

Memo

To: City Council
From: Scott Edelman, Planning Director
Date: February 26, 2013
Re: Standards for Awnings with Posts in the Public Right-of-Way

Awnings on commercial buildings, particularly in the downtown, are an important part of a building's character and provide shelter from the elements. Not all buildings have awnings, but currently the city allows awnings on any building to extend over the public right-of-way as long as they are self-supported and meet the requirements of the development code and building code. Historically the city has been very consistent in allowing this type of awning.

The city has not been consistent in dealing with awnings which require support posts to be placed in the sidewalk. These have been treated on a case-by-case basis with some being allowed and some not, some being required to provide insurance and some not, and one even being allowed to place the posts directly in the center of the sidewalk.

With the most recent request for an awning such as this one, staff determined that the city needs to make an explicit policy to either not allow any awnings with posts in the public right-of-way or to set standards which could be applied consistently to all such requests. The Planning Commission discussed this issue over the course of several meetings and determined the following:

1. Businesses should have the flexibility to define the character of their own building by utilizing awnings with posts in the public right-of-way.
2. Standards must be put in place to ensure requests such awnings are treated consistently while protecting the city from liability and preserving adequate walkways to meet ADA requirements.

As a result, the Planning Commission and city staff recommend that the standards on the following page be incorporated into the revised Standards and Specifications document. This document will be presented to City Council in March but staff wanted the Council to have a chance to review these standards prior to consideration of the document as a whole.

DESCRIPTION

1240.00 SCOPE

This section covers the standards for constructing awnings supported by posts within the public right-of-way. It does not apply to self-supporting awnings extending over the public right-of-way which are preferred and allowed with minimal review for measurement and design review.

MEASUREMENT

1240.05 GENERAL

No portion of any awning shall be closer than 12" from face of curb. Supports within the sidewalk shall be 18" from face of curb to face of post. There shall be a minimum 5' clear walking space behind the supports. The lowest point of the overhead architectural feature shall be at least 8' above the sidewalk including any proposed or future signage.

DESIGN

1240.10 GENERAL

New awnings shall be designed to complement awnings on adjoining properties and connect if possible.

The design shall be in compliance with the City's design review standards in section 153.20(A)(1)(2) of the City's land use code. If street trees are removed the tree wells shall be made part of the sidewalk or approved for an alternative purpose. Post location or vehicle stripping may need to be modified to prevent conflict with parking spaces. Clear vision areas at intersections will be reviewed for safety. Design approval is evident by Planning Department signature on the building permit.

CONSTRUCTION

1240.20 GENERAL

Sidewalks shall be replaced as determined by the City Engineer prior to construction of supports within the sidewalk. Utilities may need to be relocated within the right-of-way, a utility locate shall be completed and utility partners notified if there is a conflict. A building permit shall be required and signed by the City Planning Department.

AGREEMENTS

1240.30 LIABILITY

The property owner shall enter into a License Agreement with the City that, in addition to other provisions, requires the owner to indemnify the City from any liability associated with the awning. The License Agreement shall be recorded at the Crook County Clerk's office and shall obligate future owners of the property to the provisions of the License Agreement.

1240.35 INSURANCE

As long as the awning is in existence, the property owner shall carry liability insurance on the awning naming the City as an additional insured and shall provide proof of such insurance to the City.

COST

1240.40 GENERAL

Any cost incurred during construction of the structure including reconstruction of the sidewalk, street, parking spaces, utilities or re-location of utilities is the responsibility of the property owner. The City shall incur no cost associated with the structure.