

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 STANDARDS FOR LIGHTING; PROVIDING STANDARDS FOR MESSAGES; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the regulation of signs is necessary to protect the public health, safety and welfare of the citizens, businesses and visitors to the City of St. Petersburg (the “City”); and

Whereas, the City’s current sign regulations were adopted in 1992 and the regulations pertaining to off-premise signs have not been substantially revised since then; and

Whereas, prior to 1992 billboard companies were allowed to construct off-premise signs for advertising in areas of the City where such signs were not allowed after the adoption of the 1992 sign regulations, resulting in non-conforming signs; 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, outdoor advertising companies that own off-premise signs in the City have approached the City regarding defining and regulating a new digital technology for off-premise signs; and

Whereas, the City has long supported the reduction in the number of off-premise signs, many of which are nonconforming signs under the City Code; 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 off-premise signs and providing for regulation of new materials and technology in the sign industry benefits the public health, safety and welfare by promoting economic growth, sustainable business practices, preserving scenic views and promoting tourist oriented business; 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, in addition to the federal and state regulations for the placement, construction and lighting of signs on federal and state highways, Article VIII of the Florida Constitution, and Florida Statutes Chapters 70, 163, 166, and 479 authorize the City to adopt regulations concerning the repair, replacement, and relocation of signs and to enter into agreements for the removal, reconstruction, and construction 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 sign – an off-premise sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically.

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. Digital or electronic off-premise signs that are constructed and operated in accordance with this Sign Code shall not be deemed to be included within this definition of prohibited signs.

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. Digital or electronic off-premise signs that are constructed and operated in accordance with this Sign Code shall not be deemed to be included within this definition of prohibited signs.

Signs that exist in a poorly maintained state for more than sixty (60) consecutive days after the City has provided notice to the sign owner. Signs in a poorly maintained state include, but are not limited to, signs where the advertisement on the sign face is peeling or where such poorly maintained signs are an eyesore or contribute to blight. Such signs shall be prohibited even if they do not pose a risk of imminent collapse or constitute a threat to public health or safety.

Three-dimensional objects that are used as signs. The term includes objects that are not necessary for use or function of the site, objects that are exaggerated in size, color, and depiction so as to attract attention, or objects that are directly related to the finished product or service sold within an establishment. Three-dimensional extensions on static off-premise signs that are constructed and operated in accordance with this Sign Code shall not be deemed to be included within this definition of prohibited signs.

Section Three. Section 16.40.120.15 of the St. Petersburg City 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 that provides for a reduction in the number of off-premise signs in the City, as authorized pursuant to Section 70.20, Florida Statutes (2009), of the Bert J. Harris, Jr. Private Property Rights Protection Act. The City may enter into such consensual agreements with sign owners for the removal, reconstruction, and construction of signs. If (a) Section 16.40.120.15(I)(12) (providing for the permanent removal of ten (10) static off-premise signs in exchange for the conversion of one remaining sign face to a digital or electronic sign, with affected signs to be designated by agreement, and providing for public service and City-sponsored messages on the digital or electronic sign(s)) of this Ordinance is declared invalid, illegal, or unenforceable by a final court order from a court of competent jurisdiction or (b) any other portion of this Ordinance is declared invalid, illegal, or unenforceable by a final order from a court of competent jurisdiction and such court order specifically requires the removal of any digital or electronic off-premise sign constructed in accordance with this Ordinance, then, upon such court order becoming final and non-appealable, (i) the authorization for any digital or electronic off-premise sign allowed by this subsection and implemented through an agreement entered into pursuant to this ordinance shall immediately be illegal and null and void; (ii) any digital or electronic off-premise sign that has been constructed pursuant to this subsection of the City Code shall become illegal and, within thirty (30) days of the expiration of the date the order becomes final and non-appealable, must be either demolished and removed at the expense of the sign owner or converted to a static sign at the expense of the sign owner; (iii) any static off-premise signs that were removed in order to construct digital or electronic off-premise signs may be rebuilt in accordance with this ordinance and the agreement entered into with the sign owner to implement this Ordinance, on the same properties on which they were previously constructed and to the same dimensions, subject to the provisions of this ordinance and the receipt of required permits and compliance with the Florida Building Code faces (provided, however, any replacements may only occur on FAP roadways and the sign owner's rights to rebuild shall be limited to the right to replace fifty percent (50%) of the sign inventory if the order becomes final and non-appealable within five years after the effective date of the ordinance, twenty-five percent (25) if the order becomes final and non-appealable between five years and ten years after the effective date of the ordinance, and there shall be no right to replace such inventory if the order becomes final and non-appealable ten or more years after the effective date), and (iv) this subsection of the City Code shall become void and repealed. Digital or electronic off-premise signs shall be permitted, constructed, and operated in accordance with the following standards:

1. Locations. Digital or electronic off-premise signs shall only be allowed within one hundred feet (100') of the right-of-way of the interstate, including the downtown feeders. Digital or electronic off-premise signs are prohibited on the same site as a National Register or locally designated historic structure or within a National Register or locally designated historic district. Digital or electronic off-premise signs are prohibited within five hundred feet (500') of a National Register or locally designated historic structure, except where an interstate highway or feeder separates the digital or electronic off-premise sign from the National Register or locally designated historic structure. Digital or electronic off-premise signs are also prohibited within five hundred feet (500') of residentially zoned property as defined in this Chapter. Distance requirements shall be measured from the leading edge of the digital or electronic sign face to the closest property line of the residentially zoned property.

