

ORDINANCE NO. 24-03

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 114 OF THE CODE OF ORDINANCES, ENTITLED "SIGNS" BY AMENDING SECTION 114-2 TITLED "POSTING NOTICES, SIGNS OR ADVERTISING MATTER ON TREES, POLES OR PUBLIC PROPERTY" AND BY AMENDING SECTION 114-103 TITLED "PROHIBITED SIGNS" AND AMENDING CORRESPONDING HARC SIGN GUIDELINES TO PROVIDE FOR EXCEPTIONS FOR NON-PROFIT TEMPORARY BANNER SIGNS AND OPEN HOUSE REAL ESTATE SIGNS; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West currently has a comprehensive ordinance that prohibits any signage whatsoever on city property without written approval from the City Manager; and

WHEREAS, the City Commission for the City of Key West finds that creating an exception for non-profit and open house signs on city property serves an important community interest; and

WHEREAS, The Historic Architectural Review Commission for the City of Key West approved the Guideline amendments at their meeting on November 29, 2023; and

WHEREAS, The Planning Board for the City of Key West approved this ordinance revision at their meeting on December 12, 2023; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST,  
FLORIDA:

Section 1: That Section 114-2 of the Code of Ordinances  
is hereby amended as follows\*:

**Posting notices, signs or advertising matter on trees, poles or  
public property.**

1. No notice, sign or any advertising matter shall be posted on any tree or telegraph or telephone pole erected on the city streets nor on the walls of any city building nor on any property of the city, ~~without the written approval of the city manager,~~ except that legal, election and similar notices may be posted on bulletin boards.

2. Exceptions.

a. Charitable Events- There shall be an exception for locally registered 501(c)(3) non-profit organizations advertising local fundraising events on 3' by 5' banner signs that are properly affixed to city-owned fencing and walls. Banner signs can be placed 10 days prior to the event and must be removed within 24 hours after the event.

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

b. Open House Signs- Locally licensed real estate agents, brokers or property managers can place Open House signage and flags on the city rights of way that do not impair the safe passage of vehicular or pedestrian travel. Signs and flags may not occupy a parking space, nor impair required access under the Americans with Disabilities Act. Signs and flags can be placed up to 24 hours in advance of the open house and can only be placed during daylight hours. A hold harmless agreement must be submitted to the Licensing Official indemnifying the City of Key West for any and all claims arising from such signage.

Section 2: That Section 114-103 of the Code of Ordinances is hereby amended as follows\*:

**Sec. 114-103. - Prohibited signs.**

(a) The following signs are not appropriate to any building or site within the historic district, therefore their use is prohibited:

(1) Animated signs within one (1) foot of a building facade facing any right-of-way and including vacant lots or parking areas.

(2) Bus bench signs.

(3) 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 exception of matte finished painted plastic letters.

(4) Portable signs, with the exception of "A" frame signs deemed appropriate by the historic architectural review commission.

(5) Roof signs.

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

(7) Snipe signs.

(8) Temporary store window signs, including going out of business signs, when their 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.

(9) Posterboard signs.

(10) Billboards

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

(12) Off-premises signs.

(13) Signs that are placed on public sidewalks or public property, including but not limited to hydrant, utility pole, tree, or public fence- subject to the exceptions in Sec. 114-2.

(14) Interior illuminated signs.

(b) If a flag advertises or promotes the business or a product sold by that business, then it shall be deemed a sign and is subject to the permitted square footage pursuant to section 114-104 and the Historic Architectural Guidelines.

Section 3: That the following guidelines for the Historical Architectural Review Commission are hereby amended as follows\*:

Page 50-n: Subject to the exception in Sec. 114-2(2), ~~S~~signs that are placed on public sidewalks or public property, including but not limited to hydrants, utility poles, trees, or public fences.

Page 50-p: Exceptions- An exception may be granted if the "A"

frame sign is used as a menu board, only for restaurants or bars, or if it meets an exception in Sec. 114-2(2).

Section 4: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 5: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 6: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and Clerk of the Commission and approval by the Florida Department of Commerce, pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held this 11th day of January, 2023.

Read and passed on final reading at a regular meeting held this 8th day of February, 2023.

Authenticated by the presiding officer and Clerk of the Commission on 9th day of February, 2023.

Filed with the Clerk February 9, 2023.

Mayor Teri Johnston	<u>Yes</u>
Commissioner Lissette Carey	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Clayton Lopez	<u>Absent</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Absent</u>

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TERI JOHNSTON, MAYOR

ATTEST:

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KERI O'BRIEN, CITY CLERK