

## ORDINANCE 2016-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING THE ST PETE BEACH LAND DEVELOPMENT CODE AS FOLLOWS: SECTION 2.1 – WORDS, TERMS, & PHRASES DEFINED; AMENDING SECTION 26.2 – DEFINITIONS; AMENDING SECTION 26.5 – NONCONFORMING SIGNS; AMENDING SECTION 26.23 – ILLUMINATED AND ELECTRONIC MESSAGE BOARD SIGNS; AMENDING 26.25(g) – ALL DISTRICTS; AMENDING SECTION 26.33 – TC-1 and TC-2 DISTRICTS; RENUMBERING SECTION 26.41 – SEVERABILITY TO 26.42; PROVIDING FOR 26.41 - PASS-A-GRILLE OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Commission recognizes the need to regulate election signs and internally illuminated sign throughout the city; and

**WHEREAS**, the City Commission has found this Ordinance to be in the best interest of the health, safety, and welfare of the citizens of the city;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

**Section 1.** Section 2.1 of the St. Pete Beach Land Development Code is hereby amended:

### **Sec. 2.1 – Words, terms, and phrases defined.**

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*Signs.* See Section 26.2 of Division 26 herein.

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### **Section 2. - Sec. 26.2. - Definitions.**

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*Animated sign* means a sign which includes action, motion, or color changes, or the optical illusion of action, motion or color changes, including signs set in motion by movement of the atmosphere, or made up of external sign elements that revolve or turn.

\* \* \*

*Electronic message board sign* means a sign by which the message copy can be electronically changed and controlled. This shall include but not be limited to changeable words, lines, logos, symbols, or illustrations and shall include all LED type signs regardless if the sign periodically changes copy.

\* \* \*

*Sight visibility triangle* means a triangular shaped portion of land established at street intersections or street and driveway intersections in which nothing is erected, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. For street intersections, this triangle is measured 20 feet in length from the intersection along the abutting curb lines to form a triangle; and for driveway intersections, this triangle is measured ten feet from the intersection along the curb line and along the driveway line to form a triangle. (See illustration in Section 6.21 herein)

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*Sign area* means the total square foot area of sign surface, including all parts thereof devoted to the background, computed by bounding the exterior of the sign structure or surface with a series of straight or curved lines tangent thereto (see illustrative examples in section 26.3, herein). The area of a sign painted directly on a wall or awning and signs with letters attached directly to walls or awnings shall be calculated by constructing an imaginary series of straight lines or lines formed, bounded or characterized by curves around the outside of all elements of the sign.

**Section 3. - Sec. 26.5. - Nonconforming signs.**

A nonconforming sign that was lawfully erected may continue to be maintained: (a) until the nonconforming sign is substantially damaged or destroyed, or (b) until the real property on which the sign is located is redeveloped, whichever of the foregoing occurs first. At such time the sign is substantially damaged or destroyed or at such time the real property is redeveloped, the nonconforming sign must either (a) be removed or (b) be brought into conformity with this division and with any other applicable law or regulation. For the purpose of this section, the term "redevelopment" shall mean a substantial improvement of the principal structure on the real property.

In addition to the above, all legally erected nonconforming electronic message board signs, including all LED-type signs, must be made to conform to the applicable provisions of this Division by January 1, 2027.

**Section 4. - Sec. 26.23. - Illuminated and electronic message board signs.**

The following conditions and restrictions shall apply to illuminated signs.

Except as hereinafter provided in this section, illuminated signs, or illumination in show windows, display windows, in or upon any building shall have the source of light concealed from view from the exterior of the building or structure, except that where channel letters or figures are used for any sign the illumination thereof may be visible if recessed within the depth of the channel.

Illuminated signs are subject to the following maximum illumination intensity levels:

Maximum Illumination Intensity Level

Type of Illumination	Located Within 500 Feet and Visible from a Residential District	Not Visible From a Residential District or Located Beyond 500 Feet of a Residential District
Direct, internal or back lighted	28.65 foot-candles	47.75foot-candles
Indirect or reflected sign	10 foot-candles	25 foot-candles

Internally illuminated signs or portions of a sign that are internally illuminated shall not be larger than 50 square feet in area.

Electronic message board signs or portions of a sign that are electronic message boards shall not be larger than 32 square feet in area. They shall only be located in a front yard or on a building façade, or shall have a minimum setback of 20 feet from the front yard property line, whichever is more restrictive. Electronic message board signs are only permitted on properties adjacent to Gulf Boulevard from 37<sup>nd</sup> Avenue to 75<sup>th</sup> Avenue.

Internally illuminated signs shall be prohibited in all districts which do not expressly permit them in the following sections, except menu display boards may be internally illuminated when associated with a permitted drive thru restaurants.

Electronic message board signs, including LED-type, shall only be permitted as defined above. All other existing nonconforming electronic message board signs shall be subject to the amortization schedule set forth in Section 26.5. No animated or flashing illumination shall be permitted.

**Section 5. - Sec. 26.25. - All districts.**

(g) Election signs. For each lot within the city one election sign for each issue may be displayed. An election sign may be displayed as an attached sign or as a freestanding sign. On parcels that are in residential use, the election sign shall not exceed three square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed three feet in height. On parcels that are in nonresidential use, the election sign shall not exceed 12 square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed six feet in height. Freestanding election signs shall be set back at least three feet behind the sidewalk or, if there is no sidewalk, ten feet from the edge of pavement. Election signs are prohibited on public property and public right-of-way. An election sign shall be removed within seven calendar days following the election to which it pertains.

For this section, the term lot means: the least fractional part of subdivided lands having limited fixed boundaries and an assigned number, letter, legal description or other name through which it may be identified.

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**Section 6. - Sec. 26.33. - TC-1 and TC-2 Districts.**

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the TC-1 or TC-2 District may have up to three of the following signs in [subsections] (a)—(f) below, subject to permit approval and compliance with the conditions for each type of sign. One of the allowable signs may be internally illuminated subject to Sec. 26.23. Such signs shall not be located on any building façade or property frontage adjacent to Corey Avenue.

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**Section 7 ~~8~~. - Sec. 26.41. Pass-a-Grille Overlay District.**

All signs shall be allowed in accordance with the underlying zoning district's permitted signage, except that internally illuminated signage shall be expressly prohibited.

**Sec. 26.412. - Severability.**

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**Section 8.** All Ordinances or parts of Ordinances, in conflict here with are hereby repealed to the extent of any conflict with this Ordinance.

**Section 9.** If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

**Section 10** This Ordinance shall become effective immediately.

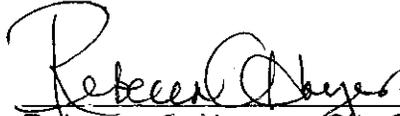
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Deborah Schechner, Mayor

First Reading: 12/13/2016  
Published: 12/30/2016  
Final Reading: 01/10/2017  
Public Hearing: 01/10/2017

ATTEST:

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 10<sup>th</sup> day of January, 2017.

  
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Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

  
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Andrew Dickman, Esq.  
City Attorney