MEMORANDUM

Monroe County Planning & Environmental Resources Department

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To: Monroe County Planning Commission

Through: Townsley Schwab, Sr. Director of Planning & Environmental Resources

From: Steven Biel, Sr. Planner

Date: April 20, 2010

Subject: *Request for an amendment to Section 142-4(3)(d) regarding the sunset date for A-frame signs*

Meeting: April 28, 2010

I. REQUEST

In August of 2009, the Board of County Commissioners approved several amendments to Chapter 142 of the Monroe County Code pertaining to sign regulations (Ordinance No. 031-2009). One of those amendments was to allow for A-frame signs provided a building permit is obtained (Section 142-4(3)(d) as noted below). As part of this amendment, a "sunset" date was included for the expiration of permitted A-frame signs. The Planning Commission recommended a "sunset" date of December 31, 2010; however, the BOCC revised the "sunset" date to June 7, 2010.

It should be noted that staff is working with Florida Department of Transportation (FDOT) staff in conjunction with wayfinding signs as part of an ongoing review of the overall sign regulations that resulted from the three (3) public meetings held last year. One of the goals in developing wayfinding signage regulations is to reduce/eliminate the need for A-frame signs.

Section 142-4(3) Signs in commercial areas.

Sign allowances in commercial areas (AD, CFA, CFS, DR, I, MF, MI, MU, RV, SC, UC) shall be calculated based on the amount of property frontage and business frontage as follows:

d. *A-frame signs (i.e. Sandwich board signs).* Through ~~June 7, 2010,~~ June 7, 2011, every nonresidential developed parcel of land boarding on US 1 shall be allowed A-frame signs, as indicated in the following table:

Street Frontage (Linear feet)	**Maximum Number of Signs***
1' to 75'	**1**
76' to 150'	**2**
151' to 225'	**3**
226' to 300'	**4**
Over 300'	**5**

* No business shall be allowed more than one sign.

A-frame signs may only be permitted provided the following standards are met:

1. The sign is no greater than three (3) feet in width and no greater than four (4) feet in height, exclusive of legs that can be no more than six (6) inches in height;
2. The sign is of A-frame-type construction, with only two (2) sign faces that are joined at the top;
3. Each sign face is no more than twelve (12) square feet in area;
4. The sign is portable and not permanently affixed to the ground;
5. The sign is located on a private parcel of land and identifies a business on that same private parcel of land;
6. The sign shall not be located on a public right-of-way, or walkway.
7. The sign shall only identify a lawfully-established business name(s) and/or other information directly related to that business;
8. The sign shall not be located in a clear sight triangle;
9. The sign shall not be illuminated or electric and shall not have any electric devices attached thereto;
10. The sign shall only be displayed during the business hours of the business it identifies and shall be stored indoors during non-business hours.
11. The sign shall be stored indoors during tropical storm/hurricane watches and warnings and other severe weather advisories; and
12. The building permit number shall be permanently affixed to the sign or sign structure in such a manner as to be plainly visible from grade.

II. PROCESS

In accordance with the provisions set forth in Sec. 102-158 of the Monroe County Code (MCC), amendments may be proposed by the Board of County Commissioners (BOCC), the Planning Commission, the Director of Planning, or the owner or other person having a contractual interest in property to be affected by a proposed amendment. The Director of Planning shall review and process the text and map amendment applications as they are received and pass them on to the Development Review Committee and the Planning Commission for recommendation and final approval by the BOCC.

The Planning Commission and the BOCC shall each hold at least one public hearing on a proposed amendment to the text or to the land use district map. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee, and the testimony given at the public hearing, and shall submit its recommendations and findings to the BOCC. The BOCC shall consider the report and recommendation of and the testimony given at the public hearings and may either deny the application or adopt an ordinance approving the proposed amendment. Ordinances are then reviewed by the Florida Department of Community Affairs.

III. RELEVANT PRIOR COUNTY ACTIONS

In the early 1990s, a major re-write of the sign regulations was undertaken with considerable input from business owners, citizens, and county staff. At the time, it was widely viewed that the resulting sign regulations were comprehensive and satisfied business owners and citizens alike.

In December 2008, Code Enforcement conducted County-wide enforcement of all prohibited signs, signs requiring a permit, unsafe signs, "off premises" signs, and signs in the State rights-of-way. At the January 2009 BOCC meeting several business owners spoke about the economic climate and the need to keep these prohibited signs or "go out of business". The BOCC agreed that a "temporary stay" of Code Enforcement proceedings against the prohibited signs would be granted for six months or until a new sign ordinance is written. If the signs are still in violation after the new ordinance is completed, they will be moved forward for enforcement review.

After the January BOCC meeting, the Director of Growth Management directed planning staff to conduct a series of public workshops to receive input from business owners and citizens as to how sign regulations should be revised, if in fact revisions are needed.

