

Legislation Text

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Subject:

Discussion on Portable Signs for Merchants with Zero Lot Lines

Presented By: Denise Stephens, Economic Development Director
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POLICY QUESTION:

Does council support an ordinance amending the sign code permitting A-frame (portable signs) for businesses with zero lot lines?

BACKGROUND:

Portable signs are prohibited under City of Littleton sign code 4-3-2-5 (C) **No permitted portable sign, tool or vending device shall be located in any public right of way.**

Information regarding the city sign code update dated July 19, 2016 and notice of enforcement was hand-delivered to all merchants in the downtown district (*see attachment Sign Code Update*).

On **July 19, 2016** the Littleton City Council approved a sign code update based on the 2015 U.S. Supreme Court decision in Arizona of *Reed v. Gilbert*. The court determined, based on the First Amendment, governments cannot regulate the content of signs. Further that types of speech must be treated equally, such as commercial and political speech.

Additionally, public sidewalks are a public facility under the Americans with Disabilities Act and must be available for access by individuals with disabilities. The City must also keep its sidewalks reasonably safe for the individuals that use such sidewalks. Several businesses in the downtown district have been asked to remove portable signs (*also known as A-frame or sandwich board signs*). On May 16, 2017, downtown merchants Greg Reinke and Sudee Floyd requested permission to use portable signs in the downtown district. Merchants on Main Street and some on the side streets have zero lot lines. All property from outside their front door to the street is public right-of-way.

Mayor Beckman and Council Member Hopping have asked for a study session to review a request from downtown business owners to consider allowing portable signs.

STAFF ANALYSIS:

Pros

1. Downtown merchants want the sign code changed to allow A-frame signs/portable signs. Several merchants claim the portable signs are necessary to draw customers (*e.g. Curds Cheese, McKinner's, The Chocolate Therapist, Pho Real, EVOO, Altitude Paddleboards, etc.*) These signs increase visibility and may mean additional revenues for businesses.
2. Council approved a merchandise display (*includes benches and planters*) allowed in areas with zero lot

line.

3. Most properties on Main and some of the side streets have zero lot lines where all property from the front of the building to the street is public right-of-way.
4. Permitting portable signs for businesses with zero lot lines would provide the same opportunities for promotion afforded businesses with private property in front of their stores.
5. Merchants on the downtown side streets, meeting requirements, are allowed signs on the city wayfinding monuments. Allowing portable signs for those with zero lot lines would provide similar visibility.
6. Downtown merchants requesting permission to use portable signs believe they add to the eclectic charm of the downtown district.

Cons

1. Portable signs in the right-of-way can block and possibly create a hazard for pedestrians resulting in possible liability to the City for violations of the Americans with Disabilities Act and injuries due to unsafe conditions on the public sidewalk
2. Non-compliant A-frame/portable signs are different in size and location.
3. Downtown walkability is hindered and the sight line cluttered with signs. Some sidewalk clearance doesn't meet the outdoor display code six-foot requirement.
4. City council approved the Downtown Wayfinding Project with the caveat that once installed; enforcement to remove the portable signs would begin January 1, 2017.
5. Based on the law since the decision in Reed these signs could include content that many individuals may find disturbing or offensive as part of the commercial advertisement.

OPTIONS/ALTERNATIVES:

1. Consider sign code changes allowing commercial properties with zero lot line to have A-frame/portable signs. These signs are permitted in commercial areas where they are placed on private property.
2. Require no-cost annual permitting for those using A-frame/portable signs. This would be similar to the Outdoor Display permit.
3. Set a standard for sign type and size
4. Allow placement only during business hours
5. Require liability insurance coverage
6. Restrict placement to against the building
 - Perpendicular to the building with six feet of right-of-way clearance
 - Flush against the building with less than six feet of right-of-way
7. Take no action and retain the existing code.

FISCAL IMPACTS:

The merchants asking for permission to use portable signs believe that this improves visibility and increases sales. This could result in increased sales tax revenues for the city.