

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: September 27, 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.

On August 23, 2016, the Planning Board transmitted the Ordinance to the City Commission with a favorable recommendation. Because of an oversight in the ordinance language, a slightly revised ordinance is back before the Board for consideration and recommendation, as further outlined in the analysis below.

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

On August 23, 2016, the Planning Board (by a 6-0 vote) transmitted the proposed Ordinance with modifications to the City Commission with a favorable recommendation. The substantive modifications are described below:

- Section 138-16: The current regulations regarding maximum sign area were retained for lower and medium intensity residential districts (with a maximum allowable sign area of 30 square feet), and the increased area for signage was limited to commercially zoned properties and high intensity residential districts (with a maximum allowable sign area up to 100 square feet).
- Section 138-55: It was clarified that in order to reconstruct a non-conforming roof or pole sign in an historic district, the site where the sign is reconstructed must contain at least one contributing building on the site.
- Section 138-33: Height regulations for temporary signs was made the same for both single family and multifamily residential districts.
- Section 138-139: It was clarified that projected images for a special events for Cultural Institutions must cease display of such events one day after the event.
- Section 138-204: A provision was added that illuminated super graphics shall not be permitted in or facing a residential district.

After the Planning Board review of the ordinance, an oversight in the proposed legislation was identified. In this regard, between the March 30, 2016 and the April 20, 2016 meetings of the Land Use Committee, two (2) new sections of the original draft legislation were inadvertently omitted from the draft ordinance that the Land Use Committee reviewed and endorsed on April 20, 2016;

consequently, these were also omitted from the draft version endorsed by the Planning Board on August 23, 2016.

These 2 sections include important design criteria and incentives, which was part of the original direction from the initial referral, and they specifically address incentivizing unique and architecturally creative signage. The following are the specific new sections proposed:

Sec. 138-21 – Minimum Design Standards & Guidelines. *All signs permissible within this article shall comply with the following minimum design standards:*

- a) The framework and body of all signs shall consist of aluminum or similar alloy material.*
- b) Wall signs shall consist of individual letters, or routed out aluminum panels offset a minimum of 4 inches from the wall.*
- c) Wall sign individual letters shall have a minimum depth of 4 inches.*
- d) Wall sign individual letters shall be pin-mounted or flush-mounted. Raceway or wireway mounting shall only be permitted where the structural conditions of the wall do not allow for the direct mounting of letters. Raceways or wireways, if permitted, shall not exceed the width or height of the sign proposed and shall be subject to the design review process.*
- e) The placement and location of all signs shall be compatible with the architecture of the building, and shall not cover or obscure architectural features, finishes or elements.*

Sec. 138-22 – Supplemental Standards.

- (a) Wall signs which meet the following additional design specifications may be increased in size from 0.75 sq. ft. per linear feet of store frontage to 1 sq. ft. per linear feet of store frontage (up to the maximum size permitted in Sec 138-17):*
 - 1. The sign shall consist of individual letters, and shall be pin-mounted or flush-mounted (no raceways or wireways).*
 - 2. Sign letters shall consist of aluminum or similar alloy, and shall have a minimum depth of 6 inches.*
 - 3. Sign letters shall be open face with exposed neon or similar lighting, or reverse channel letters.*

The proposed allowance to increase the sign area for wall signs, provided that certain design conditions are met, is a substantial change that potentially allows for an increased sign area allowed of 1 sf per 1 linear foot of storefront rather than the .75 sf per linear foot that the Planning Board reviewed and recommended in favor of. Although the incentives allow for a potentially larger sign, the overall size will still be subject to compliance with the design review or certificate of appropriateness criteria, as determined by staff, the DRB or HPB as applicable. In light of this, the ordinance was re-advertised for consideration and recommendation by the Planning Board. The City Commission is scheduled to review the ordinance on September 27, 2016 after the scheduled Planning Board meeting.

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