



City of Annapolis

Planning Commission
Department of Planning & Zoning
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February 7, 2019

To: Annapolis City Council
From: Planning Commission
Re: Findings for Ordinance O-42-18: Sidewalk Signs and Amendments

SUMMARY

The purpose of Ordinance O-42-18 is to define a new type of sign called a “Sidewalk Sign.” This is a freestanding, temporary sign with no moving parts or lights that displays the permit holder’s business-related information. “Sidewalk sign” includes a sandwich board sign, an A-frame sign, and a display board, but does not include a feather pole sign or any other temporary banner, poster, and similar sign made of materials that are not permanent.

ANALYSIS

Sidewalk signs are currently unregulated, including those in the downtown area. The intent of this legislation is to ensure signs are placed in a way that does not impede pedestrian traffic or ADA access. Because these sidewalk signs can be placed in the public right-of-way, there are additional standards proposed. These standards include the provisions that the signs shall be placed on the sidewalk immediately adjacent to the permit holders’ building; and that the signs shall not be permanently affixed or anchored to the sidewalk or attached to structures. A permit holder is also limited to one sign per business or tenant.

As part of the sign permit application, the permit holder shall fully indemnify, defend, and hold harmless the City and its agents, employees, and elected officials from and against any and all claims and damages in any way arising out of or through the acts or omissions of the permit holder in connection with the placement or use of the sidewalk sign.

The new signs would be permitted in all non-residential zoning districts, and a sign permit is required for this type of sign. As with all other signs, signs located in the Historic District would need review by the Historic Preservation Division of Planning and Zoning. The signs can be up to 7 sf per face and there can be 1 sign per tenant. The maximum height of the sign is 4.5 feet.

The cost of the sign permit is \$60, and the legislation proposes that the fee for these signs be waived until June 30, 2019, in order to encourage sign owners to apply for a permit and come into compliance.

PROPOSED AMENDMENTS

The Planning Commission offers four amendments to the legislation.

Amendment 1

The Planning Commission recommends that sidewalk signs be allowed without a permit. This amendment would require changes to the proposed language in Sections 17.60.010 and 21.70.050. The change to Section 17.60.010 clarifies no permit is needed for sidewalk signs. The changes to Section 21.70.050 removes reference to “permit holder” or “permit”. It also removes the responsibility of supervising the placement of the signs from the Department of Public Works; the responsibility will be solely upon the owner or proprietor of the establishment.

TITLE 17 – BUILDINGS AND CONSTRUCTION

Chapter 17.60 - SIGNS

Section 17.60.010 - Permit—Required.

Original Proposed:

- A. No permanent commercial sign, billboard or advertising structure or device, or sidewalk sign shall be erected or installed unless a sign permit has been issued by the Director of Planning and Zoning or his or her designee. Temporary signs and banners are prohibited except as provided under Section 17.60.060, ~~or~~ under Section 21.70.060, or Section 21.70.080.

...

Recommended:

- A. No permanent commercial sign, billboard or advertising structure or device, ~~or sidewalk sign~~ shall be erected or installed unless a sign permit has been issued by the Director of Planning and Zoning or his or her designee. A sidewalk sign may be placed without a permit. Temporary signs and banners are prohibited except as provided under Section 17.60.060, ~~or~~ under Section 21.70.060, or Section 21.70.080.

TITLE 21 – PLANNING AND ZONING

Chapter 21.70 - Sign Regulations.

Section 21.70.050 - Standards applicable to all signs.

Original Proposed:

G. Sidewalk signs. Additional standards.

1. Sidewalk signs shall not obstruct pedestrian or vehicular traffic or visibility, or adversely affect the safety of pedestrian or vehicular traffic.
2. Sidewalk signs shall be placed on the sidewalk immediately adjacent to a permit holder's building and allow a 40-inch minimum pedestrian right-of-way. The exact location of the sign shall be determined by the Department of Public Works based on governmental accessibility and safety standards, including, but not limited to, the location and proximity of doorways; the distance between pedestrian obstacles; the location of crosswalks; and other physical features of the location that affect accessibility and safety.

