

**City of St. Petersburg**  
**Committee of the Whole**  
Meeting of April 25, 2019 @ 9:25 a.m.  
City Hall - Room 100

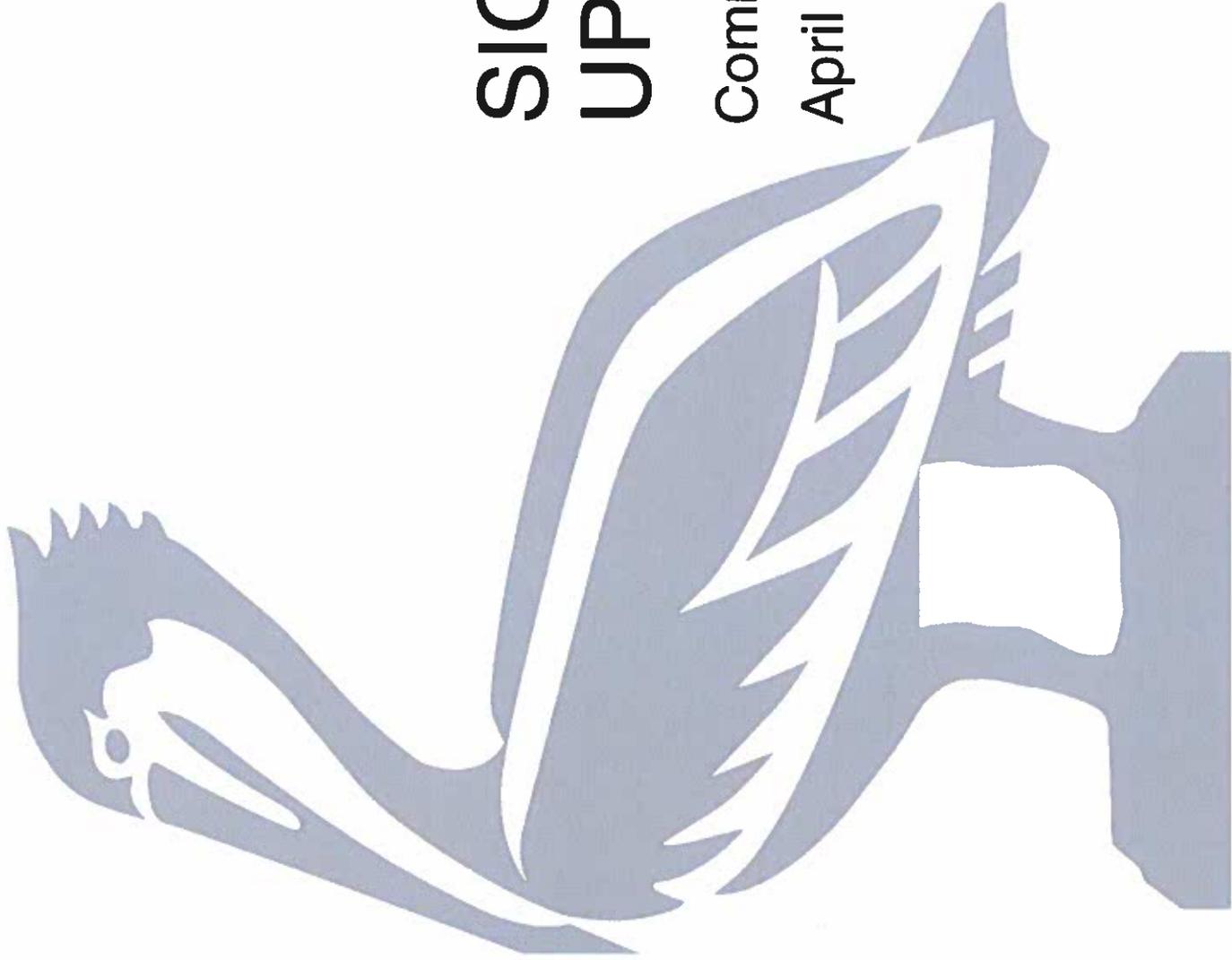
A. Call to Order – Council Chair Charlie Gerdes

B. Discussion Items

a. Sign Ordinance – Liz Abernethy, Director Planning & Developments Services

C. Next Meeting – April 25, 2019 @ 2:00 p.m., City Hall - Room 100  
FY20 – Capital improvement Projects Budget

D. Adjournment



# SIGN CODE UPDATE

Committee of the Whole Update  
April 25, 2019



# Key Changes

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## **Reorganized and Renumbered**

- Master Charts for freestanding and wall signs  
(Nine charts and on-site supplemental regulations combined into two Master Charts)

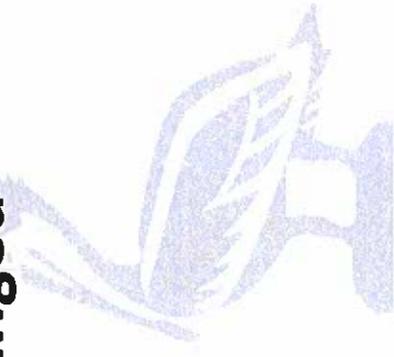
## **Applicability**

- Clarifies that code applies if visible from a right-of-way

**Non-conforming & Grandfathered date changed  
from 1992 to 2008**



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# Key Changes

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## Reed v. Town of Gilbert

- **Eliminated definitions which were content based:**  
(Advertising, Directional, Employment, Free Speech, Identification, Menu, Public/semi-public, Real Estate)
- **Eliminated content based exemptions** (Commemorative, Employment, Free Speech, Garage or Yard Sale, Identification, Menu, Political, Real Estate)
- **Provides for additional temporary residential signs**  
instead (up to 5 temporary signs on single or multi-family lot with 4 units or less, 4 s.f. in area, 6 ft in height)



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# Key Changes

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## Neighborhood Signs

- Now allowed under the section related to districts/subdivision entrances: Provides up to two single face signs instead, 24 s.f., 10-ft in height
- Does not preclude the placement of neighborhood identifiers
- POD has the ability to allow neighborhood signs on the ROW



# No Changes

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- **Electronic message centers**
- **Off-premise signs**
- **Size, height, location, number of on-site signs**
- **Banners/Wind feather signs**



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# Public Outreach

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- **Chamber Public Policy Meeting – February 26<sup>th</sup>**
- **DRC Workshop – March 6<sup>th</sup>**
- **Stakeholder Meeting – March 7<sup>th</sup>**
- **PSI Meeting – March 15**



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# Next Steps

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- **DRC Public Hearing – April 3**
- **CONA presentation – April 17<sup>th</sup>**
- **COW – Committee of the Whole – April 25<sup>th</sup>**
- **City Council First Reading – June 6<sup>th</sup>**
- **City Council 2<sup>nd</sup> Reading & Public Hearing - June 13<sup>th</sup>**

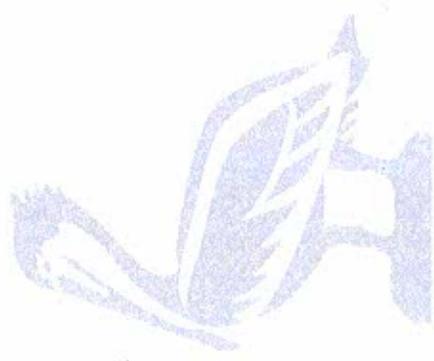


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# Questions

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## DRAFT LANGUAGE OPTIONS FOR COW 4/25/19

### Current Code:

#### 16.40.120.2 – Applicability

This sign code applies to any sign displayed, erected, or visible within the City.

### Clarification Language Proposed (based on historic enforcement and interpretation):

This sign code applies to any sign displayed or erected which is visible and legible from a right of way within the City.

### Potential Options to include Pier District if the ROW is vacated:

1. This sign code applies to any sign displayed or erected which is visible and legible from a right of way within the City, and to any sign located within the boundaries of the Pier District.
2. This sign code applies to any sign displayed or erected which is visible and legible from a right of way or navigable waterbody within the City.
3. This sign code applies to any sign displayed or erected which is visible and legible from a right of way, and to certain signs located within the Pier District as specifically enumerated herein.

### Examples of how #3 could work:

Proposed new 16.40.120.6 contains the Sign Type Specific Regulations, so if there was a certain sign type that was not desirable within the Pier District then we could speak to it specifically here.

#### **16.40.120.6.3 – Digital or electronic message center signs**

(create a new subsection)

L. *Sign at the Pier District.* Digital or electronic message center signs within the Pier District shall not exceed X percent of the overall sign area, and shall not, in any case, exceed X square feet in area.

#### **16.40.120.6.7 Off-premises signs.**

C. 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 that are abutting the interstate or interstate feeders. In no circumstance shall an off-premises sign be located within the Pier District.

(For reference off premises signs are defined as any sign identifying or advertising a product, business, person, activity, condition, or service not located or available on the same parcel of property where the sign is installed and maintained. “Shrimp Wednesday at Doc Fords” =OK; “Shop Sundial”=non-compliant)

#### **16.40.120.10 Exempt Signs**

*A-frame signs.* A-frame signs, when placed on sidewalks in front of businesses within corridor commercial traditional (CCT) and downtown center (DC) zoning districts, shall be allowed only for businesses that are situated in buildings that comply with the design criteria of the corridor commercial traditional (CCT) and downtown center (DC) zoning districts. One A-frame sign within the Pier District shall be allowed for each pier lessee, licensee, or permit holder. No more than one such sign shall be allowed for each customer entrance to a business from the sidewalk. An A-frame sign may be displayed on the sidewalk only during hours of operation of the business. An A-frame sign shall not exceed four square feet per sign face and five feet in height. Such signs are not allowed within four feet of the curb of the street. A minimum sidewalk clearance of five feet is required.

*The examples provided above are for discussion purposes and could be adjusted based on input regarding acceptable sign types, sizes, and placement considerations. This is not intended as a complete list, as there may be other sections that could be amended based on the will of Council.*

AN ORDINANCE AMENDING THE ST. PETERSBURG CITY CODE BY REPLACING SECTION 16.40.120 WITH A REORGANIZED AND REVISED SECTION 16.40.120 SIGN CODE; ENHANCING READABILITY AND CORRECTING SCRIVENER'S ERRORS; CREATING A CONSOLIDATED ZONING CHART FOR SIGNAGE; AND CREATING A SIGN CODE CONSISTENT WITH CURRENT STATE AND FEDERAL REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2015 the U.S. Supreme Court issued a decision in Reed v. Town of Gilbert which struck down local sign codes which differentiate based upon the sign's message and imposed a strict scrutiny review standard for local sign codes with content based standards for regulation; and

WHEREAS, the City along with the majority of local governments across the county were required to cease enforcing subsections related to exempt and temporary signs or change their sign codes; and

WHEREAS, the City chose to wait for post-Reed judicial interpretation and guidance before undertaking a revision of its own, previously upheld Sign Code, and

WHEREAS, the City, having such judicial interpretation now available, seeks to update its Sign Code to be more clearly compliant with the current state of Constitutional law, and also seeks to amend and restructure its code to enhance readability for the use and understanding of its citizens, and

WHEREAS, the City believes a reorganization amendment will further the goals of the original sign code passed in 1992 and its subsequent amendments and further the efficiency of the review process by City staff, and

WHEREAS, the majority of the City's existing sign code, besides subsections relating to exemptions, does not require substantial amendment beyond a reorganization of the various subsections themselves, and

WHEREAS, this revised sign code shall not repeal or otherwise effect previously adopted City Ordinances, including Ordinance 177-H and 35-H related to off premises signs, digital billboards, or the agreements related to these sign types.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Section 16.40.120 is hereby replaced in its entirety by a new Section 16.40.120 which shall read as follows:

**16.40.120 – SIGN CODE**

**16.40.120.1. - Purpose and findings.**

This section shall be known as the sign code and shall establish standards for the location, size, spacing and design of signs. These standards are content-neutral and regulate only the form and

placement, not the content, of signs. Each regulation serves a compelling governmental interest by furthering the purposes of this sign code. The City finds and determines that the following situations existed in the City and in the county prior to the original adoption of this sign code on February 6, 1992, and that these conditions would occur without the regulations established in this revised sign code:

1. Inadequate sign regulation in the City;
2. Lack of attention to the relationship between proper sign regulation and resultant economic and other effects on the community;
3. Visual distraction and potential safety hazards posed to movement of pedestrian and vehicular traffic on public rights-of-way; and
4. Failure to consider signs as an integral component of the urban landscape.

