

Agenda Item No: REP 102-13



To: City Council

From: City Manager and Staff

Council Meeting Date:

Jul 1, 2013

Obstructions on Downtown Sidewalks - Ordinances and Enforcement

EXECUTIVE SUMMARY:

At the suggestion of the Deputy City Manager, Community Development staff have prepared this informational report regarding obstructions of the public sidewalks in the downtown area. Council has received the complaint of a a citizen citing two particular types of obstructions - temporary signs and outdoor seating areas - and suggesting that amendment of the City ordinances mights be in order.

DISCUSSION:

City Code Section 24-2 Obstructing streets and sidewalks makes it unlawful to place certain objects on City sidewalks with the exception of outdoor seating areas on the condition that "a straight, unobstructed" pathway at least sixty (60) inches wide be maintained on the sidewalk along the entire length of the sidewalk used by the business"

Though not specifically referenced in section 24-2, temporary "sandwich board" signs are covered by Chapter 23 Signs, Section 23-12 Signs in the Central Business District which cites a similar standard:

(6) Sandwich boards. In addition to any other signs allowed, each business with a street level entrance shall be allowed one (1) sandwich board sign located on the sidewalk directly in front of the business, provided that a straight, unobstructed pathway at least sixty (60) inches wide is maintained on the sidewalk. The sandwich board sign shall not exceed eight (8) square feet per side and shall not be attached to any city or Columbia Special Business District property.

The standard is not only 60 inches but a straight path minimum 60 inches wide. Staff believes the ordinances are reasonable and enforceable. They aim to strike a delicate balance between the need for fully accessible public sidewalks and the desire to allow limited business use of the public space for advertising and patron seating. Since these objects are by nature temporary and mobile, effective compliance depends upon the vigilance of the business community and the general public. As violations are reported, the Community Development Department Building and Site Development Division dispatches inspectors to check the sidewalks for the clear accessible path and notify property owners when violations are found. Property owners have generally been cooperative; however, reminders are sometimes needed to sensitize all persons handling the signs, tables and chairs, sidewalk sale racks, and other objects. The Executive Director of the Downtown Community Improvement District has indicated that the CID will post notices for the downtown business community and take other actions to urge compliance. City inspectors will do periodic sweeps of the downtown sidewalks to make sure the code is complied with and will respond to a citizen report of a particular offense.

Council has the ultimate control and can revoke the permission to use the City sidewalks for advertising and other private purposes if it sees that the "delicate balance" is not working.

As a housekeeping matter, staff recommends that the rules for "sandwich signs" be included in section 24-2 "Obstructing streets and sidewalks."

FISCAL IMPACT:

VISION IMPACT:

http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php

None.

SUGGESTED COUNCIL ACTIONS:

This report is submitted as information

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Epands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	

Chapter 24 STREETS, SIDEWALKS AND PUBLIC PLACES*

Section 24-2 Obstructing streets and sidewalks.

Any person who shall deposit, place, paint, write, erect or maintain any structure, material, article, substance, decoration or thing on, in or above any street, curb, gutter, park, parkway, sidewalk or public place of the city, except as specifically authorized by the city council by resolution, or as otherwise provided for by ordinance or this Code, shall be deemed guilty of a misdemeanor; provided, however:

- (a) that a person owning or operating a restaurant, coffee shop or other business may provide tables, chairs, plants or seating accommodations for its customers on the sidewalks adjacent to the business subject to the condition that a straight, unobstructed pathway at least sixty (60) inches wide be maintained on the sidewalk along the entire length of the sidewalk used by the business; and
- (b) that nothing in this section shall be construed to prevent any merchant or tradesman from placing any packages of merchandise, which the merchant or tradesman may be receiving or sending away, upon any sidewalk if the packages do not occupy more than one-fourth of the width of the sidewalk, or remain on the sidewalk for more than two (2) hours.
- (c) that a building permit for the construction of a balcony extending over the public right-of-way in zoning district C-2 shall be issued only if the city council has granted a right of use permit for the balcony and the proposed construction complies with section 29-26(c) of this code and with the "encroachments into the public right-of-way" provisions of the Building Code of Columbia, Missouri, adopted in chapter 6 of this code.

(Code 1964, § 14.010; Ord. No. 18063, §1, 4-19-04; Ord. No. 20284, § 2, 6-1-09)

(Ord. 20284, Amended, 06/01/2009, <u>Prior Text;</u> Ord. 018063, Amended, 04/19/2004, <u>Prior Text</u>)

Chapter 23 SIGNS*

Section 23-12 Business signs--In central business district.

The Columbia Special Business District is intended to be attractive, historic and pedestrian friendly. Accordingly, signs should be smaller in scale and fewer in number. This will enhance the attractiveness of the area, reduce visual clutter, increase property values and encourage tourism and other business.

- (a) Applicability. This section shall regulate business uses of signs within the central business district with the exception of theaters which shall be subject to section 23-24.
 - (b) General sign standards.
- (1) Aggregate size limitations. The aggregate of all signs on a single elevation of a building shall not exceed fifteen percent (15%) of the wall space of one elevation.
- (2) Awning signs. The total area of awning signs for street level businesses shall not exceed thirty-two (32) square feet. The total area of awning signs for lower, second level or upper level businesses shall not exceed eighteen (18) square feet.
- (3) Building directories. Each building entrance may have a building directory not larger than six (6) square feet in addition to the other allowed signs. The building directory shall not be counted in calculating the aggregate of all signs.
- (4) Building identification signs. Each building may have a building identification sign in addition to the other allowed signs. The maximum size of a building identification sign shall be eighteen (18) square feet. The building identification sign shall not be counted in calculating the aggregate of all signs.
- (5) Projecting signs. Projecting signs shall not exceed eight (8) square feet and shall not project more than three (3) feet from the face of the wall. The bottom of a projecting sign must be at least eight (8) feet from the ground and the top of the sign must be no more than twelve (12) feet from the ground.
- (6) Sandwich boards. In addition to any other signs allowed, each business with a street level entrance shall be allowed one (1) sandwich board sign located on the sidewalk directly in front of the business, provided that a straight, unobstructed pathway at least sixty (60) inches wide is maintained on the sidewalk. The sandwich board sign shall not exceed eight (8) square feet per side and shall not be attached to any city or Columbia Special Business District property.
- (7) Wall signs. Wall signs for street level businesses shall not exceed thirty-two (32) square feet and must be placed below the bottom of the second level window on multi-story buildings. Wall signs for second level businesses shall not exceed twenty-four (24) square feet if placed no higher than the bottom of the second level window or shall not exceed eighteen (18) square feet if placed below the bottom of the third level window. Wall signs for lower level businesses shall not exceed twenty-four (24) square feet and must be placed no higher than the bottom of the second level window. Where no windows exist on the higher level, "bottom of window" shall not be higher than forty (40) inches above the finished floor level.
- (8) Window signs. Window signs for street level businesses shall not exceed thirty-two (32) square feet. Window signs for lower, second level or upper level businesses shall not exceed eighteen (18) square feet. Window signs located in multiple windows shall be counted as one sign.
- (9) Signs on any building elevations that would be adjacent to Providence Road but for city-owned property or vacant property no greater than one hundred fifty (150) feet in depth between the elevation and the road right-of-way shall be subject to the Sign Regulations applicable outside the central business district.
- (c) Permitted sign types. Maximum surface area of each sign type is subject to the aggregate size limitations in Section 23-12(b)(1).