

Proposed changes to the Land Development Regulations

LAND DEVELOPMENT REGULATIONS

Sec. 86-9. - Definition of terms.- Proposed to be kept as the new sign definition will be just for the historic district.

Sign means any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations in this subpart B:

(1) *Number and surface area.* In determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where reasonable doubt exists about the relationship of elements, each element shall be considered to be a single sign.

(2) *Off-site sign* means a sign other than on-site sign.

(3) *On-site sign* means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Sec. 114-100.- Purpose and legislative intent

The purpose of this article is to develop sign regulations which encourages designs that reflect the historic character of the historic zoning districts. The purpose is to also encourage designs that reflects the architectural scale, aesthetic quality, and predominantly pedestrian character that

is found through the historic district.

The intended regulations promote signs that are subordinate to and in aesthetic harmony with their location in buildings and their surrounding environment and to eliminate the dangers of visual clutter along public streets and rights-of-way and to define requirements that fulfill the identification and advertisement of businesses on a high degree of design and appropriate scale quality and sensible to the historic character of the district.

Sec. 114-101. - Definitions

The definitions set forth in section 114-1 shall be applicable to this division. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"A"-frame sign means a rigid portable sign in a form of an inverted "V".

Abandoned sign means any display or sign remaining in place or not maintained for a period of thirty (30) days, which no longer identifies an ongoing business, product, or service available on the premises where the display or sign is located or where the building, business, or establishment to which the display or sign is related has ceased operation.

Alteration means any change to a sign, including adding, subtracting or changing copy or logo, but excluding routine maintenance. Removal of a sign is considered an alteration.

Animated sign means any sign or part of a sign that uses motion ~~of any part by any means~~, or that displays flashing, oscillating, sequential or intermittent lights, or gives the appearance of movement or rotation, other than time or temperature. ~~An electronic message board~~ Any type of electronic or digital screen shall be deemed an animated sign.

Awning sign means any sign painted on or sewn, or attached in any way, directed to a roof-like covering of canvas or the like. ~~placed on an awning that is supported entirely from the exterior wall of a building. composed of a non-rigid material.;~~ the awning itself when it contains words or images of advertisement or information.

Backlit sign means freestanding letters, logo or box with an opaque glass face that incorporates a source of light on its back.

Banner sign means any sign having the characters, letters, illustrations or ornamentations applied to cloth, paper or the like with only such material for a backing. "Banner" shall include any animated rotating and or fluttering devices, fringe and pennant string streamer.

Billboard sign means an outdoor advertising sign erected and maintained by an advertising business or service or owner, upon which advertising matter may be displayed and which generally advertises firms and organizations that along with their goods and services, are not located on the same premises as the sign; and whose surface is sold, rented or leased for display of advertising material.

Brand sign means any devices that contains letters, symbols or logo that identifies and differentiates a specific product or make from other products.

Business identification sign means the main sign of a business that informs potential clients the name and or type of business, which may include the business logo.

Bus bench sign means any sign painted on or attached to a bench or to a shelter for persons awaiting public transportation.

Chalk or marker board means a wood board used to display daily menu specials only for restaurants and bars establishments, wall mounted, with no identification or other signage attached to or painted on, not exceeding 1 (one) per business and not more than two and a half (2.5) square feet per each sign and located on the same façade as the primary street frontage or entrance. A chalk board will not be counted towards the allowed square footage of signs on a restaurant or bar.

Changeable copy sign means a sign on which message copy is changed manually in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable or removable panels.

Channel letter sign means a sign comprising of individual letters, symbols or logo that are independently mounted to a wall or other surface.

Clear sight triangle means a triangular shaped area at any driveway connection to a public street and at all

intersections in which nothing taller than 2 feet is allowed to be erected or placed in such a manner as to limit or obstruct the sights of motorists entering or leaving the driveway or street intersection. Also referred to as clear vision triangle.

Construction sign means temporary signs erected on the premises on which construction is taking place, during the time period of such construction, indicating the name of the architect, engineer, landscape architect, contractor, planner, or similar artisans involved in the project. (See also Section 114-42)

Copy means the text or graphic representations of a sign that depict the name of an establishment, products, services, or other messages, whether in permanent or removable form.

Digitally printed sign means any sign made of or in part with the printed output from a computer. Signs may be printed over vinyl, paper, fabric or plastics.

