

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: November 21, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0174. Electronic Graphics and images.**

REQUEST

PB 17-0174. Electronic Graphics and images. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 138, "SIGNS," ARTICLE VI, "SPECIFIC USE SIGNS," AT SECTION 138-204, "NON-COMMERCIAL GRAPHICS AND IMAGES," BY MODIFYING THE EXISTING REGULATIONS FOR ELECTRONIC GRAPHICS AND IMAGES; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION:

Transmit the Ordinance to the City Commission with a favorable recommendation.

HISTORY

On October 18, 2017, at the request of Commissioner Joy Malakoff, the City Commission dually referred this item to the Land Use and Development Committee and the Planning Board.

On October 30, 2017, the Land Use and Development Committee recommended that the Planning Board transmit the proposed ordinance to the City Commission with a favorable recommendation. Commissioner Micky Steinberg and Vice-Major John Elizabeth Aleman are the co-sponsors of the item.

REVIEW CRITERIA

In accordance with Section 118-163(3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

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

Consistent – The proposed modifications are 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.**

Consistent – The proposed Ordinance will not change district boundaries.

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

Consistent – The proposed Ordinance is not out of scale with needs of the neighborhood.

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

Consistent – The proposed Ordinance will not increase the intensity or density of development.

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

Not Applicable – The proposed Ordinance will not change district boundaries.

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

Consistent – Due to concerns over the size of electronic graphics that may be approved by the Historic Preservation Board or Design Review Board, passage of the proposed change is necessary.

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

Consistent – The proposed change should 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 have any impact the levels of service set forth in the Comprehensive Plan.

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

Consistent – The proposal will not reduce light and air to adjacent properties,

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 proposal should not be a deterrent to the improvement or development of adjacent property.

- 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.**

Not Applicable – The proposal is not related to the impacts of sea level rise.

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

Not Applicable – The proposal will not impact 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.**

Not Applicable –

ANALYSIS

In 2016, the City Commission adopted an Ordinance amendment that reorganized and revised the signage section of the City Code in order to ensure compliance with recent US Supreme Court precedent. The revisions also included modifications to reduce the number of variances, and generally increased the overall signage area allowed. As part of these modifications, updates to the existing code regarding artistic or super graphics were also incorporated to include electronic images as part of an allowable super graphic. Prior to this change, projected or illuminated still/changing images were not allowed, and the overall size of an artistic or super graphic was subject to the review of the Design Review Board or Historic Preservation Board, as applicable.

Since the City Code was amended to allow electronic super graphics, only one project, located on Alton Road, has received approval from the Design Review Board for the construction of an illuminated super graphic. The attached Ordinance would remove the ability of the DRB or HPB to approve an electronic artistic or super graphic in excess of 100 square feet when facing a

street or sidewalk. Limiting the size to 100 square feet facing a street for electronic super graphics will ensure that such graphics will not overwhelm the character of the City's neighborhoods.

Additionally, pursuant the recommendation of the Land Use and Development Committee, the text pertaining to the proximity and visibility from a residential zoning district has been clarified.

RECOMMENDATION

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

TRM/MAB/AG

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DIGITAL SUPERGRAPHICS – SIZE LIMITS

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 138, "SIGNS," ARTICLE VI, "SPECIFIC USE SIGNS," AT SECTION 138-204, "NON-COMMERCIAL GRAPHICS AND IMAGES," BY MODIFYING THE EXISTING REGULATIONS FOR ELECTRONIC GRAPHICS AND IMAGES; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the American Planning Association (APA) recognizes that signs are an integral part of the character of a neighborhood, and being such, special care should be taken in the regulation and design of signs; and

WHEREAS, signs serve an important purpose in identifying businesses, commerce, buildings and sites; and

WHEREAS, when properly designed and executed, signage can also accentuate the architecture of a building or structure; and

WHEREAS, collectively, signage is a key component in place-making, giving an area a distinct feel. Signs are often times used informally as wayfinding landmarks, giving resident and visitors alike, a visual reference point to which be guided by; and

WHEREAS, substandard sign regulations and poor sign design can negatively impact a neighborhood, contribute to urban blight and deter potential quality business; and

WHEREAS, land development regulations should require appropriate signage in terms of overall size, placement and dimensions; and

WHEREAS, additionally, sign regulations should promote, not constrict, design creativity; and

WHEREAS, as noted in literature from the APA: *"Care in the design of signs- both public and private-is seen as a part of a larger effort in improving the quality of various places within a community;"* and

WHEREAS, the enforcement of sign regulations and design guidelines should be simple and straight to the point.

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

SECTION 1. Chapter 138 of the City Code, entitled "SIGNS," including all articles, all divisions and all sections, are hereby amended as follows:

CHAPTER 138

SIGNS

ARTICLE VI. - SPECIFIC USE SIGNS

* * *

Sec. 138-204. - Non-Commercial Graphics and Images.

(a) Non-electronic graphics and images. Artistic murals, graphics and images, composed of paint, tile, stone, or similar, non- electronic medium, which have no commercial association, may be applied to a building or structure, if approved by the design review board or historic preservation board, as applicable, in accordance with the applicable design review or certificate of appropriateness criteria.

(b) Electronic graphics and images. Artistic murals, graphics and images, including projected or illuminated still images and/or neon banding, composed of an electronic medium, which have no commercial association, may be installed on a building or structure, if approved by the design review board or historic preservation board, as applicable, in accordance with the applicable design review or certificate of appropriateness criteria. Additionally, such electronic graphics and images shall comply with the following:

- (1) Unless moving images are approved by the design review board or historic preservation board, as applicable, only still, non-moving, murals, graphics or images shall be permitted.
- (2) The maximum number of electronic murals, graphics or images shall not exceed two (2) per property.
- (3) ~~Unless a larger size is approved by the design review board or historic preservation board, as applicable, t~~The maximum size of an electronic mural, graphic or image shall not exceed 100 square feet when facing a street or sidewalk.
- (4) All such electronic murals, graphics or images shall only be permitted in commercial or mixed-use districts and shall not be visible from ~~permitted to face~~ a residential district.
- (5) A minimum distance separation of 1,500 feet shall be required from properties with electronic murals, graphics or images.
- (6) All such electronic murals, graphics or images shall either be reduced in illumination to a maximum of 250 nits or be turned off between the hours of 12:00 am and 7:00 am, seven (7) days a week.
- (7) There shall be no variances from the provisions of section 138-204(b).

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2018.

Mayor

ATTEST:

City Clerk

Underline denotes additions

~~Strike-through~~ denotes deletions

First Reading: December 13, 2017

Second Reading: January ____, 2018

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

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