

ORDINANCE NO. 2009 -

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, CREATING A NEW SECTION 102-17 OF THE LAND DEVELOPMENT CODE RELATIVE TO SIGNS; PROVIDING FOR TEMPORARY RELIEF FOR CERTAIN SIGNS, SUBJECT TO EXECUTION OF A STIPULATED AGREEMENT; CONTAINING A PROVISION FOR INCLUSION IN THE CITY CODE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING AN EFFECTIVE DATE

WHEREAS, the unprecedented downturn on the economy over the past eighteen months has caused many local businesses significant economic strain, and continues to pose a threat to the economic vitality and therefore the health, safety and welfare of the citizens of the City of Deerfield Beach; and

WHEREAS, during this difficult time, the City Commission of the City of Deerfield Beach believes that it is appropriate and in the best interests of the citizens of the City of Deerfield Beach to enable local businesses to increase their attempts to reach the public in order to survive these difficult economic circumstances; and

WHEREAS, the City has adopted stringent sign regulations for the purposes set forth in the Ordinances which implement those sign regulations and the City still supports those regulations and their intent; and

WHEREAS, the City does not wish to provide any relief which would permit billboards or off-premises signs of any type as the City believes that, notwithstanding the public interest in supporting local business, that any measures which would permit billboards or off-premises signs are inappropriate and that the harm from permitting said signs with regard to the public aesthetics and safety clearly outweigh the benefits of providing economic relief for local businesses; and

WHEREAS, the City Commission therefore wishes to provide for a very tightly structured, temporary system of limited relief for businesses in the City of Deerfield Beach with regard to sign regulations as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. The above Whereas clauses are hereby made a part of this Ordinance.

SECTION 2. A new Section 102.17 is hereby included in the City's sign regulations as follows:

Section 102-17. Temporary Relief. In recognition of severe economic impact of the recession existing in the year 2009, the following, otherwise prohibited signs shall be temporarily permitted subject to the provisions as set forth below:

- a. Banners not greater than 16 square feet in size, which are firmly affixed to the building where the business is being conducted or such other solid surface on the property where the business is being conducted. The highest point of any banner shall not extend above the highest point of the building wall on which the banner is affixed. In no instance shall the banner be attached to landscaping; and
- b. Vehicle signs as would be otherwise prohibited per Section 102-7(23) of this Code, provided the vehicle must be properly licensed and operable; and
- c. Inflatable signs on the private property where the business being advertised is being conducted (directly in front of the business) where said inflatable signs are not higher than 10 feet or wider than 10 feet, and are not located on a roof; and
- d. Movable menu boards permitted by Section 102-8(f).(3).(c.) shall not be restricted to containing only menus.
- e. All signs must be located on the same private property where the business being advertised is being conducted (directly in front of the business); and
- f. All signs must be maintained in good condition at all times; and
- g. No sign or activity as set forth above may be located in the visibility triangle or vision triangle as defined in Section 102-5, nor in any way interfere with or impede vehicle traffic on any right-of-way; and
- h. No sign as set forth above shall be permitted except after the execution by the business owner of a stipulated agreement acknowledging that the sign is not normally allowed per the sign code and, but for the temporary relief, would be a violation of the sign code, and stipulating that the sign will be removed in 90 days from the effective date of this ordinance. The agreement must be in a form approved by the City Attorney. The agreement may provide for an additional 58 day extension upon the approval of the City Commission of a resolution extending the relief.
- i. The relief granted herein is for a 90 day period beginning on October 1, 2009 and ending on January 1, 2010, provided that the relief may be extended by the City Commission for an additional 58 days through a resolution of the City Commission. It is the intent of the City Commission that this be temporary relief based upon unique economic circumstances. In any event, the temporary relief granted herein shall terminate on February 28, 2010 at the latest and any sign permitted herein shall be removed on or before that date.

J. A business location may only display one of the above signs at any single time.

SECTION 2. It is the intention of the City Commission and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the City Code of the City of Deerfield Beach, Florida, and the sections of this ordinance may be renumbered to accomplish such intent.

SECTION 3. If any word, phrase, clause, sentence, or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

SECTION 4. That this ordinance shall be in full force and effect upon adoption.

PASSED AND ADOPTED ON FIRST READING THIS 1ST DAY OF SEPTEMBER, 2009.

PASSED AND ADOPTED ON SECOND READING THIS 15TH DAY OF SEPTEMBER, 2009.

