

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: September 24, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 19-0315. Common Variance Requests – Signage.**

REQUEST

PB 19-0315. Signage. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 138, ENTITLED "SIGNS," ARTICLE I, ENTITLED "IN GENERAL," AT SECTION 138-9, ENTITLED "YARD REQUIREMENTS," TO CLARIFY SIGN REQUIREMENTS; ARTICLE II, ENTITLED "DESIGN STANDARDS, WINDOW, AWNING, WALL, PROJECTION, AND DETACHED (MONUMENT) SIGNS," AT SECTION 138-16, ENTITLED "WALL SIGN," TO MODIFY LOCATION REQUIREMENTS AND INCORPORATE AND MODIFY SUPPLEMENTAL STANDARDS FOR WALL SIGNS; BY AMENDING SECTION 138-18, ENTITLED "PROJECTING SIGN," TO MODIFY REQUIREMENTS FOR PROJECTING SIGNS; BY AMENDING SECTION 138-19, ENTITLED "DETACHED SIGN," TO MODIFY SETBACK REQUIREMENTS FOR DETACHED SIGNS; AND BY AMENDING SECTION 138-22, ENTITLED "SUPPLEMENTAL STANDARDS," TO MODIFY SUPPLEMENTAL STANDARDS; BY AMENDING ARTICLE III, ENTITLED "SPECIFIC DISTRICT SIGN REGULATIONS," DIVISION 1, ENTITLED "SPECIAL SIGN REGULATIONS," AT SECTION 138-58, ENTITLED "VERTICAL RETAIL CENTER SIGNS," TO MODIFY REQUIREMENTS FOR SIGNAGE AT VERTICAL RETAIL CENTERS; AND BY AMENDING THE AFORESTATED SECTIONS TO ADDRESS THE FREQUENCY OF APPLICATIONS FOR COMMONLY SOUGHT VARIANCES RELATED TO SIGNAGE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

HISTORY

On January 16, 2019, at the request of Commissioner John Elizabeth Aleman, the City Commission referred the discussion item to the Land Use and Development Committee (Item R9 T – 2.b).

On April 3, 2019, the Land Use and Development Committee (LUDC) discussed the item recommended that a comprehensive ordinance be drafted by the administration, pursuant to the

recommendations in the LUDC report, in an effort to streamline the code and development processes, and that the City Commission refer the proposed ordinances to the Planning Board.

On May 8, 2019, the City Commission referred the proposed ordinances to the Planning Board (item C4 Q).

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not applicable – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent - The proposed ordinance amendment is not out of scale with the surrounding neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed ordinance will not affect the load on public facilities and infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not applicable. – The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The need to streamline development processes makes passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change will not create or increase traffic congestion from what is currently permitted.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Consistent – The proposed change will not seriously reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposed change should not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not applicable.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Partially Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Consistent – The proposal will not affect the resiliency of the City with respect to sea level rise.

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

Consistent – The proposal does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts.

ANALYSIS

This ordinance is a companion to two other items on the agenda related to common variances for “allowable encroachments” and “rooftop additions, setbacks (including mixed-use), and room sizes.” Per Section 118-353 (d) of the land development regulations of the city code, in order to authorize any variance from the terms of the land development regulations, the applicable land use board must determine that there are “special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.” There are certain variances which are regularly requested and granted by the board of adjustment, design review board, and historic preservation board. Rather than being the exception to the rule, variance requests accompany most development proposals that are presented before the aforementioned boards. Several of the requests are quite common and usually granted by the applicable board.

The attached ordinance addresses the following commonly issued variances related to the location of signage. Variances are often sought for the relocation of signage due to the strict limitations of sign code that do not adequately address built conditions and the reality of modern commercial structures. Since a building may be approved without tenants, the variances for signage are often sought after a building has been approved and built. Locally, some buildings have had to seek 50 or more variances related to signage. As a result, the proposed ordinance includes the following modifications in order to streamline the approval of signage within the City:

- 1) ***Allow for wall signs on the second floor.*** For some commercial buildings, it is appropriate to have wall signs on the second floor, provided that signage does not exceed the allowances for signage on the ground floor. Today, authorizing such signage would require obtaining a variance. **The proposed ordinance would allow for the placement of signage on the second floor of a multistory building, with limitations, subject to the review and approval of the DRB or HPB, as applicable.**
- 2) ***Modify requirements for the location of building identification signs so that they are not required to be located on a parapet.*** The current signage regulations require that a building identification sign be located above the roofline, on a parapet. Modern commercial buildings may not have a parapet, or there may be a more appropriate location for building ID signs. In such cases, a variance must be obtained. **The proposed ordinance removes the requirement that building identification signs be located above the roofline.** Approval of the building identification sign continues to be subject to the design review process.