In order to address these issues, the City finds and determines that the most effective, efficient and equitable approach is the implementation of a system of sign regulation which shall serve as a minimum norm or standard.

The purpose of this sign code is to establish minimum standards for an orderly system of signs and improve the quality of sign regulation in the City in a manner that contributes to the economic well-being, visual appearance, safety, and overall quality of life in the City. The sign code seeks to address the goals of the Vision Element of the City's Comprehensive Plan. In particular, it is the purpose of this sign code to further the following objectives, taking into consideration that the mix of densities and intensities of different uses in each zoning district, the aesthetics of each zoning district, and the speed limits of abutting traffic may require different regulations to ensure that these purposes are met in each zoning district:

To establish a comprehensive system of sign regulation that addresses the full spectrum of principal sign considerations on a uniform basis;

To establish an organized system of sign regulation to prevent oversized and competing signage systems within the commercial corridors of the City;

To establish a system of sign regulation that gives special recognition to protecting the aesthetic and scenic beauty of the City and the natural characteristics and visual attractiveness that are essential to the economy and cultural development of the City;

To establish the minimum standards necessary to reduce the visual distraction and safety hazards created by sign proliferation along the public rights-of-way; and

To recognize the significance of signs and appropriate uniform regulation thereof as a component of community appearance and character in the City.

#### **16.40.120.2. - Applicability.**

This sign code applies to any sign displayed or erected which is visible and legible from a right of way within the City.

#### **16.40.120.3. - Generally.**

- A. It is the intent of the City Council to regulate signs consistent with the zoning designation which establishes the character of the area in which the signs are located.

- B. All new signs shall comply with all applicable Florida Building Code requirements, design requirements, and other applicable requirements.
- C. The replacement of a sign face in a lawful sign structure with a sign face of equal size and material shall not require a permit, provided that the sign structure complies with all applicable Florida Building Code, and design requirements of this sign code.
- D. All signs shall be consistent with a uniform sign plan for multi-tenant structures or developments where a uniform sign plan is required.
- E. All signs shall comply with design requirements where required by this sign code.
- F. No person shall install, erect or create any sign without first obtaining a permit for the sign, except for exempt signs and prohibited signs, and except as may otherwise be provided specifically herein. No person who has obtained a permit for a sign shall install, erect or create a sign except in compliance with the terms of this sign code and any conditions or restrictions that may have been imposed upon the issuance of the permit. Any person who commences such work shall prosecute the work to completion, and pass the final inspection for such work. Work commenced under a permit which expires before the work is completed shall be deemed to be work done without a permit. It shall be unlawful for any property owner to allow any uncompleted work to remain on property owned by such owner if the work was commenced prior to the issuance of a permit for the work and a permit has not been obtained for the work, or if a permit for such work was obtained but expired prior to completion and final inspection of the work and the permit has not been re-issued.

**16.40.120.3.1 - No content restrictions.**

- A. It is the intent of the City Council that protection of First Amendment rights shall be afforded by this sign code. Accordingly, any sign, display, or device allowed under this sign code may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with applicable size, lighting, dimension, design, spacing, and other requirements, including permitting requirements of this sign code.
- B. In the event that a court of competent jurisdiction determines that allowing any sign to be exempt from the permitting process is unconstitutional or unenforceable, or causes the remainder of this section to be unconstitutional or unenforceable, then that sign or signs shall thereafter be required to obtain a permit and comply with the other requirements of this section. In the event that a court of competent jurisdiction determines that any provision allowing a specific sign or signs to be permitted is unconstitutional or unenforceable, or causes the remainder of this section to be unconstitutional or unenforceable, then that sign shall become a prohibited sign. In the event that a court of competent jurisdiction determines that this section, known as the Sign Code, is unconstitutional or unenforceable, then no new signs are allowed to be constructed and no existing sign is allowed to be modified, expanded or changed and a sign moratorium shall be in place for up to six months or until a new Sign Code is adopted.

**16.40.120.4 - Definitions.**

As used herein, the following terms shall have the following meanings unless the context in which a term is used clearly indicates a different meaning:

*A-frame sign* means a non-illuminated incidental freestanding portable sign which is ordinarily in the shape of an "A" or some variation thereof. For purposes of this sign code, such signs shall also include, but not be limited to, pedestal signs and sandwich board signs.

*Animated sign* means any sign which includes action, motion, the optical illusion of action or motion or color changes of all or any part of the sign face, requiring electrical energy or set in motion by movement of the atmosphere or a sign made up of a series of sections that turn and stop to show two or more pictures or messages in the copy area. The term "animated sign" does not include signs which display time of day, temperature, or both, and does not include electronic message center signs or tri-vision signs.

*Artwork* means drawings, pictures, symbols, paintings (including the painting of patterns or designs) or sculpture, which does not in any way include a company or corporate logo; or text identifying any product, service or business sold or available on the premises, or text advertising a business at another location[HJ2]

*Awning sign* means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.

*Banner* means a temporary sign that is (i) made of wind- and weather-resistant cloth or other similar material; (ii) mounted to a pole, wire, fence, structure, or building at one or more edges; (iii) hangs downward; and (iv) designed to limit articulation or activation by the wind. Flags shall not be considered banners.

*Beacon* means a stationary or revolving light which flashes or projects illumination, single color or multicolored, and which is intended to attract or divert attention. However, the term "beacon" does not include any kind of lighting device which is required or necessary under the safety regulations prescribed by the Federal Aviation Administration or similar agencies.

*Bench sign/bus shelter sign* means a bench or bus shelter upon which a sign is drawn, painted, printed, or otherwise affixed thereto.

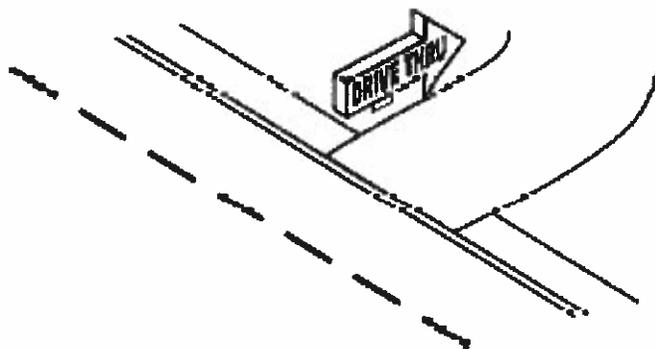
*Building frontage*, for purposes of this sign code, means the single facade of a building abutting a street or containing the primary building entrance. For multi-tenant buildings where each tenant has its own entrance, the term "building frontage" means the single facade of each tenant.

*Business establishment*, for the purposes of this sign code, means any individual person, nonprofit organization, partnership, corporation, other organization or legal entity which has paid, or is required to pay, the business tax and which occupies distinct and separate physical space.

*Changeable copy (or changeable message) sign* means a portion of a sign upon which the message copy may be changed manually through the utilization of attachable letters, numbers, symbols, and other similar characteristics. The overall size is included in the square footage of the sign.

*Construction area or construction site* means any property or building at which active construction work is currently ongoing or for which there are active permits for said construction on file with the Building Department.

*Damaged sign* means a sign missing more than 25 percent of the sign structure, or missing more than 25 percent of the area of a sign face, or having suffered damage to one or more structural support elements such that the sign is at risk of imminent collapse.



**Double-faced sign** means a sign which has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on each face being either in contact with the other face or in contact with the same background.

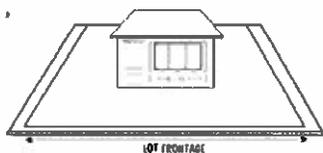
**Digital or Electronic sign** means a sign utilizing digital message technology by which the message copy may be electronically changed and controlled. The term includes, but is not limited to, time and temperature signs.

**Erect** means to build, construct, attach, hang, place, suspend or affix.

**Flag** means a sign that is (i) made of any fabric, banner, bunting, or other non-rigid material; (ii) attached to a flagpole, stanchion, or bracket; and (iii) intended to be articulated or activated by the wind.

**Flagpole** means a pole for which the primary purpose of which is the display of flags.

**Freestanding sign** means any sign supported by a structure or support that is placed on or anchored in the ground and that is structurally independent of any building or other structure. This includes monument and pole signs.

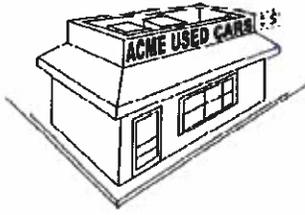


**Frontage** means the length of the street boundary line for a parcel which runs coterminous with the boundary of an adjoining parcel. The measurement includes utility and drainage easements but does not include alleys or public ingress-egress easements.

**Ground level** means the finish grade of a parcel of land exclusive of any filling, berming, mounding or excavating solely for the purpose of locating a sign. Ground level on marina docks or floating structures shall be the finish grade of the landward portion of the adjoining parcel.

**Height** means the vertical distance to the highest point of a sign, measured from ground level nearest the base of the sign or from another point such as the crown of a road if a measurement from such starting point is required by this sign code.

**Human sign** means a sign held or worn by a human being for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, idea, cause, or product.



*Integral roof sign* means any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches. Any integral portion of the roof sign shall not extend more than five feet above the structural roof. [HJ3]

*Large facility sign* means a sign erected on a site consisting of 20 acres or more and which contains an arena, theater, or other place of public assembly.

*Linear front foot* means a measurement of the horizontal length of the wall upon which a wall sign is attached.

*Maintenance* means the replacing, repairing or repainting of a sign structure or any portion of a sign structure, including but not limited to changing or renewing copy which has been made unusable by ordinary wear or weather or accident. The term "maintenance" does not include changing the message on a changeable copy sign.

*Monument sign* means a sign that is erected on an opaque base having a width equal to or greater than 75 percent of the width of the sign for the entire vertical dimension of the base. If the width of the base is less than 75 percent of the width of the sign, the sign is a pole sign.

*Multifamily use* means any building having a residential use comprised of more than one family dwelling unit.

*Nonconforming sign* means any sign that does not conform to the requirements of this section. Prohibited signs are not nonconforming signs.

*Off-premises sign* means any sign identifying or advertising a product, business, person, activity, condition, or service not located or available on the same parcel of property where the sign is installed and maintained.

*On-premises sign* means any sign which identifies a use, business or advertises a product for sale or service to be rendered on the parcel of property where the sign is located.

*Pennant/streamer* means any series of small flag-like or streamer-like pieces of cloth, plastic, paper, or similar material which is attached in a row to any staff, cord, or building, at only one or two edges, the remainder hanging loosely.

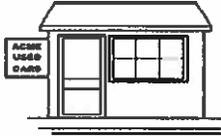
*POD* see chapter 1.

*Pole sign* means a sign attached to a pole or mast that is not attached to a building.



*Portable sign* means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, any sign designed to be transported by

means of wheels. The term "portable sign" includes, but is not limited to, an A-frame sign, a menu sign, a sandwich board sign, and a balloon or other inflatable device used for communicating a message.



*Projecting sign* means any wall sign affixed perpendicularly to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

*Property* means, unless a different meaning is indicated by the context in which the term is used, real property, or the total land area represented by the outside boundaries of a parcel of land.



