

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: March 26, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB18-0260. Signage requirements for temporary businesses and sign code amendments for the TC-C zoning district.**

REQUEST

PB 19-0260. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 138, ENTITLED "SIGNS," ARTICLE VI, ENTITLED "SPECIFIC USE SIGNS," BY CREATING SECTION 138-205, ENTITLED "SIGNAGE FOR TEMPORARY BUSINESSES," ESTABLISHING REGULATIONS FOR SIGNAGE ASSOCIATED WITH THE OPERATION OF A TEMPORARY BUSINESS; AND AMENDING ARTICLE II, ENTITLED "DESIGN STANDARDS, WINDOW, AWNING, WALL, PROJECTING, AND DETACHED (MONUMENT) SIGNS," AT SECTIONS 138-16, ENTITLED "WALL SIGN," SECTION 138-18, ENTITLED "PROJECTING SIGN," AND SECTION 138-19, ENTITLED "DETACHED SIGNS," TO CLARIFY SIGNAGE REQUIREMENTS FOR THE TOWN CENTER-CENTRAL CORE (TC-C) ZONING DISTRICT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

HISTORY

On January 16, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the proposed ordinance amendment to the Land Use and Development Committee and Planning Board (Item R5B).

The Land Use and Development Committee reviewed and recommended approval of the proposed amendment on February 20, 2019.

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when 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 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.**

Not applicable – The proposed amendment does not modify district boundaries.

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

Consistent - The proposed ordinance amendment is not out of scale with the surrounding neighborhood.

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

Consistent – The proposed ordinance will not affect the 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 amendment does not modify district boundaries.

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

Consistent – The proposed change is needed in order to provide signage regulations for the recently adopted 'Town Center – Central Core (TC-C) District', as well as to provide signage requirements for temporary 'pop-up' businesses.

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

Consistent – The proposed ordinance amendment will 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 from what is currently permitted.

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

Consistent – The proposed change will not reduce light and air to adjacent areas.

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 proposed change should not be a deterrent to the improvement or development of properties in the City.

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.**

Consistent – The proposal does affect 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.**

Consistent – 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 or in any way affect the City's sea level rise mitigation and resiliency efforts.

ANALYSIS

The City recently created a new process for review and approval of temporary 'pop-up' businesses, which will allow businesses to establish temporary pop-up uses in certain areas of the city. This is in addition to the city's current process for the issuance of temporary business tax receipts. Currently, the signage section of the city code has allowances for temporary signage for permanent businesses, but no provisions for temporary signage associated with a 'pop-up' business.

As proposed, the signage section of the city code will be modified to include specific requirements for temporary businesses as follows:

Sec. 138-205. – Signage for temporary businesses

- (a) Signage for businesses operating with a temporary business tax receipt or special events pop-up permit shall be restricted to those signs permitted explicitly within this section for the duration of the permit. For purposes of this section, the term temporary business shall mean a business operating with a temporary BTR or special events pop-up permit.*
- (b) Temporary businesses or pop-ups shall only have the following types of signs:*
 - 1. Window signage may cover a maximum 30 percent of the window storefront area, or 15 square feet, whichever is greater.*
 - 2. Under-awning or canopy signs as provided for in section 138-15 of this Code.*
- (c) Temporary businesses or pop-ups shall not be permitted to erect any wall, projecting, monument, or other exterior signage.*
- (d) All signage related to a temporary business or pop-ups shall be removed upon the expiration of the permit.*
 - 1. If/when a temporary business or pop-up has transitioned to operating with a regular business tax receipt, such operation shall no longer be regulated by this section, and all other applicable sections of this chapter shall apply to the business. To be retained, signage approved using this section shall comply with all other applicable sections of this code, including obtaining a separate planning and/or building permit.*

This Ordinance will allow temporary businesses to install signage within a storefront and/or with an awning or canopy, but would not allow the installation of a wall, projecting, monument, or other exterior signage. As such businesses may typically operate for a limited duration, such as 30 days, limiting the signage to easily installed window or awning signs is the most appropriate. Should the business later transition to a permanent business, at that time they would be allowed to install any signage allowed for a permanent business.

Lastly, minor amendments are proposed to the regulations for wall, projecting, and detached (monument) signs in order to add the TC-C district to the applicable zoning charts. On November 14, 2018 the City Commission adopted an ordinance creating the new 'Town Center – Central Core (TC-C) District'. However that ordinance did not include any updates to the signage code.

RECOMMENDATION

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

**SIGNAGE REQUIREMENTS FOR TEMPORARY BUSINESSES AND SIGN CODE
AMENDMENTS FOR THE TC-C ZONING DISTRICT**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 138, ENTITLED "SIGNS," ARTICLE VI, ENTITLED "SPECIFIC USE SIGNS," BY CREATING SECTION 138-205, ENTITLED "SIGNAGE FOR TEMPORARY BUSINESSES," ESTABLISHING REGULATIONS FOR SIGNAGE ASSOCIATED WITH THE OPERATION OF A TEMPORARY BUSINESS; AND AMENDING ARTICLE II, ENTITLED "DESIGN STANDARDS, WINDOW, AWNING, WALL, PROJECTING, AND DETACHED (MONUMENT) SIGNS," AT SECTIONS 138-16, ENTITLED "WALL SIGN," SECTION 138-18, ENTITLED "PROJECTING SIGN," AND SECTION 138-19, ENTITLED "DETACHED SIGNS," TO CLARIFY SIGNAGE REQUIREMENTS FOR THE TOWN CENTER-CENTRAL CORE (TC-C) ZONING DISTRICT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, 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, it is in the best interest of the City to promote safe and seemly commercial activity along vibrant business corridors devoid of empty storefronts and idle operations; and

