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ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2014-006

Description: Consider an ordinance amending City Code Chapter 25-10 relating to requirements for sidewalk signs and merchandise displays.

Proposed Language: See attached draft ordinance for details.

Summary

- Allows a sidewalk sign to be installed without a permit.

Background: Initiated by Council Resolution 20140417-054.

Current code requires a sign installation permit for a sidewalk sign. On April 17, 2014, Council approved Resolution No. 20140417-054 initiating amendments to City Code Chapters 25-10 and 14-9 relating to the regulation of sidewalk signs and the placement of merchandise and accessories on sidewalks adjacent to a business. The proposed change will remove the requirement for a permit, but keep in place other existing requirements for a sidewalk sign.

Staff Recommendation: Staff recommends the proposed code amendment.

Board and Commission Actions

August 19, 2014: Recommended by the Codes and Ordinances Subcommittee on a 5-0 vote.

August 26, 2014: To be reviewed by the Planning Commission.

Council Action

August 28, 2014: A public hearing has been scheduled.

Ordinance Number: NA

City Staff: Viktor Auzenne **Phone:** 974-2941 **Email:** Viktor.Auzenne@austintexas.gov

ORDINANCE NO.

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AN ORDINANCE AMENDING CITY CODE CHAPTERS 14-9 AND 25-10 RELATING TO THE DISPLAY OF SIGNS, MERCHANDISE, AND ACCESSORIES ON CITY SIDEWALKS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 14-9-13 (*Exceptions to Prohibition Against Obstruction for Sale of Merchandise*) is amended to read:

§ 14-9-13 EXCEPTIONS TO PROHIBITION AGAINST OBSTRUCTION FOR SALE OF MERCHANDISE.

Section 14-9-12 (*Obstruction for Sale of Merchandise Prohibited*) does not apply to:

- (1) a display for a newspaper, pamphlet, or periodical, on a sidewalk if the display is not more than three feet from the curbline or lot line, in compliance with Article 4 (*Restrictions on Newsracks and Direct Sales in a Public Rights-of-Way*);
- (2) a public market established under Chapter 14-2 (*Public Markets*);
- (3) the delivery of previously ordered or purchased merchandise;
- (4) the use of a street, alley, or sidewalk in connection with residence-to-residence or business-to-business sales or solicitations;
- (5) fresh cut flower sales, offers for sale, exchanges, or purchase orders; [or]
- (6) a sidewalk cafe permitted or licensed under Chapter 14-4 (*Sidewalk Cafés*);
and
- (7) a sidewalk sign that complies with Section 25-10-153 (*Sidewalk Signs*) or a retail item for display or sale, provided that:
 - (i) the sign or retail item is within the frontage of the business displaying the sign or retail item; and
 - (ii) an unobstructed pedestrian pathway exists sufficient to meet applicable requirements of the Americans with Disabilities Act (ADA).

PART 2. Subsections (B) and (C) of City Code Section 25-10-153 (*Sidewalk Signs*) is amended to read:

(B) ~~[The building official shall issue a sign installation permit for a]~~ A sidewalk sign may be installed without a permit, but must comply [if the sign complies] with the [following] requirements of this subsection. [.]

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- (1) The sign must be located:
 - (a) on a sidewalk at least 10 feet in width;
 - (b) directly in front of a building that is not set back from street right-of-way, if the sign is located in the street right-of-way;
 - (c) for a unified development, on a sidewalk directly in front of the [applicant's] business associated with the sign;
 - (d) no closer than 20 feet from a driveway or pedestrian crosswalk; and
 - (e) in coordination with other permitted right-of-way uses, as determined by the building official.
- (2) The sign must not:
 - (a) narrow the sidewalk to less than 6 feet in width;
 - (b) obstruct the line of sight for oncoming traffic;
 - (c) be more than four feet high; or
 - (d) be wider than the lesser of one-third the width of the sidewalk, or 30 inches.

(C) The owner or operator of the sign [An applicant] must, upon request, provide the building official with proof of:

- (1) an insurance policy protecting the City from liability arising from installation, use, or maintenance of the sign, in accordance with the requirements of Section 25-10-235 (*Insurance*); and
- (2) indemnification of the City for liability arising from the installation, use or maintenance of the sign.

PART 3. This ordinance takes effect on _____, 2014.