Additionally, there are occasions when it is appropriate for a building identification sign to be a projecting sign as opposed to a wall sign. As a result, **the proposed ordinance allows for building identification signs to utilize projecting signs.**

- 3) ***Modify requirements for projecting signs when located on a horizontal architectural projection.*** Existing regulations limit the size of projecting signs to 15 square feet. A common feature of buildings in Miami Beach is an eyebrow with a projecting sign above the edge of an eyebrow. The size limitation is often too small for business. The regulations for wall signs allow for larger signs than the regulations for projecting signs that are more useful to commercial establishments. If certain minimum standards are met, it may be appropriate for

projecting signs to be larger when they are located above a horizontal architectural projection. **The proposed ordinance allows for projecting signs above a horizontal architectural projection to utilize the size calculations for wall signs, provided certain design requirements are met and subject to the design review approval process.**

- 4) ***Modify setback requirements for monument signs.*** The existing regulations require setbacks for monument signs that are often larger than the setbacks for buildings. As a result, variances are often sought to locate monument signs closer to the property line. **The proposed ordinance reduces setbacks for monument signs to five feet.**
- 5) ***Modify requirements for vertical retail center signage.*** The vertical retail center signage regulations is a tool that is utilized for large retail centers that provides for flexibility in terms of the placement of signage. However, this tool is currently limited to buildings that are over 150,000 square feet. The City has recently approved some buildings for which this tool would have been useful. **The proposed ordinance reduces that limit for “vertical retail centers” from 150,000 square feet to 50,000 square feet of retail/restaurant uses.** This square footage is consistent for the threshold at which conditional use approval is required in most commercial districts.

Additionally, this section includes a no-variance provision. As a result, a project which might be able to utilize this section and need only one or two variances instead chooses to utilize the traditional signage options which may necessitate many more variances. As a result, removal of the no-variance provision for vertical retail centers may in fact reduce the need for variances overall. **The proposed ordinance removes the no-variance provision for “vertical retail center signage.”**

Additionally, the proposed ordinance relocates certain regulations for improved usability and internal consistency.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

Common Variances – Signage

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 138, ENTITLED "SIGNS," ARTICLE I, ENTITLED "IN GENERAL," AT SECTION 138-9, ENTITLED "YARD REQUIREMENTS," TO CLARIFY SIGN REQUIREMENTS; ARTICLE II, ENTITLED "DESIGN STANDARDS, WINDOW, AWNING, WALL, PROJECTION, AND DETACHED (MONUMENT) SIGNS," AT SECTION 138-16, ENTITLED "WALL SIGN," TO MODIFY LOCATION REQUIREMENTS AND INCORPORATE AND MODIFY SUPPLEMENTAL STANDARDS FOR WALL SIGNS; BY AMENDING SECTION 138-18, ENTITLED "PROJECTING SIGN," TO MODIFY REQUIREMENTS FOR PROJECTING SIGNS; BY AMENDING SECTION 138-19, ENTITLED "DETACHED SIGN," TO MODIFY SETBACK REQUIREMENTS FOR DETACHED SIGNS; AND BY AMENDING SECTION 138-22, ENTITLED "SUPPLEMENTAL STANDARDS," TO MODIFY SUPPLEMENTAL STANDARDS; BY AMENDING ARTICLE III, ENTITLED "SPECIFIC DISTRICT SIGN REGULATIONS," DIVISION 1, ENTITLED "SPECIAL SIGN REGULATIONS," AT SECTION 138-58, ENTITLED "VERTICAL RETAIL CENTER SIGNS," TO MODIFY REQUIREMENTS FOR SIGNAGE AT VERTICAL RETAIL CENTERS; AND BY AMENDING THE AFORESTATED SECTIONS TO ADDRESS THE FREQUENCY OF APPLICATIONS FOR COMMONLY SOUGHT VARIANCES RELATED TO SIGNAGE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