Directional sign means sign that contains any illustration or words that provide direction to pedestrian and vehicular traffic for an on premise feature, specific for an entrance to the building or for parking purposes on private property.

Directory sign means a sign listing two or more commercial or professional establishments that share a common entrance and that are located on a same building but have no exposure to the front façade of the building, like a storefront or a first floor window.

Display sign means an object that is freestanding or attached to a building in any way that promotes the goods or services that a business offers. These objects can be life size or a large scale figure of any element that is sold or service that is offered in the establishment but the object itself is not for sale.

Door sign means any sign or devise affixed to, painted to or in contact with a door, and which it is intended to be seen from the exterior.

Double-faced sign means a sign with two (2) faces which are usually, but not necessary, parallel.

Erect means, in context of signage, to build, construct, attach, hang, place, suspend, affix or paint a sign.

Face of sign means the planes of a sign on which copy could be placed, including trim and background.

Flag sign means any sign constructed on fabric, canvas or similar material bearing information relating to or identifying a business.

Flashing light means an intermittent or sequential flashing light source used primarily to attract attention.

~~Flat and facade signs. Flat and facade signs shall not be restricted as to area, except that in the historic zoning districts they shall be restricted to ten percent of front building facade area, but they shall in no case project more than four inches from the face of the building or wall, nor shall they extend above the top of the adjoining parapet~~

~~wall on a building with a flat roof or above the adjoining eave line on a building with a pitched roof. No portion of any such sign which extends over city property shall be less than eight feet above the sidewalk grade of any street or avenue or 15 feet above the crown grade where such sign is located parallel to and abutting on any alley.~~

Floor sign means any display of characters, letters, illustrations or any ornamentations applied or written on a floor that attracts to or promotes the business to which it is displayed.

Fluorescent light means an electric-discharge lamp, usually tubular in shape, containing a metallic vapor which becomes luminous on the passing of the current and energizes a layer of fluorescent material coating the tube.

Freestanding or ground sign means a sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure for support.

Frontage means the length of street surface that the building faces.

(1) Primary frontage means the street surface that the building's main entrance faces.

(2) Secondary frontage means any other street surface that a building is adjacent to.

Frontage, business means the horizontal linear distance measured along the façade of an individual business.

Also referred to as "business frontage".

Ghost sign means an old hand-painted advertising signage that has been preserved on a building either exposed or under non-original materials.

Halo effect signs means solid front and side surface letters or logos that will have a back light, either neon or LED, and projects towards the surface to which the letters or logos are attached to.

Hanging sign means a double-face sign that hangs from a bracket or support and projects from a building, pole or awning. If a "hanging" sign is located over a city right-of-way the bottom part of it must have a clearance of at least eight (8) feet.

Illuminance means the amount of light falling upon a surface, commonly called "light level" or "illumination". Measured in foot-candles (lumens per square foot) in the English system.

Interior illuminated sign means any sign having translucent characters, letters, designs, logos or outlines illuminated by electric lights located within the sign or having luminous tubes or reflective elements designed for that purpose.

Informational or descriptive sign means a sign indicating by words, photos, drawings or symbols the type of services available at the location or events occurring thereon. Menu boxes are not consider informational signs.

LED light means an electric light-emitting diode

fixture that when a suitable voltage is applied the color of the light is determined by the energy band gap of the semiconductor. LED light fixtures can be individual or mounted on a string.

Marquee sign means any sign that is intrinsic to a marquee and contains the business name, as well as advertisement of the business. Marquee means a covered structure projecting from, and supported by, a building when such covered structure extends beyond the building line.

Menu boxes means an auxiliary business sign display case containing a menu used for advertising daily menu specials only for restaurant or bar establishments, no larger than two and a half (2.5) square feet and located on the same façade as the primary street frontage or entrance. On cases where the building is recessed from the city's right-of-way menu boxes may be attached to a pole installed for such purpose.

Miniature light means a light or light-emitting device employing a bulb two inches or less in length and normally found strung together in multiples.

Monument sign means a free standing sign, generally having a low profile that is detached from a building and having a support that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. All other freestanding sign types not meeting the definition of a monument sign shall be either a pole sign or a pylon sign.

Neon light means a lamp, usually tubular in shape,

employing the element neon (Ne) or other luminous gases.

