




HISTORIC
FRANKLIN
TENNESSEE

ITEM #15
WRKS 03/13/2012

MEMORANDUM

March 2, 2012

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator 
Vernon Gerth, ACA - Community and Economic Development

SUBJECT: Consideration of a request from Downtown Franklin Association pertaining to the placement of Decorative Fixtures, Merchandise Displays, and Sandwich Board Signs on the public sidewalk under certain conditions.

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) to consider a request from the Downtown Franklin Association (DFA) pertaining to the placement of Decorative Fixtures, Merchandise Displays, and Sandwich Board Signs on the public sidewalk under certain conditions.

Background

Recently, DFA Executive Director Nancy Williams and several merchants representing the Downtown Franklin Association have requested consideration in developing an ordinance that provides clarity and authorization for merchants to place private decorative fixtures, merchandise displays, and sandwich board signs on the public sidewalk within a defined area in Franklin's Historic Downtown.

In 2004, the Board of Mayor and Alderman approved Ordinance 2004-60 allowing for outdoor cafes on the public sidewalk. The ordinance includes operating standards, liability insurance requirements, annual permitting, and penalties for violations. Since 2004, the business owners have generally adhered to standards set forth in the ordinance. The cafes appear to be popular amenity and complement the historic character of the downtown neighborhood.

With the exception of a 1996 resolution that allows sandwich board signs in the historic overlay district and during special events, Section 16-101 of the City of Franklin's Municipal Code does not allow for the display of decorative fixtures, merchandise, or other signage on the public sidewalk. During the past month several merchants and staff began meeting to consider the opportunities and challenges associated with allowing these narrowly-defined group of private items to be placed on the sidewalk while maintaining safe access and passage for pedestrians and maintaining the unique character of our downtown.

The attached worksheet outlines the definitions, geographic boundaries, and location standards, insurance and permitting and penalty requirements that group determined could become part of an enabling ordinance if so determined by the BOMA.



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Financial Impact

Outdoor cafes are charged an initial application and permit fee of \$120 and subsequent annual permit fees of \$75. The annual revenue received from Outdoor Cafes is approximately \$600.

The proposal, as outlined, would require business owners who display Merchandise Displays and Sandwich Board Signs that advertise or promote their a business to secure an annual fifty (\$50) dollar permit and submit a Certificate of Liability Insurance. The City would not require a permit from businesses that only display non-promotional decorative fixtures (i.e. flower pots, ornaments, etc.) and would accept the associated liability.

Building and Neighborhood Services Department employees presently receive the annual permits and certificates of insurance for Outdoor Cafes and periodically monitors compliance.

Recommendation

Staff recommends the Board of Mayor and Alderman provide input and direct staff to proceed with drafting a Municipal Code ordinance amendment that includes the operating standards, liability insurance requirements, annual permitting, and penalties as generally outlined in the worksheet.

Central Franklin – Public Property Outdoor Merchandise Displays/Sandwich Boards and Privately-owned Decorative Fixtures

Discussion Notes - revised March 6, 2012

Merchant – City Staff Representatives

Sheri Gramer	Mary Pearce
Joel Tomlin	Alderman Brandy Blanton
Natasha Hendrix	Vernon Gerth, City Staff
Jason McConnell	Amanda Hall, City Staff
Nancy Williams	Steve Haynes, City Staff

I. Definition – Outdoor Merchandise Displays & Signage (for sale/advertising)

- a. Merchandise for sale
- b. Merchandise display racks/cases Flower Carts
- c. Easel-type signs
- d. Approved Sandwich Board Signs
- e. Flags/Banners (contain message/advertisement) 4.5 square feet maximum size

II. Definition – Private Decorative (not for sale) Non-Advertising Fixtures

- a. Flower Pots
- b. Benches
- c. Flags/Banners (no message/advertisement) 4.5 square feet maximum size
- d. Non-flashing, non-moving string lighting
- e. Other ornaments - statues

III. Where Allowed – Geographic Boundaries

- a. Allowed on public right-of-ways (sidewalks) within the City of Franklin Historic Overly District.
- b. The location (placement) of Outdoor Merchandise Displays, Private Decorative Fixtures, and Sandwich Board Signs shall be limited to the public sidewalk area immediately in front of the merchants/property owner's place of business within the parameters as described in IV (below) **and** for those businesses whose primary entrance directly fronts or directly faces a public right-of-way within City of Franklin Historic Overly District.
- c. All Displays/Decorative Fixtures/Signage shall be relevant to the adjacent merchant's property/place of business. Promotion of off-site businesses or products not available from the adjacent business is prohibited.