PASSED AND APPROVED

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_____, 2014

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Lee Leffingwell
Mayor

APPROVED:

Karen M. Kennard
City Attorney

ATTEST:

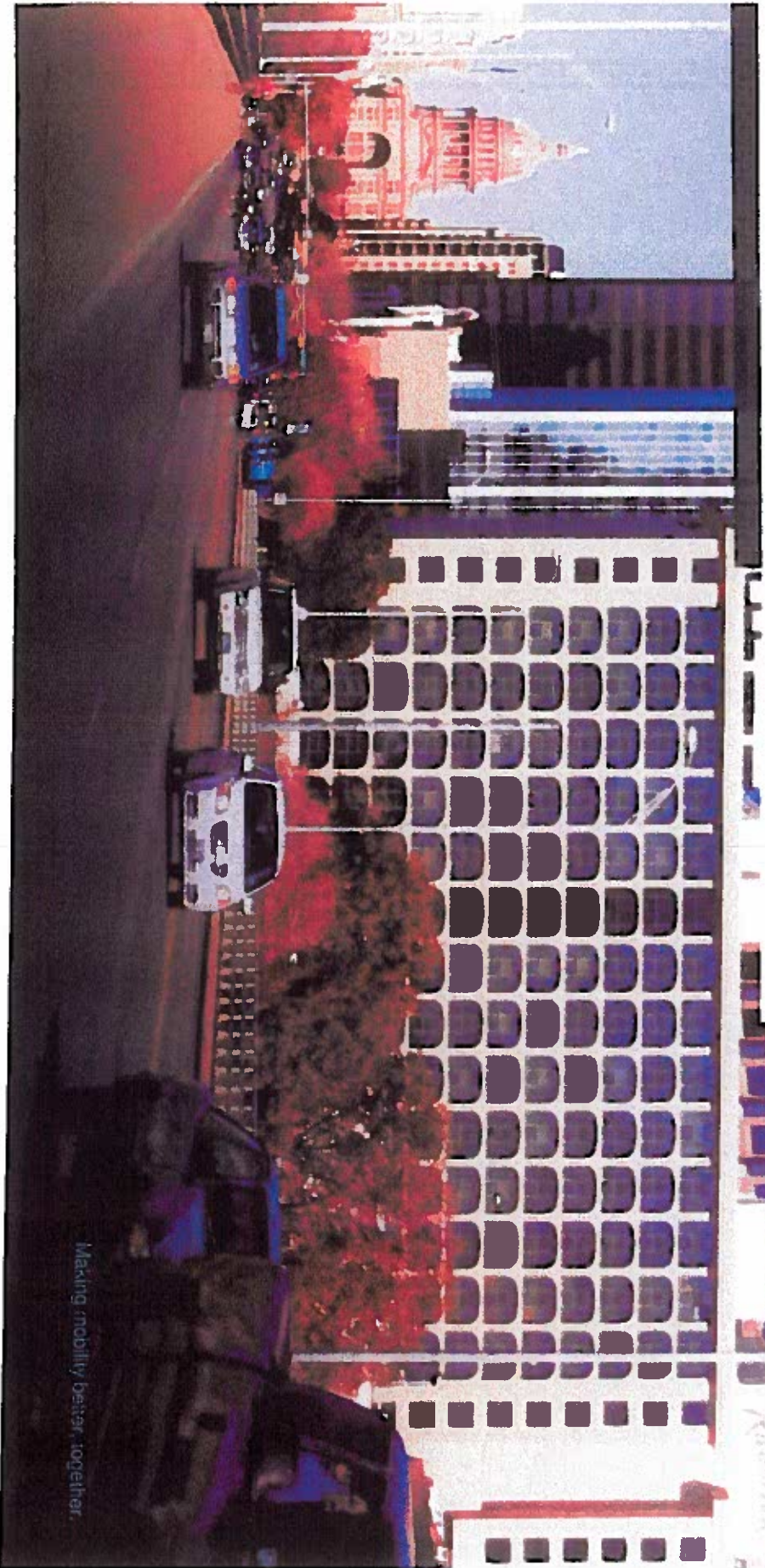
Jannette S. Goodall
City Clerk

draft

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SIDEWALK SIGNS AND DISPLAYS

08.19.14
CREATED FOR
PLANNING COMMISSION CODE AND ORDINANCE SUB-
COMMITTEE



Making mobility better, together.

