



**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**

To: Chairman and Planning Board Members

From: Enid Torregrosa-Silva, MSHP
Historic Preservation Planner

Through: Thaddeus Cohen
Planning Director

Meeting Date: April 21, 2016

Agenda Item: **Proposed revisions to the Historic Architectural Guidelines for Signage and lighting- Consideration of a resolution of the City of Key West Planning Board recommending an Ordinance of the City of Key West, Florida, amending the Historic Architectural Review Commission's guidelines for signage as referenced in Section 90-142 of the City of Key West Land Development Regulations; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.**

REQUEST: Approval of the submitted Ordinance for Business Advertisement-Signage, Signage Lighting, and light fixtures for Commercial Properties.

BACKGROUND:

On March 28, 2013, the Historic Architectural Review Commission and the Planning Board held a joint public signage workshop. The consensus was to create a Task Force to review the existing ordinances and guidelines specific to signage in the historic zoning districts. The City Commission created the historic district signage task force under Resolution 13-286. For one year, members of the task force met and drafted recommendations for new guidelines pertaining signage.

The most significant recommendation promotes the designation of specific corridors and areas within the historic zoning districts that recognizes the intensity of businesses and mixed use structures while areas that are more residential in nature will have a more

restrictive use of signage. This recommendation will allow high intensity commercial corridors to have signs that are more diverse.

Another substantial recommendation includes the recognition of the amount of commercial frontage space a business uses for its operation on a structure. The actual regulations has a “one size fits all” parameter on which businesses are treated the same, a business can only have two (2) signs unless located on a corner in which case can display three (3) signs. In other words, if a business operates in an entire first floor on a corner it will have the same amount of signs as a business that operates in one third of a building that is located on a corner. The recommendation includes that one linear foot of frontage will equal to one square feet of signage. This new guideline is fairer to business owners and it takes into consideration the proportions of the building where the business is located.

The Task Force also proposes new language to be incorporated under definitions. The new definitions include terminology specific to signage review and regulations and adds new language pertinent to today’s available technology. The proposed guidelines also recognizes historic and iconic signs located across the historic district and the importance to protect them, as they are part of the streetscape.

The new guidelines are an educational tool for anyone that references them, as they clearly explain the objectives and goals for each signage regulation. These proposed guidelines are more comprehensive than the actual ones and they provide specific regulations to each type of signage, including location, materials, design, lighting and guidance when several business are located on a same building. The guidelines also include illumination of buildings, which in many cases can become a means of attracting people to the premises.

Signage in the historic district can adversely affect the character and integrity of a building and the surrounding context, therefore precise and clear guidelines will help not only business owners and general public to understand HARC’s main objectives, but will make the review process of proposed signs more effective.

Since 2002, the HARC Guidelines have been incorporated by reference into the Land Development Regulations, Section 90-142, and therefore are regulatory tools. Any amendment to the Guidelines must follow the same process as an amendment to the Land Development Regulations.

Previous City Actions:

HARC Recommendation of Approval: January 26, 2016

Staff Analysis:

Section 90-522 of the Code outlines key review criteria for any changes to the Land Development Regulations. A review of the proposed ordinance relative to the criteria is provided below.

Sec. 90-522. Planning Board review of proposed changes in land development regulations.

(a) The planning board, regardless of the source of the proposed change in the land development regulations, shall hold a public hearing thereon with due public notice. The planning board shall consider recommendations of the city planner, city attorney, building official and other information submitted at the scheduled public hearing. The planning board shall transmit a written report and recommendation concerning the proposed change of zoning to the city commission for official action. In its deliberations the planning board shall consider the criteria stated in section 90-521.

The city attorney's office, building official, and planning director have worked together to review the guidelines modification proposed by HARC and recommend the changes to improve clarity and consistency with the overall Land Development Regulations and Building Code.

