



EXECUTIVE ACTION

Staff Report to the St. Petersburg Development Review Commission

Prepared by the Development Services Department,
Urban Planning, Design and Historic Preservation Division

For Executive Action on December 2, 2009
at 2:00 p.m. in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

Subject: **City File LDR 2009-10:** Amendments to the Land Development Regulations (LDRs), City Code Chapter 16, regarding signs.

Request: This city-initiated application amends City Code Chapter 16 regarding signs to define and regulate electronic digital off premise signs (billboards).

The amendments proposed at this time accomplish the following:

- Define electronic digital signs
- Identify opportunity for outdoor media agencies to seek approval to replace existing off premise signs (billboards) with electronic digital signs
- Identify the conditions for approving replacement
 - Remove existing billboards from non major roadways, at 70% of total inventory and replacement ratio of 1 digital to 10 existing removed.
- Identify the locational conditions for digital signs
 - 2500' separation from other electronic digital sign facing the same direction
 - Only located at existing billboard sites on major roadways (I-275 including feeders, 34th Street, Gandy Blvd., Tyrone Blvd., Roosevelt Blvd.)
- Identify the operational conditions for digital signs
 - Minimum message duration 10 seconds
 - Brightness standards
 - Message transition and complexity standards
- Billboards removed cannot be replaced from removed locations
- Outdoor advertiser will make digital boards available to City and other public agencies for public service use such as evacuation, amber alert

and notice of special events.

Authority:

Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the Land Development Regulation Commission (LDRC), is responsible for reviewing and making a recommendation to the City Council on all proposed LDR amendments.

Background:

The proposed amendments revise the Land Development Regulations in City Code Chapter 16 regarding signage, to define and regulate a new form of sign technology, the electronic digital off premise sign. Digital display technology is being employed by outdoor advertisers, replacing certain static billboards, allowing the sign message to be changed remotely, and on a very short interval. Some local governments neighboring St Petersburg allow the digital signs, so they can be seen on major roadways surrounding the City. St Petersburg's current sign regulations prohibit changeable messages; the proposed ordinance modifies the sign regulations to allow digital billboards with certain conditions and in specific locations. The major outdoor advertising firm in the Tampa Bay area, Clear Channel Communications, requested that St Petersburg consider such amendment; the proposed ordinance is the result of discussion with Clear Channel regarding specifics of a billboard removal and digital replacement agreement over the last three years.

Analysis:

Current City sign regulations limit the form of signs citywide, and also regulate the placement of off premise signs (billboards). Alternatives regarding sign replacement and relocation are offered. The current proposal defines and regulates a new sign technology, digital billboards, using the replacement idea, that digital signs will be permitted on major roadways in the City, in a number proportional to existing billboards being removed from secondary roadways. It is appropriate for the City to define and regulate the new technology, as has been done in the past for advancing technology like satellite dishes and cell towers. The manner to regulate digital billboards provides advantages both to the outdoor advertiser by allowing the more profitable digital billboard, and to the City by removal of a significant number of billboards from City streets.

With the introduction of digital billboards are several issues to be addressed in the regulations, such as where they should be located, how many should be allowed, and operational guidelines. The proposed regulations restrict digital billboards to the City's major roadways such as I-275, 34th Street, Tyrone and Roosevelt Boulevards. A minimum separation of 2500' for signs facing the same direction is proposed. Operational issues such as a minimum 10 second message duration, brightness limits and message complexity and sequencing are also addressed.

Billboards can be a controversial issue, and are opposed by some local, state and national organizations for aesthetic, safety and environmental

reasons. Billboards opponents also oppose digital billboards, suggesting that the brightness and message composition are particularly distracting, and therefore unsafe. The non-profit organization Scenic America, “dedicated solely to preserving and enhancing the visual character of America's communities and countryside”, suggests a moratorium on electronic billboard permits based on these and other considerations. They suggest that future research is needed, and that if based on that future research, alterations were needed to digital billboards, that the outdoor advertising companies would be eligible for excessive damages from local governments seeking to modify the billboards.

It is important to consider the issues raised regarding billboards, and their aesthetic and safety effects, and to balance the expressed concerns with the federal, state and local regulatory framework for billboards. The proposal being considered for St Petersburg is unique in that it provides removal of a significant number of billboards, and precluding their being replaced, with the introduction of digital billboards. In addition to the removal of static billboards, the proposal includes specific regulations on the location and operation of digital billboards which address many of the concerns expressed, for example, brightness and flashing of digital messages. This proposal is different from other local governments adopting regulations for all billboards or only considering how to regulate the digital technology. The requestor, Clear Channel, is familiar with the expressed concerns and supports the regulations described here and future locational and operational restrictions which may be generated from further study, and which may be incorporated into this Code section by amendment.