3. Sidewalk signs shall not be permanently affixed or anchored to the sidewalk or attached to structures.
4. Sidewalk signs shall be removed from the public right-of-way from dusk to dawn and when the permit holder's business is closed
5. No part of a sidewalk sign shall encroach upon any part of the sidewalk frontage of any adjacent premises, alley, or other such right-of-way.
6. The applicant shall fully ensure that the placement of a sidewalk sign shall not cause any unnecessary or unreasonable exposure to personal injury or property damage to the public.
7. The permit holder shall fully indemnify, defend, and hold harmless the City and its agents, employees, and elected officials from and against any and all claims and damages in any way arising out of or through the acts or omissions of the permit holder in connection with the placement or use of the sidewalk sign.
8. Before a permit is issued, the applicant shall provide written evidence satisfactory to the Director of Planning and Zoning that the City is named as an additional insured on the applicant's liability insurance policy.

Recommended:

G. Sidewalk signs. Additional standards.

1. Sidewalk signs shall not obstruct pedestrian or vehicular traffic or visibility, or adversely affect the safety of pedestrian or vehicular traffic.
2. Sidewalk signs shall be placed on the sidewalk immediately adjacent to the establishment's ~~a permit holder's~~ building and allow a 40-inch minimum pedestrian right-of-way. The exact location of the sign shall be determined by the Department of Public Works based on governmental accessibility and safety standards, including, but not limited to, the location and proximity of doorways; the distance between pedestrian obstacles; the location of crosswalks; and other physical features of the location that affect accessibility and safety.
3. Sidewalk signs shall not be permanently affixed or anchored to the sidewalk or attached to structures.
4. Sidewalk signs shall be removed from the public right-of-way from dusk to dawn and when the ~~permit holder's~~ business is closed
5. No part of a sidewalk sign shall encroach upon any part of the sidewalk frontage of any adjacent premises, alley, or other such right-of-way.
6. The applicant shall fully ensure that the placement of a sidewalk sign shall not cause any unnecessary or unreasonable exposure to personal injury or property damage to the public.
7. The ~~permit holder~~ establishment's owner shall fully indemnify, defend, and hold harmless the City and its agents, employees, and elected officials from and against any and all claims and damages in any way arising out of or through the acts or omissions of the ~~permit holder~~ in connection with the placement or use of the sidewalk sign.
8. Before a permit is issued, the applicant shall provide written evidence satisfactory to the Director of Planning and Zoning that the City is named as an additional insured on the applicant's liability insurance policy.

Amendment 2

The Planning Commission recommends adding “walkable” in front of “pedestrian right-of-way”.

TITLE 21 – PLANNING AND ZONING

Chapter 21.70 - Sign Regulations.

Section 21.70.050 - Standards applicable to all signs.

Original Proposed:

G. Sidewalk signs. Additional standards.

1. Sidewalk signs shall not obstruct pedestrian or vehicular traffic or visibility, or adversely affect the safety of pedestrian or vehicular traffic.
2. Sidewalk signs shall be placed on the sidewalk immediately adjacent to a permit holder’s building and allow a 40-inch minimum pedestrian right-of-way. The exact location of the sign shall be determined by the Department of Public Works based on governmental accessibility and safety standards, including, but not limited to, the location and proximity of doorways; the distance between pedestrian obstacles; the location of crosswalks; and other physical features of the location that affect accessibility and safety.

Recommended:

G. Sidewalk signs. Additional standards.

1. Sidewalk signs shall not obstruct pedestrian or vehicular traffic or visibility, or adversely affect the safety of pedestrian or vehicular traffic.
2. Sidewalk signs shall be placed on the sidewalk immediately adjacent to a permit holder’s building and allow a 40-inch minimum walkable pedestrian right-of-way. The exact location of the sign shall be determined by the Department of Public Works based on governmental accessibility and safety standards, including, but not limited to, the location and proximity of doorways; the distance between pedestrian obstacles; the location of crosswalks; and other physical features of the location that affect accessibility and safety.

