any named violator with (i) unpaid civil penalties; (ii) unpaid administrative costs of hearing; (iii) unpaid County investigative, enforcement, testing, or monitoring costs; or (iv) unpaid liens, any or all of which are owed to Miami-Dade County pursuant to the provisions of the Code of Miami-Dade County, Florida.)

_____

_____

Present Zoning

_____

Requested Variances

☐ Height; Explain: _____

☐ Spacing; Explain: _____