

EXECUTIVE SUMMARY



To: Jim Scholl, City Manager
Through: Thaddeus Cohen, Planning Director
From: Enid Torregrosa-Silva, Historic Preservation Planner
Meeting Date: November 1st, 2016
RE: Proposed revisions of Chapter 114 of the Land Development Regulations.

ACTION STATEMENT:

Request: **AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 114 OF THE LAND DEVELOPMENT REGULATIONS ENTITLED SIGNS, BY AMENDING SECTION 114-1 "DEFINITIONS" AND AMENDING DIVISION 3 OF CHAPTER 114 "HISTORIC DISTRICT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

Location: Key West Historic District.

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 ordinance 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 ordinance pertaining to signage. Two workshops were held in June 4 and December 9 of 2015. The proposed new ordinance includes new definitions, creates three zones within the historic zoning district based on commercial intensity, and establishes the maximum of allowed signage on a building. In addition, the list of prohibited signs within the historic district was updated. The Code Compliance division was active during the formulation of the new regulations.

Previous City Actions:

City Commission Second Reading	June 21, 2016- Postponed
City Commission First Reading	June 7, 2016

Planning Board Approval

April 21, 2016

HARC Recommendation of Approval

January 26, 2016

Planning Staff Analysis:

After the postponement of the second reading, staff has met with citizens that had concerns and recommendations for the proposed Ordinance. Many of the proposed recommendations were incorporated in the revised proposed Ordinance. Some of the recommendations were technical as to the signage manufacturing and trade; others were legal based suggestions. After several meetings and site visits, staff is recommending the following changes:

1. Revision of the definition of abandoned sign by removing the words *not maintained and the thirty days period* was changed to two years, making the definition consistent with the Land Development Regulations.

2. Revision of the definition of alteration by including the phrase *non-content based*, removing the words *adding, subtracting, or changing copy, logo or color and* adding the words *but not limited to dimensions, size, and shape* and removal of the last sentence *Removal of a sign is considered an alteration.*

3. Included definitions for *booths, carts, and kiosks*, as the Land Development Regulations do not have definitions for such elements and the current proposed guidelines include signage regulations for booths, carts, and kiosks.

4. Revision of the definition of *directory sign* in order to include cases where commercial buildings are not exposed to streets or lanes.

5. Revision of the definition of *hanging signs* in order to include maximum extension of hanging signs allowed from the face of the building. Actual guidelines are silent on this matter.

6. Revision of the definition of *interior illuminated sign* in order to clarify that *halo effect and exposed neon or LED tube signs are not considered interior illuminated signs.*

7. Revision of prohibited signs by removing plastic signs and including the following; *Digitally printed signs, with the exception of printed letters, symbols, or logos attached to high relief surfaces of three dimensional, carved or sand blasted panels. The use of corrugated PVC and molded plastic is prohibited, with the exception of finished painted plastic letters.* This change will allow the use of certain synthetic materials for signage while requiring a level of artisanship and three dimension; something that was found in traditional and historical signs and has been lost with printed signs.

8. Reinstated *interior illuminated signs* under prohibited signs due to safety, security concerns and proliferation of inappropriate signs that will not fit the historic character of Old Town.

9. Revision to increase square footage allowed for signage from one (1) square foot of signage per each linear frontage of a business to *one and a quarter (1.25) square feet per each linear feet frontage*. Added language of a maximum of *eighty (80) square feet* of signage allowed in the historic district per business. This change will give more room for additional signage while capping the square footage of signage when a business has a frontage too larger that signage can overcrowd the facades.

10. Revision of Section 114-106, amortization of illegal signs as to incorporate exception rule for signs that *existed as of 2005*, also added language to *include historic and iconic signs to be exempt*.

11. Included section for *abandonment of legal nonconforming signs*, as it was originally under amortization of illegal signs.

12. Included section for maintenance of signs, as the word *maintenance* was removed from the abandoned sign definition. This section stipulates that all signs within the historic district shall be maintained in a secure and safe condition as well as functional and aesthetically as its intended use, whether a sign is from a business that has ceased or is active.

During the last City Commission meeting, there were questions of why there is a different definition of sign for the historic district and whether it should be the same as the sign definition under sections 86-9 and 114-1 of the Land Development Regulations (LDRs). The LDRs are very clear as to recognizing differences between certain areas in the city when it comes to signage policy. Chapter 114, which contains regulations for signage within the city, is specific to several areas such as residential districts, historic districts, and certain boulevards. Since 2002, the Historic Architectural Guidelines, adopted by Ordinance, contains a specific definition for sign under architectural glossary that derives from the LDR's definitions:

Current HARC Guidelines definition of sign:

Sign: Any devise designed to inform or attention of persons not on the premises.

Current LDRs Chapter 86- General provisions, definition of sign:

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.

Current LDRs Chapter 114- Signage, definition of sign:

Sign means any display of characters, letters, illustrations or any ornamentations or the complete structure on which any such characters, letters, illustrations or ornamentations are supported or applied, except that guys or their anchorages or the poles of pole signs will not be considered to be any part of a sign.

The revisions included the removal of the one foot or less inside of a window wording; bringing back the actual definition of sign as stipulated under the actual HARC Guidelines.:

Sign means any device designated to inform or attract persons not on the premises ~~including devices installed one (1) foot or less inside of a window, storefront, or store side.~~

Staff opines that the revised document has improved greatly as it incorporates many recommendations received from the signage industry and the legal sector.

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

The proposed ordinance has more strength and clarity than the current signage ordinance; it creates a fair balance between the needs for business owners for advertising while protecting the integrity of buildings and their historic urban context. The new regulations include the purpose and legislative intent of promoting sign designs that harmonize with the architectural scale, aesthetic quality, and predominantly pedestrian character found throughout the historic district.

Options/Advantages/Disadvantages:

Option 1: Approve the proposed changes to Chapter 114 of the Land Development Regulations.

- 1. Consistency with the City’s Strategic Plan, Vision, and Mission:** This action would provide clear regulations that promotes and protects the historic character and quality of the historic district, which is consistent with the mission and vision of the City.
- 2. Financial Impact:** There will be no direct finance impact. Nevertheless, the approval of the proposed ordinance will improve the efficiency of staff and the HARC members when reviewing an application, which will streamline the City’s plans review process.

Option 2: Do not approve the proposed change to Chapter 114 of the Land Development Regulations.

- 1. Consistency with the City’s Strategic Plan, Vision, and Mission:** This action would not be consistent with the City’s strategic plan, as the current signage ordinance lacks of specific regulations much needed to review proposed signs.
- 2. Financial Impact:** There will be no direct finance impact. Nevertheless, by not approving the proposed ordinance, the city will not solve current problem HARC members and staff is dealing when reviewing applications with vague and non-existing regulations pertaining signs.

Recommendation

The Planning Department recommends, Option 1, **approval** of the proposed Ordinance setting the proposed changes of Chapter 114 of the Land Development Regulations.