IV. Physical Location for Displaying Merchandise, Sandwich Boards, & Private Decorative Fixtures

Except as provided, Outdoor Merchandise Displays, Private Decorative Fixtures, and approved Sandwich Board Signs may be placed immediately adjacent to and extend no further than thirty-six (36) inches from the face of the building or thirty-six (36) inches from the edge of the public sidewalk beginning at the point where the public sidewalk and private property meet and, a minimum of four (4) feet is maintained between any fixed or temporary display, fixture, sign, or obstruction.

Exceptions:

- i. Provided no parallel parking spaces exist on the adjacent street, flower carts may be placed within the area beginning at the face of the curb extending toward the building no further than

thirty-six (36) inches. Generally this is the area within the tree line that is improved with brick pavers.

- ii. In lieu of placing Approved Sandwich Board Signs and Private Decorative Fixtures immediately adjacent to the building as described above, Approved Sandwich Board Signs and Private Decorative Fixtures may be placed within the area beginning at the face of the curb extending toward the building no further than thirty-six (36) inches. Generally this is the area in the tree line improved with brick pavers and care should be given not to obstruct people from exiting and entering their vehicles.
- iii. Outdoor Merchandise Displays, Private Decorative Fixtures, and Sandwich Board Signs shall not be placed over an engraved paver.
- iv. In lieu of placing Approved Sandwich Board Signs immediately adjacent to the building as described above, Approved Sandwich Board signs and flower carts may be placed within the public area located around the parameter of the “square” provided a minimum of six (6) feet is provide between the building and any other obstruction and no closer to the street than the bollards. Displays, fixtures, and signage are prohibited within the inner “square”.

V. Hours and Duration

- a. Generally, allowed year-round provided:
 - i. Outdoor Merchandise Displays and Sandwich Board Signs shall be removed when the business is not open to the public.
 - ii. Private Decorative Fixtures are permitted 24/7 or at the discretion of the adjacent merchant/property owner.

VI. Approval/Permit Required

- a. Merchants/property owners who utilize Outdoor Merchandise Displays and/or Sandwich Board Signs shall obtain an Annual Permit. The annual fee shall be \$50 and cover both Outdoor Merchandise Displays and Sandwich Board Signs. A Permit is **not** required for Private Decorative (not for sale) Non-Advertising Fixtures.
- b. Sandwich Board Signs shall obtain a one-time Certificate of Appropriateness (COA) which is included in the initial permit application process. A small COA sticker shall be affixed to the interior of the sign.
- c. Guided Tours within Historic Downtown Franklin shall receive approval from the Historic Zoning Commission and obtain a COA for all signage.