Neon sign means an arrangement of luminous or gaseous tubes to form letters or numbers or an abstract or representational element or both, specifically including advertising logos, punctuation marks, emblems, and registered trademarks, or that is installed inside of exposed channel letters, logos, designs, borders, or numbers.

Nonconforming sign means any sign which does not conform to the regulations of this article.

Off-site sign means a sign identifying, advertising or directing the public to a business, merchandise, service, institution, entertainment or activity which is located, sold, rented, based, produced, manufactured, furnished or taking place at a location other than on the property on which the sign is located.

On-site development sign means a sign identifying the developer, architect and or contractors located on a property upon which there is active construction.

Open and hours of operation signs means any devise or letters that are intended to communicate to the public if the business is open and the hours of operations. Open and hours of operation signs cannot include any brand, logo or business sign in order to qualify as an exempt sign from allowed signs in the premises.

Painted sign means a sign that is hand painted completely over a glass pane of a window or door or is painted on a surface that will be installed on a building or

directly painted on a wall or any other surface of a building.

Pennant means a series of small flag-like pieces of cloth, plastic or similar type of material attached and strung between two or more points.

Plastic sign means any sign that is made in part or completely with any plastic or synthetic material that have a polymeric structure such as PVC, vinyl, polyethylene, polyurethane, corflute and oilcloth, among others.

Pole sign means any sign erected on a pole one or several vertical elements, made of wood or metal, and which is wholly or partially independent of any building for support. A pole erected for a sign cannot be taller than six (6) feet.

Political sign means a sign erected by a political candidate, group or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the city shall vote.

Portable sign means any sign not permanently attached to the ground or other permanent structure or any sign designed to be transported. Portable signs shall include but not be limited to signs designed to be transported by wheels; skid-mounted signs; chalkboard signs converted to A- or T-frames; menu and sandwich signs; and signs attached to or painted on vehicles parked for the purpose of providing advertising, close to or on the public right-of-way, unless such vehicle is used in the ordinary day-to-day operations of the business. Portable signs also include any type of "A"

or "T" frame sign, signs with attached wheels or casters, search light stands and air, hot air or gas filled elements.

Premises means a lot, building site, lease of a building or lot, or other independent entity by one (1) business. Each of the multiple tenants in one building or lot constitute a separate premise for the purpose of this article.

Projecting sign means any sign which is affixed to any building, wall or structure and extends beyond the building wall or structure more than six (6) inches . If a "projecting" sign is located over a City right-of-way the bottom part of it must have a clearance of at least eight (8) feet from the right-of-way.

Pylon sign means a freestanding sign in excess of eight (8) feet in height that is detached from a building and is supported by one or more structural elements.

Real estate sign means any sign which is used to offer for sale, lease or rent a property upon which the sign is placed.

Roof sign means any sign erected or constructed wholly upon or over the roof of any building and supported solely or partially on the roof structure.

Sandwich sign means any sign, double or single-faced which is portable and readily moved from place to place.

Seasonal/holiday sign means a sign or other holiday decorations, used for emphasizing the celebration of a historic American holiday or other nation holiday. As used

herein the term "a historic American holiday" shall refer to any day made a public holiday by laws of Florida, the laws of the United States or by resolution of the City Commission.

Seasonal or holiday lighting means a series of clear, white or colored lights, either bare or shield within an enclosure.

Sign means any devise designated to inform or attract persons not on the premises including devises ~~less than one (1) foot inside of a window~~ installed within one (1) foot of the plane of the exterior wall of a storefront or store side.

- NEW DEFFINITION APPROVED BY THE TASK FORCE.

Sign, area of, means the total surface of a sign, including the background, frame and ornamentation, but not including structural supporting elements outside of its frame.

Sign face means the area or portion of a sign on which copy is intended to be placed.

Special event sign means a sign which carries a message regarding a special event or function which is of general interest to the community and which is of temporary nature.

Snipe sign means a sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, walls, trash receptacles or fences or any other objects. Legal notices required by law are exempted.

~~Storefront means the portion of a single business premises owned or rented by a single licensed business and fronting the street, normally characterized by display~~

~~windows and a recessed entrance.~~

~~*Storeside* means the portion of a single business premises owned or rented by a single licensed business and perpendicular to a storefront.~~

Surface graphics means any sign painted directly on any exterior building wall or door surface, exclusive of window and door glass area.

Temporary sign means any sign permitted for temporary use.

