

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING THE HISTORIC ARCHITECTURAL REVIEW COMMISSION'S GUIDELINES FOR BANNERS, FLAGS, SIGNAGE AND LIGHTING AS REFERENCED IN SECTION 90-142 OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the city commission created the historic district signage task force under Resolution Number 13-286; and

**WHEREAS**, the historic district signage task force was in charge of performing a comprehensive review of all city ordinances on signage regarding signage in the historic district as well as all Historic Architectural Guidelines relating to signage; and

**WHEREAS**, the historic district signage task force recommendations for revisions to existing signage guidelines are incorporated in a new proposed document titled Business Advertisement- Signage, Signage Lighting and Light Fixtures for Commercial Properties, herein attached; and

**WHEREAS**, Section 102-152 of the Land Development Regulations requires a certificate of appropriateness for the erection, paint, repaint, repair, alteration or removal of a sign within the historic zoning districts; and

**WHEREAS**, Section 114-105 of the Land Development Regulations grants authority to the historic architectural review commission to adopt in their design guidelines additional provisions related to permitted signs in the historic districts; and

**WHEREAS**, Section 90-142 of the Land Development Regulations incorporates the design guidelines by reference; and

**WHEREAS**, amendments to the design guidelines must follow the same procedural requirements as amendments to the Land Development Regulations as specified in Sections 90-516 - through 90-524 of the Code of Ordinances; and

**WHEREAS**, the historic architectural review commission initiated changes to the design guidelines in order to clarify and strengthen the review process when a citizen submits a Certificate of Appropriateness application for signage and lighting within the historic zoning districts; and

**WHEREAS**, the planning board held a noticed public hearing on April 21, 2016, where based on the consideration of recommendations by the planning director, city attorney, building official and other information recommended approval of the proposed amendments; and

**WHEREAS**, the City determined that the proposed amendments: are consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are

stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF KEY WEST, FLORIDA, AS FOLLOWS:**

Section 1. Chapter VI. Design Guidelines in Key West's Historic District, article [z] Banners, flags, signage and lighting, of the Historic Architectural Guidelines dated May 14, 2002, is amended as follows\*:

Article [z], Banners, flags, signage and lighting, Pages 49-51;

**~~BANNERS, FLAGS, SIGNAGE AND LIGHTING~~**

~~Excessive and garish signage, banners and flags detract from the visual character of an historic neighborhood, diminishing the aesthetic qualities of historically zoned areas. All signage requiring a permit shall be reviewed by HARC including signage design, color, finish, letter style, materials, lighting, location, and appropriateness as an addition to the~~

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\*Coding: Added language is underlined, deleted language is struck through.

~~historical zones or districts. Creatively designed wooden painted signs are encouraged.~~

~~All signs erected in historical zones must comply with the Land Development Code and city of Key West regulations. If the work authorized under a sign permit has not been completed within six months after date of issuance, the permit shall be declared null and void. All sign definitions as shown in the land development code shall apply to these guidelines. Non-conforming banner signs, portable signs, and snipe signs will be removed (see LDR, Section 3-16.1-3)~~

~~1. A non-illuminated projecting or hanging sign not exceeding five feet in area is permitted in conjunction with permitted public and semi-public uses.~~

~~2. Flat and façade signs shall be restricted to ten percent of the front building façade or less and shall not project more than four inches from the face of the building.~~

~~3. A flush-mounted signboard may extend the width of a storefront but should not be more than 2.5 feet high. The sign must be mounted above the display windows but below the second floor windowsills or cornice.~~

~~4. Lettering shall not exceed 12 inches in height and occupy no more than 65% of the area of the signboard.~~

~~5. Flat and façade signs shall not extend above the top of the adjoining parapet wall on a building with a flat roof or above the adjoining eave line on a building with a pitched roof.~~

~~6. A business shall not have more than two permitted signs, a primary and a secondary sign, unless located on a corner, in which case three signs are allowed, provided that all other sign guidelines for historical zones are met. LDR Chapter III: article XVI; 3-16.3.~~

~~7. For sale, construction and similar temporary signs are permitted as described in the Land Dev. Reg.~~

~~8. Signs painted directly on the exterior wall or roof of a building are not permitted unless deemed historically appropriate by HARC. The painting or display of murals in the historic district is governed by a mural ordinance. City Resolution no. 99-430.~~

~~9. Painted window signs shall not exceed 25% of the area of the window panel.~~

~~10. Each side of an awning on which words or advertising images are displayed shall constitute one awning sign.~~

~~11. A menu board is a sign for the purpose of advertising the daily fare or specials for a restaurant. One or two exterior menu boards, for a total combined maximum size of five square feet, are allowed. Exterior menu boards must be permanently mounted, generally to the building facade. Menu boards that are~~

~~portable signs must be located within the restaurant building or within a dining patio or courtyard area. They shall not be portable signs when placed at the exterior of the restaurant. A menu board shall not extend into the pedestrian right-of-way.~~

### **~~Banners and Flags~~**

~~11. No banners of any kind, including fringed or pennant string banners, shall be suspended across any public street, avenue or alley, without the permission of the city commission, nor shall any sign of any description be painted, pasted, printed, or nailed on any curb, sidewalk, tree, light standard, utility pole, hydrant, or any structure, other than an awning, within the city limits.~~

~~12. All proposed flags shall harmonize with their surroundings in size and mounting.~~

