



Historic Architectural Review Commission Staff Report for Action Item 9

To: Chairman Bryan Green and Historic Architectural Review Commission Members

From: Enid Torregrosa-Silva, MSHP
Historic Preservation Planner

Meeting Date: June 23, 2020

Action Item: Approval to proposed changes to Chapter 106, Sections 106-51 through 106-54 and Section 90-428 of the Land Development Regulations for Outdoor Display Exceptions and final decisions of Historic Architectural Review Commission.

Previous Reviews: June 23, 2020 Discussion Item- HARC

Executive Summary:

For the past year the Planning Board has requested to transfer the Outdoor Display Exception regulations administrative procedures from the Planning Board to the Historic Architectural Review Commission (HARC). Created by Charter, HARC is the city's agency in charge of the preservation of the character and appearance of the historic preservation districts. The Outdoor Display Exceptions regulations are specific to the historic district and proposals may have a visual impact to the build environment and their historic urban context.

The proposed changes are minimal to the current regulations and are mostly clarification of procedures, criteria, and definitions. Other proposed amendment to the current regulation is the introduction of a staff approval for the renewal of those outdoor display exceptions if there are no material changes to the outdoor display previously approved by the historic architectural review commission. Currently all renewals are reviewed by the Planning Board, even if there are no changes to the display. This new amendment will ease the process for renewals.

Another change to the regulations is the removal of fees from the LDR’s by introducing a standardized phrase “*as determined by city commission resolution*”. Some history background; the current Outdoor Display Exceptions regulations and their fees have been part of the LDR’s since its inception in 1997. The regulations have been amended only once, under Ordinance 08-04, on which the review and administration process was transferred from the Board of Adjustments to the Planning Board. For the application fees staff will be recommending a resolution to City Commission to include an application fee of \$275 for Outdoor Display Exceptions and \$100 fee for extensions approved at staff level. Staff finds that these fees will cover all the costs involving the processing, review and HARC inspections.

The proposed amendments also include an appeal section, as the current regulations are silenced on this matter, and appealing processes to Planning Board decisions are different from HARC decisions. Amendments to Section 90-428, are also part of the revisions to include Outdoor Display Exceptions under the Special Magistrate’s HARC final decisions appeals purview.

Two important aspects to consider in the proposed transfer of duties is how many Outdoor Display Exceptions have been processed yearly and how many of those approved exceptions are active. Understanding that the maximum allowed time for an outdoor display exception is 60 months staff has reviewed all Planning Board agendas and minutes from January 2015 until this month and found that **16** applications were received and reviewed and among those 4 were denied and one of those denials was reversed by the City Commission, which is the current appellate body. As part of this summary we are including a table with data of received applications and active Outdoor Display Exceptions.

Yearly Outdoor Display Exceptions Applications from Planning Board Minutes

Year	Number of Applications	Approved	Denied
2015	1	1	0
2016	3	3	0
2017	0	0	0
2018	4	3	1
2019	4	4	0
2020	4	2*	2
Totals	16	13	3

*City Commission reversed denial from Planning Board.

Staff recommends the approval of the submitted amendments to Chapter 106, Sections 106-51 through 106-54 and Section 90-428 of the Land Development Regulations for Outdoor Display Exceptions and final decisions of Historic Architectural Review Commission. As these are amendments to the LDR’s staff is including a timeline for all required reviews:

May 20- HARC discussion item- **DONE**

June 23- HARC action item- will include the draft for resolution

July 16 - Planning Board

August 18 - City Commission First Reading

September 1 – City Commission Second Reading

DEO Rendering max of 45 days + 21 days for appeal

Florida SHPO max of 30 days concurrent with DEO- SHPO is required for all ordinances, guidelines or regulations pertaining HARC Commission as prescribed under the Certified Local Government agreement by the City and the State Historic Preservation Office.

ACTIVE OUTDOOR DISPLAY EXCEPTIONS

As of June 16, 2020

Address	Grantee	Description of Display	Date Granted	Period Granted	Expiration Date	Enacted under Resolution
405 Fleming St. Unit 101	Tropical Shells and Gifts End of the Road	Rooster on wheels	02/04/2015	60 months	02/05/2020	PB 2015-02
208 Duval St.	Barb Grob / Tim Lorber	11 square foot cart for jewelry sales	01/21/2016	60 months	01/22/2021	PB 2016-03
405 Fleming St. Unit 101	Tropical Shells and Gifts End of the Road	12 square feet cart for retail sales	04/21/2016	60 months	04/22/2021	PB 2016-22
540 Greene St.	Jeffrey D. Cornfield Greene Street Cigar	Limited to 3 landscaped areas for retail arts and crafts Once a month during the hours of 10:00am to 7:00pm No amplified music during the exception	04/21/2016	60 months	04/22/2021	PB 2016-23
407 Front St. Unit A&B	Crush LLC	2 two-way clothing racks 2 mannequins	10/18/2018	60 months	10/19/2022	PB 2018-53
205 Elizabeth St. Units A, A1 & B	Donald Kilgore Yours & Maya	Merchandise draped on doors and wooden panels. Three shelves adjacent to door on Elizabeth St. Display on shutters and hanging mask display on windows facing Lazy Way lane One wooden chair and two 32" by 32" wooden tables	10/18/2018	60 months	10/19/2022	PB 2018-62
205 Elizabeth St. Unit G	Kier Loranger Dragonfly Imports	Three mannequins stabilized with flowerpots Road placed horizontally from beam for hanging merchandise Four-tiered shelving display 5' height by 26" wide and one hood.	10/18/2018	60 months	10/19/2022	PB 2018-63

ACTIVE OUTDOOR DISPLAY EXCEPTIONS

As of June 16, 2020

Address	Grantee	Description of Display	Date Granted	Period Granted	Expiration Date	Enacted under Resolution
205 Elizabeth St. Unit H	Steven Greenfield Captain Quick dry	Three metal racks on interior of right double doors and two metal racks on interior of left doors Free standing cardboard floor stand Two dress forms hanging from outside beam Free standing three-tiered shelving 5' height by 26" wide Two wooden barrels to display merchandise on top	01/17/2019	60 months	01/18/2023	PB 2019-02
217 Duval St.	Elena Mashtakov Funky Flamingo	One mannequin Freestanding wind spinners Draped merchandise on doors One table	06/20/2019	60 months	06/21/2023	PB 2019-39
205 Elizabeth St. Unit F	Alicia Renner AER Photography	Shelving on double doors to display prints and framed apparel Four V shape flip through racks Shelving on exterior of building for merchandise display One free standing table	10/17/2019	60 months	10/18/2023	PB 2019-68
1130 Duval St.	Ed Russo The Green Pineapple	One table One mannequin One clothing rack Two chalk boards	12/19/2019	12 months	12/20/2020	PB 2019-90
718 Duval St.	Liudmyla Pacelli Key West USA	One free standing postcard rack One two-way rack with merchandise One mannequin on steps Draped merchandise on doors	02/20/2020	12 months	02/21/2021	PB 2020-07
501 Greene St. Unit C	Alon Croitoru Island Cigar	Two boat like carts Doors	06/02/2020	12 months	06/03/2021	PB 2020-12 denied* CC 20-099

*City Commission reversed Planning Board Denial