CITY OF DEERFIELD BEACH

PEGGY NOLAND, MAYOR

ATTEST:

ADA GRAHAM-JOHNSON, MMC, CITY CLERK

Deerfield/Ordinances/Amend Sign Code - Temporary

Deleted portions ~~struck through~~; added portions underlined.

TEMPORARY SIGN PERMIT
AND
STIPULATED AGREEMENT
(Pursuant to Section 102-17, City of Deerfield Beach City Code)

WHEREAS, the undersigned (hereinafter referred to as Business) wishes to avail itself of the temporary relief provided by Section 102-17 of the City of Deerfield Beach City Code; and

WHEREAS, Business understands that the relief granted herein is temporary and shall not exceed the time period set forth in Section 102-17. Business further agrees that Section 102-17 contains valid requirements with which it must comply should it receive the temporary relief; and

WHEREAS, Business fully understands the requirements set forth in Section 102-17 and herein and fully intends to comply with said requirements as a condition of the temporary relief; and

WHEREAS, Business understands that without said compliance, it would not receive the temporary relief as set forth herein;

NOW, THEREFORE, be it agreed to by and between the parties as follows:

Section 1. The above Whereas clauses are true and correct and made a part hereof as if fully set forth herein.

Section 2. Based upon the covenants set forth herein and the understanding of Business as set forth above and below, Business shall be permitted to have a sign of the description as set forth on Exhibit A*, which sign shall be permitted only from the period beginning on the date of execution and ending on January 1, 2010. The location of the sign shall be at _____. Business understands that time is of the essence and the time period shall be strictly enforced. Exhibit A contains a description of the sign (together with a description of its location on the property), but it is understood that no sign shall violate the conditions set forth in Section 102-17 of the City Code, which provisions are incorporated herein by reference and are binding upon Business.

Section 3. Business understands that, but for the execution of this agreement and strict compliance with the terms of this agreement, and Section 102-17 by Business, the sign permitted herein would be a violation of the City Code and that, failure to comply strictly with the provisions of this agreement and Section 102-17, and failure to remove the sign as required herein shall be deemed to be a violation of the City Code.

* Exhibit A should show a depiction of the sign, together with its dimensions, location and copy.

Section 4. The relief granted herein may be extended for a limited 58 day period on a motion approved by the City Commission. Any extension shall be subject to all the terms of this agreement and this agreement shall be deemed part of any extension.

Section 5. Business does hereby grant City and its employees the right to enter onto the premises where any sign erected pursuant to this agreement is located for the purpose of removing said sign if the sign fails to comply with the specific requirements set forth in Section 102-17 or is permitted to remain for a period in excess of that provided for in this agreement. Further, Business agrees to defend, indemnify and hold City harmless from any damage to the sign or the premises by virtue of the City's action in removing the sign or any damages to persons or property by virtue of its placement of the sign.

Section 6. This is the full agreement between the parties and may not be amended except by a written document executed with equal dignity and signed by the parties.

Section 7. This agreement shall be effective on the date that it is executed, but in no event may a sign permitted herein be placed prior to October 1, 2009.

IN WITNESS WHEREOF, CITY and BUSINESS have executed this Agreement by their duly authorized officers, this ____ day of _____, 2009.

CITY OF DEERFIELD BEACH, FLORIDA

By: _____
Michael Mahaney, City Manager

Date: _____

ATTEST:

Ada Graham-Johnson, CMC, City Clerk

BUSINESS

Witnesses:

Print Name: _____

Print Name: _____

By: _____

Print Name of Business

Temporary Sign Permit and Stipulated Agreement Processing Sheet

To be filled out by Applicant

Business Name: _____

Business Address: _____

Contact Person: _____ Fax: _____

Phone Number: _____ E-mail: _____

Circle Type of Temporary Sign: *Banner / Inflatable / Vehicle / Menu Board*

Describe: _____

****Attaching Pictures, Brochures, Drawings, etc. will help speed processing****

To be filled out by Deerfield Beach Planning and Growth Management Department

Date Received: _____ **Received by:** _____

Exhibit A Included? _____ (If no, return to applicant, if yes forward to Charlie)

Stipulated Agreement Signed by Applicant? _____ (If no, return to applicant)
(including two witnesses)

Exhibit A Approved?: _____ **Exhibit A Approved By:** _____
Name & date

Date Agreement Routed to City Manager's Office for Execution: _____

Date Executed: _____

Date Applicant Notified of Executed Agreement: _____ **Notified By:** _____

Date Added to Data Base and Map: _____ **Added by:** _____

Date of Inspection: _____ **Inspected by:** _____