



## MEMORANDUM

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January 2, 2013

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *ES*  
Vernon Gerth, Assistant City Administrator for Community and Economic Development  
Catherine Powers, Planning and Sustainability Director  
Chris Bridgewater, Building and Neighborhood Services Director  
Amanda Hall, Preservation Planner  
Steve Haynes, Sign and Design Standards Administrator

SUBJECT: Ordinance 2013-02, An Ordinance Authorizing the Adoption and Implementation of Amendments to Title 16, Chapter 7 of the City of Franklin Municipal Code As Relating to the Display of Merchandise, Decorative Fixtures, and Sandwich Board Signs on the Public Sidewalk within Franklin's Historic Preservation Overlay

### **Purpose**

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding an ordinance to approve and implement proposed amendments to Ordinance 2012-26, "An Ordinance to Amend Title 16 of the City of Franklin Municipal Code by Creating Chapter 7 Relating to the Display of Merchandise, Decorative Fixtures, and Sandwich Board Signs on the Public Sidewalk within Franklin's Historic Preservation Overlay."

### **Background**

This ordinance was approved by the BOMA by a unanimous vote (8-0) at the June 21, 2012, BOMA Meeting.

The proposed amendments have been compiled by City staff members from the Planning & Sustainability Department and the Building & Neighborhood Services Department to address concerns about the allowable dimensions for sandwich board signage located on the public sidewalk within Franklin's Historic Preservation Overlay. The existing ordinance limits sandwich board signage to a face no greater than 4.5 square feet in size per side. Staff finds that an amendment to allow a maximum of 6 square feet per side is more consistent with manufacturer design standards for sandwich board signs.

### **Financial Impact**

Not applicable to this item.

### **Options**

Not applicable to this item.

### **Recommendation**

Approval of Ordinance 2013-02 is recommended.

ORDINANCE 2013-02

**TO BE ENTITLED: "AN ORDINANCE TO AMEND SECTION 16-702 OF THE CITY OF FRANKLIN MUNICIPAL CODE RELATING TO THE DISPLAY OF MERCHANDISE, DECORATIVE FIXTURES, AND SANDWICH BOARD SIGNS ON THE PUBLIC SIDEWALK WITHIN FRANKLIN'S HISTORIC PRESERVATION OVERLAY."**

**WHEREAS**, on June 21, 2012, the Board of Mayor and Aldermen adopted Ordinance 2012-26 allowing businesses within the historic district to display merchandise, decorative fixtures, and sandwich board signs on the public sidewalk, under certain conditions, maintaining pedestrian accessibility and complementing the existing historic district environment; and

**WHEREAS**, City staff has determined that the sign-face size designated by Ordinance 2012-26 is not a size that is standard in sign production; and

**WHEREAS**, the Board of Mayor and Aldermen believes it is in the best interest of the City of Franklin to adjust this allowable size to be such size that is more readily attainable.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor and Aldermen of the City of Franklin, Tennessee as follows:

**SECTION I:** That Title 16, Chapter 7, Section 16-702 of the Franklin Municipal Code is hereby amended by deleting the text in ~~strike through~~ and adding the text in **bold** so that it shall read as follows:

**"Title 16 - Chapter 7  
Outdoor Merchandise Displays, Private Decorative Fixtures, and Sandwich Board Signs**

\* \* \*

**Sec. 16-702. - Definitions**

- (1) Merchandise – Shall include products, goods, and wares available for purchase from the adjacent business where the products, goods, and wares are displayed.
- (2) Merchandise Display Fixtures – Shall include tables, racks, cases, and shelving used to display merchandise.
- (3) Private Decorative (not for sale/non-advertising) Fixtures – Shall include and be limited to flower pots, plants, baskets, benches, decorative flags/banners, non-flashing/moving string lighting, and similar ornaments/statues.
- (4) Easel-type Signs - A three leg self-supporting frame for displaying charts, promotional materials, announcements, schedules, and menus.
- (5) Approved Sandwich Board Signs – Consist of a pair of advertisement boards connected at the top by straps or hinge designed to be free-standing with no face greater than ~~4.5~~ **6** square feet in area and the total height of the sign four (4) feet or less. Has obtained a valid Certificate of Appropriateness approved by the City's Preservation Planner in conjunction with the permitting application process.
- (6) Freestanding ornaments/statues (non-advertisement and limited to four (4) feet or less in height) - An accessory, non-advertising article used to complement the character of the City's Historic Preservation Overlay.

- (7) Flags/Banners (non-advertisement and not exceeding 4.5 square feet per face) – A piece of cloth or pliable material not exceeding 4.5 feet in area usually attached on its edge(s) to a staff or cord, and used as the symbol of a nation, state, community, or art.
- (8) City Square – The outer open area or monument plaza that exists within the intersection of Main Street and Third Avenue South in the City of Franklin, Tennessee.
- (9) Carts – Small wheeled wagon capable of being pushed or pulled by hand and used for the display of merchandise.
- (10) Guided Tours – A pre-arranged walking or riding tour of place(s) facilitated by a person or persons who have familiarity and knowledge of the place(s).”

