Subject: Public Hearing Re: Proposed Ordinance No. 19-5294 to make the Portable Sign Pilot Program a permanent regulation.

Commission Priorities: Business Requirement

Explanation:
On December 7, 2015, the City Commission passed Ordinance No. 15-5146, creating the “Portable Sign Pilot Program”, which was subsequently extended for three additional years and is set to expire on June 20, 2019. The pilot program was initiated after downtown merchants advised the City Commission that they wished to advertise their businesses with freestanding portable signs in the public right-of-way, which at the time was prohibited by the Zoning Code. The program had a limited duration in order to evaluate its success before making it permanent. Input from City staff during the pilot program has indicated that the program has been a success. It is the City Attorney’s Office recommendation to move beyond a pilot program and pass this ordinance with no expiration date.

Administration's Recommendation:
Motion to approve Ordinance No. 19-5294 on first reading.

Approval Summary:

<table>
<thead>
<tr>
<th>Approval</th>
<th>Required</th>
<th>Date Completed</th>
<th>Completed By</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department Head Approval</td>
<td>Y</td>
<td>05/31/2019</td>
<td>Robert Fournier</td>
<td>APPROVED</td>
</tr>
<tr>
<td>City Auditor and Clerk Approval</td>
<td>Y</td>
<td>06/06/2019</td>
<td>Shayla Griggs</td>
<td>APPROVED</td>
</tr>
</tbody>
</table>
AGENDA REQUEST

ADDITIONAL EXPLANATION:

ADDITIONAL ADMIN RECOMMENDATION:

FUNDING SOURCE: 

AMOUNT: 

HOUSING IMPACT (Per House):

NEW CONSTRUCTION:

REHABILITATION:

$ 0   $ 0

SUPPORT DEPARTMENTS:

City Auditor and Clerk - Shayla Griggs  
City Attorney - Robert Fournier  
Development Services - Timothy Litchet

AGENDA DISPOSITION

COMMISSION ACTION:

Final Action Motion: ____________________________________________________________

Motion By: ___________________________  Second By: ____________________________

Vote: ____________________________________________________________

2
ORDINANCE NO. 19-5294

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA ALLLOWING PORTABLE SIGNS TO BE PLACED ON PUBLIC RIGHTS-OF-WAY IN DOWNTOWN SARASOTA; ESTABLISHING REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS FOR PLACEMENT OF SIGNS ON PUBLIC RIGHTS-OF-WAY; PROVIDING FOR PROHIBITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR READING BY TITLE ONLY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section VII-109 of the City of Sarasota Zoning Code prohibits signs in the public rights-of-way other than those signs installed by a governmental agency; and,

WHEREAS, Section VII-108(4) of the Zoning Code allows businesses to place one temporary A frame sign on private property during the hours the business is open; and,

WHEREAS, the Downtown Core (DTC) and Downtown Bayfront (DTB) zone districts contain numerous businesses located in buildings with a front façade on the front property line or with insufficient front setbacks to allow for the posting of the signs authorized by Section VII-108(4) on private property; and,

WHEREAS, at the June 15, 2015 regular City Commission meeting the City Commission heard a request to allow downtown merchants to temporarily place freestanding portable signs within the public rights-of-way so as to attract the attention of pedestrians and promote their businesses; and,

WHEREAS, several merchants and citizens spoke in favor of the request and expressed a desire to be allowed to place freestanding portable signs in the public rights-of-way; and,

WHEREAS, on December 7, 2015, Ordinance No. 15-5146 was adopted on second reading, creating the “Portable Sign Pilot Program”; and,

WHEREAS, on June 20, 2016, Ordinance No. 16-5181 was adopted on second reading, extending the “Portable Sign Pilot Program” for one year; and,

WHEREAS, on April 3, 2017, Ordinance No. 17-5211 was adopted on second reading, extending the “Portable Sign Pilot Program” for one year; and,
WHEREAS, on June 4, 2018, Ordinance No. 18-5247 was adopted on second reading, extending the “Portable Sign Pilot Program” for one year; and,

WHEREAS, the “Portable Sign Pilot Program” is set to expire on June 20, 2019; and,

WHEREAS, the “Portable Sign Pilot Program” has been successfully implemented without complaints or problems with enforcement.