*Roof sign* means any sign that is erected, constructed and/or maintained on the roof of a building or structure, which is placed above the eaves, mansards, parapets, or other similar architectural features of such roof

*Section* means this sign code and any section, subsection, paragraph, subparagraph or other provision herein, regardless of the organization and numbering of these provisions.

*Shopping center* means a group of three or more business establishments with a single architectural plan, with common ownership of property, or cooperative or condominium ownership.

*Sign* means any device, fixture, placard, structure or representation that uses any color, form, graphic, illumination, or writing to advertise, attract attention, announce the existence of, or identify the purpose of a person, entity, product or service or to communicate information of any kind to the public.

*Sign area* means 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 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 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 1½ 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* means 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, and includes the total surface of a sign, including the background, 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 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 will enclose the whole group of letters, characters and symbols. Background colors that 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.

*Sign structure* means any structure which is designed specifically for the purpose of supporting a sign, whether or not the structure is presently supporting a sign. The term "sign structure" does not include any decorative covers, braces, wires, supports, or components attached to or placed around the sign structure when designed to meet the design requirements of this sign code.



*Snipe sign* means a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to a tree, pole, fence, public bench, street light pole, or other object, or on any public property or within the right-of-way.

*Street.* See the definition of "street" in the Definitions section (currently Sec. 16.90.020.3). For the purposes of this section, 'street' generally does not include an 'alley'.

*Tenant panel* means one of two or more sign panels on the same side of a freestanding sign, each of which typically (but not necessarily) represents one business or other use on the site, all of which collectively form the sign face.

*Tri-vision sign* means a sign which contains a number of triangular tubes, called prisms, standing upright and kept in place by a frame. Advertising copy is painted or affixed to the prisms and the sign thereby can separately display three different messages. The prisms that stand closely together are turned simultaneously by a smooth movement at determined intervals. The advertising message on a tri-vision sign is stationary for determined intervals.

*Umbrella sign* means a sign printed on an umbrella.



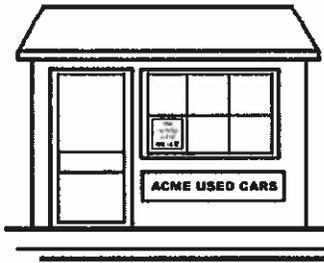
*Vehicle sign* means a sign attached to or placed upon a vehicle or a boat, camper, or trailer, permanently or temporarily, or which is constructed as an integral component of a vehicle, boat, camper, or trailer. A vehicle sign will be a prohibited sign or exempt from this sign code depending upon the location and usage of the vehicle sign, as set forth more particularly in this sign code. The term "vehicle sign" does not include any sign which is required by any unit of government.



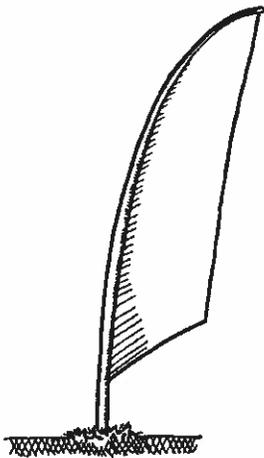
*Wall sign* means any sign attached to, on, or supported by any part of a building (e.g., walls, integral roof, awning, windows, or canopy) which encloses or covers usable space.

*Warning sign* means a sign that warns of a dangerous condition on a parcel of property or that posts the property warning of restrictions concerning parking, trespassing, hunting, fishing, swimming, or other activity, or that gives notice to the public of information required by law regarding the towing of motor vehicles, or other information specifically required to be posted by law, provided that such sign does not carry any commercial message or identification except the name, address, and telephone number of the property owner, or other person responsible for the property.

*Waterside identification sign* means a sign intended to be viewed only from the waters of the Gulf of Mexico, Tampa Bay, the Intracoastal Waterway or any other bays, rivers, lakes and waterways.



*Wind feather sign* means a type of temporary lightweight sign comprised of a pole and/or base which may be made of metal, plastic or any other substance, to which a vinyl, nylon, canvas, polyester, or other type of fabric, sign is attached.



*Window sign* means a sign located on a window or within a building or other enclosed structure and which is visible from the exterior through the window or any other opening.

## **16.40.120.5 - GENERAL REQUIREMENTS FOR ALL SIGNS**

### **16.40.120.5.1 - Procedures.**

- A. *Permitting, variances and appeals.* See the application and procedures section.
- B. *Enforcement.*
  - 1. The erection, display, construction, maintenance, or use of any sign in any manner contrary to the requirements of this sign code shall be deemed a violation of this code, punishable by fine or imprisonment as provided by section 1-7, or by the imposition of fines and liens as provided by Chapter 9, or by such other remedies as are available to the City. Each day that a violation continues to occur shall be deemed a separate violation.
  - 2. Any prohibited sign shall be removed from publicly-owned lands and rights-of-way upon demand by the City. Nothing shall prohibit a duly authorized officer or employee of the City from removing a sign from publicly-owned lands and rights-of-way.
- C. *Illegal signs.* Signs that existed on September 4, 2008 that were not in conformance with the Codes and ordinances at the time they were constructed are illegal signs and shall conform with this sign code or be removed. Signs which were constructed without a permit but which are currently lawful may remain if the owner demonstrates that the sign was or became lawful, provides an engineering certification that the sign is constructed according to Florida Building Codes, and obtains an after the fact permit.

### **16.40.120.5.2 - Design requirements.**

All signs except temporary signs and off-premises signs shall be subject to the design requirements below:

- A. *Freestanding signs.* Signs shall be designed to complement the architectural design of the building on the same site, utilizing the same materials, colors, finishes, and details. In addition to color, freestanding signs shall incorporate at least one additional element (such as, but not necessarily limited to, building material or architectural feature) to reflect the architectural design of the building.
- B. *Freestanding monument signs.* All signs of ten feet in height or less shall be designed as monument signs. The materials, finishes and colors of the base shall match the architectural design of the building on the same site. In lieu of a monument base, any combination of landscaping of sufficient density and maturity at the time of planting may be used to achieve the same opacity as would have been achieved with the monument base.
- C. *Tenant panels in freestanding signs.* All tenant panels in freestanding signs, including those added to existing sign structures, shall be constructed of the same materials and illuminated by the same method. Panels added to existing signs shall match the existing panels with respect to their color, materials, and illumination.
- D. *Landscaping.* All freestanding and monument signs shall be landscaped around the base of the sign structure. Landscaping (e.g., ornamental trees, shrubs, and ornamental plants) shall meet the requirements for foundation landscaping as required by this Code.
- E. *Wall signs.* Wall signs shall not be installed in a manner that detracts from the architectural design of a building. Wall signs shall not be installed over windows, doors, or other types of fenestration.

F. *Wall signs for multi-tenant developments.* Wall signs installed within a development having three or more tenant spaces shall be consistent with the uniform sign plan for the development. The uniform sign plan shall demonstrate that the signs will be consistent with each other with respect to size, materials, method of illumination and, for wall signs, method of attachment.

G. *Illumination of signs adjacent to single-family uses.* No wall or freestanding sign located within 50 feet of a property with a single-family use or zoned for a single-family use shall be internally illuminated.

H. *Three-dimensional signs.* A sign may be in the shape of a three-dimensional object or may include one or more three-dimensional extensions.

1. Three-dimensional signs shall conform in all respects to the required height, area, location and numerical requirements of this section.

2. The area of a three-dimensional sign shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semi-circle, the sides of which touch the extreme points or edges of the projected image of the sign and multiplying that area by two. The "projected image" is that image created by tracing the largest possible two-dimensional outline of the sign.

3. The three-dimensional sign shall be located so that no sign or portion thereof is within a public pedestrian easement or extends beyond the property line of the premises on which such sign is located into the right-of-way unless the sign is attached to the face of the building and located at least eight feet above grade.

#### **16.40.120.5.3 - Uniform sign plan required.**

For any individual site or parcels subject to a common plan of development on which the owner(s) proposes to erect one or more signs requiring a permit, the owner shall, in addition to other information required to be provided in the sign permit application, submit two copies of a uniform sign plan for the site or parcels which contains the following information:

1. A plan of the site or parcels, drawn to scale, which shows the locations of buildings, parking lots, driveways, landscaped areas, adjoining streets and avenues, and the locations of all existing and proposed signs, including but not limited to signs exempt from permitting requirements;

2. A listing of existing and proposed sign types, the number of each existing and proposed sign type, the height of each existing and proposed sign, the area of each existing and proposed sign, and the maximum total area of all the existing and proposed signs;

3. Detailed drawings for each existing and proposed sign, indicating the dimensions, design, structure and location of each sign; provided that the message to be displayed on each sign shall not be required on such drawings. The drawings shall demonstrate a uniform plan for the signs with respect to the location and dimensions, materials, method of illumination and, for wall signs, the method of attachment;

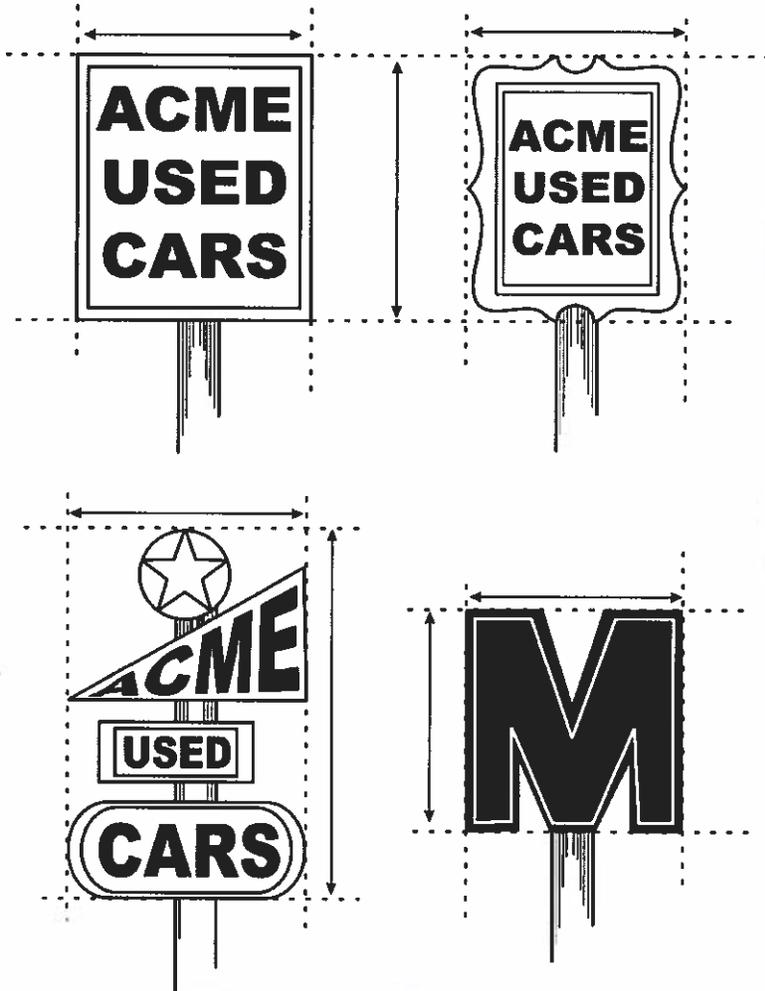
4. Name, address, and telephone number of the person erecting the sign for which a permit is sought;

