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THE CITY OF KEY WEST

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To: The Historic Architectural Review Commission, The Planning Board, and the City Commission for the City of Key West
From: Ronald J. Ramsingh, City Attorney
Meeting Date: November 22, 2023
Agenda Item: Amending Sec. 114-2 and HARC Guidelines to provide an exception to the ban on temporary signs for non-profit events and open house events.
Sponsor: Commissioners Lissette Carey, Mary Lou Hoover, Sam Kaufman, Clayton Lopez, and Billy Wardlow

STAFF REPORT/COVER MEMO

Action Statement:

The proposed ordinance seeks to amend Sec. 114-2 to create an exception to the ban on signage on city property for temporary banners regarding non-profit events and open house signs.

Background:

Currently Sec. 114-2 bans all signs on city property without written approval from the city manager. On October 30, 2023, Code Compliance was directed by city management to remove all signs from city property that did not have prior written approval. Several non-profit organizations and real estate agents called city hall and city commissioners to express concern over the enforcement of the ordinance. For many years, management has permitted non-profit organizations to affix temporary banners on fences in certain parts of the city for charitable purposes. Many can be seen at the baseball fields at the corner of Kennedy Drive and North Roosevelt Boulevard. In a small community like Key West, many of these organizations rely on such exposure, given a lack of daily media; especially with regards to television stations to get their message to the public.

The proposed amendment requires real estate companies to submit a hold harmless/indemnification agreement to the City of Key West that would protect the city from any injuries or falls that could happen because of the sign being placed on the sidewalk. The amendment restricts the open house signs to be placed during daylight hours and for only the

48-hour period prior to the open house. The signage cannot occupy a parking space or block a sidewalk or otherwise create an impediment to pedestrian or vehicular travel.

The other exemption to the ordinance that is being proposed allows non-profit organizations to place temporary banners to promote events 10 days prior to the event and requires the sign's removal within 24 hours after the event.

Sec. 114-2 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 registered 501(c)(3) non-profit organizations advertising fundraising events on 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.

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 48 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.

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.

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), 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).

Procurement/Financial:

The proposed amendment has no impact on the City's procurement processes. However, some of the non-profits and real estate companies have contacted some city and elected officials and have indicated that such a prohibition has a negative impact on charitable fundraising.

Options:

1. To pass the proposed amendment to permit temporary, non-profit signage on city property, as well as open house signage for 48 hours with an indemnification agreement.
2. To deny the proposed ordinance amendment. The aforementioned signage will continue to be prohibited unless permitted by the Manager in writing.

Recommendation:

To pass the proposed ordinance.