Three dimensional sign means a sign that is carved and have low bas-relief or a sign that is composed of many layers of the same or different materials.

Time and temperature sign means any sign mechanically, electronically or electrically controlled to display time and temperature only.

Traffic sign means a sign which functions primarily to provide for the efficient, safe and orderly flow of traffic and erected by city, state or federal governments.

Vehicle sign means any sign on any type of vehicles which are conspicuous parked on or near proximity of the premises of the use being advertised and obviously used in such a way as to advertise, identify or draw attention to such use of passing motorists, passengers, and pedestrians. For the purpose of this definition vehicle sign includes but is not limited to any decals, wraps, painted or attached signs to a vehicle.

Wall sign means any sign attached and parallel to the façade of a structure, which is attached and supported throughout its entire length by the façade and not extending above the building, ground floor, railings, windows, parapets, or the eave of the roof.

Window sign means any sign affixed to, painted to or in contact with a window, or located within one (1) foot of any window surface facing the outside and which it is intended to be seen from the exterior.

Window sign, temporary, means a window sign of a temporary nature used to direct attention to the sale of merchandise or a change in the status of a business.

Sec. 114-102. ~~Restrictions.~~ Adoption of Commercial Overlay Districts

Key West historic district contains diverse commercial corridors that differentiates one to another. The district is comprised of three main business districts, high commercial or entertainment core; traditional commercial core and mix use commercial-residential district. The Commercial Overlay Districts Map is hereby adopted by Ordinance 15-XX. A copy of the map shall be kept on file at the Clerk's office and in the Planning Department.

~~The following shall apply in the historic zoning districts only (HRO, HRCC-1, HRCC-2, HRCC-3, HRCC, HMDR, HNC-1, HNC-2, HNC-3, HCT, HPS, and HHDR as designated on the future land use map and zoning map):~~

~~(1) Fluorescent lights. All fluorescent lights located within five feet of the plane of the exterior wall of a~~

~~storefront or storeside must be baffled or otherwise shielded so that the direct source of light is not visible from the exterior or from a street, sidewalk, right-of-way, beach, or waterway owned by a public body. Furthermore, all such baffling or other shielding shall direct the light emitted by the fluorescent light toward the interior of the structure and away from the storefront or storeside where the fluorescent light is located.~~

~~(2) Neon lights. Except as provided in subsection (4) of this section, no neon lights shall be placed, attached, hung, or affixed within five feet of the plane of the exterior wall of a storefront or storeside, except that one or more, but not to exceed two, neon signs with a total maximum area of ten square feet per storefront shall be allowed. Neon lights shall not be used to illuminate or outline building facades or window or door openings.~~

~~(3) Motion lights. Restrictions on motion lights are as follows:~~

~~a. No blinking or flashing lights, chaser or moving lights, revolving or rotating lights, or lights which are otherwise in motion located within five feet of the plane of the exterior wall of a storefront or storeside shall be allowed except as provided in subsection (3)c. of this section.~~

~~b. No lights typically associated with holiday use shall be allowed except as provided in subsection (3)c. of this section.~~

~~c. During the period from Thursday preceding Thanksgiving through January 10 of each year, residences and the storefronts and storesides of businesses may display~~

~~lights typically associated with holiday use, whether or not blinking.~~

~~(4) *Miniature lights.* Miniature lights shall not be used to illuminate or outline commercial building facades, storefronts or storesides, or a window or door opening or as an element in a window display, but may be used as a landscaping element. Miniature lights shall not be used to illuminate residential building facades, or the front or side of a residence, or a window or door opening, or as an element in a window display, but may be used as a landscaping element.~~

~~(5) *Marquee signs.* Marquee signs which are historically significant, as evidenced by continuous presence at one business location for ten years or more, and existing on September 1, 1991, shall be exempt from subsection (2) of this section.~~

~~(6) *Enforcement.* Any light, sign, or display prohibited by subsection (1), (3) or (4) of this section which was lawful when placed, attached, hung or affixed shall be removed or made lawful within 180 days after the effective date of the ordinance from which this section derives. Any light, sign, or display prohibited by subsection (2) of this section which was lawful when placed, attached, hung, or affixed shall be removed or made lawful within three years after the effective date of the ordinance from which this section derives, requiring compliance by September 3, 1994.~~

~~(7) *Projecting signs in historic commercial zoning districts.* In the HRCC-1, HRCC-2, HRCC-3, HNC-1, HNC-2, HNC-3, and HCT districts, only one projecting sign not exceeding five square feet in area shall be allowed per identifiable~~

~~business property. No such projecting sign shall have internal illumination.~~

(ALL THIS SECTION SHOULD BE INCLUDED AS PART OF THE GUIDELINES AND NOT AS PART OF THE ORDINANCE!!)