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PURPOSE

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Resolution No. 20140417-054

Activate Urban Streetscape By:

- Allowing Businesses Flexibility

- Product Marketing

- Beautify Shopping Areas

Protect Public Safety

Preserve Historic Character

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ORDINANCE

City Code Chapter(s):

- CHAPTER 14-9. TRAFFIC OR SIDEWALK OBSTRUCTIONS.
- CHAPTER 25-10. SIGN REGULATIONS.



CHAPTER 14-9. TRAFFIC OR SIDEWALK OBSTRUCTIONS.

§ 14-9-21 STREET VENDOR LICENSE AUTHORIZED.

- (A) The city manager may issue a license agreement to a street vendor for use of a specific part of a right-of-way to sell, offer for sale, exchange, or take order for merchandise.

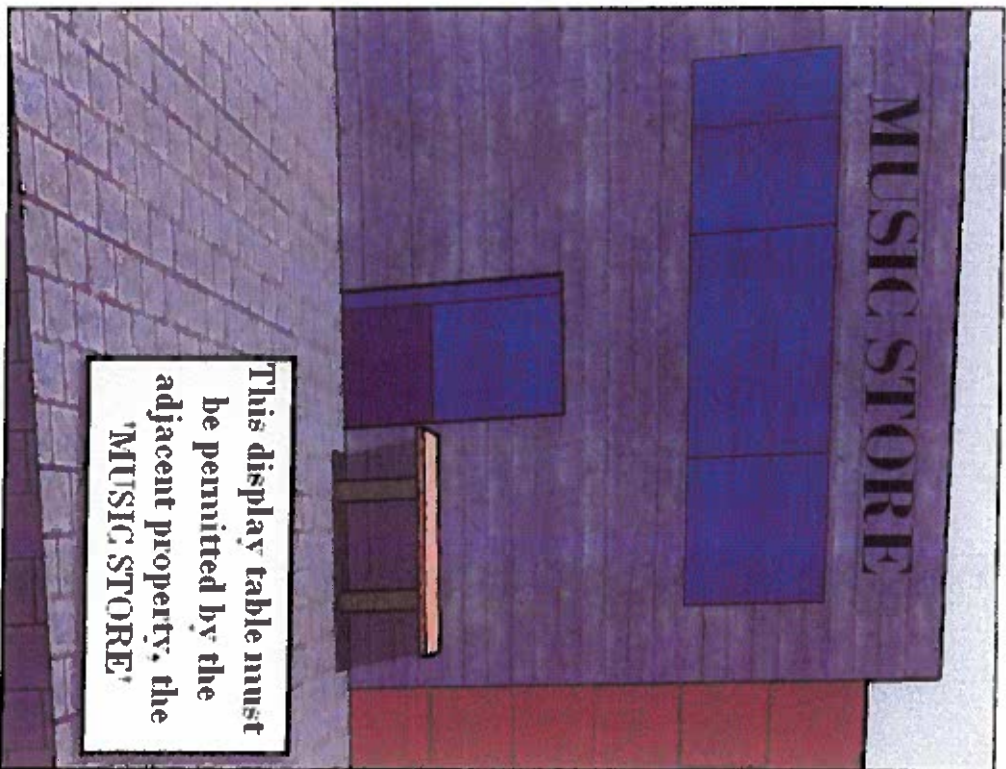
§ 14-9-22 CONDITIONS OF LICENSE.

- (A) A person who applies for a license under this article must:
- (1) agree to comply with the terms of the license agreement;
 - (2) pay the annual ground rent fee prescribed by ordinance, based on the traffic engineer's determination of the vendor's square-foot encroachment on the right-of-way; and
 - (3) carry and display a right of-way license verification card.

