

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: August 23, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **Ordinance Amendment - Signage**

REQUEST

PB16-0058. SIGNAGE. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE, BY STRIKING IN ITS ENTIRETY CHAPTER 138, "SIGNS," AND REPLACING IT WITH A NEW, MODIFIED CHAPTER 138, ENTITLED "SIGNS;" BY AMENDING AND MODIFYING ALL EXISTING REGULATIONS FOR ALL SIGNS IN ALL DISTRICTS, INCLUDING GENERAL REQUIREMENTS, EXEMPT SIGNS, PROHIBITED SIGNS, PERMITTED SIGNS, NON-CONFORMING SIGNS, SPECIFIC DISTRICT SIGNS, SPECIFIC CONDITION SIGNS, TEMPORARY SIGNS, AND ARTISTIC OR SUPER GRAPHICS; 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 February 10, 2016, at the request of Commissioner Arriola, the City Commission referred an ordinance amendment pertaining to signs to the Land Use and Development Committee (Item C4G).

On April 20, 2016, the Land Use Committee discussed the proposal and recommended that the City Commission refer the proposed ordinance to the Planning Board, Design Review Board and Historic Preservation Board for consideration and recommendation.

The Design Review Board reviewed the proposed changes on July 5, 2016.

The Historic Preservation Board reviewed the proposed changes on June 14, 2016. The Board's recommended changes have been included in the attached draft ordinance, as it pertains to Section 138-55. – Legal Nonconforming Signs.

On July 6, 2016, at the request of Commissioner Arriola, the City Commission referred an additional supplemental signage ordinance amendment pertaining to Section 138-204. – Artistic or super graphics (item C4D). This referral, including the proposed language, is provided as a separate attachment.

On July 27, 2016, the proposed ordinance amendment came before the Planning Board as a discussion item.

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 changes 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 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 will not modify the scale of development.

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

Consistent – The proposed will not modify the intensity of development.

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

Consistent – The proposed amendment does not modify district boundaries

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

Consistent – Changing conditions including the recent Supreme Court precedent, *Reed v. Town of Gilbert, Arizona*, 135 S.Ct. 2218 (2015), require an update of the signage code in order to enact content neutral temporary sign regulations.

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

Consistent – The proposed change 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.**

Partially 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 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 changes should not be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

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.

ANALYSIS

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. Signs serve an important purpose in identifying businesses, commerce, buildings and sites. When properly designed and executed, signage can also accentuate the architecture of a building or structure.

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. Concurrently, substandard sign regulations and poor sign design can negatively impact a neighborhood, contribute to urban blight and deter potential quality business. As such, land development regulations should require appropriate signage in terms of overall size, placement and dimensions. Additionally, sign regulations should promote, not constrict, design creativity. 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.”*

The enforcement of sign regulations and design guidelines should be simple and straight the point. This will allow for both city staff and applicants to have a clear understanding of what the regulations are and how they are applied. Chapter 138 of the Land Development Regulations (LDR's) provides the City's existing signage regulations and minimum design standards for private properties. Chapter 138 also deals with requirements for business signage, temporary signage, as well as prohibited signage. However, the layout of the chapter is cumbersome, repetitive, and difficult to navigate. Additionally, the chapter's design standards are minimal and often do not provide applicants with sufficient information to determine the intent of the regulations. As a result, this has necessitated a regulatory environment that is lengthy and complex.

The proposed draft ordinance would modify Chapter 138 of the LDR's, in order to improve the overall design of exterior building signage, as well as streamline the approval process. The

proposed modifications would complement the City's other efforts in streamlining the regulatory review process. The proposed draft ordinance revises the existing regulatory language, utilizing best practices in order to accomplish the following:

- Enhance, improve, and maintain the quality of signage throughout the city
- Promote sound urban design principles through the use of appropriate and well designed signage
- Improve the aesthetic appearance of new signs and maintain protections for designated historic signs
- Prevent future nonconforming signage.
- Reduce the number and type of sign variances being requested.
- Streamline the permitting processes with simplified and clearer regulations.