**SECTION II. BE IT FINALLY ORDAINED** by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after its passage on second and final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

BY: \_\_\_\_\_  
 ERIC S. STUCKEY  
 City Administrator

BY: \_\_\_\_\_  
 DR. KEN MOORE  
 Mayor

PASSED FIRST READING \_\_\_\_\_

PASSED SECOND READING \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
 Kristen L. Corn  
 Staff Attorney

**ORDINANCE 2012-26  
AS AMENDED**

**TO BE ENTITLED: "AN ORDINANCE TO AMEND TITLE 16 OF  
THE CITY OF FRANKLIN MUNICIPAL CODE BY CREATING  
CHAPTER 7 RELATING TO THE DISPLAY OF MERCHANDISE,  
DECORATIVE FIXTURES, AND SANDWICH BOARD SIGNS ON  
THE PUBLIC SIDEWALK WITHIN FRANKLIN'S HISTORIC  
PRESERVATION OVERLAY."**

**WHEREAS**, City of Franklin merchants whose businesses are located within the City's Historic Preservation Overlay have requested consideration to display merchandise, decorative fixtures, and sandwich board signs on the public sidewalk and immediately adjacent to their places of business; and

**WHEREAS**, the City of Franklin Board of Mayor and Aldermen in 2004 approved Ordinance 2004-60 authorizing business owners, under certain conditions, to provide seating for customers on the public sidewalk for serving food and beverages outdoors; and

**WHEREAS**, it has been determined the Outdoor Cafe ordinance approved by the Board of Mayor and Aldermen in 2004 provides sufficient controls and assurances necessary to allow for the reasonable, but limited use of the public sidewalk while maintaining pedestrian access, historic character, and charm of the City's Historic Preservation Overlay; and

**WHEREAS**, the Board of Mayor and Aldermen in realizing that maintaining pedestrian access, historic character, and charm of the City's Historic Preservation Overlay is paramount, with similar controls as afforded to Outdoor Cafes, has determined allowing businesses to display merchandise, decorative fixtures, and sandwich board signs on the public sidewalk, under certain conditions, will maintain pedestrian accessibility and complement the existing historic district environment.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that Title 16, Chapter 7 of the Franklin Municipal Code shall be created to read as follows:

**Title 16 - Chapter 7  
Outdoor Merchandise Displays, Private Decorative Fixtures, and Sandwich Board Signs**

**Sec. 16-701. - Purpose**

**Sec. 16-702. - Definitions**

**Sec. 16-703. - Zoning District Allowed**

**Sec. 16-704. - Physical Location Requirements and Pedestrian Clearance**

**Sec. 16-705. - Duration of Displays**

**Sec. 16-706. - Permit and Certificate of Insurance Required**

**Sec. 16-707. - Penalties**

**Sec. 16-701. – Purpose**

The purpose of this Chapter is to provide for the appropriate location and design of Outdoor Merchandise Displays, Private Decorative Fixtures, and Sandwich Board Signs on the public sidewalk within the City's Historic Preservation Overlay to complement its unique, historic character, and charm while mitigating any adverse impacts such displays or fixtures may have on pedestrians and adjacent property.

**Sec. 16-702. - Definitions**

- (1) Merchandise – Shall include products, goods, and wares available for purchase from the adjacent business where the products, goods, and wares are displayed.
- (2) Merchandise Display Fixtures – Shall include tables, racks, cases, and shelving used to display merchandise.
- (3) Private Decorative (not for sale/non-advertising) Fixtures – Shall include and be limited to flower pots, plants, baskets, benches, decorative flags/banners, non-flashing/moving string lighting, and similar ornaments/statues.
- (4) Easel-type Signs - A three leg self-supporting frame for displaying charts, promotional materials, announcements, schedules, and menus.
- (5) Approved Sandwich Board Signs – Consist of a pair of advertisement boards connected at the top by straps or hinge designed to be free-standing with no face greater than 4.5 square feet in area and the total height of the sign four (4) feet or less. Has obtained a valid Certificate of Appropriateness approved by the City’s Preservation Planner in conjunction with the permitting application process.
- (6) Freestanding ornaments/statues (non-advertisement and limited to four (4) feet or less in height) - An accessory, non-advertising article used to complement the character of the City’s Historic Preservation Overlay.
- (7) Flags/Banners (non-advertisement and not exceeding 4.5 square feet per face) – A piece of cloth or pliable material not exceeding 4.5. feet in area usually attached on its edge(s) to a staff or cord, and used as the symbol of a nation, state, community, or art.
- (8) City Square – The outer open area or monument plaza that exists within the intersection of Main Street and Third Avenue South in the City of Franklin, Tennessee.
- (9) Carts – Small wheeled wagon capable of being pushed or pulled by hand and used for the display of merchandise. 10. Guided Tours – A pre-arranged walking or riding tour of place(s) facilitated by a person or persons who have familiarity and knowledge of the place(s).

