



City of North Miami Beach, Florida

Planning and Zoning Department

Planning and Zoning Board Staff Report

TO: Planning and Zoning Board

FROM: Carlos Rivero, City Planner

DATE: May 11, 2015

P&Z ITEM # 15-006

RE: Eliminating the requirement for an applicant to post bonds for temporary special event and banner signs and clarifying the frequency and number of signs allowed

Request:

The Planning and Zoning Department is requesting the approval of an ordinance to amend Article VIII, Section 24-147.2 entitled "Temporary Signs Allowed," of the Zoning and Land Development Code by eliminating the requirement for an applicant to post bonds for temporary special event and banner signs and clarifying the frequency and number of signs allowed. The proposed article amendment is as follows:

ARTICLE VIII. – SIGNS

Sec. 24-147.2 – Temporary Signs Allowed

* * *

(C) Special Event Signs.

(1) Special event signs, may be permitted upon application to the City Manager or his designee for a specified purpose and for a period of time not to exceed sixty (60) days prior to the special event to which they relate.

(2) The maximum allowable sign area of a special event sign shall be determined by the City Manager or designee, and shall be in proportion to the building and/or zone lot upon which it will be located, but in no event shall the maximum sign area exceed forty-five (45) square feet.

(3) In granting an application for a special event sign, the City Manager or designee may place reasonable restrictions upon the size, type, color, location and other characteristics of such sign, in furtherance of the purposes set forth in Section 24-140 of this article.

(4) A special event permit shall expire in sixty (60) calendar days, or on such earlier event ending date as may be prescribed in the permit. Special event signs for recognized

international, national, or local holidays shall not be displayed more than ten (10) calendar days following the date of the holiday. Special sales events must have stated beginning and ending dates placed on the permit application by the applicant, which time period shall not exceed sixty (60) calendar days.

(5) Three (3) special event signs per street frontage are permitted per calendar year; ~~and no more than three (3)~~ only one (1) special event signs may be displayed toward any one (1) street frontage at any one (1) time.

(6) A person who wishes to use special event signs must:

(a) File an application prior to the special event with the Community Development Department of North Miami Beach which includes an authorization for City representatives to enter into the property on which the Banner Sign and other displays, are located after the permitted time period to remove said Special Event display, if the applicant has failed to remove same as required; and

(b) Pay the special event permit sign fee of fifty dollars (\$50.00) or, if necessary, an after the fact permit sign fee of one hundred dollars (\$100.00); ~~and~~

~~(c) Post a cash bond in the amount of two hundred dollars (\$200.00) with the Community Development Department of North Miami Beach after obtaining permission from the City Manager or designee to display these signs and other displays, but before actually displaying same in the City; and~~

~~(d) Execute a document giving permission to City representatives to enter into the property on which the Banner Sign and other displays, are located after the permitted time period to remove said Special Event display, if the applicant has failed to remove same as required; and~~

~~(e) Contact the Community Development Department at the prescribed date and time in order to claim the bond refund.~~

(7) Failure to remove the special event banner, signs, or other displays immediately AND to contact the Community Development Department at the time period granted shall result in ~~the forfeiture of the bond posted, regardless of the number of Special Event Signs, banners, or displays remaining. Said forfeiture shall be automatic and without notice.~~ a citation issued by Code Compliance.

* * *

(E) *Banner Signs Other Than Special Event Signs.*

(1) *Banner Signs Permitted, Duration, Number, and Sign Area Limited.*

(a) Banner signs other than special event signs may be permitted upon application to the City Manager or his designee for a specified purpose and permitted to be displayed for a period of time not to exceed ninety (90) calendar days from the date the permit authorizing banner sign is issued.

(b) Only ~~two (2)~~ three (3) banner sign permits for banner signs other than special event signs may be issued to the same business at the same location during any three hundred sixty-five (365) calendar day time period starting at the date the first such permit is issued.

(c) Banner signs shall not exceed a maximum sign area of forty-five (45) square feet.

(d) No more than ~~three (3)~~ one (1) banner signs shall be permitted per street frontage.

(e) Permits shall not be issued for businesses that have no street frontage located within a mall, nonresidential condominium, shopping center, office building or complex, or similar building or planned development without written consent from the building or planned development owner or owners' association, as appropriate, allowing the placement of a banner sign at the location requested within the permit application.

(f) Permits for banner signs shall include the expiration date of the permit. After the expiration date a new permit is required for any banner signs allowed by this Section 24-147.2(E). The applicant shall contact the Department of Community Development of the City of North Miami Beach to request an inspection at least five (5) business days before the date the banner sign is to be removed from the property.