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CURRENT DISPLAY CRITERIA

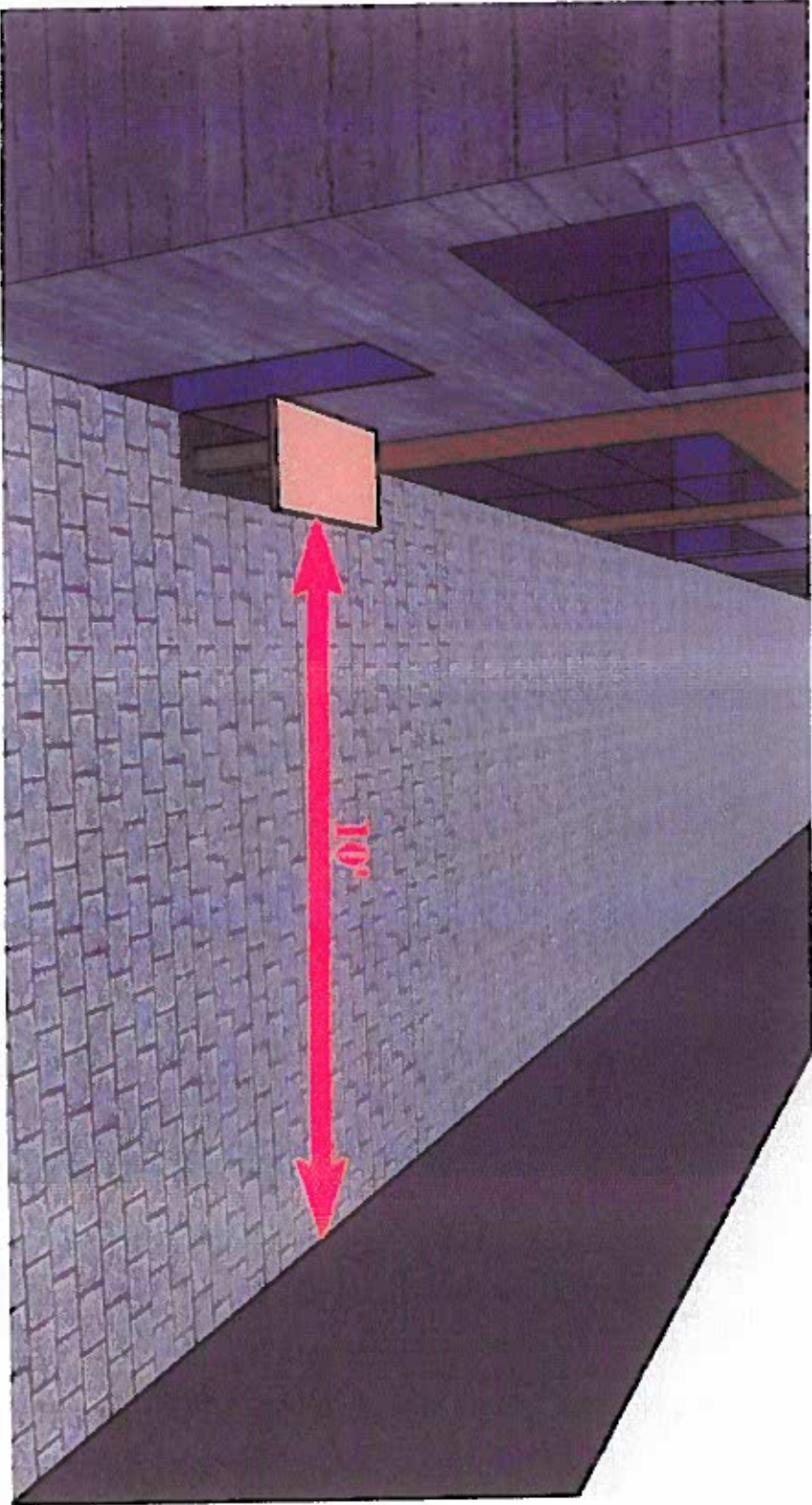
- No person or company shall be permitted to use right of way, for display purposes, that does not front property owned by the applicant.