The workshops began on May 11, 2009 at the Big Pine Academy School with the discussions focused on signage along US 1. Specific concerns included the wide right-of-way through Big Pine and the resulting distance from the roadway to the adjoining property line of the businesses, the need for sandwich board signs, and questions relating to vehicle signs. Concerns were also expressed that the current sign ordinance is good and that it should not be changed to the extent that the community character would be negatively impacted. The second workshop was held at the Harvey Government Center in Key West on May 12, 2009, which focused primarily on off-premises signage in the Stock Island area. The final workshop was held on May 13, 2009 at the Murray Nelson Government Center in Key Largo where concerns were expressed regarding illuminated signs and the need for signage exposure for businesses along US 1. At each workshop, questionnaires were provided for attendees to complete. In general, the types of signs that were mentioned most by the respondents were A-frames/sandwich boards, off-premises signs, and vehicle signs.

IV. REVIEW

A. Consistency of the proposed amendment with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan:

Staff Comment: The proposed amendment to the Monroe County Code is generally consistent with the Monroe County Year 2010 Comprehensive Plan.

B. In accordance with Monroe County Code Section 102-58(d)(5)b., the BOCC may consider the adoption of an ordinance enacting the proposed change based on one (1) or more of the following factors:

1. Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based;

Staff Comment: None

2. Changed assumptions (e.g., regarding demographic trends);

Staff Comment: None

3. Data errors, including errors in mapping, vegetative types and natural features described in Volume 1 of the Monroe County Year 2010 Comprehensive Plan;

Staff Comment: None

4. New issues;

Staff Comment: During the current economic climate, there is a perceived need by the business community to be allowed additional signage along US 1. The proposed extension to the "sunset" date would allow the continuance of A-frames during the recovery of the economy.

5. Recognition of a need for additional detail or comprehensiveness; or

Staff Comment: The proposed A-frame sign amendment to the "sunset" date would allow such signs following the issuance of a building permit, to be placed on private property located adjacent to the business only during business hours.

6. Data updates;

Staff Comment: As of April 1, 2010 there have been no building permits submitted for A-frame signs.

C. Consistency with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern:

For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with principles for guiding development and any amendments to the principles, the principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions.

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetland, fish and wildlife, and their habitat.

(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.

(f) To enhance natural scenic resources, promote the aesthetic benefits of the natural character of the Florida Keys.

(g) To protect the historical heritage of the Florida Keys.

(h) To protect the value, effeciency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

1. The Florida Keys Aqueduct and water supply facilities;
2. Sewage collection and disposal facilities;
3. Solid waste collection and disposal facilities;
4. Key West Naval Air Station and other military facilities;
5. Transportation facilities;
6. Federal Parks, wildlife refuges, and marine sanctuaries;
7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
8. City electric service and the Florida Keys Electric Co-op; and
9. Other utilities, as appropriate.

(i) To limit the adverse impacts of public investments on the environmental resources of the Florida Keys.

(j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

(k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and Maintain the Florida Keys as a unique Florida resource.

Staff Comment: Staff finds the proposed amendment generally consistent with the Principals for Guiding Development as a whole and is not inconsistent with any one principle.

D. Impact on Community Character:

Staff Comment: The proposed revision to the "sunset" date would allow business owners to have an A-frame sign by benefit of a building permit through June 7, 2011. It is important to remember that the Florida Department of Transportation (FDOT) right-of-way varies along US

1. In effect, some businesses along US 1 have greater visibility than others. The proposed amendment responds to community concerns by maintaining A-frame signs during this difficult economic time in a controlled and regulated manner that will preserve and enhance the character of the Florida Keys experience along US 1.

Also by extending the "sunset" date to June 7, 2011, County staff and FDOT staff can work toward developing wayfinding signage regulations that potentially could be a means of reducing or eliminating the need for A-frame signs.

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At the January 28, 2009 Board of County Commissioners (BOCC) meeting, the BOCC directed the Department of Planning and Environmental Resources to review Chapter 142 Signs of the Monroe County Code.

2. During May of 2009 the Department of Planning and Environmental Resources conducted three (3) public workshops to receive public input regarding sign regulation revisions.

3. Monroe County has adopted land use policies and objectives in a comprehensive plan to guide policy on building and land use regulations, and to promote health, safety, and general welfare.

4. The BOCC approved Ordinance No. 031-2009 in the Fall of 2009 amending Section 142 Signs of the Monroe County Land Development Code. Among the provisions approved, A-frame signs were permitted with a "sunset" date of June 7, 2010.

5. Monroe County recognizes the need for businesses on US 1 to have greater visibility during the current economic conditions.

6. The Monroe County Department of Planning and Environmental Resources is working with the Florida Department of Transportation (FDOT) to develop wayfinding signage regulations that would address the needs of the business community while eliminating the need for A-frame signs.

7. The provision for A-frame signs as approved in Ordinance No. 031-2009 expires on June 7, 2010.

8. The provisions of this ordinance are consistent with the Monroe County Comprehensive Plan and the Principals for Guiding Development in the Florida Keys Area of Critical State Concern.

9. The Monroe County Planning Commission held a duly advertised public hearing on April 28, 2010 and recommended approval to the Board of County Commissioners.

VI. RECOMMENDATION

Staff recommends **approval** to the Planning Commission

VII. ATTACHMENTS

1. Proposed Ordinance