MEMORANDUM

Monroe County Planning & Environmental Resources Department

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To: Monroe County Planning Commission

From: Steven Biel, Senior. Planner SB

Through: Townsley Schwab, Senior Director of Planning & Environmental Resources TS

Date: July 15, 2009

Subject: *Request for amendments to Chapter 142, Signs of the Monroe County Code; amending Section 142-2 to amend the definition of "portable signs"; amending Section 142-3 to permit portable signs, vehicle signs and off-premises signs under certain conditions; and amending Section 142-4 to require a permit for "A-frame" signs*

Meeting: July 22, 2009

***UPDATE:* The Planning Commission held a public hearing at their July 8, 2009 meeting to receive input on the revisions made to the draft sign ordinance from the June 24, 2009 Planning Commission meeting. After hearing public comments, the Planning Commission directed staff to increase the size of A-frame signs from 12 square feet to no more than 16 square feet per sign face and to provide a provision for a nonresidential developed property that has multiple businesses to have an A-frame sign for as many of the businesses as possible. Staff created a table based on 75 feet of street frontage that should address the concerns of most situations where there are multiple businesses on one property; however, there will be situations where a property does not have enough frontage for all businesses to have an A-frame sign. In those situations, the individual businesses would have to negotiate with the property owner or land lord to determine which business gets an A-frame sign.**

In addition, staff revised the sunset language from July 31, 2010 to one year after the adoption of the proposed sign ordinance. After further consideration, staff has revised the sunset date to December 31, 2010. This would allow for a clear date and provide for an easier method of tracking when the display of A-frame signs must cease.

In addition, the proposed section addressing off-premises signs on vacant lots was taken out and will be addressed at a later date. The Planning Commission expressed their desire to move forward on the A-frame portion of the draft ordinance in order to give relief to business owners that have been affected by the current economic conditions. In the meantime, staff will continue to work on solutions to off-premises signs on vacant lots as well as other sections of the sign code such as animated signs and electronic message centers.

The following is the original staff report that was presented at the June 24, 2009 meeting. It is meant only for comparison to the current draft sign ordinance.

I. REQUEST

The Board of County Commissioners has directed planning staff to review Chapter 142 of the Monroe County Code pertaining to sign regulations. In response to the request, planning staff conducted three (3) workshops to obtain public input. Comments included the regulation of A-frame (sandwich boards) signs, vehicle signs, off-premises signs, and the general need for businesses to better communicate through signage to the motorist along US 1. In response to public input from the three workshops, and public input from questionnaires provided at the workshops, staff has prepared the following amendments to Chapter 142, Signs:

Section 142-2 Definitions:
Portable signs means any sign or sign structure that is not permanently attached to the ground or to any other permanent structure or which is specifically designed to be transported. ~~This definition shall include, but not be limited to, trailer signs, A-Frame, sandwich signs, and vehicle signs whose primary purpose is advertising.~~

Section 142-3(b) ***Prohibited signs.*** The following types of signs, lights, advertising devices or activities are prohibited:

(1) Off-premises signs, ~~except as specifically allowed in this chapter~~; excluding signs identifying lawfully-established off-premises businesses, as permitted in section 142-4;

(7) No person shall park any vehicle, trailer, floating device, barge, raft, ~~personal water craft~~, or boat, whether licensed or unlicensed, on ~~a~~ any public property, including public rights-of-way, and ~~public~~ beaches, ~~public property~~ or ~~on~~ private property so as to be clearly visible from any public right-of-way, which has attached thereto or located thereon any sign, or promotional element, for the primary purpose of ~~providing~~ ~~advertisement~~ advertising ~~of~~ products or services, conveying messages or directing people to a business or activity. ~~located on the same or nearby property or any other premises.~~ This restriction is not intended to prohibit ~~a~~ incidental signage on ~~or attached to~~ a functional, licensed vehicle which is displayed in a manner to primarily identify the vehicle with the business it serves.~~;~~ The sign may not be an attachment that extends or protrudes from the vehicle. Vehicles shall only park in a lawful parking space.

(8) Portable signs, except for A-frame signs as permitted in Section 142-4 and political campaign signs as permitted in Section 142-3(d) ~~displayed for a limited duration~~;

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 signs).* Every nonresidential developed parcel of land shall be allowed one (1) A-frame sign per property frontage, until July 31, 2010

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

1. The sign in no more than three (3) feet 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 6 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 is not located on a public right-of-way, walkway and/or a required off-street parking space;
7. The sign only identifies a lawfully-established business name(s) and other information directly related to that business;
8. The sign is not located in a clear sight triangle;
9. The sign is not illuminated or electric and shall not have any electric devices attached thereto;
10. The sign may only be displayed during the business hours of the business it identifies and shall be stored indoors during non-business hours.
11. The sign must be stored indoors during tropical storm/hurricane watches and warnings and other severe weather advisories; and
12. The building permit number is permanently affixed to the sign and easily viewed.

Section 142-4(4) Off-premises advertising..

Any nonresidential, ~~developed property~~ lawfully-established business located on US 1 shall be allowed to dedicate any portion of its allowance for ~~of the~~ wall-mounted or ground-mounted signage to another nonresidential, lawfully-established business located on a side-street that intersects US 1, as long as the side-street that intersects US 1 is within one-half (1/2) mile of the business providing the off-premises signage. ~~allowable pursuant to subsections (3)a. and (3)b. of this section for the purpose of advertising establishments which are not readily visible from U.S. 1 but which access U.S. 1 by an intersecting side-street.~~ Such off-premises signage shall be limited to one sign face per direction on U.S. 1. ~~and spaced no more than one-half mile from the intersecting side street in either direction.~~ Off-premises advertising is also subject to subsections (3)a. and (3)b. of this section and to regulations pursuant to F.S. ch. 479.

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. 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 subject to 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 amendments to the Monroe County Code are 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. Following public input from three workshops, in addition to the responses from completed questionnaires, there was expressed a need to amend the present Sign regulations to allow A-frame (sandwich board) signs, off-premises signs, and vehicle signs.

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

Staff Comment: The proposed A-frame sign amendments would allow such signs following the issuance of a County permit, to be placed on private property located adjacent to the business only during business hours. The proposed amendments also clarify and define allowable vehicle signs and off-premises signs. These changes will promote business exposure along US 1 through the use of additional signage opportunities.

6. Data updates;

Staff Comment: None

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 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 changes to the sign regulations deal primarily with A-frame/sandwich boards, off-premises signs, and sign vehicles. 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. This was noted at the public workshop held on Big Pine Key, resulting in many of the business owner attendees supporting the need for maintaining their existing sandwich boards. The proposed amendments responds to community concerns by allowing new signage opportunities for A-frame signs in a controlled and regulated manner that will preserve and enhance the character of the Florida Keys experience along US 1. Also included are new clarifications for off-premises signs, and vehicle 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. The Department of Planning and Environmental Resources conducted three (3) public workshops to receive public input regarding sign regulation revisions.

3. Federal and State law grants power to Monroe County to regulate signs in order to promote the safety and general welfare of its citizens.

4. 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.

5. 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.

6. The Monroe County Planning Commission held a duly advertised public hearing on June 24, 2009 and recommended approval to the Board of County Commissioners.

VI. RECOMMENDATION

Staff recommends **approval** to the Monroe County Planning Commission.

VII. ATTACHMENTS

1. Proposed Ordinance
2. Tally Sheets from Sign Ordinance Meetings
3. Sign Ordinance Questionnaire Summary
4. Sign Code Research Summary
5. Relevant Sign Code Excerpts