(g) The banner signs permitted by this Section 24-147.2(E) are not permitted to be displayed at the same time as the temporary signs for special events that are permitted by Section 24-147.2(C). Should a special event sign permit be in effect during the time a valid permit for banner signs is also in effect pursuant to this Section 24-147.2(E), either the special event signs or the banner signs may be displayed, but not both. The permit holder shall notify the Department of Community Development which signs he or she intends to display. If special event signs are displayed and the banner signs permitted by Section 24-147.2(E) are removed during the special event, the 90-day time period for the display of the permitted banner signs shall be tolled until the banner signs are again placed on display. The expiration date of the banner sign permit shall be extended by letter from the Director of Community Development or his designee. The permit holder must notify the Department of Community Development in writing of the date the banner signs are removed, and the date the display of the banner signs is resumed. If the banner signs are not displayed prior to the end of the special event, the 90-day time limitation shall restart on the day after the expiration of the special event permit. If less than the maximum number of banner signs is displayed during a special event, so the total of permitted banner signs and permitted special event signs does not exceed ~~three~~ one (1) signs per street frontage, the time period for display of banner signs shall not be tolled, and the banner sign permit shall not be extended. To this end, the signs displayed for the special event shall be considered to be only those signs that contain language promoting the special event, all other signs shall be treated as banner signs subject to permitting as required by Section 24-147.2(E).

(2) In granting an application for a banner sign, the City Manager or designee may place reasonable restrictions upon the size, type, color, location and other characteristics of such sign, in furtherance of the purposes set forth in Section 24-140 of this article.

(3) A person who wishes to use banner signs must:

(a) File an application prior to the display of the banner sign with the Community Development Department of the City of North Miami Beach which includes an authorization for City representatives to enter into the property on which the banner sign(s), is (are) located after the time period to remove said banner sign(s), if the applicant has failed to remove same as required; and

(b) Pay the banner sign permit fee of fifty (\$50.00) dollars or, if necessary, an after the fact banner sign permit fee of one hundred (\$100.00) dollars, ~~and~~

~~(c) Post a cash bond in the amount of two hundred (\$200.00) dollars with the Community Development Department of the City of North Miami Beach after obtaining permission from the City Manager or designee to display these signs, but before actually displaying same in the City; and~~

~~(d) Execute a document giving permission to City representatives to enter into the property on which the banner sign(s), is (are) located after the permitted time period to remove said banner sign(s), if the applicant has failed to remove same as required; and~~

~~(e) Contact the Community Development Department at the prescribed date and time in order to claim the bond refund.~~

(4) Failure to remove the banner sign(s) immediately and to contact the Community Development Department by the date and time prescribed in the banner sign permit near the expiration of the banner sign display period granted shall result in ~~the forfeiture of the bond posted, regardless of the number of banner signs remaining. Said forfeiture shall be automatic and without notice.~~ a citation issued by Code Compliance.

Background:

The North Miami Beach Zoning and Land Development Code specifies that an applicant requesting a temporary special event or banner sign is required to post a bond however, there have been concerns over the effectiveness, necessity, and zoning practice of requesting applicants to post such bonds while applying for a temporary special event or banner sign. Adjusting the method of the temporary special and banner sign requirements will reduce the initial permitting fee and allow applicants to readily apply for a permit. As determined by staff, there is no evidence that the posting of such bonds encourages the removal of temporary signs on or before the established expiration date or serves as a deterrent to violation of any permit conditions. Considerable staff time is required to receive, process the bond posted, and release the bond after a post-activity inspection is conducted on the property where the temporary sign is displayed. The proposed amendment achieves the intent of the bond to assure removal of temporary special event and banner signs by assigning responsibility for removal to the property owner and/or applicant and establishes failure to remove the sign as a Zoning Ordinance Violation, which will be handled by Code Compliance. In accordance with Article VIII, Section 24-140 entitled "Purpose" the North Miami Beach Zoning Department determines that to continually ensure the fair and consistent enforcement of sign regulations an amendment is necessary.

Planning and Zoning Department Recommendation:

Staff strongly recommends approval of an ordinance to amend Article VIII, Section 24-147.2 entitled "Temporary Signs Allowed," of the Zoning and Land Development Code by eliminating the requirement for an applicant to post bonds for temporary special event and banner signs and clarifying the frequency and number of signs allowed.

Submittal History:

Planning and Zoning Board (May 11, 2015)

Advertisement History:

4/30/2015



Title:

Category: Hearings

Adnumber: 2434449

CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING DATE/TIME: Monday, May 11, 2015, 6:00 P.M.
LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers 17011 NE 19th Avenue, North Miami Beach, FL 33162 PUBLIC NOTICE is hereby given that the City of North Miami Beach Planning and Zoning Board shall consider the following public hearing item: Zoning and Land Development Code Amendment — North Miami Beach, FL: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL AMENDING CHAPTER XXIV, OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY AMENDING ARTICLE VIII, SECTION 24-147.2 ENTITLED "TEMPORARY SIGNS ALLOWED" BY ELIMINATING THE REQUIREMENT FOR AN APPLICANT TO POST BONDS FOR TEMPORARY SPECIAL EVENT AND BANNER SIGNS AND CLARIFYING THE FREQUENCY AND NUMBER OF SIGNS ALLOWED; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE. All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to nmbcomdev@citynmb.com, FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance. 4/30 15-3-189/2434449M