

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA** **MEMORANDUM**

Agenda Item No. 7(E)

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

DATE: (Second Reading: 7-6-23)

April 4, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the
fixed-guideway Rapid Transit
System—Development Zone
("RTZ"); amending section
33C-3.2 of the Code;
allowing kiosk signs in the
Rapid Transit Corridor
Bicycle and pedestrian area
subject to conditions; making
technical changes

Ordinance No. 23 -51

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/jp

Memorandum



Date: July 6, 2023

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 Kiosk Signs in the Rapid Transit Corridor

The implementation of this Ordinance will not have a fiscal impact to Miami-Dade County. Although this proposed ordinance is germane to a zoning change, it would allow for a form of electronic advertising in the future that could generate revenue to assist with offsetting the cost of maintenance activities.

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

Jimmy Morales
Chief Operations Officer

Memorandum



Date: July 6, 2023

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

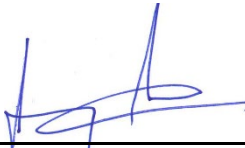
From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Zoning providing for the inclusion of Kiosk Signage in the Rapid Transit Corridor Bicycle and Pedestrian Area ("RTCBPA") within the Rapid Transit Zone ("RTZ") under certain criteria - File No. 230621

The proposed ordinance amends Section 33C-3.2 of the Code and authorizes digital kiosk signs to be located within the Rapid Transit Corridor Bicycle and Pedestrian Area, or "RTCBPA," so long as they are outside of roads rights-of-way and comply with other conditions of the Code. RTCBPA consists of County-owned land areas within the Rapid Transit Zone that are located underneath the fixed guideway structures and within the Metrorail corridor right-of-way, including the Underline but excluding lands within the Rapid Transit Corridor Station Areas.

Currently, kiosk signage is permitted, pursuant with Section 33-107 of the Code, on properties that are zoned commercial and for mixed-use areas within urban centers and pedestrian oriented developments. Kiosk signs are also permitted at rail stations (both within the Rapid Transit Zone and other categories), airports and seaports. This Code amendment will permit the installation of kiosk signs, in select areas within the RTCBPA that have been administratively approved for additional commercial and civic uses, which includes the Underline. Design, setbacks, and illumination standards will be pursuant to the currently established standards. These kiosks will provide users of the Underline with community information, sponsorship messages, and advertising, which will be a benefit to promote health, wellness, and the utilization of the corridor.

In addition to staff review, the Florida Department of Transportation has confirmed that such kiosk signage is permissible under state regulations.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: July 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(E)

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(E)
7-6-23

ORDINANCE NO. 23 -51

ORDINANCE RELATING TO THE FIXED-GUIDEWAY RAPID TRANSIT SYSTEM—DEVELOPMENT ZONE (“RTZ”); AMENDING SECTION 33C-3.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ALLOWING KIOSK SIGNS 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 No. 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 signage for the RTCBPA; and

WHEREAS, the prior signage expansion principally addressed signage on Metrorail columns, which may face US-1; and

WHEREAS, this Board now wishes to authorize, along the RTCBPA but outside of road rights-of-way, digital kiosk signs, which are currently only authorized in the RTZ District to be installed at rapid transit stations to provide information and advertising to users of the Underline; and

WHEREAS, the Florida Department of Transportation has recently confirmed that such kiosk signage would be allowable under applicable state 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 the following standards and criteria and are compatible with the surrounding uses:

* * *

- (8) Off-site advertising signs, including donor recognition signs, ~~[[provided—that—any such]]~~>>subject to the following:

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.

- (i) Such<< sign ~~[[is]]~~ >>shall be<< no larger than 2 square feet~~[[,is]]~~>>.
- (ii) Such sign shall be<< oriented towards the bicycle and pedestrian uses of the RTCBPA~~[[, and provided that the]]~~>>.
- (iii) Such sign shall not contain a<< message ~~[[of any such sign cannot]]~~ >>that can<< be seen or read from any road or adjacent property.
- >>(iv) Small<< ~~[[This subsection may be used to authorize, for example, 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.<<

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- (10) Illumination may be allowed, in accordance with >>section<< ~~[[Section]]~~ 33-284.87 ~~[[of the Code]]~~ >>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 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.
 - (d) If a permit under chapter 479, Florida Statutes, is required for a sign, 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. 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:

GKS for GBK

Prepared by:



Dennis A. Kerbel

Prime Sponsor: Commissioner Raquel Regalado