WHEREAS, the City desires to assist temporary businesses by establishing regulations to allow for temporary business signage; and

WHEREAS, on November 14, 2018, the City Commission adopted Ordinance No. 2018-4224, amending the Land Development Regulations by establishing a new zoning district entitled "Town Center – Central Core (TC-C) District"; and

WHEREAS, the amendments below are necessary to create sign regulations for temporary business and for uses/properties located in the TC-C district.

WHEREAS, the amendments set forth below are necessary to accomplish 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 of the City Code, entitled "Signs," Article VI, "Specific Use Signs," is hereby amended as follows:

**CHAPTER 138
SIGNS**

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ARTICLE VI. -SPECIFIC USE SIGNS

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Sec. 138-205. – Signage for temporary businesses

- (a) Signage for businesses operating with a temporary Business Tax Receipt or Special Events Pop-up permit shall be restricted to those signs permitted explicitly within this section for the duration of the permit. For purposes of this section, the term *temporary business* shall mean a *business operating with a temporary BTR or Special Events Pop-up permit*.
- (b) Temporary businesses or Pop-ups shall only have the following types of signs:
 - 1. Window signage may cover a maximum 30 percent of the window storefront area, or 15 square feet, whichever is greater.
 - 2. Under-awning or canopy signs as provided for in section 138-15 of this Code.
- (c) Temporary businesses or Pop-ups shall not be permitted to erect any wall, projecting, monument, or other exterior signage.
- (d) All signage related to a temporary business or Pop-ups shall be removed upon the expiration of the permit.
 - 1. If/when a temporary business or Pop-up has transitioned to operating with a regular business tax receipt, such operation shall no longer be regulated by this section, and all other applicable sections of this chapter shall apply to the business. To be retained, signage approved using this section shall comply with all other applicable sections of this code, including obtaining a separate planning and/or building permit.

SECTION 2. Chapter 138, “Signs,” Article II, “Design Standards, Window, Wall, Projecting, and Detached (Monument) Signs,” is hereby amended as follows:

CHAPTER 138 SIGNS

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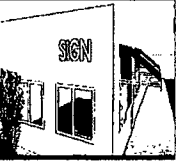
ARTICLE II. -DESIGN STANDARDS, WINDOW, AWNING, WALL, PROJECTING, AND DETACHED (MONUMENT) SIGNS

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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 percentage	0.75 square feet for every foot of linear frontage	0.33 square feet for every foot of linear frontage	
Maximum area	<ul style="list-style-type: none"> • Max.: 100 square feet • Min.: 15 square feet 	<ul style="list-style-type: none"> • 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		
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 wall, projecting or detached	One
Accessory use	<ul style="list-style-type: none"> • 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 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	Hotels, apartments-hotels, and commercial buildings two stories or higher may be permitted one building identification sign above the roofline, with an area not to exceed one percent of the wall 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.

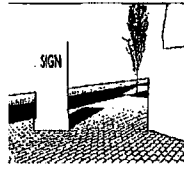
Projecting signs are signs attached to and projecting more than 12 inches from the face of a wall of a building. This includes marquee signs. A projecting sign which extends more than 36 inches above a roof line or parapet wall shall be designated as a roof sign. Such signs shall be governed by the following 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		Not permitted
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 wall, projecting or detached	
Accessory uses		Main permitted	

		use
Special conditions	<ul style="list-style-type: none"> • May be illuminated by an external lighting source through design review • No permitted in HD 	

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	<ul style="list-style-type: none">• 15 square feet• 5 feet if on perimeter wall	<ul style="list-style-type: none">• 15 square feet• if sign setback 20 feet from property line, maximum area may reach 30 square feet• 5 feet if on perimeter wall	Not permitted
Height Restrictions	<ul style="list-style-type: none">• Five feet maximum• Height may be permitted to exceed the maximum through the design review process. However at no time shall height exceed ten feet		
Max Quantity	Multiple signs for the same establishment may be permitted through the design review	One Wall, Projecting, or	

per Frontage	process if the aggregate sign area does not exceed the largest max permitted area	Detached
Setback Requirements	<ul style="list-style-type: none"> • Front yard: Ten feet • Interior side yard: Seven and one-half feet • Side yard facing a street: Ten feet • Perimeter wall sign: 0 feet 	
	*	*

SECTION 3. APPLICABILITY

The regulations and requirements held here within shall not apply to projects that have a valid Land Use Board Approval or have been issued a building permit process number.

SECTION 4. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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 reentered 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 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2019.

ATTEST:

Dan Gelber
Mayor

Rafael E. Granado
City Clerk

First Reading:
Second Reading:

APPROVED AS TO

FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: _____, 2019
Second Reading: _____, 2019

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

Underscore denotes new language
~~Strikethrough~~ denotes deleted language