

## PLANNING AND ZONING BOARD

### STAFF REPORT

**MEETING DATE:** June 18, 2018

**AGENDA NO:** VIII. B.

**AGENDA ITEM:** LDR Amendment – Amendment to Article 4.6 “Supplemental District Regulations”, Section 4.6.7 “Signs” to allow digital or electronic message centers for Nationally Designated Historic Sites in the Old School Square Historic Arts District (OSSHAD) Zoning District, pursuant to LDR Section 2.2.2(E)(6)(b)

**FILE:** 2018-102-LDR

### ITEM BEFORE THE BOARD

The item before the board is a recommendation to the City Commission regarding Ordinance No. 10-18, a City-initiated request for an amendment to Article 4.6 “Supplemental District Regulations”, Section 4.6.7 “Signs” of the Land Development Regulations to allow digital or electronic message centers for Nationally Designated Historic Sites in the Old School Square Historic Arts District (OSSHAD) Zoning District, pursuant to LDR Section 2.2.2(E)(6)(b).

### PROPOSED AMENDMENT

The amendment to the Land Development Regulation (LDR) is City-initiated and seeks to allow digital or electronic message centers (signs) for Nationally Designated Historic Sites in the Old School Square Historic Arts District (OSSHAD) Zoning District.

The proposed amendments to Article 4.6 “Supplemental District Regulations: Section 4.6.7 “Signs” are as follows:

- LDR Section 4.6.7(F)(3)(k) Special purpose signs and signing: Language added to include digital or electronic message centers to be permitted on sites individually listed on the National Register of Historic Places, located in the Old School Square Historic Arts District with an underlying land use designation of Community Facilities (CF), and with a minimum frontage of 500 feet and an individual parcel size of a minimum of 3.5 acres.
- LDR Section 4.6.7(F)(3)(k)(i) Definition: language added to include the definition of a digital or electronic message center sign.

- LDR Section 4.6.7(F)(3)(k)((ii)) Location: Language added that digital or electronic signs must comply with setback requirements pursuant to LDR Section 4.6.7(E)(3) and OSSHAD zoning regulations.
- LDR Section 4.6.7(F)(3)(k)((iii)) Design: Language added that a digital or electronic message center sign shall be compatible with the design of the primary sign structure, including width, depth and color of the structure. The digital or electronic message center sign shall comply with LDR Section 4.5.1(E), Development Standards for historical sites.
- LDR Section 4.6.7(F)(3)(k)((iv)) Size: Language added that gives specific size for the sign area, structure and number of sign sides.
- LDR Section 4.6.7(F)(3)(k)((v)) Dwell time: Language added that defines the interval change between each individual message.
- LDR Section 4.6.7(F)(3)(k)((vi)) Images and messaging: Language added that defines how the image shall be displayed.
- LDR Section 4.6.7(F)(3)(k)((vii)) Brightness: Language added that defines the brightness or illuminance as ambient light changes to ensure that the message meets the following brightness standards.
- LDR Section 4.6.7(F)(3)(k)((viii)) Digital or Electronic Message Center Sign Approval: Language added to insure that all digital or electronic message center signs shall be approved by the Historic Preservation Board and shall not be permitted to receive waivers or variances to the digital or electronic message center sign standards.

#### **ANALYSIS**

Pursuant to LDR Section 2.4.5(M)(1), amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual. The proposed amendment is a City-initiated text amendment to the Land Development Regulations.

Pursuant to LDR Section 2.4.5(M)(5), Findings, in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan.

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and it was found that Objective A-4; Policy A-4.1 and Objective A-5; Policy A-5.1 are compatible.

### **Objective A-4**

The redevelopment of land and buildings shall provide for the preservation of historic resources. The objective shall be met through continued adherence to the City's Historic Preservation Ordinance and, where applicable, to architectural design guidelines through the following policies:

#### **Policy A-4.1**

Prior to approval or recommending approval of any land use or development application for property located within a historic district or designated as a historic site, the Historic Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations relating to historic sites and districts and the "Delray Beach Design Guidelines".

### **Objective A-5**

The City shall maintain its Land Development Regulations, which shall be regularly reviewed and updated, to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, and other innovative development practices.

