

TO: Honorable Mayor and City Commission

CC: Daniel A. Espino, Weiss Serota Helfman, City Attorney
Andrise Bernard, City Clerk
Department Directors

FROM: Esmond K. Scott, City Manager 
William Hernandez, Chief of Police

DATE: May 1, 2020

RE: Emergency Order - Temporary Signage for Essential Businesses & Economic Development

**CITY OF NORTH MIAMI BEACH EMERGENCY ORDER PERMITTING
TEMPORARY SIGNAGE FOR ESSENTIAL BUSINESS & ECONOMIC
DEVELOPMENT**

On March 9, 2020, Florida Governor Ron DeSantis declared a State of Emergency for the State of Florida related to the novel COVID-19 coronavirus (“COVID-19”). On March 11 and 12, 2020, Miami-Dade County (the “County”) and the City of North Miami Beach (the “City”), respectively, also declared States of Emergency in their corresponding jurisdictions associated with COVID-19. The States of Emergency in the State of Florida, the County, and the City have continued, or been appropriately extended, through the date of this Order.

Following Centers for Disease Control and State of Florida guidance, the State and the County issued various Emergency Orders temporarily closing public and private facilities, including the temporary closure all non-essential retail and commercial establishments, and identifying essential retail and commercial businesses that may remain open, subject to any further City restrictions, as set forth in the City’s Emergency Orders. The State, the County, and the City each issued subsequent orders specifically urging certain groups of individuals to shelter in place to further underscore protection, especially for those groups most at risk to COVID-19.

While efforts to contain the spread of COVID-19 are of paramount concern, it is recognized that the economic impact of mandatory closures and social distancing efforts are having a significant detrimental impact on the local economy, especially for small businesses. The City has a desire to provide regulatory relief to essential businesses and those other businesses still operating in a reduced capacity, by encouraging the effective use of temporary signs by impacted businesses to communicate to the public operational status, means of operating, and other important information during this State of Emergency. Such temporary signs may not be permitted under the City’s Zoning and Land Development Code of Ordinances (the

“Code”); however, the City Manager, pursuant to Section 2-29.4, has the authority to issue emergency regulations necessary for the control of adverse conditions affecting public welfare resulting from an emergency. The detrimental impact on businesses and the lack of readily available, public information on the availability of essential businesses and other business amenities in the City constitute adverse conditions that may be alleviated by the temporary suspension of parts of the City’s “Sign Code” and the adoption of temporarily regulations as provided herein.

Because of the foregoing, the City deems it in the best interest of public to issue this additional emergency order with the following measures:

1. **Temporary Signage.** The “Temporary Signage Regulations” provided in Exhibit “A”, which is incorporated herein and made a part hereof by this reference, are hereby implemented.

2. **Suspension of Conflicting Regulations.** The following Sections of Article XIII, “Signs,” of the City Zoning and Land Development Code of Ordinances, and such other sections of the Code that may in conflict with the Temporary Signage Regulations, are hereby suspended until such time as this Emergency Order is rescinded or the City Emergency Declaration is terminated:
 - Section 24-143 - *Signs Prohibited.*
 - (A)(3) *Portable Signs*
 - (A)(21) *Flags*
 - (A)(22) *Balloons*

 - Section 24-147.2(E) - *Temporary Signs Allowed, Banner Signs Other Than Special Event Signs.*
 - (1)(b) *Only two (2) 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.*
 - (1)(d) *No more than one (1) banner signs shall be permitted per street frontage.*
 - (1)(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*
 - (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.*

This Order is in addition to, and supplements, the City's Emergency Orders. All requirements of City Emergency Orders, Miami-Dade County Emergency Orders, and State of Florida Executive Orders shall be strictly adhered to at all times.