WHEREAS, the City has observed that a large number of variances from certain code sections are routinely sought as part of land development applications; and

WHEREAS, the City has analyzed these variance applications, which are frequently sought and granted; and

WHEREAS, the granting of such variances has no negative impact on surrounding areas; and

WHEREAS, the City has determined that amendments to the land development regulations to reduce the need for such variances are warranted; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

Section 1. That Chapter 138, entitled "Signs," Article I, entitled "In General," is hereby amended as follows:

CHAPTER 138

SIGNS

ARTICLE I. - IN GENERAL

* * *

Sec. 138-9. - Yard requirements.

- (a) Unless otherwise specified in these regulations, all signs shall comply with the yard requirements of the district in which they are located.
- (b) No sign, portable or otherwise, is to be placed or located to conflict with the vision clearance requirements of section 142-1135.
- ~~(c) Detached signs shall have the following setback requirements:~~
- ~~(1) Front yard: Ten feet.~~
 - ~~(2) Interior side yard: Seven and one-half feet.~~
 - ~~(3) Side yard facing a street: Ten feet.~~

Section 2. That Chapter 138, entitled "Signs," Article II, entitled "Design Standards, Window, Awning, Wall, Projection, and Detached (Monument) Signs," is hereby amended as follows:

Chapter 138 – SIGNS


* * *

ARTICLE II. - DESIGN STANDARDS, WINDOW, AWNING, WALL, PROJECTING, AND DETACHED (MONUMENT) SIGNS

* * *

Sec. 138-16. - Wall sign.

Wall signs are signs attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 12 inches from the building wall. Such signs shall be governed by the following chart:

| Wall Sign Design Standards per District | | | |
|---|---|--|-----------------------|
| | Zoning Districts | | |
|  | CD (1-3) C-PS (1-4) I-1 MXE TC (C, 1-2) RM-3 HD MR | RM (1-2) R-PS (1-4) RO TC-3 RM-PS1 TH WD (1-2) | RS (1-4) SPE GC |

| | | | |
|---|---|---|---|
| Maximum area calculation percentage | 0.75 square feet for every foot of linear frontage, with a minimum of <u>15 square feet permissible, regardless of linear frontage.</u> | 0.33 square feet for every foot of linear frontage, with a <u>minimum of 20 square feet permissible, regardless of linear frontage.</u> | |
| Maximum area (Signs shall not exceed this area, regardless of the maximum area calculation.) | <ul style="list-style-type: none"> • Max.: 100 square feet • Min.: 15 square feet | <ul style="list-style-type: none"> • Max.: 30 square feet • Min.: 20 square feet | GC and SPE: 30 square feet RS (1-4): Two square feet |
| Height restrictions | Shall not be located above ground floor. <u>Notwithstanding the foregoing, on buildings with two or more floors, signage may be located above the first floor, provided that the signs above the ground floor shall not exceed the size limitations on the ground floor, subject to the review and approval of the design review board or historic preservation board, as applicable.</u> | | |
| Maximum quantity per frontage | Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest maximum permitted area | One <u>(1)</u> wall, projecting or detached | One <u>(1)</u> |
| Accessory use | <ul style="list-style-type: none"> • Maximum 75% of main use sign, or 20 square feet, whichever is less • For uses located in hotel and apt. buildings, must have direct access to street/sidewalk; follows same regulations as main permitted use | | Not permitted |
| Special conditions | Corner buildings may provide one combined sign instead of the two (2) permitted signs. This sign shall be located on the corner of the building visible from both streets and shall have a maximum size of 40 square feet. | | Residential use: Copy limited to address and name of building |
| Supplemental standard <u>Building identification</u> | Hotels, apartments-hotels, and commercial buildings two stories or higher may be permitted one building identification sign <u>above the roofline for each façade facing a public right-of-way or waterway</u> , with an area not to exceed one percent of the <u>wall-façade</u> area on which it is placed. The placement and design | | |

| | | | |
|--|---|--|--|
| | of the sign shall be subject to approval through the design review process. | | |
|--|---|--|--|

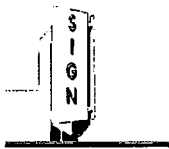
*

*

*

Sec. 138-18. - Projecting sign.