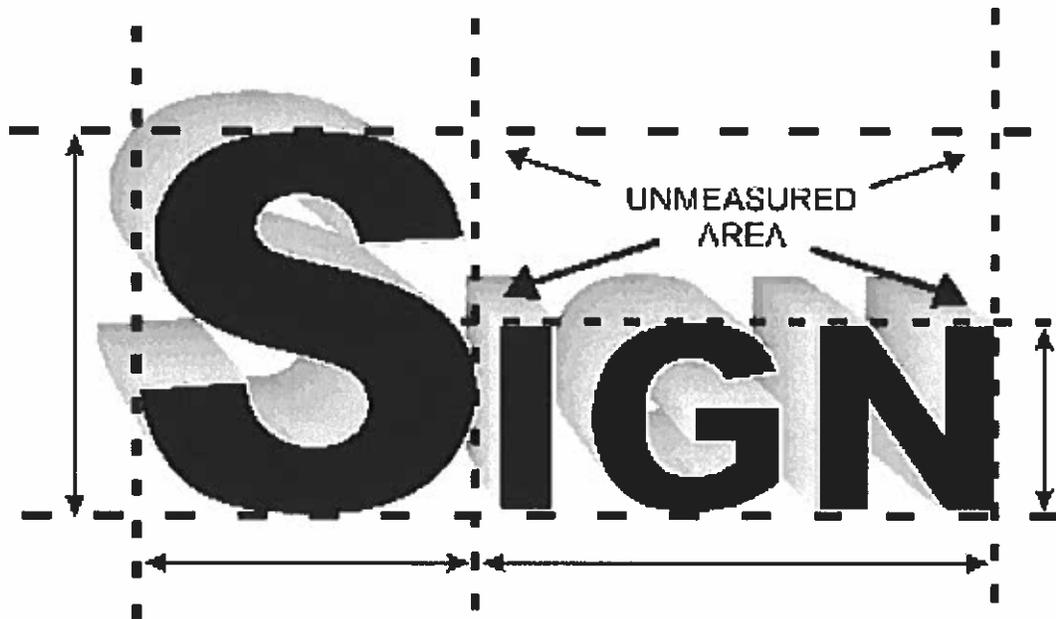
5. If the application is submitted by anyone other than the property owner, the application shall include or be accompanied by a written consent from the property owner indicating that the owner consents to the application, the uniform sign plan, and issuance of the permit;

6. Such other information as the POD may reasonably require to demonstrate full compliance with the requirements of this sign code and all other applicable ordinances of the City.

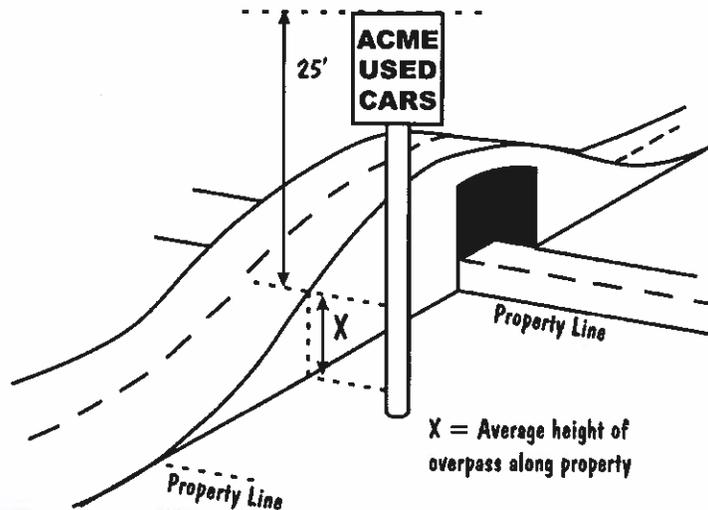
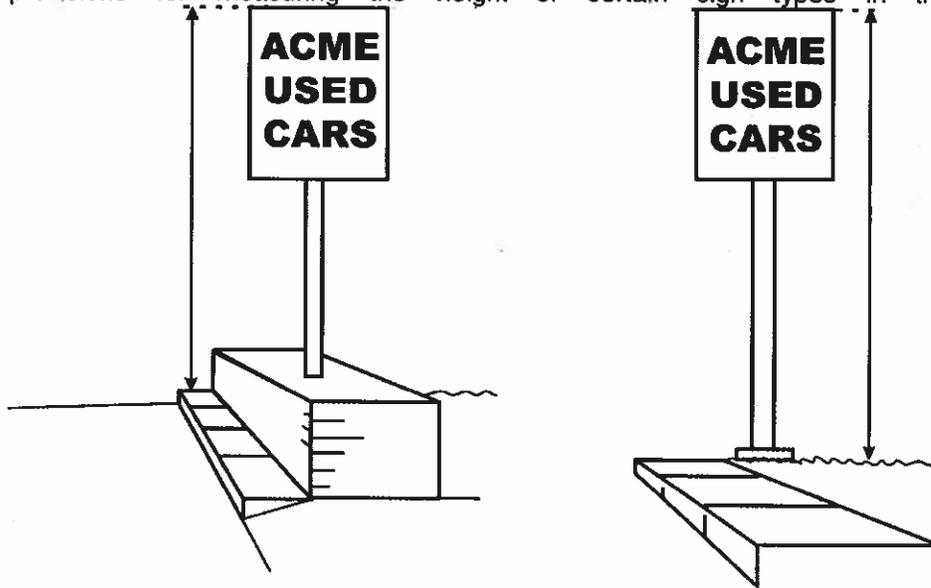
**16.40.120.5.4 - Computation of dimensions.**

A. *Computation of sign area.* See the definition of "sign area" in the definitions section, and specific provisions for measuring the area of sign types in this sign code. The following graphics are intended to provide assistance in measuring the sign area of signs:





B. *Computation of sign height.* See the definition of "height," in section 16.40.120.4, and specific provisions for measuring the height of certain sign types in this sign code.



C. *Computation of visual clearance and sight triangle.* To ensure adequate visibility at intersections sign placement shall comply with the requirements of the visibility at intersections section or the criteria of the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways, whichever is the stricter.

**16.40.120.5.5 Freestanding Signs- - Requirements for Placement, Area, and Height**

**Placement.**

- (1) The primary freestanding sign shall be installed within the yard abutting the roadway having the highest classification or use, regardless of which yard is defined as the legal front yard.
- (2) No more than one sign shall be installed within 25 feet of a street intersection. The first freestanding sign to be lawfully erected within 25 feet of an intersection shall preclude the erection of a second freestanding sign within 25 feet of an intersection.
- (3) The height shall be measured from the finished grade of the yard in which the sign is located to the top of the sign structure or sign. 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.

**Setbacks.** Minimum setbacks for freestanding signs that are six feet in height or less.

- (1) Zero feet for signs that are six feet in height or less.
- (2) Three feet for signs that are ten feet in height or less, but greater than six feet in height.
- (3) Five feet for signs that are 15 feet in height or less, but greater than ten feet in height.
- (4) Ten feet for signs that are greater than 15 feet in height.

Zoning District	# Allowed <sup>1</sup>	Maximum Sign Area	Max Height
<b>Neighborhood, Planned Unit Development, and Mobile Home Districts (NT, NS, NSM, NMH, NPUD)</b> (All uses except single-family and duplex uses.)	1	48 sq. feet per sign face	10 ft.
<b>Corridor Residential District (CRT, CRS)</b> (All uses, except subdivision entrances, single-family, and duplex uses.)	1	48 sq. ft. per sign face. For a property in excess of 10 acres which has an approved master site plan, the first permitted free standing sign in each yard shall not exceed 60 sq. ft. per sign face. All other permitted freestanding signs for each frontage shall not exceed 48 sq. ft. per sign face	10 ft.
<b>Corridor Commercial Traditional Districts (CCT)</b> (All uses except subdivision	1 if the sign is greater than 8 ft. tall; 2 if all signs are 8 ft. in height	64 sq. ft. per sign face	15 ft.

<sup>1</sup> Signs for properties with multiple street frontages. For lots having more than one street frontage, one additional freestanding sign shall be allowed for each additional street frontage. The sign face area and height allowed shall be allowed for each additional street frontage. The sign face area and height allowed shall be a percentage of the primary sign face area and height based on the classification of the non-primary frontage roadway as shown on the future major streets map of the Comprehensive Plan, and as outlined in the table below:

Nonprimary Frontage Classification	Percent of Primary Sign Face Area and Height
Arterial	100 percent
Collector	75 percent
All others	50 percent

<p>entrances and single-family, and duplex uses.)</p>	<p>or less and the property has minimum of 100 ft. of frontage</p>		
<p><b>Corridor Commercial Suburban Districts (CCS)</b> (All uses, except subdivision entrances and single-family, and duplex uses.)</p>	<p>1 if sign greater than 8 ft. tall; 2 if all signs are 8 ft. in height or less if property has minimum of 100 ft. of frontage</p>	<p>One square foot per linear foot up to a maximum of 64 sq. ft.</p>	<p>20 ft.</p>
<p><b>Suburban Center Districts (RC, EC, IC)</b> (All uses except subdivision entrances and single-family, and duplex, uses.)</p>	<p>1 for signs greater than 10 ft. tall. 2 if all freestanding signs are 10 ft. in height or less; and with a minimum of 300 ft. of frontage</p>	<p>One square foot per linear front foot up to a maximum of 150 sq. ft. For buildings of four or more stories in height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.</p>	<p>20 ft.</p>
<p><b>Downtown Center (DC)</b> (All uses except subdivision entrances and single-family, and duplex uses.)</p>	<p>1</p>	<p>One square foot per linear front foot up to a maximum of 48 sq. ft.</p>	<p>15 ft.</p>
<p><b>Industrial Suburban District (IS)</b> (All uses except subdivision entrances and single-family, duplex, and multi-family residential uses)</p>	<p>1 for signs greater than ten feet tall; 2 if all freestanding signs are ten ft. in height or less if a minimum of 300 ft. of frontage</p>	<p>One square foot per linear front foot up to a maximum of 150 ft.</p>	<p>20 ft.</p>

<b>Industrial Traditional District (IT)</b> (All uses except subdivision entrances and single-family, duplex, and multi-family residential uses)	One	One square foot per linear front foot up to a maximum of 64 sq. ft.	10ft

**16.40.120.5.6 Wall Signs – Requirements for Placement, Area, and Height**

**Placement- - (1)** Signs shall be allowed on the primary building façade facing the abutting street of the highest classification or use; on each side of a building that faces other streets if the property has multiple street frontages; on any secondary building façade containing the main building entrance; or on any other building façade that has a fully finished architectural treatment matching other facades of the building, provided that the area of such signage shall be deducted from the maximum allowable area for all wall signs

**(2)** A wall sign may be permitted to extend over the right-of-way in all DC or CCT districts, provided that the City shall have approved a minor easement permit for the sign. A projecting sign shall have a minimum clearance of 8 feet above the ground.

<p>(3) The height of a sign attached to a one-story building shall not exceed the allowable height of the building or the lowest part of the roof, whichever is lower. For two-story buildings, wall signs shall be permitted on the same floor or fascia as the business to be identified. Except as otherwise permitted by this sign code, no wall signs shall be permitted above the third floor.</p>		
Zoning District	# Allowed <sup>2</sup>	Maximum Sign Area <sup>3</sup>
<b>Neighborhood, Planned Unit Development, and Mobile Home Districts (NT, NS, NSM, NMH, NPUD)</b> (All uses except single-family, duplex and multifamily residential uses)	No limit on any one wall provided that the total sign area does not exceed the maximum allowable area for wall signs.	1.75 sq. ft. per linear front foot up to a maximum of 48 sq. ft.
<b>Corridor Residential Districts (CRT, CRS)</b> (All uses, except subdivision entrances and single-family, duplex and multi-family residential uses)	No limit on any one wall provided that the total sign area does not exceed the maximum allowable area for wall signs.	1.75 sq. ft. per linear front foot up to a maximum of 48 sq. ft.
<b>Corridor Commercial Traditional Districts (CCT)</b> (All uses except subdivision entrances and single-family, duplex and multi-family residential uses)	No limit on any one wall provided that the total sign area does not exceed the maximum allowable area for wall signs.	1.75 sq. ft. per linear front foot up to a maximum of 150 sq. ft. For buildings of four or more stories in height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.
<b>Corridor Commercial Suburban Districts (CCS)</b> (All	No limit on any one wall provided that the total sign area does not exceed the maximum allowable area for wall signs.	1.75 sq. ft. per linear front foot up to a maximum of 150 sq. ft. For buildings of four or more stories in

<sup>2</sup>See note 1 above.

