

**ORDINANCE NO. 2019-02**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, AMENDING ARTICLE VI, SECTION 58.00 AND ARTICLE XII, SECTION 211.01 TO ACCOUNT FOR THE LIMITED PRE-EMPTION OF CERTAIN REGULATIONS ON GAS STATIONS AND SIGNS ADVERTISING THE PRICE OF GASOLINE PER 553.79(20)(a), FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Florida Legislature recently adopted Section 553.79(20)(a)(1), Florida Statutes, which prohibits political subdivisions from adopting or enforcing any ordinance, or imposing any building permit or other development order requirement that contains any building, construction, or aesthetic requirement or condition that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or other improvements thereon used in activities conducted under chapter 526, Florida Statutes (Sales of Liquid Fuels; Brake Fluid); and

**WHEREAS**, the Florida Legislature also recently adopted Section 553.79(20)(a)(2), Florida Statutes, which prohibits political subdivisions adopting or enforcing any ordinance, or imposing any building permit or other development order requirement that imposes any requirement on the design, construction, or location of signage advertising the retail price of gasoline which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and otherwise meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety; and

**WHEREAS**, the City desires to update its land development code to conform to the requirements of Section 553.79(20), Florida Statutes.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:**

**SECTION 1.** The above recitals are true, correct, and incorporated by reference as the findings of the City.

**SECTION 2.** Article IV, Section 58.00 of the Safety Harbor Comprehensive Zoning and Land Development Code is hereby amended as follows:

**58.00 - Retail gasoline pumps.**

(A) A minimum street frontage of one hundred fifty (150) feet on all adjoining streets is required.

(B) A minimum lot size of 15,000 square feet is required.

(C) No pump island or pump island canopy shall be located within fifteen (15) feet of any street line or any residentially zoned or used property.

(D) Notwithstanding anything contained in this Code, pursuant to section 553.79(20), Florida Statutes (as may be amended from time to time) to the extent any regulation contained in this Code conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or other improvements thereon used in activities conducted under chapter 526, Florida Statutes (Sales of Liquid Fuels; Brake Fluid) such regulation shall not be enforceable against such property so long as the property owner, or its duly authorized representative, first provides the City with evidence sufficient to demonstrate the conflict and/or impairment of the regulation at issue with the corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity.

**SECTION 3.** Article XII, Section 211.01 of the Safety Harbor Comprehensive Zoning and Land Development Code, is hereby amended as follows:

**211.01 Signs accessory to the sale of gasoline.**

(A) A separate sign advertising the price of gasoline shall be permitted at gasoline service stations. One (1) sign shall be permitted per street frontage located not closer than five (5) feet to the abutting street right-of-way. The size shall not exceed nine (9) square feet per sign face. In the event the sign is attached to the pole-mounted sign, then the sign shall be subject to the area provisions for freestanding signs.

(B) Signs which are placed on the top of gasoline pumps in order to provide required information to the public regarding price per gallon, type of fuel and octane rating

are permitted, provided that such signs may not exceed one and one-half (1½) square feet per sign face.

(C) Notwithstanding anything contained in this Article, pursuant to section 553.79(20), Florida Statutes (as may be amended from time to time) to the extent any regulation contained in this Article either: (1) conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or other improvements thereon used in activities conducted under chapter 526, Florida Statutes (Sales of Liquid Fuels; Brake Fluid); and/or (2) prevents signage advertising the retail price of gasoline from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and such signage otherwise meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety; such regulation shall not be enforceable against such property so long as the property owner, or its duly authorized representative, first provides the City with evidence sufficient to demonstrate the conflict and/or impairment of the regulation at issue, or the prevention of clearly visible signage and compliance with height, width, and spacing standards for Series C, D, or E signs, as applicable.

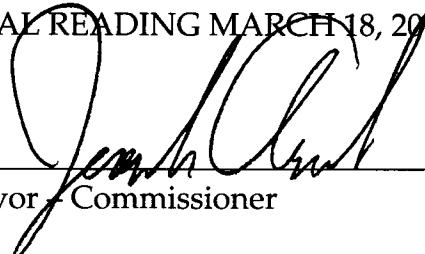
**SECTION 4.** This Ordinance shall be codified and be made a part of the Safety Harbor Comprehensive Zoning and Land Development Code, and all sections shall be alphabetized and/or renumbered to accomplish such codification.

**SECTION 5.** Each provision of this Ordinance shall be deemed separate and severable and if any section or part thereof is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

**SECTION 6.** This Ordinance shall become effective immediately upon its passage and enactment.

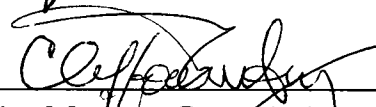
PASSED ON FIRST READING MARCH 4, 2019.

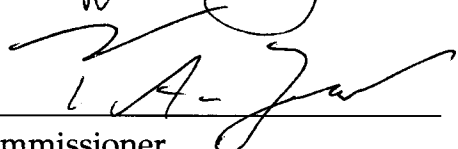
PASSED AND ENACTED ON SECOND AND FINAL READING MARCH 18, 2019.

  
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Mayor - Commissioner

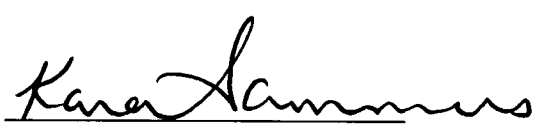
APPROVED AS TO FORM:

  
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Nikki C. Day City Attorney

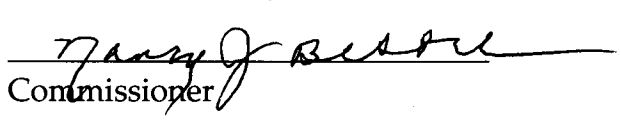
  
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Vice Mayor - Commissioner

  
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Commissioner

ATTEST:

  
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Karen Sammons, CMC, City Clerk

  
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Commissioner

  
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Commissioner