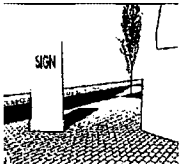
Projecting signs are signs attached to and projecting more than 12 inches from the face of a wall of a building. This includes marquee signs. A projecting sign which extends more than 36 inches above a roof line or parapet wall shall be designated as a roof sign. Such signs shall be governed by the following chart:

| Projecting Sign Design Standards per District | | | | |
|--|---|--|-----------------------|---------------|
| | Zoning Districts | | | |
|  | CD (1-3) C-PS (1-4) I-1 MXE TC (C, 1-2) RM-3 HD MR | RM (1-2) R-PS (1-4) RO TC-3 RM-PS1 TH WD (1-2) | RS (1-4) SPE GC | |
| Maximum area | 15 square feet | | | Not permitted |
| Height restrictions | • Minimum nine feet per subsection 82-411(b) | | | |
| Maximum quantity per frontage | Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest maximum permitted area | One (1) wall, projecting or detached | | |
| Accessory uses | | Main permitted use | | |
| <u>Building identification</u> | <u>Hotels, apartments-hotels, and commercial buildings two stories or higher may be permitted one building identification sign for each façade facing a public right-of-way or waterway, with an area not to exceed one percent of the façade area on which it is placed. The placement and design of the sign shall be subject to approval through the design review or certificate of appropriateness process, as applicable.</u> | | | |
| Special conditions | • May be illuminated by an external lighting source through design review • Not permitted in HD | | | |

| | | | |
|--|---|--|--|
| | <ul style="list-style-type: none"> • <u>For buildings with horizontal architectural projections (such as an eyebrow or architectural awning) immediately above the ground floor, the size calculations for wall signs may be utilized for the projecting sign, provided the following conditions are met:</u> <ol style="list-style-type: none"> (1) <u>Approval shall be subject to approval through the design review or certificate of appropriateness process, as applicable.</u> (2) <u>The sign shall be mounted to the applicable projection.</u> (3) <u>The sign shall consist of individual letters.</u> (4) <u>Raceways and wireways shall be concealed from view of the public right-of-way.</u> (5) <u>The sign shall not be located directly in front of windows.</u> (6) <u>Sign letters shall consist of aluminum or similar alloy and shall have a minimum depth of four (4) inches.</u> (7) <u>Sign letters shall be open face with exposed neon or similar lighting, or reverse channel letters.</u> (8) <u>Compatible signage design is utilized for all signs on a single building.</u> | | |
|--|---|--|--|

Sec. 138-19. - Detached sign.

Detached signs are signs not attached to or painted on a building but which are affixed to the ground. A sign attached to a surface detached from a building, such as a fence or wall, shall be considered a detached sign. All sides of a detached sign displaying signage will be calculated towards the max area. Such signs shall be governed by the following chart:

| Detached Sign Design Standards per District | | | |
|---|---|--|-----------------------|
| | Zoning Districts | | |
|  | CD (1-3) C-PS (1-4) I-1 MXE TC (C, 1-2) RM-3 HD MR | RM (1-2) R-PS (1-4) RO TC-3 RM-PS1 TH WD (1-2) | RS (1-4) SPE GC |
| Maximum area | • 15 square feet • <u>five (5)</u> feet if on perimeter wall | • 15 square feet • if sign setback 20 feet | Not permitted |

| | | | |
|---------------------------|--|--|--|
| | | from property line, maximum area may reach 30 square feet • <u>five (5)</u> feet if on perimeter wall | |
| Height Restrictions | <ul style="list-style-type: none"> • Five <u>(5)</u> feet maximum • Height may be permitted to exceed the maximum through the design review process. However, at no time shall height exceed ten <u>(10)</u> feet | | |
| Max Quantity per Frontage | Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest max permitted area | One <u>(1)</u> Wall, Projecting, or Detached | |
| Setback Requirements | <ul style="list-style-type: none"> • Front yard: Ten feet <u>five (5) feet.</u> • Interior side yard: Seven and one-half <u>(7 ½)</u> feet. • Side yard facing a street: Ten feet <u>five (5) feet.</u> • Perimeter wall sign: <u>zero (0)</u> feet. | | |
| Accessory Use | Main permitted use | | |
| Special Conditions | Not permitted in MXE | • In RO, maximum area ten square feet | |

*

*

*

Sec. 138-22. –Supplemental standards.