2. Separation. Digital or electronic off-premise signs shall be spaced so that a driver cannot read more than one digital or electronic off-premise sign face at the same time, regardless of ownership. A digital or electronic off-premise sign shall be at least two thousand five hundred feet (2,500') from any other digital or electronic off-premise sign facing the same direction on the same roadway, regardless of ownership. Such distance shall be measured along the centerline of the abutting roadway.

3. Size. The sign face of each sign shall not exceed fourteen feet and one and three-quarters inches (14' 1 3/4'') in height and forty-eight feet and two and one quarter inches (48' 2 1/4'') in width. The area of any border shall be included in the area of the sign face. Such a border shall be black, with no illumination and no writing or symbols other than the identification (name and/or logo) of the sign owner.

4. Height. The maximum height shall be twenty-five feet (25') or the height of the existing static billboard that is being replaced, whichever is greater. The height of each existing static billboard to be replaced with a digital or electronic off-premise sign shall be subject to verification by the City prior to the existing billboard being altered, demolished, removed, or converted. The maximum height shall be measured to the highest point of the sign or sign structure, including any border or extensions. If the sign is on a parcel contiguous to an overpass or elevated road (excluding service roads) from which the sign is designed to be viewed, the maximum height of the sign shall be measured vertically from the average elevation of the crown of the roadway surface of the overpass or elevated road. The average elevation shall be determined by averaging the elevation of the crown of the roadway surface between the horizontal extensions of the boundary lines of the contiguous parcel upon which the sign is to be located, where such boundary lines intersect the crown of the overpass or elevated road. Structures upon which digital or electronic off-premise signs will be located may be constructed or reconstructed, as applicable, to support and allow the incorporation of the digital or electronic off-premise signs. This includes permitting construction or reconstruction that meets the current building department standards of wind load and the building code.

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 instantaneously. The dwell time shall not include the time required to change a message. There shall be no special effects between messages.

6. Consecutive messages on a single electronic changeable message sign face (digital slots) are prohibited when the second message answers a textual question posed on the prior slot, continues or completes a sentence started on the prior slot, or continues or completes a story line started on the prior slot. Nothing in this subsection shall prohibit consecutive messages by the same advertiser or consecutive messages for the same product provided that the second of such advertisements does not answer a textual question posed in the first advertisement, continue or complete a sentence started on the first advertisement, or continue or complete a story line started on the prior slot. For example, consecutive advertisements by a single grocery store advertising the same or multiple products are permitted provided that such advertisements do not answer textual questions, continue or complete a sentence from one slot to the next slot, or continue or complete a story line from one slot to the next slot.

7. The message shall be static. There shall be no animation, flashing, scintillating lighting, movement, or the varying of light intensity during the message. Messages shall not scroll and shall not give any appearance or optical illusion of movement.

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 0.3 foot candles above the ambient light measured one hundred fifty feet (150') perpendicular from the face of a sign that is less than or equal to 300.0 square feet in area, two hundred feet (200') perpendicular from the face of a sign that is greater than 300.0 square feet in area but less than or equal to 378.0 square feet in area, and two hundred fifty feet (250') perpendicular from the face of a sign that is greater than 378.0 square feet in area.

9. The sign face shall not display light that is of such intensity or brilliance to cause glare or otherwise impair the vision of a driver. No sign shall display light of such intensity that it interferes with the effectiveness of an official traffic sign, signal or device. Any violation of this section will result in the City requiring the sign owner to turn the sign off or show a "full black" image until the sign can be brought into compliance.

10. The sign shall have a default mechanism or setting that will cause the sign to turn off or show a "full black" image if a visible malfunction or failure occurs.

11. The sign shall not be configured to resemble a warning or danger signal. The sign shall not resemble or simulate any lights or official signage used to control traffic.

12. 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 in accordance with Section 70.20, Florida Statutes. The agreement shall specify which existing billboard faces shall be permanently removed and the location(s) of the requested digital or electronic off-premise sign faces. A minimum of ten (10) existing billboard faces shall be permanently removed for each digital or electronic off-premise sign face requested to be approved. All sign faces must be removed from an existing structure in order for each removed face to qualify as a removed sign. The agreement shall require approval by City Council. The agreement shall also

provide for public service announcements on a regular basis without charge. Such announcements shall be provided regularly throughout the day and year as specified in the agreement and shall include messages of significant public interest related to safety and traffic matters (e.g. Amber Alerts, Cop Killer Alerts, and hurricane evacuation notices) and messages related to City-sponsored and co-sponsored events.