NOW, THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

Section 1. Ordinance No. 18-5247 of the City of Sarasota is hereby amended as more fully set forth below. (New text is indicated by underline. Deleted text is indicated by strikethrough.)

PORTABLE SIGN PILOT PROGRAM

Notwithstanding Section VII-109 of the City of Sarasota Zoning Code, freestanding portable signs are allowed in the public rights-of-way of the Downtown Core (DTC) and Downtown Bayfront (DTB) zone districts, subject to the following restrictions:

1) Time:

   a. Freestanding portable signs may be placed between the hours of sunrise and 10:00 p.m.

2) Place:

   a. Within the public rights-of-way along designated primary streets in the Downtown Core (DTC) and Downtown Bayfront (DTB) zone districts, excepting areas already permitted for another use, freestanding portable signs may be placed in the area between the curb and the edge of the sidewalk, (also known as the “amenity zone”, “verge”, “curb strip”, “berm” or “tree lawn”), in such a manner that the portable sign does not interfere with the free and unobstructed use of the sidewalk, leaving a minimum sixty (60) inch swath of unobstructed sidewalk for pedestrian travel.

   b. Within the public rights-of-way along designated primary streets in the Downtown Core (DTC) and Downtown Bayfront (DTB) zone districts, excepting areas already permitted for another use, freestanding portable
signs may be placed on the sidewalk within thirty (30) inches of the building façade, provided the sidewalk is at least ninety (90) inches wide, leaving a minimum sixty (60) inch swath of unobstructed sidewalk for pedestrian travel.

c. This ordinance shall not be applied to allow portable signs within alley rights-of-way or within rights-of-way owned or controlled by the Florida Department of Transportation or Sarasota County.

3) Manner:

a. The dimensions of freestanding portable signs allowed by this ordinance shall not exceed sixty (60) inches in height by thirty (30) inches in width.

b. Only one freestanding portable sign in the public right-of-way is allowed per natural person or legal entity. That is, each natural person or legal entity shall be allowed to place only one sign in the public right-of-way.

c. Prior to the placement of the sign, each natural person or legal entity shall execute an Indemnification and Hold Harmless Agreement in favor of the City regarding the sign owner’s own actual willful or negligent acts or omissions related to their placement of the freestanding portable sign. See Exhibit “A”. Indemnification and Hold Harmless Agreements may be obtained and notarized free of charge at City Hall.

Notwithstanding paragraphs a through c above, no portable sign allowed by this ordinance shall:

d. Directly or indirectly create a traffic or fire hazard or interfere with the free and unobstructed use of streets or sidewalks.

e. Be erected or maintained at any location in such a manner as to obstruct free and clear vision at the intersection of any streets, drives or other public or private vehicular access ways.

f. Be attached to or placed against a building in such a manner as to prevent ingress or egress through any door or window of any building, nor shall any sign obstruct or be attached to a fire exit or fire escape.

g. Be attached or affixed in any manner to another object, including but not limited to light poles, beams, benches, trees, shrubs, or pottery.
h. Be erected or maintained at any location where, by reason of its position, illumination, shape, or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal, or device.

i. Be directed at drivers or occupants of motor vehicles.

j. Contain any speech or message which is not protected by the First Amendment, including but not limited to: obscenity, true threats, defamation, fighting words, incitement to imminent lawless action, or criminal solicitation.

4) The City Manager, or his designee, is hereby authorized to remove and dispose of any freestanding portable sign located in the public rights-of-way in violation of this ordinance.

5) Nothing in this ordinance shall affect other alternative channels of communication, including but not limited to, signs worn or carried by individuals, which are not subject to the restrictions contained herein.

6) Freestanding portable sign owners shall have five (5) business days from the enactment of this ordinance to comply with subsection (3)(c).