Amendment 3

If the City Council does not adopt the first of the Planning Commission’s proposed amendments (no permit required), the Planning Commission recommends that the Director of Planning and Zoning be empowered to revoke or suspend a sign permit approval if the sign is obstructing pedestrian or vehicular traffic, visibility, or safety.

TITLE 21 – PLANNING AND ZONING

Chapter 21.70 - Sign Regulations.

Section 21.70.050 - Standards applicable to all signs.

Original Proposed:

G. Sidewalk signs. Additional standards.

1. Sidewalk signs shall not obstruct pedestrian or vehicular traffic or visibility, or adversely affect the safety of pedestrian or vehicular traffic.
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3. Sidewalk signs shall not be permanently affixed or anchored to the sidewalk or attached to structures.
4. Sidewalk signs shall be removed from the public right-of-way from dusk to dawn and when the permit holder's business is closed
5. No part of a sidewalk sign shall encroach upon any part of the sidewalk frontage of any adjacent premises, alley, or other such right-of-way.
6. The applicant shall fully ensure that the placement of a sidewalk sign shall not cause any unnecessary or unreasonable exposure to personal injury or property damage to the public.
7. The permit holder shall fully indemnify, defend, and hold harmless the City and its agents, employees, and elected officials from and against any and all claims and damages in any way arising out of or through the acts or omissions of the permit holder in connection with the placement or use of the sidewalk sign.
8. Before a permit is issued, the applicant shall provide written evidence satisfactory to the Director of Planning and Zoning that the City is named as an additional insured on the applicant's liability insurance policy.

Recommended:

G. Sidewalk signs. Additional standards.

1. Sidewalk signs shall not obstruct pedestrian or vehicular traffic or visibility, or adversely affect the safety of pedestrian or vehicular traffic.
2. Sidewalk signs shall be placed on the sidewalk immediately adjacent to a permit holder's building and allow a 40-inch minimum pedestrian right-of-way. The exact location of the sign shall be determined by the Department of Public Works based on governmental accessibility and safety standards, including, but not limited to, the location and proximity of doorways; the distance between pedestrian obstacles; the location of crosswalks; and other physical features of the location that affect accessibility and safety.
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5. No part of a sidewalk sign shall encroach upon any part of the sidewalk frontage of any adjacent premises, alley, or other such right-of-way.
6. The applicant shall fully ensure that the placement of a sidewalk sign shall not cause any unnecessary or unreasonable exposure to personal injury or property damage to the public.

7. The permit holder shall fully indemnify, defend, and hold harmless the City and its agents, employees, and elected officials from and against any and all claims and damages in any way arising out of or through the acts or omissions of the permit holder in connection with the placement or use of the sidewalk sign.
8. Before a permit is issued, the applicant shall provide written evidence satisfactory to the Director of Planning and Zoning that the City is named as an additional insured on the applicant's liability insurance policy.
9. An approved sign permit for a sidewalk sign may be revoked or suspended by the Director of Planning and Zoning if it is determined after the issuance of the permit that the sign is obstructing pedestrian or vehicular traffic, visibility, or safety.

Amendment 4

If the City Council does not adopt the first of the Planning Commission's proposed amendments (no permit required), the Planning Commission recommends the waiver of the fee for the permit be changed from June 30, 2019 to 180 days following passage of the ordinance.

Original Proposed:

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the sidewalk sign permit fee shall be waived until June 30, 2019.

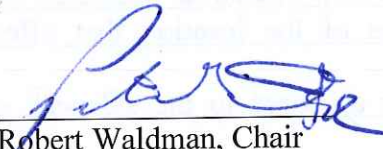
Recommended:

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the sidewalk sign permit fee shall be waived until June 30, 2019 180 days following passage of this ordinance.

RECOMMENDATION

On January 3, 2019, the Planning Commission held a public hearing on O-42-18 and subsequently moved to recommend that the City Council adopt ordinance O-42-18 as amended. The recommendation was approved with a vote of 4 to 1.

Adopted this 7th day of February, 2019


Robert Waldman, Chair