

MEMORANDUM

Agenda Item No. 4(B)

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

DATE: January 22, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning in the incorporated and unincorporated areas; amending sections 33-84 and 33-107 of the Code; revising definitions for certain Class C sign structures; revising regulations pertaining to poster board replacements for nonconforming billboards; making technical changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.



Geri Bonzon-Keenan
County Attorney

GBK/jp

MDC001



MEMORANDUM
(Revised)

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

DATE: January 22, 2025

FROM: 
Cliff Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 4(B)

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 ____, majority plus one ____, 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) ____, 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. 4(B)
1-22-25

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING IN THE INCORPORATED AND UNINCORPORATED AREAS; AMENDING SECTIONS 33-84 AND 33-107 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING DEFINITIONS FOR CERTAIN CLASS C SIGN STRUCTURES; REVISING REGULATIONS PERTAINING TO POSTER BOARD REPLACEMENTS FOR NONCONFORMING BILLBOARDS; MAKING TECHNICAL CHANGES; 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, 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 may be less visually intrusive on the built environment and therefore may be 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 adopted Ordinance No. 22-152, which removed certain Class C sign restrictions for poster boards only when an applicant proposing the poster board removes a nonconforming billboard that is 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 an expressway's "protected area," as defined in section 33-121.10 of the County Sign Code, and are on the same side of an expressway; and

WHEREAS, Ordinance No. 22-152 further provided that such replacement poster boards would be exempt from certain County Sign Code requirements that would otherwise apply to Class C signs, including, for example, the provision in section 33-107(g)(3) that requires a public hearing if a poster board were to be proposed across the street from property zoned as an urban center, RU, EU, or other zoning district where Class C signs would not be permitted; and

WHEREAS, some of the areas within 600 feet of existing nonconforming billboards may consist of properties zoned as an RU or other zoning district where billboards and poster boards would not be permitted; and

WHEREAS, this Board wishes to revise the requirement that a replacement poster board be located within 600 feet of the nonconforming billboard that is proposed to be removed, if no zoning district in which poster boards are permissible is located within 600 feet of the nonconforming billboard proposed to be replaced; and

WHEREAS, this would allow greater flexibility in where the replacement poster boards may be located in the County; and

WHEREAS, for such expanded locations, this ordinance provides certain protections related to lower intensity residential areas, and a public hearing would still be required for a replacement poster board if the property on the opposite side of the street is zoned EU or RU, with the exception of RU-4L, RU-4M, RU-4, RU-4A, RU-5, and RU-5A, and the use on the opposite side of the street is not an institutional use; and

WHEREAS, these expanded allowances for replacement poster boards, together with the above-mentioned limitations related to certain residential areas, are designed to encourage and incentivize the removal of existing non-conforming billboards; and

WHEREAS, this Board also wishes to revise the definition of a poster board to better track industry standards; and

WHEREAS, this ordinance is further intended to implement policies in the County's Comprehensive Development Master Plan relating to signage,

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

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

Section 2. Section 33-84 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-84. – Definitions.

* * *

(6) *Bulletin board*: A detached sign that is greater than ~~[[10]]~~ >>12<< feet but less than 14 feet in height or is at least 36 feet but less than 48 feet in width, not including embellishments to the sign. A detached sign that is greater than either of the foregoing measurements shall be deemed to be a billboard.

* * *

(19) *Poster board*: A detached sign that is >>at least<< 10 feet in height >>but no greater than 12 feet in height<< or at least 22 feet in width but less than 36 feet in width, not including embellishments. A detached sign that is greater than either of the foregoing measurements shall be deemed to be a bulletin board or a billboard, as applicable.

* * *

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.

Section 3. Section 33-107 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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.

>>(iii) Exception. Notwithstanding the foregoing, if an applicant demonstrates that the area within 600 feet of a respective nonconforming billboard does not include any zoning district in which poster boards may be permissible as of right, then the limitation in subparagraph (1)(i) shall not apply; provided, however, that notwithstanding anything in this subsection to the contrary, if the street frontage on the opposite side of the street from the property on which a replacement poster board is proposed to be located is zoned as an EU or RU district, other than RU-4L, RU-4M, RU-4, RU-4A, RU-5, or RU-5A, and the street

frontage on the opposite side of the street is not an institutional use, then such replacement poster board may not be erected unless approved as a special exception or municipal equivalent after a public hearing.<<

- (2) Replacement poster boards shall be set back at least 10 feet from each official right-of-way line.
- (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 >>a particular zoning district or 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.
- >>(8) For properties within a municipality where the municipality exercises zoning jurisdiction, this subsection may also be applicable in the respective municipality at the municipality's option, provided that the nonconforming billboard to be removed and the replacement poster board are located within the municipality.<<

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:

MAG for GBK

Prepared by:

CJW

Christopher J. Wahl
Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Juan Carlos Bermudez