

**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.**

**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; and

**WHEREAS**, 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

**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. Additionally, such murals, graphics and images shall comply with the following:

- (1) The maximum number of any combination of murals, graphics or images shall not exceed the total aggregate of two (2) per property.
- (2) The maximum aggregate size of any mural, graphic or image shall not exceed 100 square feet, unless otherwise approved by the City Commission by Resolution.
- (3) Any signature of, or attribution to, the mural designer or artist shall not exceed two (2) square feet and shall be located at the bottom of the image.
- (4) There shall be no variances from the provisions of this subsection 138-204(a).

(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) The maximum size of an electronic mural, graphic or image shall not exceed 100 square feet, unless approved by resolution adopted by a majority vote of the City Commission.
- (4) All such electronic murals, graphics or images shall only be permitted in commercial or mixed-use districts and shall not be visible from 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 this subsection 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.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Micky Steinberg)  
(Co-sponsored by Commissioner John Elizabeth Aleman)

Underline denotes additions  
~~Strike through~~ denotes deletions

First Reading: April 11, 2018  
Second Reading: May 16, 2018

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*[Signature]*  
\_\_\_\_\_  
City Attorney  
*[Signature]*  
\_\_\_\_\_  
Date  
3-26-18