



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE:	October 15, 2024
AGENDA ITEM:	G.1
CASE:	TA2024-08003
ORDINANCE NO.:	9791-24
REQUEST:	Amendments to the Community Development Code to clarify definitions for artwork and murals (applicable citywide) and to modify window signage standards in Downtown.
INITIATED BY:	City of Clearwater, Planning and Development Department

BACKGROUND

At the July 29, 2024 City Council work session there was a presentation and discussion about signage allowed in the Downtown District with most discussion focused on window signage and murals. While the Downtown District allows additional attached signage by right compared to other nonresidential areas of the city, window signs are limited to 10% of each window area in the Downtown. Elsewhere in the city, the standard is 25% of the window area along a façade. After much discussion, Council expressed its desire to have window signage allowances consistent throughout the city.

There was also agreement that murals bring vibrancy to the city and can have a very positive impact on commercial areas and the community at large. With that said the current regulatory environment presents challenges for staff in determining if the mural is art or if it conveys a commercial message and should be considered signage. This puts staff in a precarious position of arbitrating speech which is problematic for the city. Staff indicated they would continue to discuss the matter with the City Attorney's office to develop potential solutions that provide clear guidance on what constitutes signage within mural that eliminates the need for staff to be involved in First Amendment speech issues.

AMENDMENT PROPOSAL AND ANALYSIS

Murals

Proposed Ordinance 9791-24 revises the definition of artwork to clarify what constitutes signage within artwork. The amendment provides that company names, logos, and text relating to products sold by a company or person and incorporated into artwork will be considered as signage. The current definition is much broader as it references artwork promoting the speaker's economic interests or providing a commercial message. This revision will eliminate the need for staff to determine if elements of an artistic design is signage thereby minimizing potential First Amendment challenges. It would also allow businesses to incorporate products into the design of their mural. For example, ice cream shops could have murals depicting ice cream cones; however, it should be noted that other businesses could paint products that may not be as desirable as ice cream cones, but the benefit of this approach is it will remove staff from making decisions about speech within artwork. The current definition of mural is "artwork" applied to a wall that depicts scenes or events of natural, social, cultural or historic significance. The proposed amendment would eliminate these qualifiers and bring consistency between the definition of mural and artwork.

Window Signage

Ordinance 9791-24 proposes to increase the allowable sign area for window signs in the Downtown District. Currently, Community Development Code Section C-705 sets forth the allowable sign area, number, and types of signs. Table 6 specifies that 10% of window signage on each first-floor window and glass door opening is permitted. The proposed revision would allow window signs to equal 25% of each first-floor window or window grouping. Revisions reflecting this change are included in Table 6, Figures 38 and 39, and C-705.D.

CRITERIA FOR TEXT AMENDMENTS

CDC Section 4-601 sets forth the procedures and criteria for reviewing text amendments. All text amendments must comply with the following:

1. The proposed amendment is consistent with and furthers the goals, policies, and objectives of the Comprehensive Plan.

Objective

QP 5.9 Require all signage within the City of Clearwater to be consistent with the Clearwater sign code, as found within the CDC, and evaluate all proposed signs to determine their effectiveness in reducing visual clutter and in enhancing the safety and attractiveness of the streetscape.

Policy

QP 5.9.1 Continue to restrict commercial signs in the city to discourage the proliferation of visual clutter, promote community aesthetics, provide for highway safety, and allow the identification of business locations.

Proposed Ordinance No. 9791-24 includes amendments that balance business needs to have effective window signage with the City’s objective to have an uncluttered, safe and attractive environment. The allowable window sign area is proposed to be increased in a reasonable manner that will not detract from creating a vibrant environment in the City’s urban core. The proposed clarifications to the definition of artwork and murals provide guidance on what is to be considered signage when incorporated into artwork which may encourage the use of more murals which increase the attractiveness of the city.

2. The proposed amendments further the purposes of the Community Development Code (CDC) and other City ordinances and actions designed to implement the Plan.

The proposed text amendment will further the purposes of the CDC in that it will be consistent with the following purposes set forth in CDC Section 1-103:

- It is the purpose of this Development Code to implement the Comprehensive Plan of the city; to promote the health, safety, general welfare and quality of life in the city; to guide the orderly growth and development of the city; to establish rules of procedure for land development approvals; to enhance the character of the city and the preservation of neighborhoods; and to enhance the quality of life of all residents and property owners of the city. (Section 1-103.A., CDC)
- It is the further purpose of this Development Code to make beautification of the city a matter of the highest priority and to require that existing and future uses and structures in the city are attractive and well-maintained to the maximum extent permitted by law. (Section 1-103.D, CDC)
- Preserve the resources and aesthetic character of the community for both the resident and tourist population consistent with the city’s economic underpinnings. (Section 1-103.E.5, CDC)

The amendments proposed in Ordinance No. 9791-24 will further the above referenced purposes by implementing the Comprehensive Plan policies related to signage in Downtown and artwork throughout the city. These regulations will ensure window signage will enhance the Downtown character and provide clear guidance on artwork that will aid in the creation of an attractive built environment and contribute to the economic stability of Downtown and other commercial areas.

RECOMMENDATION

The Development Review Committee (DRC) reviewed the proposed text amendments to the Community Development Code at the DRC meeting of September 5, 2024. The Planning and Development Department, having reviewed the requirements of the Community Development Code, recommends **APPROVAL** of Ordinance 9791-24.

Prepared by Planning and Development Department Staff: _____

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ATTACHMENTS: Ordinance No. 9791-24
Resume