<sup>3</sup> The maximum allowable area for wall signs shall be calculated using the front foot measurement along the building frontage. For lots having more than one street frontage, sign area calculations shall be allocated to each building facing an abutting street.

<p>uses, except subdivision entrances and single-family, duplex and multifamily residential uses)</p>	<p>allowable area for wall signs.</p>	<p>height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.</p>
<p><b>Suburban Center Districts (RC, EC, IC)</b> (All uses except subdivision entrances and single-family, duplex, and multi-family residential uses)</p>	<p>No limit on any one wall provided that the total sign area does not exceed the max allowable area for wall signs.</p>	<p>1.75 sq. ft. per linear front foot up to a maximum of 150 sq. ft.</p>
<p><b>Downtown Center (DC)</b> (All uses except subdivision entrances and single-family, duplex, and multi-family residential uses)</p>	<p>No limit on any one wall provided that the total sign area does not exceed the max allowable area for wall signs.</p>	<p>1.75 square foot per linear front foot up to a maximum of 150 sq. ft. For buildings of four or more stories in height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.</p>
<p><b>Industrial Suburban District (IS)</b> (All uses except subdivision entrances and single-family, duplex, and multi-family residential uses)</p>	<p>No limit on any one wall provided that the total sign area does not exceed the max allowable area for wall signs.</p>	<p>1.75 square foot per linear front foot up to a maximum of 150 sq. ft. For buildings of four or more stories in height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.</p>
<p><b>Industrial Traditional District (IT)</b> (All uses except subdivision</p>	<p>No limit on any one wall provided that the total sign area does not exceed the max</p>	<p>1.75 square foot per linear front foot up to a maximum of 48 sq. ft. For buildings of four or</p>

<p>entrances and single-family, duplex, and multi-family residential uses)</p>	<p>allowable area for wall signs.</p>	<p>more stories in height, one additional sign shall be permitted for building identification at the top of the building. The allowable sign area shall be 3.0 sq. ft. per lineal vertical foot of the building up to a maximum of 300 sq. ft.</p>
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**16.40.120.6 - SIGN TYPE SPECIFIC REGULATIONS**

In addition to the regulations prescribed by this sign code generally, the following regulations for certain types of signs shall apply.

**16.40.120.6.1 – District, Neighborhood, Subdivision entrances, and large multifamily uses.**

A. The following types of signs shall be permitted for district, neighborhood and subdivision entrances and multifamily uses having ten or more units in any zoning district:

Freestanding signs	Permitted number of signs	Up to two single-faced signs per entrance, one on each side of the entrance if the subdivision/development is located on both sides of the entry or one double-faced sign
	Maximum sign area	24 sq. ft. per sign face; for properties with 100 or more ft. of frontage, an additional 12 sq. ft. per sign face shall be permitted for every additional 50 ft. of frontage up to a maximum of 72 sq. ft.
Wall signs	Maximum height	10 ft.
	Maximum sign area	One wall sign may be substituted for one permitted freestanding sign. Sign area shall be the same as would be permitted for the freestanding sign

B. No district, neighborhood, subdivision, or multi-family development shall have more than four “entrances” for the purposes of this sign code. Such signs shall meet all sign visibility triangle requirements and be installed and maintained in a safe and neat manner and shall not conflict with the principal permitted use of the site or adjoining sites. The POD may approve signs at additional entrances based on the following criteria: overall size of the site, relationship between building setback and sign location, frontage, access and visibility of the site, intended and existing traffic circulation, hierarchy of signage, and consistency with any applicable neighborhood or special area plan.

C. Such signs shall be erected on privately-owned property. In the event there is insufficient land owned by a district, neighborhood or subdivision association, or multi-family development, developed or existing prior to 2019, [114]the POD may approve the location of such sign in a city right-of-way or on city-owned property provided that such signs are otherwise in compliance with this Sign Code and will not obstruct the vision of motorists, bicyclists, or pedestrians, are installed and maintained in a safe and neat manner, will not conflict with the principal permitted use of the site or adjoining sites. A city right of way permit shall be obtained prior to the installation.

**16.40.120.6.2 Awning signs (illuminated).**

The sign area for signs integrated into an illuminated awning shall include the entire area of awning, unless the background color matches the background color of other awnings on the site, if any, and is part of a uniform sign plan for a multi-tenant building.

**16.40.120.6.3 Digital or electronic message center signs.**

Digital or electronic message center signs shall comply with the following regulations:

A. *Location.* Digital or electronic message center signs are permitted in all zoning districts subject to the following conditions:

- a. Digital or electronic message center signs are prohibited on a designated local landmark. Performing arts venues are exempt from this prohibition with approval of a Certificate of Appropriateness.
- b. Digital or electronic message center signs may not directly face a residential one- or two-unit property located within a neighborhood zoning district.
- c. Digital or electronic message center signs are prohibited from being inserted into, or added to, nonconforming signs. No variance to this prohibition may be granted and the POD shall not accept any variance application to this requirement.
- d. In neighborhood and corridor residential districts, digital or electronic message center signs shall only be allowed for nonresidential uses on properties with a minimum of 200 feet of street frontage and a minimum of 2.0 acres of land area.

B. *Design.* A digital or electronic message center sign shall be permitted only as an integral component of a freestanding sign or, to the extent permitted by these regulations, as an integral component of a building sign. A digital or electronic message center sign shall be compatible with the design of the primary sign structure, including width, depth and color of the cabinet.

C. *Size.* A digital or electronic message center sign shall comprise no more than 50 percent of the overall sign area of the sign structure and shall not, in any case, exceed 32 square feet in area.

D. *Dwell time.*

- a. *Legislative findings and determinations.* The recitals (whereas clauses) in Ordinance No. 117-H demonstrate a significant governmental interest and are hereby adopted as the legislative findings of the City of St. Petersburg and are incorporated into this sign code as if set forth *in haec verba* .
- b. *Requirements.* The dwell time, defined as the interval of change between each individual message, shall be at least one minute. Any change of message shall be completed instantaneously. There shall be no special effects between messages.
- c. *Purpose.* The longer minimum dwell time for digital or electronic message center signs that are not large facility signs or digital or electronic off-premise signs is intended to further the significant governmental interests of this sign code, as specified in Section 16.40.120.1 and this section, including uniformity, aesthetics, and safety, by reducing the

density of signs with short dwell times and by minimizing the proliferation of signs with short dwell times throughout the City.

E. *Images and messaging.*

a. *Consecutive images and messages.* Consecutive images and messages on a single digital or electronic changeable message sign face 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.

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

F. *Brightness.*

a. Each sign shall have a light sensing device to adjust brightness or illuminance as ambient light conditions change in order to ensure that the message meets the following brightness standards. The maximum brightness shall be 0.2 foot candles and shall be measured using the following formula:

i. Measurement Distance =  $\sqrt{\text{Area of EMC Sign Face (sq. ft.)} \times 100}$

b. 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. If there is a violation of this section the sign owner shall turn the sign off or show a "full black" image until the sign can be brought into compliance.

G. *Default mechanism.* 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.

H. *Safety hazard.* 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.

I. *Sign at a place of public assembly.* Digital or electronic message center signs at an arena, theater, or other place of public assembly on a site consisting of five acres or more:

a. May be attached to a wall or to a free standing sign, or both.

b. Shall not exceed 250 square feet per side. At such locations, a digital or electronic message center sign is not subject to the size limitations of subsection C of this section.

c. A digital or electronic message center sign is deemed to be an on premise sign but may also provide community, governmental and public information announcements.

d. No variances to this subsection may be granted and the POD shall not accept any variance application to this requirement.

J. *Sign at large facility.* Digital or electronic message center signs within large facility signs shall not exceed 50 percent of the overall sign area. At such locations, a digital or electronic message center sign is not subject to the size limitations of subsection C of this section.

K. *Sign in neighborhood and corridor residential districts.* Dwell time shall be at least 24 hours in neighborhood and corridor residential districts and shall be subject to all other requirements in this section. The display shall be limited to text on a black background.

L. *Fines increased.* Any person who violates any provision of this section shall be subject to the following fines:

- a. \$300.00 for the first violation.
- b. \$500.00 for all subsequent violations.

#### **16.40.120.6.4 Flags.**

A. A maximum of three flags per property shall be permitted on properties with lot frontages of 100 feet or less. One additional flag shall be permitted for each 100 feet or less of lot frontage thereafter. For example, a maximum of four flags shall be permitted for properties with lot frontages greater than 100 feet up to 200 feet, and a maximum of five flags shall be permitted for properties with lot frontages greater than 200 feet up to 300 feet.

B. Up to three flagpoles shall be permitted on any property with lot frontages of 100 feet or less. One additional flagpole shall be permitted for each additional flag that is permitted on the property under paragraph A of this subsection. For example, a property with lot frontages greater than 100 feet up to 200 feet would be permitted to have a maximum of four flags and a maximum of four flagpoles.

C. The maximum vertical dimension of any flag displayed from a flagpole shall be 20 percent of the height of the flagpole upon which the flag is displayed, or in the absence of a flagpole, 20 percent of the distance from the top of the flag to the ground.

#### **16.40.120.6.5 Large facility signs.**

Large facility signs for an arena, theater, or other place of public assembly on a site consisting of 20 acres or more are permitted as follows:

- A. A maximum of one large facility sign is permitted on the site.
- B. Large facility signs may be either freestanding or wall signs.
- C. The following types of display components shall be permitted as part of a large facility sign and may be combined within any one sign face:
  1. The dwell time, defined as the interval of change between each individual message, for digital or electronic message center signs shall be at least ten seconds. Flashing, chasing and scintillating lighting or operations are prohibited.
  2. Tri-vision signs shall not exceed 35 percent of the overall sign area.
  3. Internally illuminated or non-illuminated cabinets and letters.
- D. Such signs shall be permitted only on sites that are contiguous to the interstate highway rights-of-way. Such signs shall be installed adjacent to the interstate highway right-of-way and shall be oriented toward the interstate highway right-of-way.
- E. The area of such a large facility sign shall not exceed the otherwise allowable freestanding and wall sign area not being utilized on the site. A large facility sign shall not exceed 1,700 square feet per side. Two-sided signs shall be permissible. No variances to the area limitations may be granted and the POD shall not accept any application for an area limitation variance.

F. The bottom of the sign frame shall not extend more than 20 feet above the crown of the interstate roadway surface closest to the sign, and the top of the sign shall not extend more than 60 feet above the crown of the interstate roadway surface closest to the sign.

G. The sign shall be setback a minimum of ten feet from all property lines or such greater distance as may be required by Florida Department of Transportation.

H. No permit shall be issued for a large facility sign unless the sign is in compliance with the requirements of this sign code and is included in, and consistent with, the uniform sign plan for the site.

I. Prior to the issuance of a permit for a large facility sign the proposed sign and location thereof shall be reviewed and approved by the Florida Department of Transportation for issues relating to public safety and other issues that may be deemed relevant by that agency. Due to the changeable message capabilities of the digital or electronic message center portion of the large facility sign, prior to issuance of the permit for the 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 or its designee 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).

#### **16.40.120.6.6 Signs for drive-through establishments.**

There shall be not more than two signs per drive-through lane. Each sign shall not exceed 40 square feet and eight feet in height. No speaker shall be oriented to face a single-family residence or a district that permits a residential use, unless buffering is provided.