#### **Policy A-5.1**

The City shall continue to enforce its existing sign code.

The proposed amendment is to permit digital or electronic message center signs on sites listed on the National Register of Historic Places, located in the Old School Square Historic District with an underlying land use designation of Community Facilities (CF). The number of signs shall be limited to one sign for every 250 linear feet of frontage.

The digital or electronic message center (sign) shall comply with the setbacks which may be in the front yard pursuant to Section 4.6.7(E)(3) as long as the sight visibility triangle requirements of LDR 4.6.14 have been met. The sign shall be comprised of no more than 50 percent of the overall sign area of the sign structure and shall not, in any case, exceed 30 square feet in area per side. The sign shall have no more than two sides. The dwell time is specific in that interval changes in between individual messages shall be at least 30 seconds and be completed instantaneously with no special effects between messages. The images and messages shall be a static display with no portion of the image flashing, scintillate, fade in or out, scroll, twirl, change color, or in any manner imitate movement. The brightness of the digital or electronic message center shall be measured in foot candles and not exceed 0.2 in relation to ambient light and the sign shall contain a light sensing device to adjust brightness or illuminance as ambient light conditions change.

The sign shall comply with LDR Section 4.5.1(E), Development Standards for historical sites and at no time shall the sign obscure view sheds or the façade of the historic structures on the historic site. At no time shall the sign create a safety hazard by distracting motorists, pedestrians, and or detract from the aesthetic beauty of the City.

The sign will be approved by the Historic Preservation Board (HPB) and will not be permitted waivers or variances. Any violations of the sign regulations will result in the City requiring the owner of the sign to show “full black” image until the sign is brought into compliance. If more than one sign is proposed or any sign in relation to the sign, a Master Sign Program will be required and approved by the HPB Board.

In consideration of the applicable Future Land Use Element Goal Area and Policy noted above, the proposed amendment to Article 4.6 “Supplemental District Regulations: Section 4.6.7 “Signs”, meets the intent of the sign code and will limit the use of the digital and electronic message center signs to a specific site area as to not detract from the aesthetic beauty of a historic site. The enactment of this Ordinance will serve to lessen hazardous situations, as well as confusion and visual clutter otherwise caused by the proliferation, placement, and distracting characteristics of digital or electronic message center signs which compete for the attention of pedestrian and vehicular traffic.

#### **REVIEWED BY OTHERS**

The Downtown Development Agency (DDA) reviewed the item at the May 14, 2018 meeting and voted unanimously in support of the proposed amendment.

The Pineapple Grove Main Street board reviewed the item at the May 30, 2018 meeting and voted unanimously in support of the proposed amendment with the recommendation that a sign be allowed on the Old School Square Park grounds and that only the screen be calculated as the sign structure and the remaining structure be viewed as art.

The Historic Preservation Board reviewed the item at the June 6, 2018 meeting, the comments will be presented at the Planning and Zoning Board meeting.

#### **ALTERNATIVE ACTIONS**

- A. Continue with direction.
- B. Recommend approval to the City Commission of the city-initiated amendment to Land Development Regulation Article 4.6 “Supplemental District Regulations”, Section 4.6.7 “Signs” to allow digital or electronic message centers for Nationally Designated Historic Sites in the Old School Square Historic Arts District (OSSHAD) Zoning District by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).
- C. Recommend denial to the City Commission of the city-initiated amendment to Land Development Regulation Article 4.6 “Supplemental District Regulations”,

Section 4.6.7 "Signs" to allow digital or electronic message centers for Nationally Designated Historic Sites in the Old School Square Historic Arts District (OSSHAD) Zoning District , and finding that the text amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Section 2.4.5(M).

<b>RECOMMENDED ACTION</b>
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Recommend approval to the City Commission of the City-initiated amendment to Article 4.6 "Supplemental District Regulations", Section 4.6.7 "Signs" of the Land Development Regulations to allow digital or electronic message centers for Nationally Designated Historic Sites in the Old School Square Historic Arts District (OSSHAD) Zoning District by adopting the findings of fact and law contained in the staff report, and finding that the text amendment is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Report by: Jennifer Buce

Attachments: Ordinance