



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## HISTORIC PRESERVATION BOARD STAFF REPORT

### Signs Update LDR Amendment, Ordinance No. 53-20

Meeting	File No.	Application Type
November 4, 2020	2020-145-LDR	Land Development Regulation Amendment

#### Request

Provide a recommendation to the City Commission on Ordinance 53-20, City-initiated amendments to update the Land Development Regulations regarding signs located within the right-of-way.

#### Background Information

Currently, the LDRs do not allow commercial signs within the right-of-way. As part of the proposed amendment, properties zoned CBD and OSSHAD with CBD overlay would be allowed by right to include projecting signs, under canopy signs and wall signs within the right-of-way when entered into an agreement with the City. These changes are needed as the existing physical characteristics of the downtown, such as reduced or zero front setbacks for existing structures; the regulations that govern support the extension of certain structures (arcades and awnings) into the right-of-way, and, consequently, the need for signs. Signs placed closer to the street, which may projecting from buildings and above the sidewalk level are traditionally found in historic downtown areas. Additionally, these historic sign types are more pedestrian oriented rather than automotive, as they face the sidewalk level and contribute to the desired character and aesthetic value of the historically lower-scaled streetscape.

#### Description of Proposal

The proposed LDR amendment is initiated by the City to amend Section 4.6.7 subsection (E) and (J) to establish regulations allowing certain sign types to extend into the right-of-way within the Central Business District (CBD) and the Old School Square Historic Arts District (OSSHAD) with CBD overlay, to restructure existing subsections and eliminate requirements that are inconsistent with other sections in the code. The goal of the text amendment is to address the needs of various existing buildings in the downtown area that are not allowed to include certain sign types within the storefront façade due to the building location. The text amendment also provides the option for legally built structures that encroach within the right-of-way, such as arcades and awnings, to have signage as part of the structure. The proposed amendment does not change the regulations associated with design requirements and does not propose to amend any current regulations associated with monument signs. The proposed text amendment includes changes to Section 4.6.7, "Signs", Subsection (E) "Sign Design Standards" as follows:

**Proposed Section 4.6.7(E)(2):** Subsection (a) is proposed to be rewritten and restructured with no substantive changes to the requirements.

**Proposed Section 4.6.7(E)(3):**

- Subsection (a) is proposed to be restructured to eliminate inaccurate information pertaining to the approval of signs as part of a site plan approval with no substantive changes to existing dimensional requirements. Signs are reviewed and approved independently, not as part of a site plan review.
- Subsection (b) is amended to allow projecting signs, wall signs, and under canopy signs within setback areas and within the right-of-way. Signs within the right-of-way are proposed to be allowed in the CBD and OSSHAD with CBD overlay within arcades and buildings legally built with limited or no setbacks.
- Subsection (c),(d) and (e) are proposed to be rewritten and restructured with no substantive changes to the existing requirements.

**Proposed Section 4.6.7(E)(4):** This subsection is proposed to be rewritten and restructured with no substantive changes to the existing requirements.

**Proposed Section 4.6.7(E)(5):** This subsection is proposed to be rewritten and restructured with no substantive changes to the existing requirements.

**Proposed Section 4.6.7(E)(6):** This subsection is proposed to be renumbered. Minor text revisions are proposed with no substantive changes to the existing requirements.

**Proposed Section 4.6.7(J)(8):** This subsection is revised to provide an exception for signs allowed in the right-of-way per the proposed revisions to subsection (E)(3)(b)2.

## Review and 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 City-initiated.

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 and furthers the Goals, Objectives and Policies (GOP) of the Comprehensive Plan.

The following policies from the Always Delray Comprehensive Plan support the proposed amendment.

- **Neighborhoods, Districts, and Corridors Element, Objective NDC 3.5.** *Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.*

The proposed amendment will improve the permit review process for signs by providing clear standards for Staff, development professionals, and property owners within the city. The proposed amendment will address existing conditions and development design trends by allowing (with limitations) projecting signs, wall signs, and under canopy signs within the right-of-way in the downtown area.

- **Historic Preservation Element, Objective HPE 1.3, Regulatory and Educational Preservation, Policy HPE 1.3.3:** Evaluate and, where necessary, amend the Land Development Regulations to ensure the protection of historic resources.

The City of Delray Beach preservation ordinance adopted in 1987 via Ordinance No. 13-87 created review guidelines and local standards for review of historic projects. Applicable standards and guidelines include:

- LDR Section 4.5.1(E)(7) - Visual Compatibility Standards;
- The Delray Beach Historic Preservation Design Guidelines; and,
- The (United States) Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Rehabilitation (developed by the National Park Service for the preservation of historic buildings, structures, and sites, these guidelines).