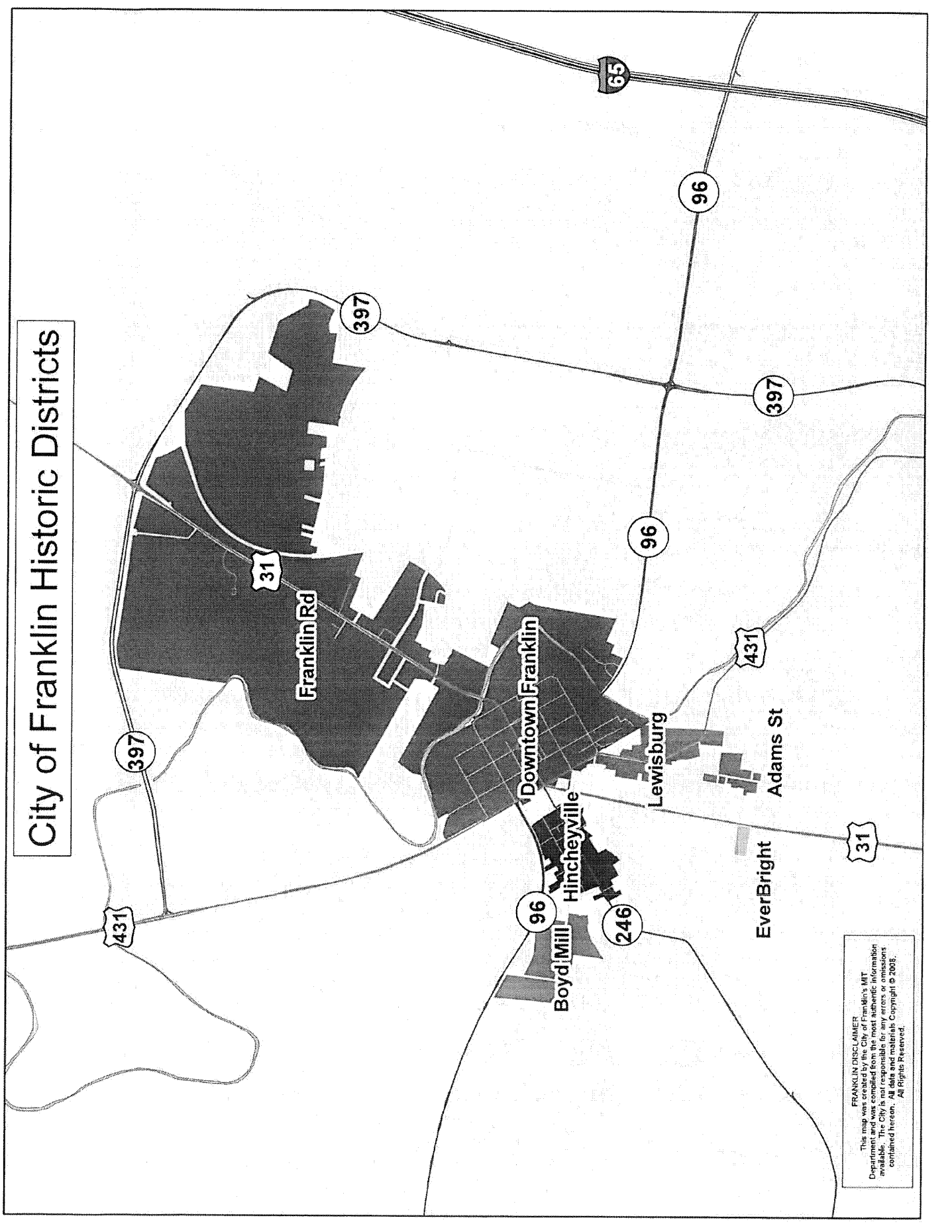
VII. Certificate of Insurance Required

- a. A Certificate of Insurance with the City of Franklin named as an additional insured shall be submitted with the Annual Permit and fee. The minimum coverage limits shall be \$1,000,000 for liability and \$100,000 for property. A Certificate of Insurance is **not** required for Private Decorative (not for sale) Non-Advertising Fixtures.

VIII. Penalty and Remedy

- a. Within any twelve (12) month period merchants/property owners shall be allowed three (3) Notices of Violations (NOV). Subsequent NOV's shall result in revocation of the Permit for one full year.

City of Franklin Historic Districts



FRANKLIN DISCLAIMER
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Municipal Code

Sec. 16-101. - Obstructing streets, alleys, or sidewalks prohibited.

Except as provided in title 8, chapter 3, no person shall use or occupy any portion of any public street, alley, sidewalk or right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise or materials, except under the following conditions:

(1)

Merchants may display and sell their goods and wares on and from the streets and/or sidewalks on such special event days or at other times as are specifically authorized by the board of mayor and aldermen and under such circumstances and conditions at the board of mayor and aldermen shall deem appropriate, considering the health, safety and welfare of the pedestrian and motoring public.

(2)

News racks or news vending machines may be placed on the sidewalks for the sale or dispensing of newspapers therefrom at such specific locations as are authorized by the board of mayor and aldermen upon application to the board. In granting permits for the placement of news racks or news vending machines on the public sidewalks, the board shall endeavor to minimize their effect on the flow and safety of pedestrian and vehicular traffic.

(3)

Members of nonprofit, charitable organizations may conduct bake sales, sidewalk sales, bazaars, and other activities on public streets, alleys, sidewalks and rights-of-way within the corporate limits of the City of Franklin after obtaining approval of the Police Chief of the City of Franklin or his designee. Such approval shall specify the location of such activity, and shall be given in accordance with the provisions of title 9, chapter 3 of this Code.

(1976 Code, § 12-201; Ord. No. 2004-60, 8- -2004)