

Common Variances – Signage

ORDINANCE NO. _____

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 in connection with land development applications; and

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

WHEREAS, the approval 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. Chapter 138, entitled "Signs," Article I, entitled "In General," is hereby amended as follows:

**CHAPTER 138
SIGNS**

ARTICLE I. - IN GENERAL

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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

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

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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.)	• Max.: 100 square feet • Min.: 15 square feet	• 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	• 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 Building identification	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.		
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Sec. 138-18. - Projecting sign.

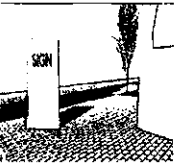
Projecting signs are signs attached to and projecting more than 12 inches from the face of a wall of a building. This includes marquee signs. A projecting sign which extends more than 36 inches above a roof line or parapet wall shall be designated as a roof sign. Such signs shall be governed by the following 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			
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, apartment-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>			Not permitted
Special conditions	• May be illuminated by an external lighting source through design review • Not permitted in HD			

	• <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> (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>	
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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	• 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	• 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

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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

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ARTICLE III. - SPECIFIC DISTRICT SIGN REGULATIONS

DIVISION 1. - SPECIAL SIGN REGULATIONS

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

(a) Definitions.

- (1) A vertical retail center means a commercial building with a minimum of 150,000 ~~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

22 Oct 10/8/18
City Attorney Date

First Reading: October 16, 2019

Second Reading: October 30, 2019

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