- (a) Wall signs which meet the following additional design specifications may be increased in size from 0.75 square feet per linear feet of store frontage to one square foot per linear feet of store frontage (up to the maximum size permitted in section 138-17):
- (1) The sign shall consist of individual letters, and shall be pin-mounted or flush-mounted (no raceways or wireways).
 - (2) Sign letters shall consist of aluminum or similar alloy, and shall have a minimum depth of ~~six~~ four (4) inches.
 - (3) Sign letters shall be open face with exposed neon or similar lighting, or reverse channel letters.

SECTION 3. That Chapter 138, entitled “Signs,” Article III, entitled “Specific District Sign Regulations,” Division 1, entitled “Special Sign Regulations,” is hereby amended as follows:

Chapter 138 – SIGNS

*

*

*

ARTICLE III. - SPECIFIC DISTRICT SIGN REGULATIONS

DIVISION 1. - SPECIAL SIGN REGULATIONS

*

*

*

Sec. 138-58. - Vertical retail center signs.

(a) Definitions.

- (1) A vertical retail center means a commercial building with a minimum of 450,000 ~~gross square footage~~ feet of floor area, for retail, restaurant, food market, or personal fitness center, exclusive of floor area for excess parking and, ~~including multiple commercial uses that are located above the ground floor.~~ This definition shall not include buildings that are predominantly office or nonretail uses.
- (2) An eligible use in a vertical retail center is a use with a minimum of 12,500 square feet that shall be retail, restaurant, food market or personal fitness center.

(b) Criteria.

- (1) The center may have signs on only two street frontages, the location and configuration of which shall be subject to design review approval. The cumulative sum of the sign areas on a facade, including corners, approved under this provision, shall be up to five percent of the building facade on which they are located. Signs located on a building corner shall be up to five percent of the smallest adjoining building facade, subject to design review or historic preservation board approval, whichever has jurisdiction.
- (2) The center shall have no more than six (6) business identification signs in each permitted facade or corner. Each business identification sign shall not occupy more than one percent of the wall area.
- (3) An eligible use in a vertical retail center may, subject to the limitations contained in (b)(2) above, have no more than two business identification signs on the external walls or projections of the center, exhibiting the name of the establishment and/or its brand identifying logo only. Individual capital letters shall not exceed four feet six inches in height.
- (4) A vertical retail center may have a roof-top project identification sign, not including the name of any tenant of the project, in the sole discretion of the design review and/or historic preservation boards, whichever by law has jurisdiction.
- (5) Project entrance identification signs for the center are allowed. A project entrance identification sign may be wall mounted or projecting and may be located immediately adjacent to each vehicular or pedestrian entry to the project. Such signs may be up to 30 square feet in total sign area and may not exceed ten feet in overall height, subject to design review approval.
- (6) Ground floor retail signage shall be as permitted in sections 138-16 and 138-18, one sign per store. In addition to the above, any retail use greater than 40,000 square feet on the ground floor may have one additional wall or double-faced projecting sign, not to exceed 175 square feet, subject to design review approval.
- (7) Project directory signs for a vertical retail center may be located inside the center near each vehicular or pedestrian entrance to the project, not visible from the right-of-way. These signs may be no more than 18 square feet in signage area per sign face and wall mounted or freestanding. Such project directory signs may list all tenants on all floors within the center and have a "You are Here" type map to orientate guests and visitors.

- (8) Uses in vertical retail centers may also have business identification signs on interior walls, not visible from the right-of-way.
- (9) The design review board, or historic preservation board, whichever by law has jurisdiction, shall approve a sign master plan for the center prior to the issuance of any sign permit. The appropriate board shall have design review authority over all signs above ground level; building and planning staff may approve all signs at ground level, as well as any replacement signage for new occupants within the previously approved sign areas, provided the same are otherwise in compliance with the criteria set forth herein.
- ~~(10) There shall be no variances from this section.~~

SECTION 4. Repealer.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 5. Codification.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 6. Severability.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 7. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2019.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney

Date

First Reading: October 16, 2019

Second Reading: October 30, 2019

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

F:\PLAN\SPLB\2019\9-24-19\PB19-0315 - ORD - Common Variances - Signage\PB19-0315 -
Common Variance Requests - Signage - PB ORD.docx