#### **16.40.120.6.7 Off-premises signs.**

A. *Number.* A maximum of one off-premises sign per zoned lot is permitted. No new off-premises sign may be erected upon any site upon which another building or structure has been erected on the site unless the building or structure is removed prior to or simultaneously with the erection of the sign. In such cases, after the erection of such sign, no other building or structure except a wall or fencing is permitted upon the zone lot and no building permit for any building or structure shall be issued which is contingent upon the removal of the sign, unless the owner of the property voluntarily elects to remove the sign.

B. *Lot area.* The sign shall be located on a lot or parcel having no less than 50 linear feet of frontage.

C. *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 that are abutting the interstate or interstate feeders.

D. *Area.* The maximum area for an off-premises sign shall be 672 square feet per sign face. Two such sign faces may be mounted back to back on the same sign structure.

E. *Height.* The maximum height shall be 25 feet. 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.

F. *Separation requirements.* Off-premises signs shall not be located within a radius of 1,500 feet of another such sign on or abutting interstate designated roadways (including feeders). Additionally, no off-premises sign shall be placed within 500 feet of residentially zoned property. Residentially-zoned property within the Interstate right-of-way shall be exempt from this spacing requirement.

G. *Setbacks.* The sign shall be set back behind the front, street side, and side yards required by the applicable zoning district regulations.

H. *Intergovernmental coordination.* [HJ6] In those locations at or in proximity to jurisdictional boundaries where inconsistent sign regulations would serve to undermine the purpose and intent of these regulations, the City may enter into an agreement to provide for the basis of regulation in such transition areas; provided, that the operative terms of any such agreement shall be incorporated into these regulations by adoption of an ordinance before such terms may take effect.

I. *Relocation.* A lawfully erected off-premises sign may be relocated upon the same site or to an adjoining site under the same ownership, provided that the sign after such relocation complies with the requirements of this section. No variance from this requirement may be approved and the POD shall not accept any application for any such variance. This paragraph shall not apply when the owner of the land on which a lawfully erected sign is located is seeking to have the property redesignated on the City or countywide future land use map of the Comprehensive Plan for exclusively single-family residential use; in such instances, if the property is redesignated for such residential use, the sign shall be removed prior to the issuance of a permit for any residential building or structure.

J. *Three-dimensional extensions.* Off-premises signs may include one or more three-dimensional extensions. Each extension is permitted to project to a maximum depth of five 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 30 percent of the total sign face area. Each three-dimensional extension shall comply with the Florida Building Code and shall obtain a building permit if required.

#### **16.40.120.7 Temporary signs.**

All temporary signs must obtain a permit prior to installation or display, unless they are exempt signs.

1. *Temporary signs, banners.* Up to two banner signs per site or business shall be permitted in any zoning district, except at residential uses having ten dwelling units or less. The maximum area of each banner shall not exceed 48 square feet. The maximum period for display shall not exceed 30 days per permit.
2. *Temporary signs, cold-air inflatable.* One cold-air inflatable sign per site shall be permitted in commercial corridor, downtown, and suburban center districts. Signs attached to or integrated into inflatable devices shall not exceed 150 square feet. The actual inflatable device shall not exceed 25 feet in any dimension and shall be firmly attached to the ground. The maximum period for display shall not exceed ten days per permit.
3. *Temporary signs, freestanding.* One freestanding temporary sign per site shall be permitted in any zoning district except at residential uses having ten dwelling units or less. Such signs shall

have a maximum height of eight feet and a maximum area of 48 square feet. The maximum period for display shall not exceed 30 days per permit.

4. *Temporary signs, wind feather.* In lieu of a temporary freestanding sign or a temporary banner, one wind feather sign per site or business shall be permitted in any zoning district except at residential uses having ten dwelling units or less. Such signs shall have a maximum height of 15 feet. The maximum period for display shall not exceed 30 days per permit.

5. *Temporary signs, one-way frontage roads.* Additional freestanding temporary signs shall be allowed on properties that front on one-way frontage roads, subject to all other provisions of this Code. A maximum of two temporary signs shall be permitted on properties with lot frontages of 100 feet or less. One additional temporary sign shall be permitted for each additional 100 feet or portion thereof of lot frontage (for example, a maximum of three temporary signs shall be permitted for properties with lot frontages more than 100 feet up to 200 feet, and a maximum of four temporary signs shall be permitted for properties with lot frontages more than 200 feet up to 300 feet). Such signs shall have a maximum height of eight feet and a maximum area of 48 square feet. These additional signs shall be permitted on weekends, holidays and twice a year for special events which not shall exceed seven days per permit.

6. *Frequency.* The use of any temporary signs shall be restricted to four times per calendar year per site, per business, regardless of the type of sign displayed unless greater restrictions are set forth herein for a temporary sign. A display of temporary signs may consist of any combination of the types of temporary signs listed above; provided, that the maximum period for displays of a sign type shall not be exceeded.

7. *Temporary signs, DC and CCT zoning districts.* One temporary sign shall be allowed for each business when placed on sidewalks in front of businesses within corridor commercial traditional (CCT) and downtown center (DC) zoning districts for special events up to four times a year, for a maximum display period of no more than 72 hours per event. Such signs are not allowed within eight feet of the curb of the street. A minimum sidewalk clearance of five feet and a minimum vertical clearance of eight feet is required. Such signs shall not be tacked, nailed, posted, pasted, glued, or otherwise attached to a tree, pole, fence, public bench, street light pole. Permits may be issued to the special event sponsor (such permit shall include the boundary of the special event area, each business within the special event area shall be allowed one temporary sign) or to individual businesses.

#### **16.40.120.8 Digital or electronic off-premise signs.**

A. 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 F.S. § 70.20 (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.

B. Upon completion of the demolition, removal, and disposal of any existing sign that is conforming or nonconforming 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 F.S. § 70.20, the property upon which the conforming or nonconforming 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.

C. 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.

D. 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 100 feet 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 500 feet 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 500 feet 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. Digital or electronic off-premise signs shall be oriented to face traffic on the interstate or feeder right-of-way. A digital or electronic off-premise sign shall be at least 2,500 feet 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 14 feet and 1¾ inches in height and 48 feet and 2¼ inches 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 25 feet 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 *dwelling time*, defined as the interval of change between each individual message, shall be at least ten seconds. Any change of message shall be completed instantaneously. The dwelling 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 150 feet perpendicular from the face of a sign that is less than or equal to 300.0 square feet in area, 200 feet 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 250 feet 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. If there is a violation of this section the sign owner shall 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.

15. No variances may be granted that would alter any of the provisions of this Section and the POD shall not accept an application for such a variance.

#### E. Effect of Invalidity of Agreement or Ordinance

(a) If Section 16.40.120.9.A (providing for the permanent removal of a minimum of ten 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 section is declared invalid, illegal, or unenforceable by a final court order from a court of competent jurisdiction, or

(b) any other portion of this section is declared invalid, illegal, or unenforceable by a final order from a court of competent jurisdiction and upon such court order becoming final and non-appealable, and such court order specifically requires the removal of any digital or electronic off-premise sign constructed in accordance with this section, then,

(c) If either of the occurrences specified by subsections (a) or (b) above occur then:

(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 section 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 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, on the same properties on which they were previously constructed and to the same dimensions, subject to the receipt of required permits and compliance with the Florida Building Code, and provided that the following conditions are met: (1) the only static off-premise signs that may be rebuilt are those on Federal Aid Primary (FAP) roadways; (2) if the court order described in this subsection becomes final and non-appealable within five years of the effective date of the ordinance codified in this section, the sign owner shall not rebuild more than 50 percent of the static off-premise signs previously removed under this section and associated agreements; (3) if the court order becomes final and appealable between five years and ten years after the effective date of the ordinance, the sign owner shall not rebuild more than 25 percent of the static off-premise signs previously removed under this section and associated agreements; (4) if the court order becomes final and appealable ten years or more after the effective date of the ordinance, the sign owner shall not rebuild any static off-premise sign previously removed under this section and associated agreements; and (5) any static off-premise sign rebuilt under this subsection shall be classified as a legally nonconforming off-premise sign; and

(iv) this subsection of the City Code shall become void and repealed.

F. This subsection (currently Section 16.40.120.9) shall terminate and be of no further force and effect as of the 20th anniversary of the effective date of the ordinance codified in this section (Ordinance No. 35-H, effective August 23, 2012). Any agreement entered into between the City and a sign owner pursuant to this subsection A of Section 16.40.120.9 and F.S. § 70.20 shall also terminate and be of no further force and effect as of the 20th anniversary of the effective date of the ordinance. On such 20th anniversary, the sign owner, at its own expense, (i) shall convert any digital or electronic off-premise signs into static off-premise signs, which shall be classified as legally nonconforming off-premise signs or (ii) shall demolish any digital or electronic off-premise signs, remove all debris from the properties upon which such signs are located, and dispose of same in accordance with applicable regulations. The replacement of a digital sign face with a static sign face shall be deemed an acceptable improvement to or alteration of a nonconforming structure or use under this Code. The agreement shall remain in effect for the duration of the existence of the digital or electronic off-premise sign but, if its terms provide for expiration or termination, the agreement shall be deemed automatically extended until the sign is removed or a new agreement is in effect.

G. In connection with the City's issuance of a notice of violation or other process pursuant to Chapter 9 of the City Code, by which the City seeks to enforce the provisions of this section related to an alleged violation of the lighting standards, brightness standards, message sequencing, or minimum message dwell time standards established in this section, six hours shall be deemed a reasonable time for the owner or operator to cure a first-time alleged violation. Any time period in which the digital or 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 six-hour period. The fine for a violation of any provision of this section pertaining to a digital or electronic off-premise 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 (this enhanced Code Enforcement Board fine is authorized pursuant to

F.S.162.09(2)(d) and the Board shall use the criteria in subsection (2)(b) in determining such fine amount).

#### **16.40.120.9 - Nonconforming signs.**

- A. Except as provided in this sign code, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, unless in conformity with this sign code.
- B. Nonconforming signs may be maintained or repaired. However, if a nonconforming sign is relocated or replaced, repaired or structurally altered by more than 25 percent of the replacement cost of the existing sign, the sign shall be made to conform to this sign code.
- C. A building or site which is improved or redeveloped at a cost in excess of 50 percent of the assessed value of the existing building or site shall require any nonconforming sign which is located on or is part of such building or site to conform to this sign code.

#### **16.40.120.10 - Exempt signs.**

The following sign types are exempt from the permitting process and are exempt from other provisions of this sign code, but are not exempt from the requirements imposed by this subsection or from applicable requirements of the sign code relating to construction, illumination, placement, safety, and nonconformity, and are not exempt from other regulations related to public health, safety and welfare. Such sign types are not calculated as part of allowable freestanding or wall signs unless included as an integral component of a freestanding or wall sign.

*A-frame signs.* A-frame signs, when placed on sidewalks in front of businesses within corridor commercial traditional (CCT) and downtown center (DC) zoning districts, shall be allowed only for businesses that are situated in buildings that comply with the design criteria of the corridor commercial traditional (CCT) and downtown center (DC) zoning districts. No more than one such sign shall be allowed for each customer entrance to a business from the sidewalk. An A-frame sign may be displayed on the sidewalk only during hours of operation of the business. A minimum sidewalk clearance of five feet is required. For all other zoning districts one A-Frame sign shall be allowed to be placed upon the private property of the business. An A-frame sign shall not exceed four square feet per sign face and five feet in height. Such signs are not allowed within four feet of the curb of the street.

*Artwork.* Artwork, provided that all of the following criteria are met:

1. The artwork meets the definition of "artwork" in this sign code; and
2. If the artwork is to be located on a structure that is a designated historic landmark or within a designated historic district, such location shall require approval of a Certificate of Appropriateness as prescribed in the Code for the preservation of historic landmarks and historic districts. [HJ7]

*Banners, museums.* At a museum in a nonresidential zoning district, one banner may be allowed for every 50 feet of street frontage up to a maximum of five banners per street frontage. Each banner shall not exceed 240 square feet. Such banners shall not be included in the calculation of the total maximum area for wall or freestanding signs. Both ends of a banner shall be attached to the building.

