

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: March 27, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 18-0195. MODIFICATIONS TO ARTISTIC MURALS AND
SUPERGRAPHICS**

REQUEST

PB 18-0195. MODIFICATIONS TO ARTISTIC MURALS AND SUPERGRAPHICS. 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 NON-COMMERCIAL 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 former Commissioner Joy Malakoff, the City Commission dually referred a discussion item to the Land Use and Development Committee and the Planning Board, pertaining to limits on the size of digital super graphics. On October 30, 2017, the Land Use Committee discussed the item and recommended that the Planning Board transmit a proposed ordinance limiting the size of electronic super graphics to the City Commission with a favorable recommendation. Additionally, at the October 30, 2017 Land Use Committee meeting, a separate discussion pertaining to non-electronic super graphics was continued to the December 11, 2017 LUDC meeting.

On December 11, 2017, the Land Use Committee discussed the item and directed staff to prepare a draft ordinance pertaining to limits on static murals, with City Commission approval required for larger murals, and continued the item to the February 2018 LUDC meeting. On February 21, 2018 the Land Use Committee discussed the draft Ordinance prepared by staff and recommended that the City Commission refer the proposal, with the following modifications, to the Planning Board:

1. Apply the same 100 square foot size limit for electronic murals and super graphics to

1. Apply the same 100 square foot size limit for electronic murals and super graphics to static murals and super graphics; a proposal in excess of 100 square feet would require City Commission approval.
2. Include criteria for artist 'signatures'.

On March 7, 2018, the City Commission referred the ordinance to the Planning Board for consideration and recommendation.

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 ordinance amendment 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.**

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 will not affect the overall scale of development and is not out of scale with the needs of the neighborhood.

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

Consistent – The proposed change will not tax the existing 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 Ordinance will not change district boundaries.

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

Consistent – The need to protect neighborhoods from the impacts of large murals and supergraphics makes passage of the proposed change 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 create or increase traffic congestion.

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.

Partially Consistent – The proposal does affect some areas that are vulnerable 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 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.

BACKGROUND

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 Ordinance removing the ability of the DRB or HPB to approve an electronic artistic or super graphic in excess of 100 square feet was adopted by the City Commission on February 14, 2018.

PLANNING ANALYSIS

The attached draft Ordinance would create limits on the overall size of static (non-electronic) murals, graphics and images. Specifically, as drafted, there could be no more than two (2) murals per property, and the aggregate area of all murals would be limited to 100 square feet. Any mural or supergraphic in excess of 100 square feet would require City Commission approval.

The proposed Ordinance would also apply the same size standards to electronic murals and supergraphics. Additionally, a no variance provision, as well as criteria for artist 'signatures' is included.

RECOMMENDATION

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

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