

RESOLUTION NUMBER 2009-046

**A RESOLUTION OF THE KEY WEST PLANNING BOARD
RECOMMENDING APPROVAL OF AN AMENDMENT TO
PART B, LAND DEVELOPMENT REGULATIONS, SECTION
114-1 DEFINITIONS AND CREATING SECTION 114-43
EXCEPTION FOR HISTORIC MARKERS; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF
INCONSISTENT PROVISIONS; AND PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the Planning Board held a noticed public hearing on November 19, 2009, where based on the consideration of recommendations by the city planner, city attorney, building official and other information, including assessment of the proposed recommendation per Sections 90-521 and 90-522 of the Land Development Regulations, the Board recommended approval of the proposed amendments; and

WHEREAS, the Planning Board 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.

BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

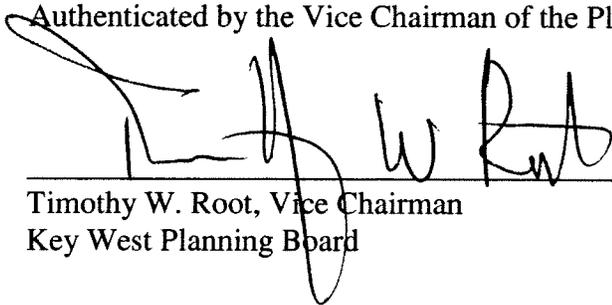
 Vice Chairman
 Planning Director

Section 2. That **APPROVAL OF AMENDMENTS TO PART B, LAND DEVELOPMENT REGULATIONS, SECTION 114-1 DEFINITIONS AND CREATING SECTION 114-43 EXCEPTION FOR HISTORIC MARKERS** is hereby recommended for approval; a copy of the draft ordinance is attached.

Section 3. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 19th day of November, 2009.

Authenticated by the Vice Chairman of the Planning Board and the Planning Director.

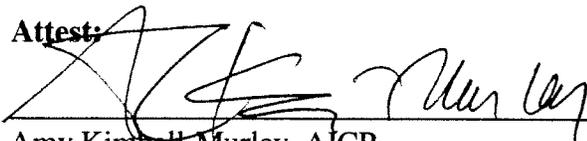


Timothy W. Root, Vice Chairman
Key West Planning Board

12-3-09

Date

Attest:

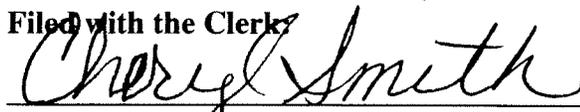


Amy Kimball-Murley, AICP
Planning Director

12/03/09

Date

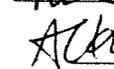
Filed with the Clerk:



Cheryl Smith, City Clerk

12-3-09

Date

 Vice Chairman
 Planning Director

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, APPROVING AN AMENDMENT TO PART B, LAND DEVELOPMENT REGULATIONS, SECTION 114-1 DEFINITIONS AND CREATING SECTION 114-43 EXCEPTION FOR HISTORIC MARKERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 90-517 of the Code of Ordinances allows the City Commission to amend the text of the land development regulations in accordance with certain procedures and criteria; and

WHEREAS, the City of Key West has one of the most significant historic districts in Florida and the nation; and

WHEREAS, the City recognizes that education about historic resources is an aspect of historic preservation; and

WHEREAS, education about historic resources can be facilitated by historical markers that explain by word or symbol the history of certain buildings and structures throughout the City; and

WHEREAS, the Planning Board held a noticed public hearing on _____, where based on the consideration of recommendations by the City planner, city attorney, building official and other information recommended approval of the proposed amendments;

WHEREAS, the City Commission held a noticed public hearing on _____ and in its deliberations considered the criteria identified in section 90-521 of the Code of Ordinances;

WHEREAS, the City determined that the proposed amendments: are consistent with the

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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 ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 114-1 Definitions of the Code of Ordinances is hereby amended to include a definition of historical markers as follows:

Sec. 114-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Banner sign means any sign having the characters, letters, illustrations or ornamentations applied to cloth, paper or fabric of any kind.

Facade sign means any sign erected parallel to the facade of a building and mounted on the outside wall thereof, or mounted between the posts, columns, or other similar structural component or the building's porch or portico.

Flat sign means any sign erected parallel to and mounted on a wall, which wall is an integral part of the landscape design of the site, such as a wall screening off-street parking, bounding the site or lot, or serving as a principal landscape feature, and which wall is clearly not intended for the sole purpose of sign display.

Historic Marker means any sign or placard approved by the Historic Architectural Review Commission that explains by word or symbol the historical significance of the building, site or structure to which it is affixed.

Horizontal projecting sign means any sign projecting at any angle from the outside wall of any building and which has its greatest dimension in a horizontal plane.

Marquee sign means any sign placed flat along and on the edges of a marquee.

Pole sign means any sign erected on a pole and which is wholly or partially independent of any building for support.

Roof sign means any sign erected completely over the roof of any building.

Sign means any display of characters, letters, illustrations or any ornamentations or the complete structure on which any such characters, letters, illustrations or ornamentations are supported or applied, except that guys or their anchorages or the poles of pole signs will not be considered to be any part of a sign.

Sign erector means all individuals, firms or corporations engaged in the construction or erection of any sign having a structural frame, using electric power or requiring a scaffold for its application.

Sign writer means any individual, firm or corporation engaged in the painting or application of signs on windows, doors, walls, awnings, etc., where no framework is required for the sign or scaffolding for its application.

Vertical projecting sign means any sign projecting at any angle from the outside wall of any building and which has a vertical dimension equal to or exceeding the horizontal dimension.

Section 2. Section 114-43 is no longer reserved and is created as follows:

114-43 Exception for Historical Markers

Historic Markers shall be exempt from regulation in this Article and shall not be deemed a sign as defined in Article 1 nor shall it be considered in the allotment of signs for a property provided only one historic marker exists per property placed by a private entity.

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 there from 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.

This Ordinance shall become effective immediately upon 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 _____, 2009.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2009.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of

A handwritten signature in black ink, appearing to be 'AZK' over 'TRK', located in the bottom right corner of the page.

_____, 2009.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

A handwritten signature in black ink, appearing to read "Attest Cheryl Smith".