



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Kathie G. Brooks, Interim City Manager

DATE: March 13, 2013

SUBJECT: **REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE DISCUSSION REGARDING AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS TO REGULATE TEMPORARY BUSINESS SIGNS ON PUBLIC PROPERTY**

### RECOMMENDATION

The City Manager recommends that the City Commission approve the referral of a draft ordinance (attached), to the Land Use and Development Committee, amending the Land Development Regulations to regulate the placement of temporary business entrance signs in the right of way in order to mitigate the impacts of public construction on visibility of, or access to businesses.

### BACKGROUND

During construction of right of way projects, access and or visibility to commercial establishments is often impeded. The State of Florida, Department of Transportation (FDOT) has in place a process and regulations that allow the placement of temporary business signs on the FDOT right of way for purposes of mitigating the disruption caused by construction when such construction affects visibility and or access. The City Code does not have a similar regulation for local streets. The proposed amendment would authorize the placement of temporary business entrance signs in the right of way to mitigate the impacts of public construction on visibility of, or access to businesses. The signs would be intended to guide motorists to businesses entrances and valet ramps moved/modified or disturbed during public construction projects. Temporary business entrance signs would be located in the ROW, only directly in front of the business affected, show the specific business names, and only allow one sign for each business or valet ramp affected. The temporary business signs shall be removed concurrent with the termination of the public construction or at such point in time during construction as the manager determines that the temporary signs are no longer necessary. Business entrance signs are not permitted where there is minimal disruption to businesses, driveways or valet ramps.

### CONCLUSION

The City Manager recommends that the City Commission approve the requested referral to the Land Use and Development Committee for the amendment as proposed above.

Attachment

KGB/IGG

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Agenda Item C4D

Date 3-13-13

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 82 - PUBLIC PROPERTY," ARTICLE IV. - USES IN PUBLIC RIGHTS-OF-WAY DIVISION 6. - PROHIBITED SIGNS OVER PUBLIC PROPERTY," IS HEREBY AMENDED TO ADD SECTION 82-415 – "TEMPORARY BUSINESS SIGNS"; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Code contains provisions for regulating the use of public property; and

**WHEREAS**, these provisions include regulation of signs located in public rights-of-way; and

**WHEREAS**, the Mayor and City Commission have identified as a legitimate government purpose the provision of temporary business signs during times of road construction and other capital improvement projects ; and

**WHEREAS**, the amendment set forth below is necessary to accomplish all of the above objectives.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.**

**SECTION 1.**

That Chapter 82 - Public Property," Article IV. - Uses In Public Rights-Of-Way Division 6. - Prohibited Signs Over Public Property," is hereby amended to add Section 82-415 – "Temporary Business Signs" as follows:

Sec. 82-415. – Temporary Business Signs - Notwithstanding any other prohibitions in this Code to the contrary, the city manager may authorize the placement of temporary business entrance signs in the right of way to mitigate the impacts of public construction on visibility of, or access to businesses. Said signs are intended to guide motorists to businesses entrances and valet ramps moved/modified or disturbed during public construction projects. Temporary business entrance signs, unless otherwise determined by the city manager, shall be located only directly in front of the business affected, may only show specific business names, and only one business sign for each driveway entrance or valet ramp affected is permitted. The temporary business signs shall be removed concurrent with the termination of the public construction or at such point in time during construction as the manager determines that the temporary signs are no longer necessary. Business entrance signs are not permitted where there is minimal disruption to businesses, driveways or valet ramps.

**Section 2. 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 3. 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 re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**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 \_\_\_\_\_ 2013.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
City Attorney Date

First Reading:  
Second Reading:

Verified By: \_\_\_\_\_  
Richard G. Lorber, AICP  
Acting Planning Director

Underline = new language  
~~Strikethrough~~ = deleted language

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