A further concern is that if digital billboards are allowed now, and someday a government agency requires their removal, that the cost to the government of requiring their removal will be very high based on the value of the digital billboard. Not knowing what may happen in the future with either safety related research and subsequent regulations, or billboard industry technology, it isn't possible to address this concern entirely. It is likely that future research will result in different operational restrictions on digital billboards, and at the same time, billboard technology will continue to evolve as it has, moving from static to tri-panel to LED to digital. The current proposal for Clear Channel to remove 100 billboards is at no expense to the City, and Clear Channel supports the current and future operational limitations related to safety. Concern over future costs for government action to remove digital billboards must be balanced with the current and future benefit of the proposed removal plan.

Housing
Affordability
Impact
Statement:

The proposed amendments will have no impact on housing affordability, availability or accessibility. A Housing Affordability Impact Statement is attached.

**Compliance
with the
Comprehensive
Plan:**

The following objectives and policies from the City's Comprehensive Plan are applicable to the attached proposed amendments:

Objective LU20: The City shall, on an ongoing basis, review and consider for adoption, amendments to existing and/or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.

Policy V1.1: Development decisions and strategies shall integrate the guiding principles found in the Vision Element with sound planning principles followed in the formal planning process.

Recommendation: The Development Services Department finds that the proposed amendments to Chapter 16, City Code of Ordinances, are consistent with the Comprehensive Plan and recommends **APPROVAL**.

Attachments:

Proposed Ordinance
Housing Affordability Impact Statement

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING THE SIGN CODE; PROVIDING FOR ALLOWING OFF-PREMISE DIGITAL SIGNS IN CONJUNCTION WITH AN AGREEMENT REMOVING NONCONFORMING OFF-PREMISE SIGNS; PROVIDING FOR LIMITATIONS ON SIZE; PROVIDING RESTRICTIONS FOR LIGHTING; PROVIDING RESTRICTIONS FOR MESSAGES; AND PROVIDING AN EFFECTIVE DATE.

DRAFT

Whereas, the regulation of signs is necessary to protect the public health, safety and welfare; and

Whereas, the City's current sign regulations were originally adopted in 1992 and have not been substantially revised; and

Whereas, prior to 1992 billboard companies were allowed to construct off premise signs for advertising, which was subsequently made illegal in parts of the City; and

Whereas, technology for outdoor signage has substantially changed since 1992 and electronic digital changeable message technology is a new, significant component of outdoor advertising; and

Whereas, an outdoor advertising company, Clear Channel Outdoor, owns the majority of off premise signs in St Petersburg and has approached the City regarding defining and regulating a new digital technology for signs; and

Whereas, the City has long supported the reduction in the number of off premise signs many of which are nonconforming structures and/or uses under the City Code; and

Whereas, in addition to the federal and state regulations for placement, construction and lighting of signs on federal and state roadways, Florida Statutes provides St Petersburg the authority to adopt regulations relating to the repair, replacement and relocation of signs; and

Whereas, digital signs provide an efficient and economic manner of advertising because the technology allows multiple advertisers on one sign thereby reducing the need for larger numbers of off premise signs; and

Whereas, scheduling the removal of certain existing billboards and providing for regulation of new materials and technology in the sign industry promotes economic growth, sustainable business practices, preserves scenic views and promotes tourist oriented business and thereby benefits the public health, safety and welfare; and

Whereas, digital off premise signs provide an increasingly important avenue by which public safety messages and transportation information can be quickly conveyed to residents and visitors; and

Whereas, the Florida Department of Transportation allows electronic billboards adjacent to FDOT facilities; and

Whereas, pursuant to Article VIII, Florida Constitution, and Chapters 70, 163, 166, and 479, Florida Statutes, the City has the authority to adopt regulations concerning the repair, replacement, and relocation of signs; and

Whereas, the City desires to reduce the total number of billboards in the City and allow the new digital technology to be presented safely and aesthetically.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section One. Section 16.40.120.19 of the St. Petersburg City Code is hereby amended to add a definition for Digital or Electronic Off-Premise Signs to read as follows:

Digital or electronic off-premise signs – an off-premise sign capable of displaying words, symbols, or images that can be electronically or mechanically changed by remote or automatic means or which changes the static message or copy on the sign by electronic means or incorporates digital messaging technology and allows static advertising to be changed remotely.

Section Two. The definitions of the following Prohibited Signs in Section 16.40.120.3.3 of the St. Petersburg City Code are hereby amended to read as follows:

Off-premises signs, except those specifically allowed by this Sign Code.

Signs that have unshielded illuminating devices permitting a light bulb or other light source to be viewed with the naked eye from off the premises, except as specifically allowed in the supplementary regulations.

Signs that have blinking, flashing, or fluttering lights or other illumination devices which have a changing light intensity, brightness, color, or direction, except as specifically allowed in the supplementary regulations.

Section Three. Section 16.41.120.15 of the St. Petersburg Code is hereby amended to provide for a new subsection I to read as follows:

I. Digital or electronic off-premise signs. Digital or electronic off-premise signs shall only be allowed in conjunction with an approved enforceable agreement pursuant to Florida Statutes Chapter 70.20 (2009) of the Bert J. Harris, Jr. Private Property Rights Protection Act. If any such approved agreement is declared invalid or unenforceable then the authorization for any digital or electric off-premise sign allowed by this subsection shall immediately be illegal and

this subsection of the City Code shall become void and repealed upon the expiration of the appeal period for such court order.