*Banners, place of public assembly.* Banners at an arena, theater, or other place of public assembly on a site consisting of five acres or more with 1,900 or more fixed seats shall be allowed in addition to any other allowable signage. Any such banners shall comply with any applicable provisions of the Florida Building Code, St. Petersburg Fire Code, Florida Statutes (F.S. Ch. 479 Outdoor Advertising currently

regulates banners within 660 feet from the interstate) and any other applicable laws. There is no limitation on the overall size of the banner. The banner shall not cover any character defining feature of the building, including but not limited to doors, windows, pilasters and other architectural features.

*Banners, street.* Banners which have been approved by the City through its street banner program within the public right-of-way shall be allowed as approved by the POD.

*Non-Electronic or Non-Digital changeable copy or changeable message on otherwise lawful signs.*

*Construction site, downtown.* For any project located within a downtown center district, in addition to any signs allowed by a construction site generally, signs of unlimited area may be attached to any fencing approved to surround or secure an active construction site, provided that such signs do not exceed eight feet in height. Such signs shall only be allowed when there is an open demolition or construction permit for the site upon which the project is to be constructed. If no building permit is required for the project, the sign may be displayed only during the period that work is in progress.

*Construction site, generally* For any project, not including single family or multifamily projects consisting of four units or less (for these uses see Temporary Residential Signs, below), one sign not to exceed a total of 32 square feet per 100 linear feet of frontage and up to ten feet in height may be displayed from the time of site plan approval to issuance of the certificate of occupancy. If no building permit is required for the project, the sign may be displayed only during the period that work is in progress. One additional sign not to exceed a total of 32 square feet and up to ten feet in height and up to five signs not to exceed a total of eight square feet each, and up to five feet in height may be displayed only during the time from building permit application to issuance of the certificate of occupancy may be displayed only during the time from building permit issuance to issuance of the certificate of occupancy. If no building permit is required for the project, the signs may be displayed only during the period that work is in progress.

*Government and public signs.* Informational, directional and regulatory signs located within rights-of-way or on publicly-owned land that are installed by the City or other governmental signs installed with the approval of the City. Official regulatory or warning signs upon any body of water (river, bay, lake, or other body of water) within the limits of the City, informational or directional signs installed by the City or with the approval of the City upon any body of water within the limits of the City in connection with a water path or paddling trail. Such signs shall not exceed nine square feet unless a larger sign is required by law.

*Home occupation signs.* One sign shall be allowed for any address or premises which is the site of a lawful home occupation. The sign shall be a wall sign not exceeding four square feet. The sign shall not be internally illuminated. The sign shall have no text, numerals, symbols, logos or designs greater than eight inches in height.

*Human signs.* A business shall be allowed to use one human on premises sign provided that the human sign meets the following criteria:

- (1) Human signs may only be displayed during the hours of operation of the business location that the human sign is advertising.
- (2) Human signs shall operate only:
  - a. On the private property of the business being advertised; or
  - b. On the right-of-way adjacent to the private property of the business being advertised, provided that:
    1. If no sidewalk exists, the human sign shall be displayed a minimum of five feet from that portion of the street used for vehicular traffic lanes; or

2. If a sidewalk exists, the human sign shall be displayed either a minimum of five feet from that portion of the street used for vehicular traffic lanes or anywhere on that portion of the sidewalk furthest away from the vehicular traffic lanes. Human signs shall not be displayed in parking spaces located on the street and shall not interfere with or prevent access to the sidewalk or right-of-way.

(3) Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign. Human signs shall only be persons who stand or walk on the ground.

*Restaurant or Bar.* A maximum of one wall sign per business is exempt if the sign does not exceed four square feet and has no text, symbols, logos, or designs greater than eight inches in height. A maximum of one pedestal/sidewalk sign per business is exempt if the sign complies with the requirements for A-frame signs. Menu signs for drive-through establishments are not exempt; see sign type specific regulations, above.

*On-site directional, operational, access signs, minor.* Signs located adjacent to vehicular entrances, exits, drive-through lanes, loading, service, and other operational areas of commercial uses shall be allowed provided such signs do not exceed four square feet and four feet in height. On-site directional and directory signs for office/industrial parks, hospitals, colleges/universities, and regional shopping centers (more than 100,000 square feet) are not exempt and may be required by a uniform sign plan.

*Religious emblems.* Religious emblems or logos shall be allowed for any house of worship provided they are not an integral component of a freestanding or wall sign. If such emblem or logo is an integral component of a freestanding or wall sign, such freestanding or wall sign shall be subject to the permitting requirements and area and height restrictions otherwise applicable to the freestanding or wall sign.

*Signs that are required to be placed by Federal or State law or the City Code.*

*Temporary residential signs.* Up to five temporary signs shall be allowed on any lot where a single family or multifamily residential use of four units or less exists provided that such signs are located on private property and not within the visibility triangle at an intersection. Such signs shall be no more than four square feet and six feet in height or such smaller size if the size of the specific sign is limited by this subsection. Such signs shall not be illuminated. Such signs shall not be allowed to remain in a damaged condition or disrepair, including peeling or faded sign faces.

*Umbrella signs.* Signs printed on umbrellas used in the outdoor area of a restaurant or bar, sidewalk café or pushcart vendor. Umbrellas shall be made of lightweight fabric or similar material. No signs shall be attached or suspended from umbrellas.

*Under canopy signs.* One sign of up to four square feet for any business that is located at the street level and has a canopy. Signs shall have a minimum clearance of eight feet from the sidewalk to the lowest part of the sign. Canopies may be made of any material and, for the purposes of the exemption, must extend over a sidewalk to provide protection from the elements for pedestrians.

*Vehicle signs.* A sign or an advertising device attached to and within the normal unaltered lines of a vehicle of a licensed transit carrier (i.e., bus, trolley or taxicab), when and during that period of time said vehicle is regularly and customarily traversing or otherwise using a public right-of-way during the normal course of business of the vehicle owner or lessee or the transit carrier, is exempt. Provided, however, that any such vehicle exhibiting a vehicles sign which is exempt under this sign code must comply with the parking regulations relating to commercial vehicles in this Chapter and Chapter 26. A single sign that is placed, and not permanently attached upon a single vehicle, camper, or trailer, at the residence of the owner, or boat where lawfully docked may be exempt under the residential temporary sign exemption.

*Vending signs.* Signs printed on devices that dispense merchandise shall be allowed, provided such signs do not extend beyond the surface of the device. Examples of such devices shall include, but not be limited to, newspaper stands, gasoline pumps, telephone booths, and vending machines.

*Warning signs.* A warning sign shall not exceed six square feet and six feet in height.

*Waterside identification sign.* One sign not exceeding 25 square feet per property which is located on a parcel greater than 2 acres and abutting one of the following water bodies, and which is only visible from the waters of the Gulf of Mexico, Tampa Bay, the Intracoastal Waterway or any other bays, rivers, lakes and waterways.

*Wayfinding signs.* Wayfinding signs are government signs within the right-of-way that provide individual names of destinations and minimal directions to their location for pedestrians. Such signage shall be allowed when it is a part of a districtwide directory sign program and shall include uniform design, dimensional, location and other standards.

*Window signs, non-illuminated.* The maximum cumulative area of non-illuminated signs in a window shall be 50 percent of the total window pane area. Window signs that are illuminated shall be included as part of the wall signage allowable for the site.

#### **16.40.120.11 - Prohibited signs.**

The following types of signs are prohibited except where such signs may be expressly allowed under this sign code:

*Abandoned signs.*

*Banners,* unless exempt or a permit has been issued for such banner as a temporary sign.

*Bus shelter signs and bench signs* except when approved by the City, pursuant to state statutes. A sign which identifies the transit company or its route schedule or map is not prohibited.

*Cold air inflatables* except as allowed for temporary signs in this section.

*Damaged signs* that exist in a damaged state for more than 90 consecutive days.

*Lighting devices that project light or laser beams* to form text, graphics, logos, or artwork upon streets, walkways, fences, sign structures, or exterior walls of buildings, and the text, graphics, logos or artwork projected by such lighting devices, except that text, graphics, logos or artwork may be projected against an exterior wall if the area of the wall occupied by such text, graphics, logos or artwork does not exceed the area of a wall sign that would be allowed, and such area together with existing wall signs does not exceed the number of wall signs allowed. Provided, however, that a permit shall be required prior to projecting such text, graphics, logos or artwork, and the applicant shall demonstrate that the lighting device, light, and laser beams to be utilized shall cause no threat to public health or safety, including but not limited to any risk of eye injury.

*Off-premises signs,* except those specifically allowed by this sign code.

*Pavement markings,* except official traffic control markings, markings authorized by any government agency having jurisdiction over a particular roadway, traffic control and parking markings on a private vehicular use area necessary for vehicular or pedestrian safety.

*Pennants.*

*Portable signs*, including but not limited to inflatable and other gas- or air-filled devices, unless otherwise specifically allowed by this Code.

*Portable trailer signs.*

*Signs attached to or painted on piers, docks, posts, pilings, or seawalls*, or any portion thereof, except official regulatory signs, signs specifically allowed by this Code, or warning signs.

*Signs in or upon any body of water* (river, bay, lake, or other body of water) within the limits of the City, except official regulatory or warning signs and informational or directional signs installed by the City or with the approval of the City in connection with a water path or paddling trail.

*Signs that are a threat to public health or safety because of their condition or location.*

*Signs that are located within or project over rights-of-way*, publicly-owned lands, or easements for the use of the City or public utility service providers, except government and public signs, signs located upon publicly owned property that is being actively leased to a private person or entity, and signs specifically allowed by this Code. Such prohibited signs shall include, but are not limited to, handbills, posters, advertisements, or notices that are attached in any way to or upon lampposts, telephone poles, utility poles, bridges, sidewalks, or are located on any other public property or improvements including the right of way. The person or business who owns or is advertised or identified on the sign, including candidates, shall be presumed to have permitted the placement of the sign in the absence of evidence to the contrary and may be cited for a violation of this section, and the person or business installing the sign is also in violation of this section.

*Signs that emit light or reflect glare* of such intensity, brilliance or duration as to impair the vision of any motorist, cyclist, or pedestrian using or entering a right of way.

*Signs that simulate or contain a likeness of a traffic control device.*

*Signs that emit sound, vapor, bubbles, smoke, odor, particles, or gaseous matter.*

*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 designated historic signs and signs otherwise specifically allowed by this sign code. 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 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.

*Signs that move, revolve, twirl, rotate, or flash*, including, but not limited to: animated signs, multiprism signs, and beacon lights except when required by the Federal Aviation Administration or other governmental agency. Tri-vision signs shall be permitted for large facility signs.

*Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic or government sign, signal, or device.*

*Signs that present a potential traffic or pedestrian hazard, including signs that obstruct visibility.*

*Snipe signs.* The placement of this prohibited sign is transient in nature and irreparable. The adoption of this prohibition shall be deemed notice of the violation. The person or business in possession or control of the snipe sign and the person or business who owns or is advertised or identified (by name, address or other contact information) on the sign may be cited immediately upon observation of the violation. The person or business who owns or is advertised or identified on the sign shall be presumed to have permitted the placement of the snipe sign in the absence of evidence to the contrary. The term "transient in nature" shall mean that a condition exists on a temporary, periodic, or non-permanent basis. The term "irreparable" shall mean the condition is incapable of being remedied, as the harm sought to be prevented has already occurred.