7) Sunset provision: This ordinance shall automatically terminate and have no further force or effect at the date which is twelve (12) months after its effective date. However, the City Commission may by the adoption of a subsequent ordinance extend the duration of this pilot program or alternatively terminate this pilot program prior to its expiration.

Section 2. It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections hereof.
Section 3. This Ordinance shall have no expiration date.

PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this ___ day of ____, 2019.

PASSED on second reading and finally adopted this ___ day of ____, 2019.

CITY OF SARASOTA, FLORIDA

__________________________
Liz Alpert, Mayor

ATTEST:

__________________________
Shayla Griggs
Interim City Auditor and Clerk

_______ Mayor Liz Alpert

_______ Vice Mayor Jen Ahearn-Koch

_______ Commissioner Hagen Brody

_______ Commissioner Shelli Freeland Eddie

_______ Commissioner Willie Shaw
INDEMNIFICATION & HOLD HARMLESS AGREEMENT

In consideration of the City of Sarasota allowing the placement of a freestanding portable sign in the public right-of-way, the undersigned, ________________, does hereby agree to indemnify and hold harmless the City of Sarasota, its agents, and employees from any and all liabilities, losses, or damages for personal injury or property damage, resulting from the placement of said portable sign in the public right-of-way. However, such indemnification and hold harmless shall extend only to liabilities resulting from or caused by the actual willful or negligent acts or omissions of the undersigned with regard to placement of the freestanding portable sign. The undersigned’s portable sign can be described as follows:

__________________________________________

(Describe the sign or attach photo)

located at ____________________________________.

(Insert street address)

Optional: In the event the freestanding portable sign requires removal, the undersigned may be contacted at the following to retrieve the sign:

Name: ____________________________________________
Address: __________________________________________
Phone number: ______________________________________
Email address: ______________________________________

Dated this _____ day of __________, 20____.

STATE OF FLORIDA
COUNTY OF SARASOTA

Signature

Print name

The foregoing instrument was acknowledged before me this _____ day of __________, 20____, by ________________________, who is personally known to me or who has produced ________________________ as identification.

Notary Public
My Commission Expires:

"EXHIBIT A"
NOTICE OF PUBLIC HEARING

Notice is hereby given that the CITY COMMISSION of the City of Sarasota, Florida will meet on Monday, June 17, 2019, at 6:00 p.m. in the Commission Chambers, City Hall, 1565 First Street, Sarasota, Florida. Starting at 6:00 p.m. or as soon thereafter as possible, the Commission will open the scheduled Public Hearings in the order they appear on the Agenda. The following Ordinance will be considered at the above scheduled meeting:

ORDINANCE NO. 19-5294

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA ALLOWING PORTABLE SIGNS TO BE PLACED ON PUBLIC RIGHTS-OF-WAY IN DOWNTOWN SARASOTA; ESTABLISHING REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS FOR PLACEMENT OF SIGNS ON PUBLIC RIGHTS-OF-WAY; PROVIDING FOR PROHIBITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR READING BY TITLE ONLY; PROVIDING FOR AN EFFECTIVE DATE.

Said proposed ordinance is on file in the Office of the City Auditor and Clerk at City Hall at the above address for public inspection from 8:00 a.m. to 5:00 p.m. Monday through Friday.

Interested persons are welcome to attend and may register to speak in respect to the above-proposed ordinance.

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990 and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in such public hearing should contact the Office of the City Auditor and Clerk at (941) 954-4160 at least two (2) business days prior to the date of the public hearing as to the nature of the aid and/or service desired. Reasonable auxiliary aids and services will be made available to qualified disabled individuals to the extent that no undue financial or administrative burden results. For the benefit of individuals utilizing hearing aids with a T-coil, the City Commission Chambers and SRQ Media Studio are outfitted with a Hearing Induction Loop for enhanced hearing assistance.

CITY OF SARASOTA

By: Shayla Griggs
Interim City Auditor and Clerk

Legal Date: June 7, 2019