



City of Venice  
Planning & Zoning Department

**MEMORANDUM**

**To:** Planning Commission  
**From:** Jeff Shrum, AICP, Community Development Director  
**Date:** July 3, 2014  
**Re:** Request for Determination: 536 E. Venice Avenue, Father Fish Aquarium

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Please find attached information submitted by Mr. Louis Foxwell regarding the painting of the front of the Father Fish Aquarium business located at 536 E. Venice Avenue. Mr. Foxwell has requested a determination for the painting of the front façade of the building depicting an aquatic marine environment. The two basic questions that arise as a result of Mr. Foxwell's request are as follows:

- 1. Is the painting a sign or artwork?**
- 2. If the painting is considered a sign how much of it (what parts) constitute it as a sign? In other words could only a small portion of the painting that represents items that are sold in the business be considered a sign (portion of the painting versus specific parts)?**

As these two questions provide significant direction to staff for implementation of the recently implemented sign ordinance, I am requesting the Planning and Zoning board render their decision on these two questions. To facilitate a review by the Planning Commission of this request, I have provided Land Development Code regulations however, further review of the sign chapter (located in Chapter 86, Article VI, Section III) for signs may be beneficial:

Sec. 86-570. Definitions:

● Definition of a sign:

*Sign means any device designed to inform or attract the attention of persons. The term "sign" does not include the terms "building", "landscaping", "artwork" or any architectural embellishment of a building not intended to or having as a significant purpose or effect the communication of information and not containing a commercial message.*

● Definition of artwork:

*Artwork means a two- or three-dimensional representation of a creative idea, such as a mural, drawing, painting, sculpture, photograph, or other visual media, that is expressed in a form and manner solely to provide aesthetic enjoyment for the viewer and does not in form and manner convey the name of a business or a commercial message about the products or services offered on the premises where the artwork is displayed.*

Sec. 86-402. Sign Design Standards:

- *Section b(2)(d) Murals.*
  1. *Murals conveying the name of a business or a commercial message about the products or services offered on the premises are permitted and shall be considered a building sign for the purpose of calculating the maximum area of building signs per linear foot of building frontage.*
- *Section h(1) Calculation of Sign Dimensions:*

*Calculation of sign face area. The sign face area shall be computed including the entire display area within the periphery of a simple geometric shape such as a square or rectangle, or combinations of simple geometric shapes, comprising all of the display area of the sign and including all of the elements of the matter displayed, but not including blank masking, frames or structural elements of the sign bearing no advertising matter. In the case of multi-faced signs, only one face shall count toward the total allowed sign area. If the faces of a multi-faced sign are unequal in size, then the calculation of the sign area shall be based on the size of the largest face.*

Planning staff will present an overview of this request at the July 15<sup>th</sup> Planning Commission meeting along with a staff recommendation.

cc: 2014 Request Files