~~13. A storefront shall not have more than two flags for each street frontage.~~

### **~~Exterior Lighting, Neon & Illuminated Signage~~**

~~14. Fluorescent lights located within five feet of the exterior wall of a storefront must be baffled or shielded so the light is not visible from the street, sidewalk, right-of-way or public waterway.~~

~~15. The preservation of historic neon signage is encouraged.~~

~~16. Neon lights shall not exceed a total maximum area of ten square feet per storefront. Neon lights shall not be used to illuminate or outline windows, doors or building facades.~~

~~17. Neon signage may be permitted only in commercially zoned areas.~~

~~18. Neon signage is most appropriate for use on commercial structures built after 1920 or on those whose architectural character has been established by post-1920 alterations when there is documentation to substantiate its historical use.~~

~~19. All new neon signs will be reviewed on a case-by-case basis and to be considered must be compatible in size, scale, color and design with the structure and not detract from the integrity of the adjacent historic landscape.~~

~~20. Marquee signs that are *historically significant* by continuous presence at one business location for ten years or more, are exempt from restrictions on neon lights.~~

~~21. Miniature or chasing lights may not be used to illuminate or outline building elements or facades, except for holiday use, but miniature lights may be used sparingly as a landscaping element.~~

~~22. Exterior light fixtures must be compatible in size, design and type with the architecture of the building.~~

~~23. Freestanding light fixtures may be approved on a case-by-case basis if not located on the front façade or public right-of-way.~~

~~24. **Prohibited Signs**~~

~~a. Portable or A-frame folding signs~~

~~b. Any sign placed on a public street or right-of-way or curb, hydrant, utility pole, tree or public fence~~

~~c. Signs painted on exterior walls or roofs of a building, unless historically appropriate~~

~~d. Roof-mounted signs~~

~~e. Interior illuminated signs~~

~~f. Animated signs with moving elements~~

~~g. Bus stop bench signs~~

~~h. Fringed or pennant string banners~~

~~i. Neon tubing unless used in permitted signage~~

~~j. Plastic signs~~

~~k. Signs with blinking or chaser lights~~

~~25. **Sign Review Requirements**~~

~~a. A scale drawing of the proposed sign(s) indicating dimensions, colors, letter style, support structure and lighting plan.~~

~~b. A scale drawing of the actual structure the sign will be attached to or adjacent to, indicating the location of the sign.~~



~~e. Photographs of the site and adjacent properties indicating proposed locations of signs.~~

**Review of new proposed mMurals in the historic district**

**Purpose:** City of Key West, Resolution No. 99-430, directed the Historic Architectural Review Commission to adopt guidelines for murals "depicting the history or natural environment of the Florida Keys" that "may be permitted on noncontributing commercial or public buildings in the historic district". These guidelines for murals in the historic district were formulated as a means of ensuring the aesthetic compatibility of murals with the character of the historic district.

**Definition:** Mural: Any graphic, painting, painted wall surface or copy that is visible and projects a graphic display or image that does not direct attention to an organization, a business operated for profit, a product, commodity or service for sale or lease, or any other similar interest or activity.

**Application for Certificate of Appropriateness:** Application for murals in the Historic District will follow the standard HARC application procedures. Once HARC approval has been obtained, murals must also be approved by the City Commission.

**The following plans shall accompany any HARC application for mural development along with other typical HARC requirements:**

**A development plan** that includes a schematic design of the mural and its relationship with the building and surrounding

properties is required. This plan must include mural location, dimensions, colors, materials, type of surface to be used for the mural, and techniques used to create the mural.

**A maintenance plan** that outlines the proper preservation, routine care, and restoration methods and techniques is required. The plan should list the parties responsible for the care of the mural and any maintenance contract between the agent, developer, and owner. The plan shall include methods of removal. The property owner will be required to post a bond to cover maintenance and/or removal.

**Proposed Guidelines for murals:**

1. Murals shall not be located on a structure that is adjacent to or directly across a right-of-way from a residential structure unless written approval from the adjacent property owners is obtained by the applicant.
2. Murals painted directly on exterior walls of contributing structures are prohibited. Contributing refers to any building that contributes to the character of the historic district as defined in the City of Key West Land Development Regulations.
3. The City Commission shall approve a plan of the mural after review and approval by HARC.
4. The location, size, nature, or type of mural shall not create a hazard to the safe and efficient operation of vehicles, or create a condition that endangers the safety of persons or

property thereon. Murals may not extend beyond the eaves, parapet, or sides of a building, nor project from the surface.

5. Murals shall be maintained at all times in a state of good repair.

Section 2: That the Business Advertisement-Signage, Signage Lighting, and Light Fixtures for Commercial Properties Guidelines, as attached, are hereby adopted.

Section 3: 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 4: 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 5: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Read and passed on final reading at a regular meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Authenticated by the presiding officer and Clerk of the  
Commission on \_\_\_ day of \_\_\_\_\_, 2016.

Filed with the Clerk \_\_\_\_\_, 2016.

Mayor Craig Cates \_\_\_\_\_

Vice Mayor Clayton Lopez \_\_\_\_\_

Commissioner Sam Kaufman \_\_\_\_\_

Commissioner Richard Payne \_\_\_\_\_

Commissioner Margaret Romero \_\_\_\_\_

Commissioner Billy Wardlow \_\_\_\_\_

Commissioner Jimmy Weekley \_\_\_\_\_

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK