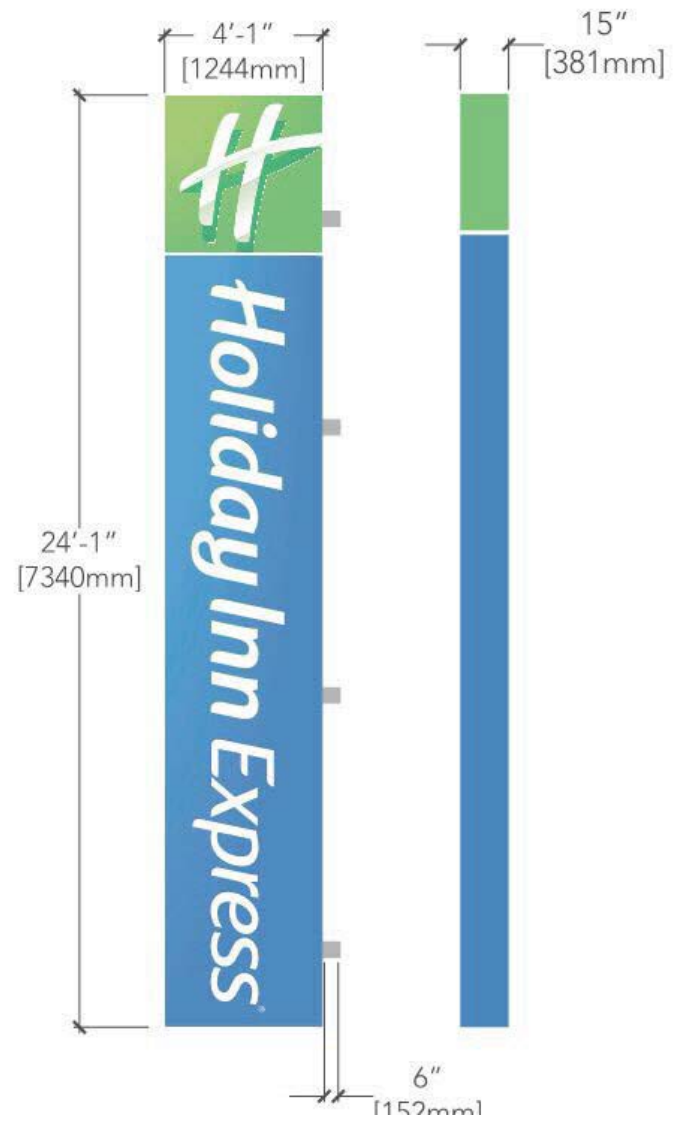
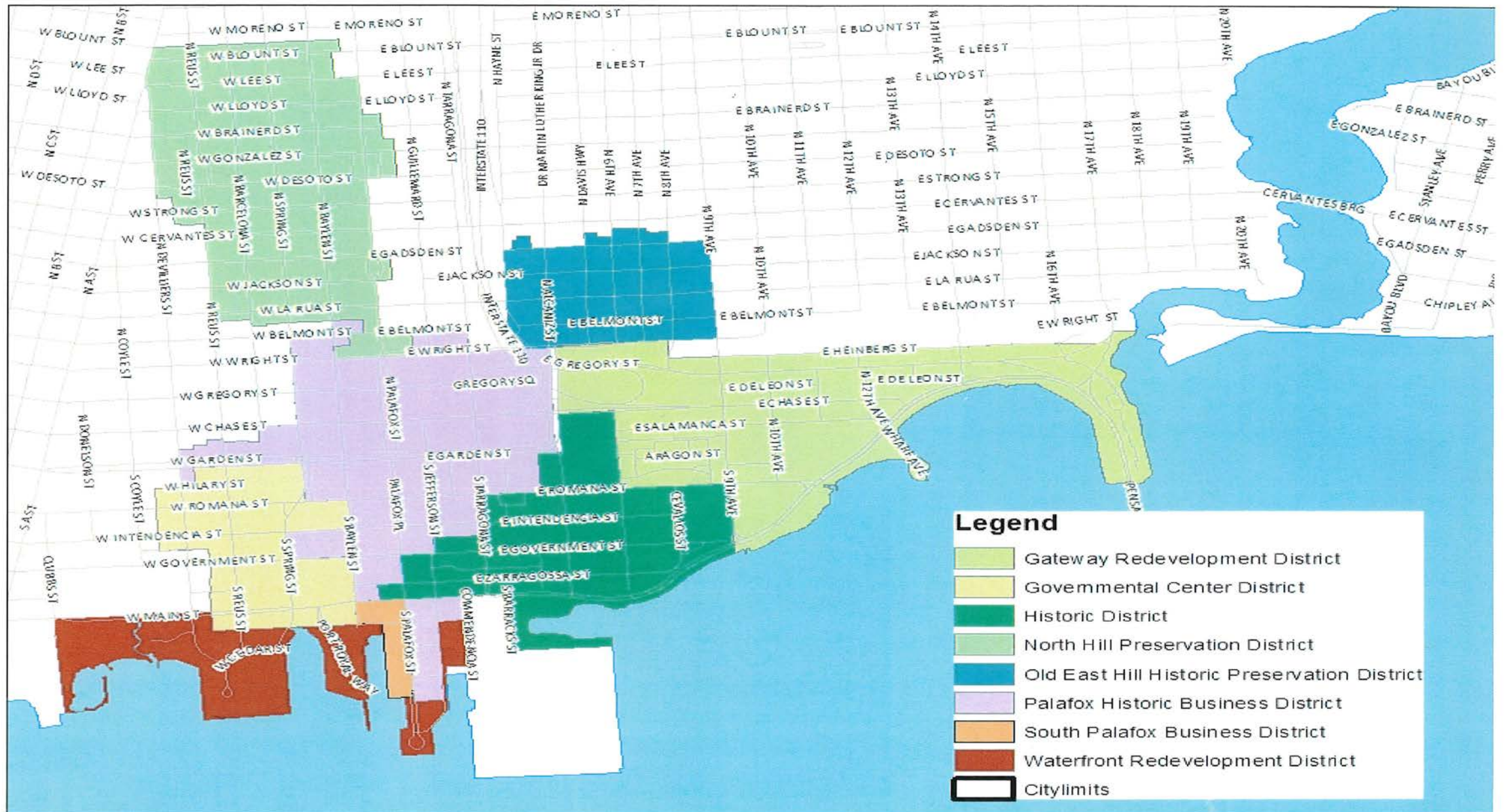


PENSACOLA DOWNTOWN HOTEL, LLC  
101 E. MAIN STREET

REVIEW OF ARB DENIAL OF  
INTERNALLY ILLUMINATED SIGNS

- At the April 20, 2017, ARB Meeting, the ARB denied Pensacola Downtown Hotel, LLC's application for internally illuminated signage.
- The ARB approved the sign with the condition that it not be internally illuminated.





- (E) *Duties.* The [Architectural Review Board] shall have as its purpose the preservation and protection of buildings of historic and architectural value and the maintenance and enhancement of the following district:
  - a. Pensacola Historic District. Refer to subsection 12-2-10(A).
  - b. North Hill Preservation District. Refer to subsection 12-2-10(B).
  - c. Old East Hill Preservation District. Refer to subsection 12-2-10(C).
  - d. Palafox Historic Business District. Refer to section 12-2-21.
  - e. Governmental Center District. Refer to section 12-2-22.

Sec. 12-2-21. – Palafox historic business district.

Sec. 12-2-21(F)(a) provides:

- Signs. In the case of any proposed new or altered sign, that the sign will not impair the architectural or historical value of any building to which it is attached, nor any adjacent building, and that such sign is consistent with the theme and spirit of the block where it is to be located, and that such sign is consistent with the following provisions:

Sec. 12-2-21. – Palafox historic business district.

Sec. 12-2-21(F)(a) provides:

- 3. Rooftop signs are prohibited, provided the business for which the sign is erected remains continuously in business, existing signs violating this provision may continue in use. Upon application to and approval by the board, such existing signs may be permitted to remain in place for a longer period if the board finds that the sign is consistent with the theme and character of the district.
- 4. Whirling and flashing signs attached to a building are prohibited, unless such signs replicate an original sign used at that location in the historical theme area. Balloon-type, portable or nonaccessory signs are prohibited.

- On the other hand, the Code for the Pensacola Historic District, the North Hill Preservation District, and Old East Hill Preservation District does prohibit internally illuminated signs



Pensacola Historic District; North Hill Preservation District, and Old East Hill Preservation District  
Section 12-2-10(A)(5)(d)2 provides:

- 2. Prohibited signs.
  - a. Any sign using plastic materials for lettering or background.
  - b. Internally illuminated signs.
  - c. Portable signs.
  - d. Nonaccessory signs.

- If the City had wanted to prohibit internally illuminated signs in the Palafox Historic District, it could have done so, as it did for other neighboring districts.

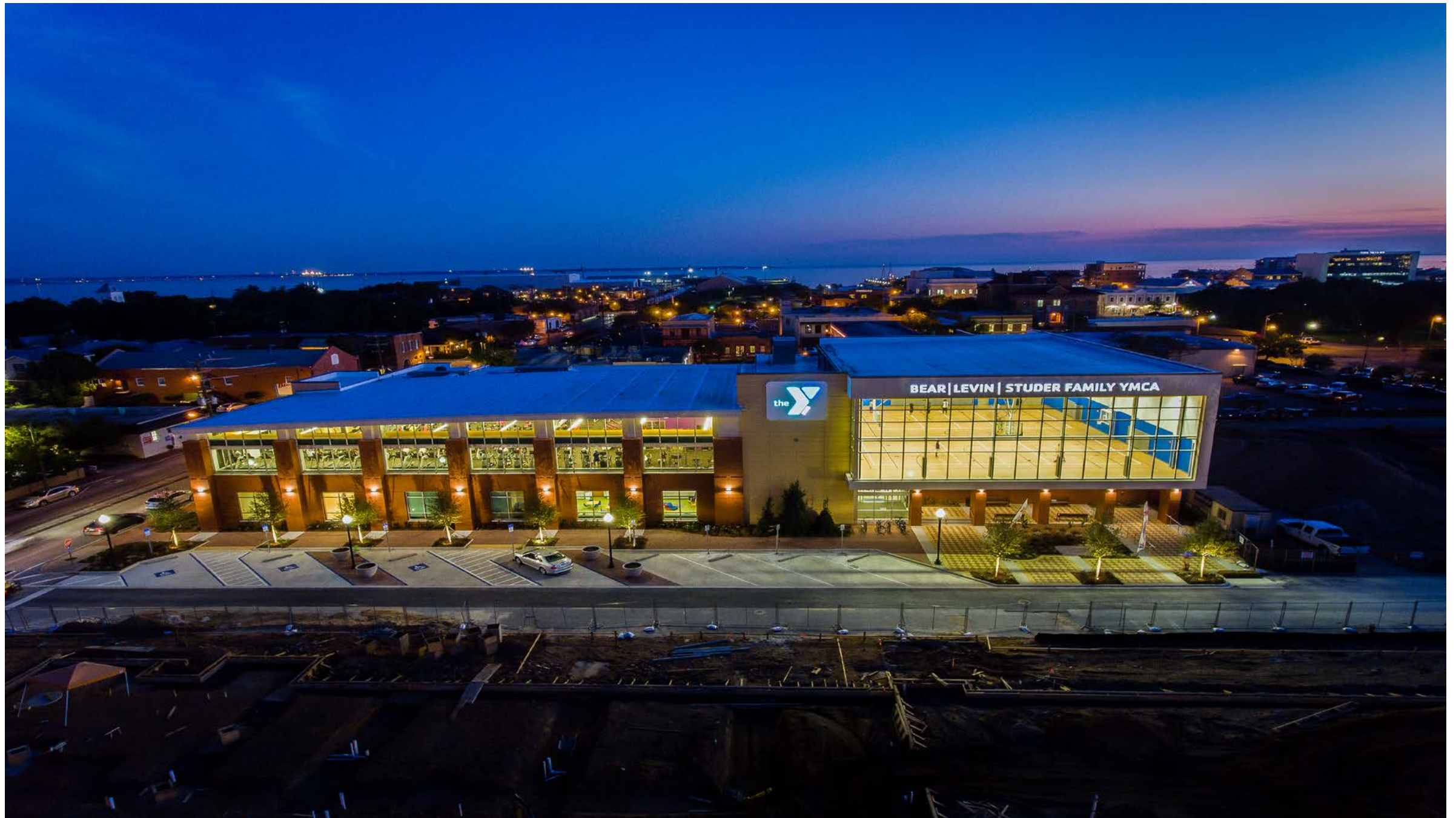
- Should the City Council uphold the ARB's decision denying internal illumination under broad discretion granted under the City Code, then the ARB's decision would violate Florida law.

- The Florida Supreme Court has held that a zoning ordinance must prescribe definite standards. *North Bay Village v. Blackwell*, 88 So2d 524 (1956).
- Objective criteria are necessary so that: persons are able to determine their rights and duties; the decisions recognizing such rights will not be left to arbitrary administrative determination; all applicants will be treated equally. *Friends of Great S., Inc. v. City of Hollywood ex rel. City Com'n*, 964 So. 2d 827, 830 (Fla. 4th DCA 2007).

- Likewise, the 4<sup>th</sup> District Court of Appeals has held that objective criteria are necessary so that: persons are able to determine their rights and duties; the decisions recognizing such rights will not be left to arbitrary administrative determination; all applicants will be treated equally; and meaningful judicial review is available. *Friends of Great S., Inc. v. City of Hollywood ex rel. City Com'n*, 964 So. 2d 827, 830 (Fla. 4th DCA 2007).









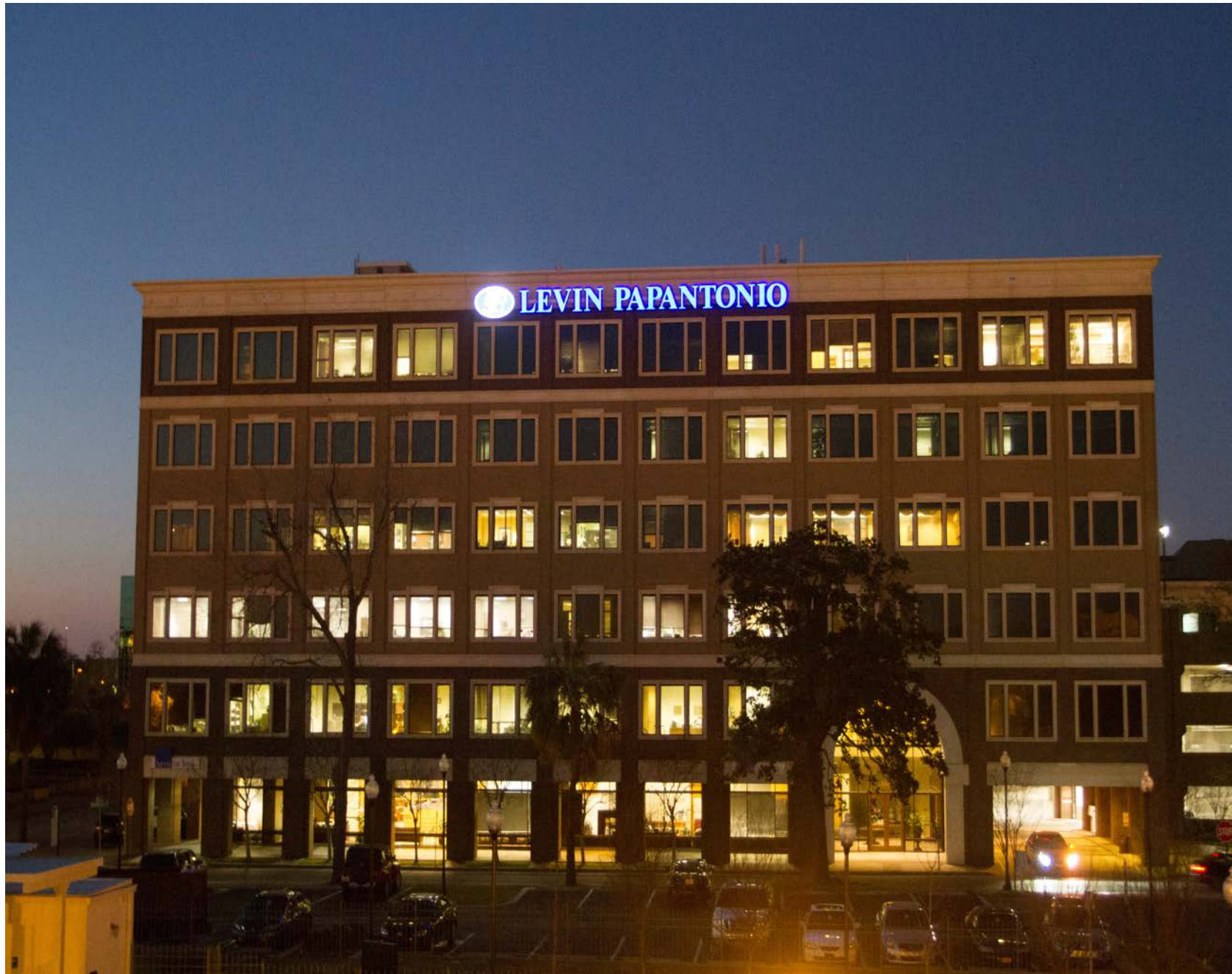






A photograph of a building at night. The building has a classical architectural style with arched windows and decorative columns. A bright blue neon sign is mounted on the roofline, reading "PEN AIR" in large, bold letters, with "FEDERAL CREDIT UNION" in smaller letters below it. The sign is illuminated, and the building's facade is visible in the dark.

**PEN AIR**  
FEDERAL CREDIT UNION







A nighttime photograph of a two-story brick building. The building's name, "AYLSTOCK, WITKIN, KREIS & OVERHOLTZ", is displayed in large, illuminated, white capital letters across the top facade. The building features a central entrance with a small portico supported by columns, flanked