The above standards and guidelines are required to be analyzed for each historic development proposal. The Delray Beach Historic Preservation Design Guidelines include a section relating to Signage and identifies projecting and awning signs as signs that are seen throughout Delray Beach. Specifically, guidance on such signs is noted as follows:

- Place signage so significant architectural detail is not obscured.
- In commercial districts, the valance of an awning is often a visible and unobtrusive location for signage.

Further, the National Park Service has developed documents known as Preservation Briefs to assist property owners and professionals in applying the Standards and Guidelines. These Preservation Briefs are "especially useful because they recommend methods and approaches for rehabilitating historic buildings that are consistent with their historic character" (National Park Service website). Preservation Brief 25 "The Preservation of Historic Signs" notes the following with respect to projecting and awning signs:

**"Hanging or projecting signs**, both lettered and symbolic, were also common in the nineteenth century, although less so than previously. Projecting signs were often paired with another at a 45-degree angle for increased visibility. Occasionally a sign would stretch out from the building across the sidewalk, supported by a post at the street."

**Awnings** offered other opportunities for keeping a name before the public. The fringe or skirt of the awning, as well as the panel at the side were the usual places for a name or street number. Flags, particularly hung from the upper floors, and banners, sometimes stretching across the sidewalk, also appeared on buildings.

As projecting and awning signs were commonly used on historic structures, they are a characteristic of structures within the historic downtown area. Preservation Brief 25 also notes that communities often create regulation controls that limit signs and that “existing signs frequently do not meet requirements set forth in sign controls. They are too big, for example, or project too far from the building”. The Brief also notes that “Sign controls can impose a uniformity that falsifies history. Most historic districts contain buildings constructed over a long period of time, by different owners for different purposes; the buildings reflect different architectural styles and personal tastes. By requiring a standard sign “image” in such matters as size, material, typeface and other qualities, sign controls can mute the diversity of historic districts. Such controls can also sacrifice signs of some age and distinction...”. “increasingly, however, communities are enacting ordinances that recognize older and historic signs and permit them to be kept. The National Park Service encourages this trend”.

There are structures within the area that the proposed amendment would apply that have or once had signs, which were on awnings or projected from buildings (see photographs below of Block 69, which is zoned OSSHAD with CBD Overlay). These signs have gone to the wayside as replacement of them is not permitted under existing code requirements.



Additionally, Preservation Brief 25 offers the following guidance when communities are considering new signs on historic buildings: “...many efforts to control signage lead to bland sameness. For this reason the National Park Service discourages the adoption of local guidelines that are too restrictive, and that effectively dictate uniform signs within commercial districts. Instead, it encourages communities to promote diversity in signs—their sizes, types, colors, lighting, lettering and other qualities. It also encourages business owners to choose signs that reflect their own tastes, values, and personalities. At the same time, tenant sign practices can be stricter than sign ordinances. The National Park Service therefore encourages businesses to fit their sign programs to the building.”

The regulations, standards, and guidelines are in place to aid and guide property owners, city staff, and the Historic Preservation Board in making decisions with respect to what signage is appropriate for existing and new structures. These controls are already in place and continue to ensure that the downtown streetscape level and regulations are compatible and harmonious with historic and non-historic properties throughout the entire downtown area.

Finally, several nonconforming properties are currently located within the required setback area (minimum of 10 feet required) or built up to the property line. These existing nonconformities are a result of modifications throughout the years in the downtown such as road widening or legislative actions that changed the setback and design requirements. It is necessary to periodically amend the code to provide standards that support the local economic demand, incentivize the adaptive reuse of historic buildings to protect historic resources, and prevent undesired redevelopment. The proposed text amendment will provide the option for business owners in the downtown area, which occupy historic and non-historic buildings, to introduce signs that complement the downtown historic pattern of Delray Beach while providing appropriate sign options and flexibility for business owners to promote themselves.

### Review By Others

The **City Commission** is anticipated to review the proposed LDR Amendments at the meetings of November 17, 2020 (First Reading) and December 8, 2020 (Second Reading).

### Alternative Actions

- A. Recommend **approval** to the City Commission of Ordinance No. 53-20, on a City-initiated request to amend Land Development Regulations Section 4.6.7 "Signs", Subsection (E) "Sign Design Standards", Subsection (J), Prohibited Signs, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. 53-20, **as amended**, on a City-initiated request to amend Land Development Regulations Section 4.6.7 "Signs", Subsection (E) "Sign Design Standards", Subsection (J), Prohibited Signs, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. 53-20, on a City-initiated request to amend Land Development Regulations Section 4.6.7 "Signs", Subsection (E) "Sign Design Standards", Subsection (J), Prohibited Signs, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.

### Public and Courtesy Notices

☒ Courtesy Notices are not applicable to this request

N/A Public Notices are not required for this request.