CURRENT DISPLAY CRITERIA

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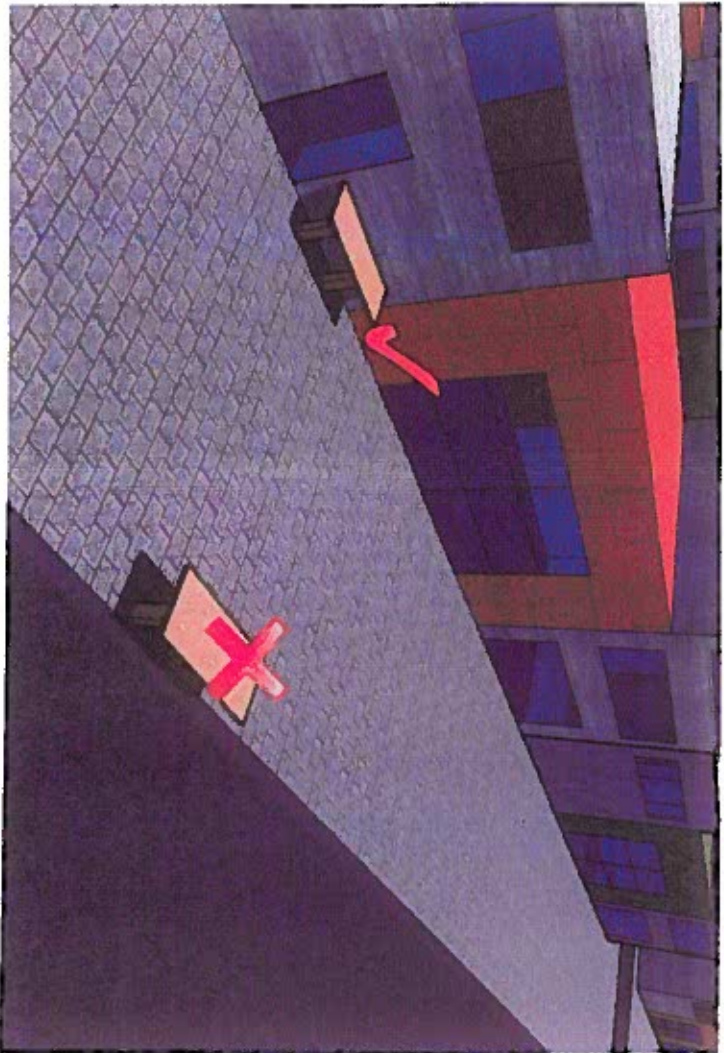
- The display stand shall be neat and orderly in appearance and mobile or easily moved in case of an emergency and shall not narrow a sidewalk to less than 10' of free walking space.



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CURRENT DISPLAY CRITERIA

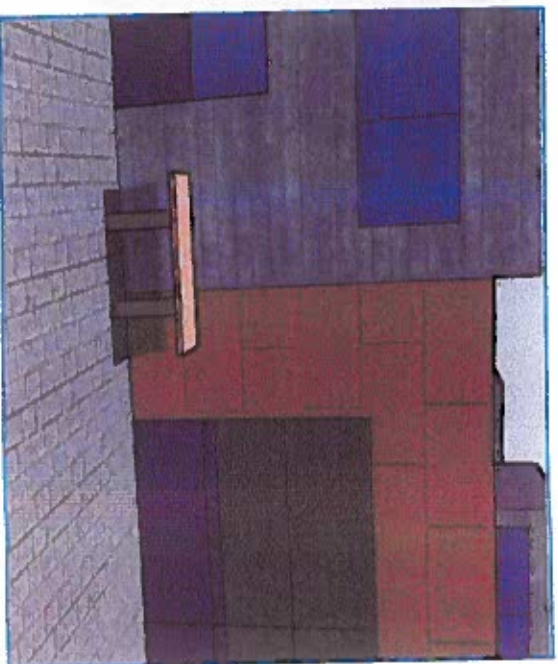
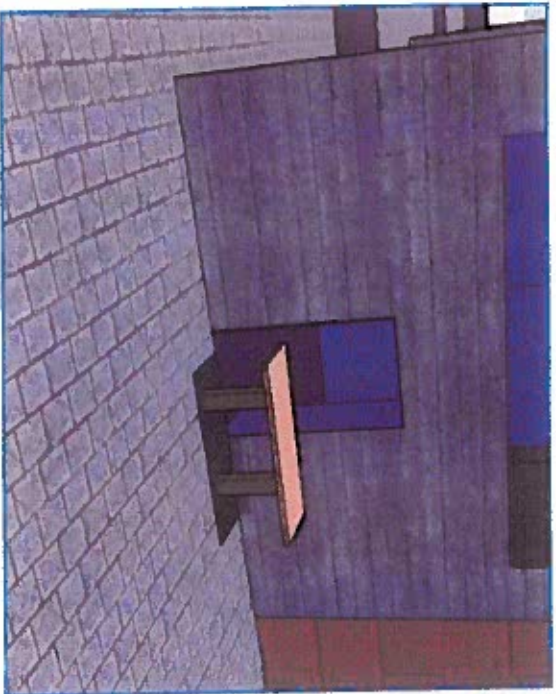
- Display area shall be located against the face of a building and never located next to a curb.