by two windows. Above the entrance is a larger, arched window. The ground floor has large glass windows. In front of the building is a parking lot with several cars parked. A tree is visible on the left side of the frame. The scene is illuminated by streetlights and the building's own lights.

● AYLSTOCK, WITKIN, KREIS & OVERHOLTZ

**AYLSTOCK, WITKIN, KREIS & OVERHOLTZ**

A night photograph of a street scene. In the foreground, the front left corner of a dark-colored car is visible. Behind the car, several vertical poles, possibly for traffic lights or signs, are positioned. In the background, a building is visible with a large, brightly lit rectangular entrance or window. To the left of this entrance, there is a smaller, glowing blue sign. The overall scene is dimly lit, with the primary light sources being the car's headlights and the building's entrance.

**SO CHOPPED**

**SERVIS BANK**



A nighttime photograph of a building's exterior. The name 'STIFEL NICOLAUS' is prominently displayed in large, white, illuminated capital letters on a dark horizontal band. Below the sign, several bright, circular spotlights are visible, casting light on the building's facade and creating lens flare. In the background, some interior lights from a window are visible. The overall scene is dark, with the primary light sources being the sign and the spotlights.

STIFEL NICOLAUS

STIFEL NICOLAUS

THE  
BODACIOUS  
**Brew  
Thru**



**LEVIN**

**BREW THRU**

- Denying Pensacola Downtown Hotel, LLC an internally illuminated sign, while granting such signs for other locations in the same district, is exactly the type of arbitrary decision making that Florida law prohibits.