Sec. 90-521. Criteria for approving amendments to official zoning map. In evaluating proposed changes to the official zoning map, the city shall consider the following criteria:

(1) *Consistency with plan.* Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure, minimum levels of service standards and the concurrency management program.

The City's Comprehensive Plan includes a Historic Preservation Element as part of the Future Land Use Element. Goals, Objectives and Policies in the sub-element support the identification and protection of historic resources in the City. Comprehensive Plan Policy 1A-5.1.4, entitled "Maintain Unique Architectural Heritage of Historically Significant Housing Resources" requires that the City amend Land Development Regulations to "incorporate criteria for maintaining the unique architectural heritage of the Historic District's housing." Policy 1A-1.2.1, entitled "HARC Guidelines" requires the City and HARC to "protect historically significant structures and historic districts by periodically updating the HARC Guidelines." Also Policy 1A-1.3.3, Entitled "Apply HARC Guidelines and Federal Standards in "reviewing and approving development proposals". The proposed ordinance is consistent with these and related Goals, Objectives and Policies in the Comprehensive Plan.

Because the proposed ordinance does not affect density or intensity, it will have no impact on minimum levels of service or concurrency determinations as established by the Comprehensive Plan.

(2) *Conformance with requirements.* Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.

The proposed ordinance is in conformance with the Code and the procedures for amending both HARC Guidelines and other aspects of the Land Development Regulations. The new ordinance will strengthen the existing guidelines by creating more precise guidelines related to signage within the historic district that will be used to evaluate Certificate of Appropriateness applications.

(3) *Changed conditions.* Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed rezoning.

There are no changed conditions or regulations associated with this proposed ordinance. HARC, in the course of the conduct of its duties has found that modifications to the Guidelines as suggested will support and promote historic preservation in the City.

(4) *Land use compatibility.* Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.

The proposed ordinance will have no impact on land uses. The introduction of new guidelines for signage supports the importance of specific regulations when reviewing new signage projects that may have an adverse effect on land use.

(5) *Adequate public facilities.* Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services. Rezoning does not constitute a concurrency determination, and the applicant will be required to obtain a concurrency determination pursuant to chapter 94.

The proposed ordinance is intended to address HARC Guidelines and will have no negative impact on concurrency requirements or the provision of public facilities.

(6) *Natural environment.* Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.

The proposed ordinance is intended to address HARC Guidelines and will have no impact on the natural environment.

(7) *Economic effects.* Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.

The proposed ordinance promotes the preservation of the historic character and the integrity of the historic district. This proposal will be an effective tool for reviewing Certificate of Appropriateness that proposes new signage that may have an effect on a building and its surrounding urban context. Protecting the historic fabric of the district tends to maintain and increase property values, since historic districts and buildings are unique and usually have higher real estate values than the rest of the City.

(8) *Orderly development.* Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.

The proposed modifications will support an orderly and compatible land use pattern; the guidelines modifications reflect HARC policy direction and provide consistency throughout the code.

(9) *Public interest; enabling act.* Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the land development regulations in this subpart B and the enabling legislation.

The proposed ordinance does not appear to be in conflict with the public interest. By the contrary, the proposed guidelines modifications were created as an educational tool for citizens who need to submit a Certificate of Appropriateness for signage. The proposed guidelines provide specific regulations that Staff and the Commission need while review Certificates of Appropriateness.

(10) *Other matters.* Other matters which the planning board and the city commission may deem appropriate.

Other matters have not been identified at this time.

PROCESS:

After the planning board makes a recommendation to the city commission, the ordinance will require two city commission readings for adoption. Absent any appeals, the ordinance will be rendered to the DEO, who will have 60 days to issue an order of consistency. A draft and the final version of the ordinance will be sent to the State of Florida, Department of State Division of Historical Resources as required by the city's Certified Local Government Agreement.

RECOMMENDATION:

The Planning Department recommends consideration and approval of the draft of the *Business Advertisement- Signage, Signage Lighting, and light fixtures for Commercial Properties* guidelines ordinance modifications.