CURRENT DISPLAY CRITERIA

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- Display locations shall not be placed so that they block any entrance or doorway and may not extend into any abutting property owners space without written approval from the abutting property owner or occupier.



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CURRENT DISPLAY CRITERIA

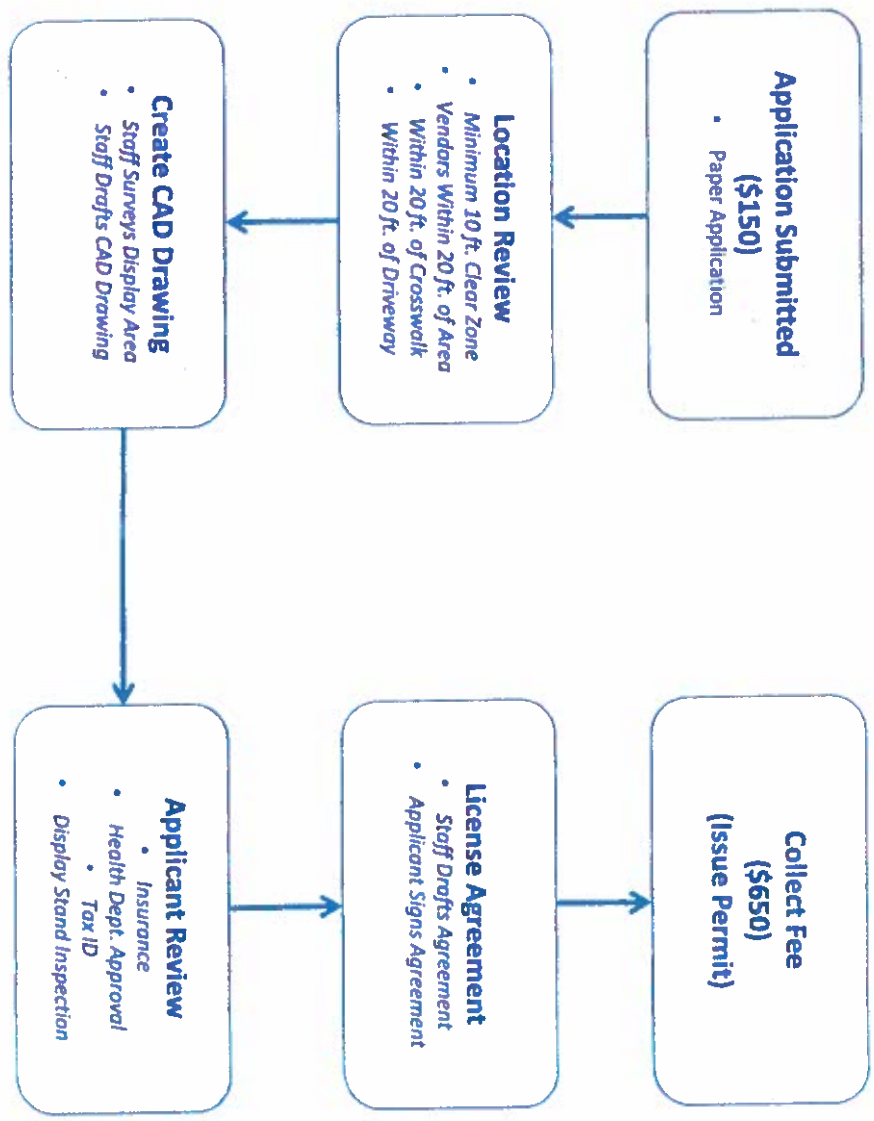
- No items are to be fastened to or hung from any building or any other City infrastructure.
- No ignition source located next to combustible materials.
- No light source that will blind or distract the motoring public.
- Abutting property notification.
- General liability insurance of \$500,000.



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CURRENT DISPLAY PROCESS



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PROPOSED REVISIONS

Subsection (B) of City Code Section 14-9-13 (Exceptions to Prohibition Against Obstruction for Sale of Merchandise) is amended to read:

§ 14-9-13 EXCEPTIONS TO PROHIBITION AGAINST OBSTRUCTION FOR SALE OF MERCHANDISE.