13. Upon completion of the demolition, removal, and disposal of any existing sign that is conforming or non-conforming under the Land Development Regulations and that is not replaced by a replacement sign as authorized in an agreement with the City in accordance with Section 70.20, Florida Statutes, the property upon which the conforming or non-conforming sign was located shall no longer include off-premise signs as a permitted structure except as otherwise expressly authorized by such agreement with the City.

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 either the proposed sign is not subject to State regulation, complies with applicable State regulations, or will comply as proposed with applicable State regulations.

15. No variances may be granted that would alter any of the provisions of this Section.

16. This Subsection I of Section 1640.120.15 shall terminate and be of no further force and effect as of the twentieth (20th) anniversary of the effective date of this ordinance. On the twentieth (20th) anniversary of the effective date of this Ordinance, any digital sign faces installed pursuant to this Ordinance shall be removed from the billboard structure and replaced with a traditional static sign face. The replacement of the digital face with the traditional, static sign face shall be deemed an acceptable improvement or alteration to a non-conforming structure or use under this Code.

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 that~~ are abutting the interstate or interstate feeders ~~federal-aid primary designated roads~~.

Section Five. Section 16.40.120.19 of the St. Petersburg City Code is hereby amended to change the definitions of “Sign area” and “Sign face” as follows:

Sign area. The total area of a sign face. Sign area shall include the background and frame of a sign structure and any borders or extensions, but not the structural supporting elements outside of its frame or extensions. Where a sign is composed of skeletal letters, characters, or symbols applied to a wall or other background ~~which that~~ is not a part of the sign, the area of the sign shall be the area of the smallest rectangle, square, triangle, circle, or other geometric figure that ~~which~~ will enclose the whole group of letters, characters and symbols. Where a sign is built

with two faces back-to-back, the area of the sign shall be the larger of the areas of the two faces computed as herein before specified.

In the case of a three-sided sign forming a triangle with sign faces on each side, sign area shall be calculated as one and one-half times the largest face. In the case of a four-faced sign forming a square with sign faces on each side, sign area shall be calculated as two times the largest face.

Sign face. Any plane, surface, curve or other area upon which appears the letters, characters and symbols composing the sign message, and the background of the letters, characters and symbols. The total surface of a sign, including the background, ~~and frame, border,~~ and any extensions, but not the structural supporting elements outside of the frame or extensions. Where a sign is composed of skeletal letters, characters, or symbols applied to a wall or other background ~~which~~ that is not a part of the sign, the face of the sign shall be the area of the smallest rectangle, square, triangle, circle, or other geometric figure ~~that which~~ will enclose the whole group of letters, characters and symbols. Background colors ~~that which~~ are part of a corporate logo shall be considered a part of the sign face. Where a freestanding sign contains two or more tenant panels on the same side of the sign, the sign face shall include all of the tenant panels including framing.

Section Six. Section 16.40.120.15.F.10 of the St. Petersburg Code is hereby added to read as follows:

10. *Three-dimensional extensions.* Static off-premise signs may include one or more three-dimensional extensions. Each extension is permitted to project to a maximum depth of five (5) feet beyond the surface of the sign face but not into any right-of-way. Three-dimensional extension(s) on any sign shall not exceed a total maximum area that exceeds thirty (30) percent of the total sign face area. Each three-dimensional extension shall comply with the requirements of the Florida Building Code and shall be required to obtain a building permit when necessary.

Section Seven. Subsection I of Section 1640.120.15, as amended by this Ordinance, shall be further amended to add a new subsection 17 as set forth below. Provided that, in accordance with Section 162.09, Florida Statutes, a supermajority (defined as a majority plus 1) of the City Council vote to approve the enactment of this Ordinance, If less than a supermajority of the City Council approve the enactment of this ordinance, then this Section shall be void and shall have no legal force or effect.

17. In connection with the City's issuance of a notice of violation or other process pursuant to which the City seeks to enforce the provisions of this Ordinance related to an alleged violation of the lighting standards, message sequencing, or minimum message dwell time standards established in this Ordinance, forty-eight (48) hours shall be deemed a reasonable time period for the owner or operator to cure a first-time alleged violation. Any time period in which the electronic changeable message display is turned off while the owner or operator attempts to address or cure the alleged violation shall toll the running of the forty-eight (48) hour period. Pursuant to Section 9-29 of the City Code, the fine for a violation of any provision of this Ordinance pertaining to a digital or electronic off premises sign shall be not less than \$1,000.00 per day for the first violation, \$2,500.00 per day for the second violation, and \$5,000.00 per day for the third and subsequent violations.

Section Eight. 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 ~~striketroughs~~.

Section Nine. 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 Ten. 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 Eleven. 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)

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