Sec. 114-103. Prohibited signs.

(a) The following signs are prohibited in the historic zoning districts (HRO, HRCC, HRCC-1, HRCC-2, HRCC-3, HRCC-4, HMDR, HNC-1, HNC-2, HNC-3, HCT, HCL, HPS, HPS-1, HPS-2, HPRD, HSMDR, and HHDR as designated on the future land use map and zoning map):

(1) Animated signs.

~~(2) Banners, including fringed and pennant string banners, except with the permission of the city commission.~~

~~(3)~~ (2) Bus bench signs.

~~(4) Interior illuminated signs.~~

~~(5)~~ (3) Plastic signs, with the exception of vinyl letters and logos applied to fabric awnings' valance, windows and or doors. Temporary banner signs, approved by staff, can be made of vinyl or other plastic material.

~~(6)~~ (4) Portable signs.

~~(7)~~ (5) Roof signs.

~~(8)~~ (6) Signs painted directly on the exterior wall or roof of a building, unless deemed historically appropriate by the historic architectural review commission.

~~(9)~~ (7) Snipe signs.

~~(10)~~ (8) Temporary store window signs, including going out of business signs, when their ~~number~~ square footage cause a

violation of [section 114-104](#); provided, however, that menus and public notice signs are not included in this prohibition. A public notice sign means a sign advertising an arts event, a political event or candidate, a community event, or such other event open to the public.

~~(11)~~ (9) Poster board signs.

(10) Billboards

(11) Animated rotating and or fluttering devices, fringe and pennant string streamer.

(12) Off- site signs.

(13) Signs that are placed on public sidewalks or public property, including but not limited to hydrant, utility pole, tree or public fence.

(14) Vehicle signs.

(b) If a flag advertises or promotes the availability of a business or a product sold by that business, then it shall be deemed a sign and is subject to the limit on signs permitted square footage in the historic district pursuant to [section 114-104](#) and the Historic Architectural Guidelines

~~(c) This regulation, as set forth in Ordinance No. 05-03, shall be reviewed by the city commission six months after its effective date for a determination of whether a limit on flag display in the historic district should be restored. At no time shall a right to legal nonconformity accrue to a property owner for a number of flags.~~

Sec. 114-104. ~~Restriction on number of signs permitted.~~

Calculation of permitted signage

~~No business shall display more than two permitted signs at its location; provided, however, that a business located on a street corner may display up to three permitted signs upon approval of the historic architectural review commission. A business shall be determined by its business tax receipt. Each side of an awning on which words or images of advertising or information are displayed shall constitute one awning sign. Any sign displayed in a store window shall count toward the maximum number of allowed signs under this section. Where the rear or side of any sign permitted under division 2 of article II of chapter 106 and this chapter is visible from any street or private property, the rear or side of the sign shall present a finished appearance.~~

Permitted signage will be based on the amount of a business frontage, as defined under section 114-101. Calculation of signage will be one (1) square foot of signage per linear foot of the building frontage of a business. A minimum sign being no less than three (3) square feet where the calculation would not work, due to any small linear frontage occupied by a business. For purpose of this regulation stories above the first floor will not count as business frontage.

Sec. 114-105. Authority to adopt additional provisions.

The historic architectural review commission shall have the authority to adopt in its design guidelines additional provisions related to permitted signs in the historic districts, so long as they do not conflict with division 2 of article II of [chapter 106](#) and this chapter.

Sec. 114-106. Amortization of legal nonconforming signs.

~~Except as provided in this division, any sign prohibited by [section 114-103](#) but which lawfully existed in the historic district as of September 3, 1991, may be continued. Nonconforming banner signs, portable signs, and snipe signs shall be removed within 30 days of the effective date of the ordinance from which this section derives.~~ Non-conforming signs shall be removed within the first year, 365 days, of the effective date of the ordinance and adopted guidelines from which this section derives. Abandonment of a legal nonconforming sign shall immediately terminate its nonconforming status.

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