New Regulatory Charts

The proposed ordinance reorganizes Chapter 138, so that sections that complement one another are grouped together under the same Articles. The regulations and design standards for the different types of permissible non-temporary signs are all grouped together under Article II.

Article II is proposed to be modified in order to transfer information from a complicated table in section 138-172, to a series of condensed charts that carry all the pertinent information for the types of sign being sought. Each section describes the types of sign regulated by that chart, and provides regulations for signs in a more detailed and transparent fashion. Additionally, the charts contain graphics to better illustrate the individual sign types.

Substantive Modifications

The following is a summary of the substantive revisions proposed:

- 1) Currently the maximum area for wall signs is 30 SF (20 SF plus 1 SF for every 3 linear feet of frontage, up to a maximum of 30 SF).
 - For example, a business with 50 feet of frontage would be allowed the maximum area of 30 SF ($20 \text{ SF} + ((50-20)/3) = 30 \text{ SF}$).
 - A business with 100 feet of frontage would also only be allowed the maximum area of 30 SF.
 - A business with a frontage of 10 feet is allowed a minimum sign area of 20 SF.

As proposed, 0.75 SF of sign area would be allowed for every foot of linear frontage with a minimum of 15 SF and maximum of 100 SF. In the examples above the following changes would apply:

- A business with 50 feet of frontage would be allowed 37.5 SF (vs. 30 SF).
- A business with 100 feet of frontage would be allowed 75 SF (vs. 30 SF).
- A business with 10 feet of frontage would be allowed 15 SF (vs. 20 SF).

The above changes will allow business signage that is more in proportion to the size of the façade.

- 2) The maximum height for detached signs is currently subject only to Design Review or Certificate of Appropriateness approval. As proposed, the height is still subject to the same approval process, however the height cannot exceed 10 feet.
- 3) Signs for Cultural institutions temporary banners have been modified to reduce the maximum number per structure from three (3) to two (2), and the maximum size has been

- reduced from being solely subject to design review or certificate of appropriateness process, to 30 SF. However, the approval now is proposed to be done administratively as opposed having to be reviewed by the DRB or HPB.
- 4) Building I.D. signs within the RM-3 district are currently allowed with a wall area not exceed 1% of the façade area, subject to DRB or HPB approval. As proposed, building I.D. signs could be approved administratively.
 - 5) Currently within single family districts religious institutions, clubs, and schools are allowed a sign area of up to 30 SF, and schools within a multifamily district are allowed signs up to 30SF. As proposed, such uses would be permitted 30 square feet of aggregate signage area or the maximum allowed for the underlying zoning district, whichever is larger, subject to the design review or certificate of appropriateness process. Temporary signs would also be allowed, up to 30 SF, and one per street front, identifying a religious event or holiday. Such signs could be installed up to 30 days in advance of the holiday and can also include projected images.
 - 6) Section 138-55. – Legal nonconforming signs, has been rewritten in order to allow more flexibility in the retention of legal nonconforming signs, especially for areas which are not within a local or national register architectural district.
 - 7) On July 6, 2016, at the request of Commissioner Arriola, the City Commission referred an additional supplemental signage ordinance amendment pertaining to Section 138-204. – Artistic or super graphics (item C4D). This referral, including the proposed language, is provided as a separate attachment. Staff and the City Attorney's office is concerned with the ambiguity of the language as it pertains to city sponsored community fairs, or events, public information and 'recognized cultural/educational center of excellence'. Such language may open up the City to challenges regarding the regulation of the sign content, which could potentially result in widespread general advertising. Staff has recommended an alternate modification to the language, which is included in the draft ordinance, to allow projecting images as part of a super graphic, while maintaining the requirement that such images shall be non-commercial in nature.
 - 8) Lastly, the ordinance was reviewed to ensure compliance with recent United States Supreme Court precedent, *Reed v. Town of Gilbert, Arizona*, 135 S.Ct. 2218 (2015), which requires municipalities to enact content neutral temporary sign regulations. In this regard, the regulations for temporary signs, including real estate, construction, election/free speech signs have been consolidated to ensure the same setback, height and other regulations for these signs. All prior regulations regarding specific content requirements have been removed.

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.

TRM/MAB