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- (2) a public market established under Chapter 14-2 (*Public Markets*);
- (3) the delivery of previously ordered or purchased merchandise;
- (4) the use of a street, alley, or sidewalk in connection with residence-to-residence or business-to-business sales or solicitations;
- (5) fresh cut flower sales, offers for sale, exchanges, or purchase orders; [or]
- (6) a sidewalk cafe permitted or licensed under Chapter 14-4 (*Sidewalk Cafés*); and
- (7) a sidewalk sign that complies with Section 25-10-153 (Sidewalk Signs) or a retail item for display or sale, provided that:
 - (i) the sign or retail item is within the frontage of the business displaying the sign or retail item; and
 - (ii) an unobstructed pedestrian pathway exists sufficient to meet applicable requirements of the Americans with Disabilities Act (ADA).

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CHAPTER 25-10. SIGN REGULATIONS.

CURRENT CODE REQUIREMENTS

§ 25-10-153 (Sidewalk Signs.) allows for the building official to issue a permit for one sidewalk sign if an applicant provides proof of insurance, indemnification and the sign complies with the following requirements:

- The sign must be located:
 - On a sidewalk at least 10 feet in width;
 - Directly in front of a building that is not setback from street right-of-way, if the sign is located in the street right-of-way;
 - For a unified development, on a sidewalk directly in front of the applicant's business;
 - No closer than 20 feet from a driveway or pedestrian crosswalk; and
 - In coordination with other permitted right-of-way uses, as determined by the building official

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CURRENT & PROPOSED SIGN

REGULATIONS

CURRENT CODE REQUIREMENTS (CONT.)

- The sign may not
 - Narrow the sidewalk less than 10 feet in width;
 - Obstruct the line of sight for oncoming traffic;
 - Be more than four feet high;
 - Be wider than the lesser of one-third the width of the sidewalk, or 30 inches.
 - Be displayed anytime the business is not open.

PROPOSED CODE REVISIONS

The proposed amendment would eliminate the permit requirement and clean up code language accordingly.

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RESOLUTION NO. 20140417-054

WHEREAS, in order to protect public safety and avoid cluttering the public streetscape, the City of Austin regulates the use sidewalk signs and the placement of merchandise and accessories on a sidewalk adjacent to a business;

WHEREAS, many business owners have reported that these regulations significantly limit the ability of businesses to identify themselves and the merchandise available for sale at the business and to beautify sidewalk shopping areas;

WHEREAS, these issues are particularly significant for pedestrian-oriented businesses and are compounded by geographic disparities built into the regulations, as well as widespread violations that discourage compliance; and

WHEREAS, while regulating the use of public sidewalks is necessary, the current regulations in City Code Chapter 25-10 and 14-9 go further than needed to protect public safety and in some cases fail to further the City's goals of activating the urban streetscape; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

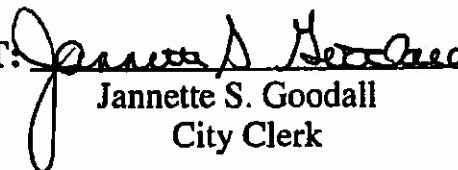
1. The city council initiates amendments to City Code Chapter 25-10 (*Sign Regulations*) and 14-9 (*Traffic or Sidewalk Obstructions*) and directs the city manager to develop a proposed ordinance that will provide businesses greater flexibility to:
 - A. place on-premise sidewalk signs adjacent to a business without obtaining a permit; and

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- B. display merchandise and accessories, such as plants, in the sidewalk adjacent to a business.
2. In developing a proposed ordinance consistent with Section 1, above, the city manager may include any restrictions deemed appropriate to protect public safety and preserve historic character, including but not limited to: (a) limiting the size and location of sidewalk signs, merchandise, or accessories; (c) limiting the times that sidewalk signs, merchandise, or accessories may be displayed; and (c) limiting any relaxation of existing standards to pedestrian-oriented businesses.
 3. In addition to obtaining a recommendation from the Land Use Commission as required by City Code Section 25-1-502 (*Amendment; Review*), the city manager is directed to present the ordinance to the Downtown Commission and the Urban Transportation Commission.
 4. The city manager is directed to present an ordinance consistent with this resolution to the city council for consideration within 90-days or as soon as is reasonably practicable.

ADOPTED: April 17, 2014

ATTEST:


Jannette S. Goodall
City Clerk