

DIVISION 2. OUTDOOR DISPLAYS

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Sec. 106-51. Prohibited.

The outdoor display of merchandise in the historic zoning districts of the city is prohibited unless an exception is granted by the ~~planning board~~ historic architectural review commission, as provided in section 106-52. Merchandise shall mean any good, food, and beverages, or product or sample or likeness of any good, food, and beverages, or product offered for sale by a business. Outdoor display shall mean the placement of merchandise on the exterior of a ~~business~~ building or structure, including, but not limited to a

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wall, roof, overhang, entranceway, porches, or window, or within a required setback area. For a cart, booth, kiosk, or arcade, outdoor display shall mean the placement of merchandise, either freestanding or by draping it, on the exterior or beyond the vertical plane of the cart, booth, kiosk, or arcade. In no event shall outdoor display be permitted in the public right-of-way. The prohibitions of this section shall not apply to the display of automotive vehicle, bicycle, and/or moped where these vehicles are offered for rentals and or sales and for plant sales. and This division shall not apply to art festivals or other special events duly permitted by the city commission.

Sec. 106-52. Exceptions.

Exceptions to section 106-51 may be granted by the ~~planning board~~ historic architectural review commission as follow. The criteria to consider an application shall be:

- (1) Factors favoring the exception are as follows:
 - a. The location of the proposed exception, while outdoors, is an interior courtyard of a building or buildings, or is a space or area specifically designed and permitted for use by outdoor merchants.

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b. The exception (for either the type of merchandise or the type of display) is compatible or in visual harmony with the character of the neighborhood.

c. The exception's visual incongruity with the historic character of the neighborhood is reduced by substantial setback from public places and rights-of-way.

(2) Factors disfavoring the exception are as follows:

a. Architecture that contributing contributes to the historical fabric or visual character of the neighborhood is obscured by the exception.

b. The location of the proposed exception abuts, with minimal setback, a street of the historic district, thus the exception is visible from heavily used public places and rights-of-way.

c. The exception presents a hazard to public safety.

(3) Exceptions to section 106-51 granted by the ~~planning board~~ historic architectural review commission shall be for a term of no more than 60 consecutive months and may be granted subject to terms and conditions specified by the ~~board~~ commission in order to protect the architectural heritage and visual character of the historic district.

Applications for exceptions and revisions shall be

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accompanied by a nonrefundable fee of ~~\$100.00~~ \$400.00 to cover the costs to the city of processing the application ~~and investigating the applicant,~~ pre application meeting with staff, staff report including chief building officer and fire marshal opinions, and yearly inspections of the site. Renewal or extensions of an outdoor display exception may be approved by the historic preservation planner, if there are no material changes to the outdoor display previously approved by the historic architectural review commission. The renewal fee is \$100.

- (4) Exceptions to section 106-51 may be revoked by the ~~planning board~~ historic architectural review commission after notice and hearing on grounds that:
- a. The applicant has failed to comply with terms and conditions specified pursuant to the grant of an exception in this section; or
 - b. The exception was granted pursuant to mistaken or misleading information; or
 - c. The exception is not compatible, or in visual harmony, with development of the neighborhood occurring subsequent to grant of the exception- ; or

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d. The exception was relocated to another site without approval from the historic architectural review commission.

(5) The city manager or the ~~planning board~~ historic architectural review commission, upon written petition by any city resident, may cause issuance of a notice of hearing on revocation of an exception, which notice shall be issued by the city clerk.

Sec. 106-53. Mobile vendors excepted.

Sections 106-51 through 106-53 shall have no application to businesses duly licensed and operating pursuant to article VI of chapter 18 pertaining to mobile vendors or to persons granted exemptions pursuant to section 18-319(b).

Sec. 106-54. Enforcement.

Sections 106-51 through 106-53 shall be enforced by the code enforcement provisions of article VI of chapter 2.

Sec. 106-55. Appeals.

A final decision from the historic architectural review commission for an outdoor display exception may be appealed to the special magister, as stipulated under Sec. 90-428.

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Sec. 106-55 56. Advertising causing obstruction of streets or sidewalks.

It shall be unlawful for any person to conduct any advertising or publicity business or activities pertaining thereto in a manner so as to produce an assemblage of spectators and listeners and thereby obstruct or cause the obstruction of any city street or sidewalk. This restriction shall not apply to parades or advertising under the authority of a duly issued permit.

Sec. 106-56 57. Use of streets and sidewalks for advertising or display purposes.

It shall be unlawful for any person to use any portion of a street or sidewalk in the city for advertising or display purposes except as may otherwise be provided for by this subpart B.

Secs. 106-57 58–106-85. Reserve

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