1. Locations. Digital or electronic off-premise signs shall only be allowed within 100 feet of the right-of-way of the interstate, including the downtown feeders, Tyrone Boulevard, Roosevelt Boulevard, Gandy Boulevard, and 34th Street. Signs are prohibited on the same site as an historic structure or within an historic district and are prohibited within 500 feet of an historic structure.

2. Spacing. Digital or electronic off-premise signs shall be spaced so that a driver cannot see more than one digital or electronic off-premise sign face at the same time.

3. Size. The message face of each sign shall not exceed 14 feet in height and 48 feet in width.

4. Height. Signs shall not exceed 65 feet in height above the crown of the paved surface of the adjacent street or highway to which the digital sign is oriented. When the view of the sign face is partially or totally obstructed, this height may be increased to the lowest height possible which permits an unobstructed view of the entire sign face from the adjacent street or highway from a distance of one thousand feet.

5. The dwell time, defined as the interval of change between each individual message, shall be at least 10 seconds. Any change of message shall be completed in two seconds. The dwell time shall not include the time required to change a message. There shall be no special effects between messages.

6. Message sequencing is prohibited (message sequencing means related messages such as successive narratives conveyed over two or more successive screens). No message shall be personalized or interactive.

7. The message shall be static. There shall be no flashing or varying light intensity or movement during the message. Messages shall not scroll and shall not give any appearance of moving.

8. Each sign shall have a light sensing device to adjust brightness as ambient light conditions change in order to insure that the message meets the following brightness standards. The maximum brightness shall be .3 foot candles above the ambient light measured 150 feet perpendicular from the face of the sign.

9. Notwithstanding the foregoing subsection, the message shall not display light which is brighter than necessary for clear and adequate visibility and the message shall not display light which is of such intensity or brilliance to cause glare or otherwise impair the vision of a driver or which results in a nuisance to a driver. No sign shall display light of such intensity that it interferes with the effectiveness of an official traffic sign, signal or device. The maximum brightness shall be reduced if the Zoning Official determines that the sign violates any provision of this subsection thereby causing a possible safety hazard.

10. The sign shall have a default mechanism or setting that will cause the sign to turn off or freeze in one position at a brightness no brighter than normal operation if a malfunction or failure (meaning any unintended interruption in message sequencing) occurs.

11. The sign shall not be configured to resemble a warning or danger signal nor shall there be any configuration which may cause a driver to mistake the sign for a warning or danger sign. The sign shall not resemble or simulate any lights or official signage used to control traffic.

12. Every line of text in the primary message of the digital sign shall meet the following minimum height requirements: not less than 15 inches for signs oriented toward the interstate and feeders, and not less than 9 inches for signs oriented toward all other roadways. The message on a digital sign shall not contain any addresses, phone numbers, website addresses, email numbers or like information.

13. Prior to the issuance of a permit for construction of the digital or electronic off-premise sign, the operator of the sign shall enter into an agreement with the City to provide for public service announcements on a regular basis. Such announcements shall be provided regularly throughout the day and year and shall include messages of significant public interest related to safety and traffic matters (e.g. Amber Alerts, traffic hazards and congestion, hurricane evacuation notices and traffic alerts or advisories) and messages related to City-sponsored and co-sponsored events. Messages shall be posted upon receipt of notice from the City and shall continue to be posted throughout the duration of the event in a manner designed to provide reasonable and effective notice of the event (such posting shall not be exclusive of other messages).

14. Prior to the issuance of a permit for a sign, the applicant shall provide a letter or other written documentation from the State of Florida stating that the proposed sign is not subject to State regulation or complies with applicable State regulations.

Section Four. Section 16.41.120.15.F.3 of the St. Petersburg Code is hereby amended to read as follows:

3. Location. Off-premises signs shall be allowed only on sites in the Corridor Commercial Traditional (CCT), Corridor Commercial Suburban (CCS), Employment Center (EC), Retail Center (RC), Institutional Center (IC), Industrial Suburban (IS) and Industrial Traditional (IT) zoning districts which are abutting the interstate or interstate feeders ~~federal-aid-primary designated roads~~.

Section Five. Except for Sections one and three of this ordinance which are new, additions to the St. Petersburg City Code are shown with underlines and deletions from the St. Petersburg City Code are shown with ~~strikethroughs~~.

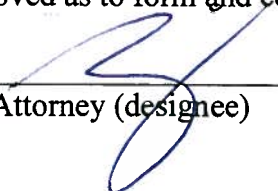
Section Six. Severability. The provisions of this ordinance shall be deemed to

be severable. If any provision of this ordinance is judicially determined to be unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provision of this ordinance.

Section Seven. The codifier of the City Code is authorized to correct typographical errors and to index, format and number paragraphs to conform to the existing City Code.

Section Eight. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:



City Attorney (designee)