**Sec. 16-703. - Zoning District Allowed**

- (1) Outdoor Merchandise Displays, Private Decorative Fixtures, and Sandwich Board Signs shall be limited to the public sidewalk area immediately in front of the merchant’s/property owner’s place of business and within the perimeters as described in this Chapter for those businesses whose primary entrance directly front or directly face a public right-of-way within the City of Franklin’s Historic Overlay District.
- (2) All Outdoor Merchandise Displays, Private Decorative Fixtures, and Sandwich Board Signs shall directly relate to the adjacent merchant’s property/place of business. The advertisement or promotion of off-site businesses or products not available from the adjacent business is prohibited.

**Sec. 16-704. - Physical Location Requirements and Pedestrian Clearance**

- (1) 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 on the public sidewalk or thirty-six (36) inches from the edge of the public sidewalk beginning at the point where the public sidewalk and private property meet provided a continuous path, a

minimum of four (4) feet in width, is maintained on the public sidewalk between any fixed or temporary display, merchandise, fixture, sign, or other obstruction for unobstructed pedestrian access and movement.

- (2) Outdoor Merchandise Displays shall not exceed fifty (50) percent of the lineal footage of the front property line.

**Exceptions:**

- (a) Provided no parallel parking spaces exist on the adjacent street, Approved Sandwich Board Signs and 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 provided a minimum of four (4) feet is maintained between any fixed or temporary display, fixture, sign, or obstruction. Generally this is the area within the tree line that is improved with brick pavers.
- (b) As an alternative of placing Approved Sandwich Board Signs and Private Decorative Fixtures immediately adjacent to the building, 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 provided a minimum of four (4) feet is maintained between any fixed or temporary display, fixture, sign, or obstruction. Generally this is the area in the tree line improved with brick pavers.
- (c) Outdoor Merchandise Displays, Private Decorative Fixtures, and Sandwich Board Signs shall not be placed over an engraved paver.
- (d) As an alternative 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 outer, perimeter of the City Square provided a minimum of six (6) feet is provide between the building and any other obstruction but no closer to the street than the bollards. All Merchandise Displays, Private Decorative Fixtures, Sandwich Board Signs, and other fixtures and signage are strictly prohibited within the inner "square".

**Sec. 16-705. - Duration of Displays**

- (1) Outdoor Merchandise Displays and Sandwich Board Signs shall be removed from the public sidewalk at such time the business is not open to the public.
- (2) Private Decorative Fixtures are permitted 24/7 or at the discretion of the adjacent merchant/property owner.

**Sec. 16-706. - Annual Permit and Certificate of Insurance Required**

- (1) Merchants/property owners who display Merchandise Outdoors and/or Sandwich Board Signs shall obtain an annual permit. The annual fee shall be as specified in Title 22 – Comprehensive Fees and Penalties and be applicable for both Outdoor Merchandise Displays and Sandwich Board Signs. A permit is not required for Private Decorative (not for sale/non-advertising) Fixtures.
- (2) In addition to the annual permit, merchants utilizing Sandwich Board Signs shall obtain a one-time Certificate of Appropriateness (COA) which shall be included in the initial permit application process. A small COA sticker shall be affixed to the interior of the sign.
- (3) Approved Guided Tours originating within Historic Downtown Franklin shall receive approval from the Historic Zoning Commission and obtain a COA for all signage.

- (4) A Certificate of Insurance with the City of Franklin named as an additional insured and with minimum coverage limits as specified in Title 22 – Comprehensive Fees and Penalties shall be submitted with the annual permit and fee. A Certificate of Insurance is not required for Private Decorative (not for sale/non-advertising) Fixtures.

**Sec. 16-707. - Indemnity**


As part of the permitting process set forth herein, any person or entity receiving a permit shall execute an indemnity agreement indemnifying and releasing the City of Franklin, its agents, employees, and elected officials from any and all liability against any and all claims, actions, and suits of any type whatsoever.

**Sec. 16-708. - Penalty**

The City reserves the right to regulate the Outdoor Merchandise Displays and Sandwich Board Signs. Should any merchant/property owner be found in violation of the terms of this Chapter, that merchant/property owner shall be issued a Notice of Violation (NOV). Failure to immediately comply with an NOV or obtaining a total of three (3) NOV's in any twelve (12) month period shall result in revocation of the annual permit for one (1) full year.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

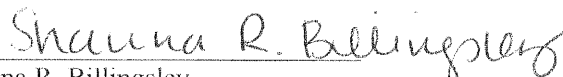
BY:   
ERIC S. STUCKEY  
City Administrator

BY:   
DR. KEN MOORE  
Mayor

PASSED FIRST READING June 12, 2012

PASSED SECOND READING June 21, 2012

Approved as to form:

By:   
Shauna R. Billingsley  
City Attorney