*Streamers.*

*Vehicle signs.* A sign attached to, constructed or placed on a vehicle which is not attached to and within the normal unaltered lines of a vehicle and which is parked on or otherwise utilizing a right-of-way, public property or private property so as to be viewed from a right-of-way for the purpose of attracting the attention of the traveling public to advertise a product or service or to direct people to the location of a business or activity, and which does not qualify as an exempt sign (see above), is prohibited. Car covers which are utilized as vehicle signs must comply with the regulations for tarped vehicles (currently, Sec. 8-201).

*Any sign that is not specifically allowed by this sign code.*

#### **16.40.120.12 - Abandoned on-premises signs.**

A. *Definition.* An on-premises sign becomes "abandoned" at the time any of the following conditions occur:

1. There has been no sign copy appearing on the sign face for a period of 90 consecutive days; or
2. The establishment which is on the same premises as the sign has ceased operation for 90 consecutive days. This definition excludes signs for seasonal uses, which are operated intermittently throughout the year, where business has not ceased operation on a permanent basis. A conforming on-premises sign associated with an establishment that has ceased operation shall not be deemed "abandoned" if the owner takes one of the actions in paragraph B.
  - a. Evidence that an establishment has ceased operation for 90 consecutive days includes, but is not limited to, the following:
    1. No water and/or electric service to the establishment for a 90 consecutive day period;
    2. Expiration of the business tax certificate for at least 90 consecutive days prior without renewal;
    3. Personal documented observation of City code investigator(s) that establishment has ceased operation for a period of 90 consecutive days; or

4. General community knowledge, as documented through going-out-of-business announcements, newspaper announcements, etc. showing that the establishment has ceased operation for at least 90 consecutive days.

B. When an establishment ceases operation, the owner or lessee of the property shall within 90 days reuse the sign in conjunction with the ownership or operation of a new establishment on the property or take one of the following actions:

1. Paint over the message on the sign face that advertises the business or other activity of the establishment.
2. Remove the sign face and replace it with a blank sign face.
3. Reverse the sign face and not illuminate the sign face from the interior. The message of the sign face shall not be visible when the sign face is reversed.
4. Utilize the sign face to display the message, "this space available," or words of similar significance, and the name and telephone number of the owner or the owner's agent, while the premises are vacant. A sign that contains such a message and that otherwise complies with the requirements of this sign code shall be deemed an allowable temporary sign for which a permit shall not be required.

C. If a freestanding on-premises sign that is nonconforming as to height, sign area, or placement becomes "abandoned" under paragraph A. and remains abandoned for 12 consecutive months, such sign and sign structure shall be removed by the property owner at the owner's expense. If the owner fails to remove the sign and sign structure after notice by the City, the City shall have the right to remove the sign and sign structure by following the notification and assessment procedures for the demolition of structures, and the costs of such removal shall be paid by the owner and become a lien on the property superior to all other liens except taxes. No permit for any new sign on the site shall be issued until the abandoned sign is removed. This shall not be deemed to require the removal of a lawful existing off-premises sign.

D. If an existing building or structure is demolished, any existing freestanding on-premises signs that are nonconforming as to height, sign area, or placement shall be considered abandoned and shall be removed at the time of demolition. This shall not be deemed to require the removal of a lawful existing off-premises sign.

#### **16.40.120.13 - Signs of historic significance.**

A. *Purpose.* The signs of historic significance regulations are intended:

1. To provide for the preservation of the City of St. Petersburg's unique character, history, and identity, as reflected in its historic and iconic signs; and
2. To preserve the sense of place that exists within the Central Business District and in areas of the City with concentrations of surviving historic signs; and
3. To protect the community from inappropriate reuse of nonconforming and/or illegal signs while ensuring that the signs are safe and well maintained; and
4. To prevent the unintentional loss of individual signs with historic or unique characteristics and, where possible, to provide a means for their retention and restoration; and

5. To allow the owner the flexibility to preserve historic and vintage signs. This classification does not preclude owners from removing these signs. The regulations of this section apply only to signs included in the City's inventory of signs of historic significance as set forth below.

B. *Criteria for identification of a sign of historic significance.*

1. The Community Preservation Commission (the Commission) shall establish and maintain an inventory of signs of historic significance.

2. A proposed sign of historic significance shall comply with the following criteria.

a. Technical criteria:

1. The sign shall have been installed at least 40 years prior to the date of application;

2. The sign is an example of technology, craftsmanship or design of the period when it was constructed;

3. The sign uses historic sign materials or means of illumination such as exposed integral incandescent lighting, or exposed neon lighting;

4. The sign may include, but is not limited to, a freestanding sign, a projecting sign, a roof sign, a painted building sign, or a sign integral to the building's design (fascia sign) or any other type of sign that was permitted on the property;

5. The sign is structurally safe or can be made safe without substantially altering its historical appearance; and

6. The sign retains the majority of its character-defining features (materials, technologies, structure, colors, shapes, symbols, text, typography, and/or artwork) that have historical significance, that are integral to the overall sign design, or convey historical or regional context. If character-defining features have been altered or removed, the majority of these features must be able to be restored to their historic function and appearance.

b. Cultural/historical/design criteria:

1. The sign exemplifies the cultural, economic, and historic heritage of the City;

2. The sign exhibits extraordinary aesthetic quality, creativity or innovation; or

3. The sign is unique, was originally associated with a local business or local or regional chain, there is academic research, including but not limited to sign industry journals, articles or books to support its significance, or it is a surviving example of a once common sign type that is no longer common.

C. *Process for including a sign in the inventory of signs of historic significance.*

1. Application for inclusion in the inventory of signs of historic significance may be made by the property owner having control over a sign or may be initiated by the City.

2. Within 30 days of submittal of an application, the POD shall determine if the application is complete and if the sign meets the applicable criteria for classification, and

shall notify the property owner in writing whether or not the sign is eligible for classification as a sign of historic significance.

3. If the POD determines that the sign is not eligible for classification, the property owner may appeal the decision to the Commission by following the procedures for appeals in the application and procedures section. The Commission shall review the application at a public hearing after providing notice as required in the application and procedures section.

4. If the POD determines that the sign is eligible for classification, the POD shall prepare an inventory report within 45 days of the determination of eligibility, which shall identify how the sign meets the applicable criteria, and schedule a public hearing before the Commission after providing notice as required in the application and procedures section. The report shall include the legal description of the property on which the sign is located.

5. After the public hearing, the Commission shall approve, approve with conditions, or deny the request. The decision by the Commission shall be final unless timely appealed to the City Council as provided in this Chapter.

6. Notice of the inclusion on the inventory of signs of historic significance shall be mailed to the property owner.

7. Any notice required to be mailed by this section regarding signs of historic significance is only required to be mailed to the property owner and not property owners within 200 feet.

D. *Exemptions, replica signs.*

1. Classification as a sign of historic significance does not require a certificate of appropriateness for changes to the sign or demolition of the sign.

2. Signs classified as a sign of historic significance are exempt from the sign regulations regarding height, area, and location as set forth in the sign code.

3. Signs of historic significance that are nonconforming as to size, height, or location are exempt from the regulations governing nonconforming signs and abandoned signs. However, changes to the sign may not increase the nonconformity unless a variance is approved by the Commission.

4. A sign of historic significance may be repaired, restored, and/or adaptively reused if there is sufficient surviving original material or sufficient historical documentation (photographs, postcards, permits, or other records) as determined by the POD on which to base the repair, restoration or adaptive reuse. A permit is required before a sign may be repaired, restored, and/or adaptively reused. The property owner may file an application for a permit with the POD. The POD shall review the application for compliance with this section. Upon issuance of the permit, an existing sign of historic significance may then be repaired, restored, or rehabilitated either in place, or off-site, and then re-erected on site as set forth in subsection E. (subject to receipt of any required building permit). If the POD denies the permit application, the property owner or applicant may appeal the decision to the Commission. The decision by the Commission shall be final unless appealed to the City Council.

5. A sign of historic significance may be repaired or restored to any past appearance prior to 40 years before the date of the application. If the owner of a sign of historic significance provides documentation or physical evidence that the original design included intermittent lighting features (e.g., flashing, blinking, chasing or sequentially lit elements which create the appearance of movement) or moving parts, those sign

elements may be repaired and restored and shall be exempt from those prohibitions in the sign code.

6. A sign of historic significance that will be adaptively reused must retain, repair, or restore the majority of the character-defining features (e.g., materials, technologies, structure, colors, shapes, symbols, text, typography and/or artwork) that have historical significance, or are integral to the overall design of the sign, or convey historical or regional context.

Changes to character-defining text (size, font, coloration) are not allowed. Any text that is not character defining can be changed. Changes to non-character defining text must either match or be compatible with the character defining text, or the text being replaced, in terms of materials, letter size, font, and color.

7. A replica sign is permissible when based on sufficient historical documentation of the sign and its location. The sign to be replicated must have been originally installed at least 40 years prior to the date of application. In order to construct a replica sign, the sign being replicated must be a sign of historic significance. A replica sign shall meet the same criteria, reviews and processes as a sign of historic significance. A sign can be replicated only once. Replicas of replicas are not permitted. A replica sign must use historical materials and technologies, or use contemporary materials and technologies that visually match historical ones. Replica signs shall only be allowed on the property on which the sign of historic significance was originally erected and shall not be relocated. Variances to height and area shall not be required if the original height and area can be verified, however, the replica sign must meet setback requirements unless a variance is granted by the Commission.

8. A permit is required before a sign may be replicated. The property owner may file an application for a replication permit with the POD. The POD shall review the application for compliance with this section. A replica sign shall meet the same criteria, reviews and processes as a sign of historic significance. Upon issuance of the permit, the sign of historic significance may be replicated. If the POD denies the permit application, the property owner may appeal the decision to the Commission. The decision by the Commission shall be final unless appealed to the City Council.

E. *Guidelines for relocating a sign of historic significance.* If the current location of a sign of historic significance prevents desired development, the sign may be relocated to another site to ensure preservation. Signs removed from their original location may be stored elsewhere before relocation.

1. A sign of historic significance may be relocated as follows:
  - a. To another location on the same property;
  - b. To another location that houses the same or similar business;
  - c. To areas of similar character as the present location; or
  - d. To the original location.
2. A sign of historic significance shall not be relocated to NT or NS zoned property.
3. All relocations are subject to the following:
  - a. The sign shall meet the required sign setbacks of the zoning district in which it is relocated or the required setback for the principal structure, whichever is less.

b. Projecting signs that project into the right-of-way shall have the required incidental architectural details contained in Chapter 25 and shall follow the sign permitting process.

4. If relocated to another property, the sign of historic significance shall contain text on the sign face or display a plaque that indicates that the sign has been relocated, the date of relocation, and the original location.

5. A permit is required before a sign may be relocated. The property owner may file an application for a relocation permit with the POD. The POD shall review the application for compliance with this section. Upon issuance of the permit, the sign of historic significance may be relocated. If the POD denies the permit application, the property owner may appeal the decision to the Commission. The decision by the Commission shall be final unless appealed to the City Council.

F. *Sign calculations for a sign of historic significance.* A sign of historic significance (whether relocated or not) and a replica sign shall not count against the total allowable sign area allowed for the property and shall not count against the number of signs allowed for the property.

G. *Demolition of a sign of historic significance.* Classification as a sign of historic significance does not prevent the owner from demolishing the sign. Demolition is subject to a 30-day waiting period, which begins upon the date of the application for a demolition permit, to facilitate relocation of the sign. The sign owner shall allow reasonable access to the sign to facilitate any possible documentation of the sign. The sign owner shall allow reasonable access to the sign for removal of all or part of a sign of historic significance from the property by a third party for reuse at a different location. If all or part of a sign is relocated to another property in the City, the guidelines for relocating a sign of historic significance contained in this section shall apply.

Section 2. Coding: Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise. Sections of this ordinance that amend the City Code to add new sections or subsections are generally not underlined.

Section 3. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

Section 4. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of 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 this Ordinance, in which case this Ordinance shall become effective 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.

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