

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING TO CONSIDER GRANTING WAIVERS OF CERTAIN DEVELOPMENT REGULATIONS, BY A 5/7THS VOTE OF THE CITY COMMISSION, PURSUANT TO CITY CODE SECTION 142-425(D), FOR BAYSHORE PARK; IN ORDER TO WAIVE REQUIREMENTS IN CITY CODE SECTIONS 138-4(3) AND 138-19 APPLICABLE TO SIGN SIZE, DESIGN, AND LOCATION, IN ORDER TO INSTALL THE PROPOSED BANYAN TREE-INSPIRED MONUMENT SIGNS AT THE FOUR KEY ENTRANCES TO THE PARK.

WHEREAS, on December 9, 2015, the Mayor and City Commission adopted Resolution No. 2015-29234, authorizing the Administration to enter into negotiations and, if successful, execute a Professional Services Agreement with the firm of Savino Miller Design Studio, P.A. (Consultant), to provide professional services for the planning, design, bid, award, and construction administration of the new Bayshore Park, at 2795 Prairie Avenue (former Par 3); and

WHEREAS, the approximately 20-acre Bayshore Park is bordered by 28th Street to the North, Prairie Avenue to the West, and Pine Tree Drive to the East; and

WHEREAS, the scope of the proposed improvements to Bayshore Park includes a central lake, open meadows and informal open play field areas, site grading, pavilion, six (6) tennis courts with restroom facilities, children's playground, dog park, boardwalk and pathways, security lighting, vita course and fitness cluster, butterfly garden, linear water feature, and parking lot; and

WHEREAS, landmark specimen trees and pastoral spaces will be preserved in the passive park; and

WHEREAS, on June 24, 2020, the Mayor and City Commission approved additional services associated with the proposed Bayshore Park improvements, including the design of park identification signage; accordingly, the Consultant has prepared designs for four (4) monument signs for the new Bayshore Park; and

WHEREAS, the monument signs will be placed at four (4) different access locations within the park, as depicted on Exhibit A; and

WHEREAS, the design concept for the monument signs, as depicted in Exhibit B, is inspired by the existing park site's banyan trees, and is in scale with the proposed park characteristics and the surrounding neighborhood; and

WHEREAS, the park's entrance monument signs are proposed to be fabricated with a laser cut aluminum metal installed over a concrete base; and

WHEREAS, additionally, illumination will be installed in the back of the sign to create a dramatic silhouette, and avoid light trespass towards the residential neighborhood; and

WHEREAS, the Bayshore Park property is zoned as Government Use (GU), and predominantly surrounded by single-family residential (RS) zoning; and

WHEREAS, City Code Section 142-425 provides that the “development regulations (setbacks, floor area ratio, signs, parking, etc.) in the GU government use district shall be the average of the requirements contained in the surrounding zoning districts”; and

WHEREAS, the City’s RS zoning district regulations are restrictive as to commercial signage or other identifying markers; and

WHEREAS, the three signs proposed to be installed along the rights-of-way that abut the RS district to the north and west are not permitted as “monument signs”; and

WHEREAS, City Code Section 138-4 allows for certain signs to be exempt from sign permit requirements, regardless of the zoning district, such as traffic signs, historical markers, and signs directing and guiding pedestrians; and

WHEREAS, traffic and parking signs are permitted on private property up to two (2) square feet; and

WHEREAS, the park’s entrance monument signs have a unique branded design, and are relatively large in scale; and

WHEREAS, absent a waiver of development regulations, each of these three signs would require a variance from the sign regulations in the Land Development Regulations; and

WHEREAS, Bayshore Park is currently zoned Government Use (GU), and open to the general public; therefore, pursuant to City Code Section 142-425(d), the City Commission may waive by five sevenths vote (5/7ths), following a duly noticed public hearing advertised in the newspaper at least fifteen (15) days prior to the hearing, development regulations “pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes”; and

WHEREAS, in order to install these decorative park monument signs, waivers from the following Development Regulations are required; and

WHEREAS, City Code Section 138-4(3) exempts from sign permit requirements “[s]igns directing and guiding pedestrians and traffic and parking on private property but bearing no advertising matter and not exceeding two square feet in area”; and

WHEREAS, the proposed size of the signs requires a waiver from City Code Section 138-4(3), as follows:

- a. Park entrance monument Sign 1, Type A, at a height of 5’-6”, with an area of 88 SF, to be installed inside the park property, at a 0’ setback along Prairie Avenue (RS-4). City Code Section 138-4(3) permits a sign area of 2 SF. (A waiver to exceed the maximum sign area by 86 SF is needed.)
- b. Park entrance monument Sign 2, Type B, at a height of 9’-6”, with an area of 23.75 SF to be installed inside the park property, at a 0’ setback along Prairie Avenue (RS-4).

City Code Section 138-4(3) permits a sign area of 2 SF. (A waiver to exceed the sign area by 21.75 SF is needed.)

- c. Park entrance monument Sign 3, Type B, at a height of 9'-6", with an area of 23.75 SF to be installed inside the park property, at a 0' set back along 28th Street (RS-4). City Code Section 138-4(3) permits a sign area of 2 SF. (A waiver to exceed the sign area by 21.75 SF is needed); and

WHEREAS, the sign along Pine Tree Drive, designed in scale with the others, can be analyzed under the sign regulations as a "monument sign," which is permitted within the RM-1 zoning district subject to setback and size restrictions; and

WHEREAS, therefore, the proposed design and location would require a waiver from the regulations in City Code Section 138-19 that regulate detached signage throughout the City; and

WHEREAS, as listed below, the requested waiver would allow construction of park entrance signage in the remaining fourth (4th) key access area to the Park; and

WHEREAS, City Code Section 138-19, entitled "Detached Signs," provides that detached signs are signs not attached to or painted on a building, but which are affixed to the ground. These signs are not permitted within the Residential (RS) zoning district; and

- a. Detached Park entrance monument Sign 4, Type B, at a height of 9'-6", with an area of 23.75 SF to be installed, at a setback of 10'-3", inside the park property, along Pine Tree Drive (RM-1). City Code Section 138-19 permits a sign area of 15 SF. (A waiver to exceed the sign area by 8.75' SF is needed.)

WHEREAS, the Administration recommends that the City Commission approve the Resolution.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby set a public hearing to consider granting waivers of certain development regulations, by a 5/7ths vote of the City Commission, pursuant to City Code Section 142-425(d), for Mayshore Park, in order to waive requirements in City Code Sections: 138-4(3) and 138-19 applicable to sign size, design, and location, in order to install the proposed banyan tree-inspired monument signs at the four key entrances to the park.

PASSED and ADOPTED this _____ day of _____, 2020.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

**APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION**

[Signature] 01/22/2020
for City Attorney NK Date