Exhibit “A”

Temporary Sign Requirements Amended During COVID-19 Outbreak

The City of North Miami Beach encourages the effective use of signs as a means of communication in the City and recognizes that signs have the ability to attract and retain sources of economic development and growth. As a result, the Community Development Department is momentarily relaxing certain temporary sign requirements in response to the COVID-19 Outbreak. Most importantly, the purpose of this temporary policy is to encourage essential businesses to advertise their availability and provision of essential services to the general public.

In lieu of the suspended code requirements, the following temporary sign policy will be in effect, until the State of Emergency has been declared over or has expired, whichever comes first. To support businesses as they communicate their available essential services, the temporary measures include:

1. Temporary Sign Policy applicable only to businesses classified as Essential Services pursuant to the Miami-Dade County Emergency Order 07-20 as amended (see list on City Coronavirus/COVID-19 webpage).
2. A permit request form must be completed and submitted to the Planning and Zoning Division. There shall be no fee for the permit.
3. Email permit request form to nmbcomdev@citynmb.com.
4. Temporary signs currently in place will be allowed through the State of Emergency, regardless of the application date.
5. Businesses with existing permitted temporary signs will also be allowed to apply for a new 2020 temporary sign permit upon reinstatement of the full ordinance.
6. The location/placement of temporary signage shall not be regulated, except that no temporary sign shall be placed on City ROW, block ADA accessible sidewalk requirements, or violate the sight visibility triangle of any intersection.
7. Temporary signage permitted under this provision, shall be removed three (3) days after the end of the State of Emergency.
8. Temporary signage not removed after the expiration or end of the State of Emergency shall be subject to the Code Compliance enforcement.

Temporary Signs Allowed with an Email Permit Request

- Feather Flag Banners with a maximum height of sixteen (16) feet.



- Balloons



- Banner Signs with a maximum dimension of forty-five (45) square feet.



- A-Frame Signs with a maximum height of four (4) feet.



- Yard Signs with commercial messages, with a maximum dimension of three (3) square feet.



Number of Signs

- Essential Businesses on a **Corner Store Front** can install a maximum of five (5) signs from the list of "Temporary Signs Allowed with a Permit Request" above.
 - A business with a Corner Store Front is one with two (2) street frontages.
- Essential Businesses on an **Interior Store Front** can install a maximum of three (3) signs from the list of "Temporary Signs Allowed with a Permit Request" above.
 - A business with an Interior Store Front is one with only one (1) street front.
- Incidental Signs, defined as a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "loading only," "telephone," and other similar directives and does not include commercial messages legible from a position off the property on which the sign is located shall be considered incidental. Maximum dimensions for incidental signs are three (3) feet in height and a maximum face area of three (3) square feet.
 - These sign types are exempt from number of signs permitted and can be placed as needed on private property.

Sign Placement

- Temporary Signage Policy is for Essential Businesses only.
- Temporary Signage is permitted only on private property.
- Signs shall be placed on the storefront or storefronts of the business associated with the sign.
- The location and placement of temporary signage shall not be regulated, except that no temporary sign shall be placed on City ROW, shall not impede on-site traffic circulation or ingress/egress to the property, block ADA accessible sidewalk requirements, or violate the sight visibility triangle of any intersection.

Duration

- Temporary signage permitted under this provision, shall be removed three (3) days after the end of the State of Emergency; if not removed within the three (3) days then the signs shall be subject to Code Compliance enforcement.

Definitions

- Street frontage: The distance for which a lot line of a property adjoins a public street, from one property line intersecting said street to the furthest distance property line intersecting the same street.
- Temporary sign: Any sign that is used only for a limited period of time, advertises or calls attention to political candidates, parties or issues, active construction projects, real estate for sale, rent or lease, business grand openings, or other events or special events of a temporary nature.
- Portable sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way unless the primary purpose of said vehicle is for use in the normal day-to-day transportation operations of the business.
- Banner sign: Any sign of lightweight fabric or similar material of any kind that is not permanently attached to a solid backing of wood, plastic, metal, masonry or similar rigid material. National flags and state or municipal flags shall not be considered a banner.