

SUBJECT: Proposed text amendments for §1409-29 Outdoor Retail Sales.

PURPOSE:

To obtain approval from the City Planning Commission (CPC) on text amendments related to outdoor retail sales.

PROPOSED TEXT AMENDMENT:

§ 1409-29. Outdoor Retail Sales.

Outdoor retail sales areas must be located, developed and operated in compliance with the following standards:

- (a) ***Location of Sales Area.*** Outdoor sales areas must be contiguous and located entirely on private property, outside of any required setback. In a zoning district without required setbacks, a minimum setback of ten feet from any street lot line is required. Outdoor sales areas must adjoin the principal structure on a site, unless the applicant can show by specific facts that unique circumstances exist such that compliance with this requirement would cause an unnecessary hardship. (*revised 7/22/05 by Ordinance #244-2005)
- (b) ***Maximum Size.*** Outdoor sales areas may not exceed 15 percent of the floor area of the use they serve.
- (c) ***Location of Merchandise.*** Display merchandise may not encroach on required parking, driveways, pedestrian walkways or required landscaped areas. Displays may not obstruct sight distance or otherwise create hazards for vehicle or pedestrian traffic.
- (d) ***Height of Merchandise.*** Display merchandise, excluding automobiles, trucks and construction equipment, may not exceed a height of ten feet above finished grade for a single display item. Stacked displays may not exceed a height of six feet above finished grade.
- (e) ***Litter.*** A permanent trash receptacle must be installed at each entrance and exit to the outdoor sales area.
- (f) ***Pay Telephones and Vending Machines.*** Pay telephones and vending machines are prohibited where viewable from a public right-of-way.
- (g) ***Screening.*** All outdoor sales areas must be screened from adjacent public streets by decorative solid walls, fences or landscaped berms of a minimum three feet in height and located within a landscaped area adjacent to the street property line of at least ten feet in width.

- (h) **Signs.** Signs, other than as permitted under Chapter 1427, Sign Regulations, are prohibited if visible from a public street.
- (i) **Exceptions.** The provisions of this section do not apply to the sale or distribution of food, flowers, seasonal sales of pumpkins and Christmas trees, newspapers and periodicals from a pedestrian-oriented retail storefront, ~~and temporary outdoor retail sales.~~

JUSTIFICATION:

The Zoning Text Amendment Committee discussed several amendments suggested for this section of the code. This is the only change that the Committee recommends in order to make the code consistent with other sections.

PUBLIC STAFF CONFERENCE:

A Public Staff Conference was held on February 13, 2008. There were no issues concerning this specific text amendment.

RECOMMENDATION:

The City Planning Department staff recommends that the City Planning Commission approve the text amendment as written.

RESPECTFULLY SUBMITTED BY:

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REVIEWED BY:

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City Planning Department

4/26/07; 9/13/07; 1/10/08
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APPROVED:

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