



**The City That Soars!**

## REQUEST FOR PLANNING COMMISSION ACTION

<b>Meeting Date</b>	April 24, 2012
<b>Agenda Item</b>	Workshop
<b>Title</b>	Orientation on zoning issues regarding "special" or limited events
<b>Submitted By</b>	Deborah Jones, Staff Liaison

<b>Description</b>	The Commission will receive information from staff on earlier Council workshop discussions set in motion by requests from businesses in the City. Staff will provide background and research materials.
<b>Background</b>	<p>The City has been approached by three food service related businesses – Stout’s Pub, The Coffee Grounds, and Dino’s Gyros – inquiring whether these businesses would be allowed to host some variation of tented event, such as a “beer garden”, on a limited basis. That is, they are interested in doing this as a one-time or occasional or annual event.</p> <p>The city code does not make any provision for this type of event. The city attorney confirms that it is not allowed. Many cities have special event ordinances to allow events under special permits.</p> <p>The City Council discussed the matter in earlier workshops and has been receptive to the idea of asking the Planning Commission to study the issue and make a recommendation.</p>
<b>Budget Impact</b>	Unknown
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• City of Plymouth special event ordinance provided as a model</li> <li>• Portions of the Falcon Heights code which already address some events in the Plymouth ordinance</li> </ul>
<b>Action(s) Requested</b>	<ul style="list-style-type: none"> <li>• None at this time.</li> </ul>

## **City of Plymouth – Event Ordinance (Administrative Permit)**

21455.11. USES BY ADMINISTRATIVE PERMIT: Subject to applicable provisions of this Section, performance standards established by this Chapter, and processing requirements of Section 21025, the following are uses allowed in the C-1 District by administrative permit as may be issued by the Zoning Administrator:

Subd. 8. Temporary events and outdoor sales subject to the following criteria:

(a) Special Promotional Events (except Carnivals).

(1) Such activity is directed towards the general public and includes grand openings, business events, craft shows, flea markets, mechanical and animal rides, and outdoor display of materials.

(2) The event shall not exceed the period specified in the administrative permit and in no case shall exceed three (3) consecutive calendar days per event.

(3) There shall be no more than two (2) special events per calendar year per property. However, each tenant in a multi-tenant building shall be permitted one (1) special event per year. Multi-tenant buildings with less than five (5) lease-spaces shall be considered as a single property for purposes of this provision.

(b) Carnivals.

(1) The applicant must submit an amusement license application as required by Section 1100 of the City Code.

(2) The event shall not exceed the period specified in the administrative permit and in no case shall exceed seven (7) consecutive calendar days per event.

(3) There shall be no more than one (1) carnival per calendar year per property.

(c) Outdoor Sales, including but not limited to transient merchants and transient produce merchants (excluding Christmas Tree Sales):

(1) Such activity is directed towards the general public and includes warehouse sales, sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, sales of fireworks, seasonal merchandise sales (except Christmas trees), and transient merchant and transient produce merchant sales.

(2) The following specific standards shall apply to all proposed temporary outdoor sales activities allowed by this paragraph and by City Code business licensing provisions in addition to other applicable building and safety code requirements as determined by the Zoning Administrator.

a. The maximum total time for temporary outdoor sales activities shall be the period specified in the administrative permit and, in no case, shall exceed ninety (90) days per calendar year per property.

b. There shall be no more sales activities than those specified in the administrative permit and, in no case, shall there be more than ten (10) sales activities per year per property

c. Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation or emergency vehicle access. Temporary sales on unpaved landscaped areas is prohibited.

d. Sales of fireworks shall also be regulated by Section 1110 of the City Code.

(d) Outdoor Christmas Tree Sales.

(1) Such activity is directed towards the general public and consists of the outdoor sales of cut evergreen trees, boughs, wreaths and other natural holiday decorations and related products.

(2) The following specific standards shall apply to all proposed outdoor Christmas tree sales allowed by this paragraph and by City Code business licensing provisions in addition to other applicable building and safety code requirements as determined by the Zoning Administrator.

a. The maximum total time for sales activities shall be the period specified in the administrative permit and, in no case, shall exceed forty-five (45) days per calendar year per property.

b. There shall be no more than one (1) sales activity per year per property, which shall be in addition to any special events or other outdoor sales permitted on the property.

c. Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation or emergency vehicle access. Sales on unpaved landscaped areas is prohibited.

(e) General Standards applying to all temporary events and outdoor sales.

(1) The event or sale shall be accessory to or promoting the permitted or conditional use approved for the site.)

(2) Tents, stands, and other similar temporary structures may be used, provided they are clearly identified on the submitted plan and provided that it is determined by the Zoning Administrator that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.

(3) The submitted plan shall clearly demonstrate that adequate off-street parking for the proposed event can and will be provided for the duration of the event. Determination of compliance with this requirement shall be made by the Zoning Administrator who shall consider the nature of the event and the applicable parking requirements of Section 21155. Consideration shall be given to the parking needs and requirements of other occupants in the case of multi-tenant buildings. Parking on public right-of-way and streets is prohibited; except that parking on local streets may be allowed on Saturday and Sunday only, provided that the petitioner arranges for traffic control by authorized enforcement officers, as approved in writing by the Police Chief, at the petitioner's expense.

(4) Signage related to the event or sale shall be in compliance with the temporary sign standards of Section 21155 and shall be allowed for the duration of the event. The Zoning Administrator may authorize special signage for purposes of traffic direction and control; the erection and removal of such signage shall be the responsibility of the applicant.

(5) The approved permit shall be displayed on the premises for the duration of the event.

(6) All activity related to the event or sale must take place within the time permitted in the administrative permit. No buildings, equipment or materials may be erected or displayed prior to the start date identified in the permit application and all structures, equipment and displays must be removed by the end date identified in the administrative permit.

(7) Not more than one (1) such event or sale shall be allowed per property at any given time.

## ARTICLE IV.

### HOLIDAY TREE LOTS

#### **Sec. 14-73. Restrictions that govern issuance of license.**

The following restrictions shall govern the issuance and continued validity of a holiday tree sales license:

- (1) Such license shall be granted only in a district in which such activity is authorized by chapter 113, zoning, or for an existing nursery or garden store.
- (2) Adequate off-street parking shall be provided on the site or adjacent thereto.
- (3) In the event the site is to be artificially illuminated, all lighting shall be directed to not create a glare on the traveled portion of any public street and so as not to shine upon any residentially used property.

(Code 1993, § 5-1.03(B)(3))

#### **Sec. 14-74. Information to be provided by applicant for license.**

The applicant shall provide the address and the parking to be provided on the property or adjacent property.

(Code 1993, § 5-1.03(B)(2))

### **Chapter 113**

*Sale, sidewalk*, means the selling of goods by a business proprietor just outside of the public customer entrance of the proprietor's business where the merchandise sold outside is similar to what is ordinarily sold inside the abutting business and the sales are managed and operated by the abutting business proprietor.

#### **(B -1)**

(f) *Other requirements.* All uses shall in addition to all other requirements comply with the following standards:

- (1) No bars on doors or windows during business hours.
- (2) No automatic interior or exterior security lock doors or doors that require request for entry or exit during business hours.
- (3) No exterior storage of merchandise except for nursery stock associated with a florist.
- (4) No exterior sales of merchandise except for a three-day period twice a year as a sidewalk sale or for merchandise associated with a florist.

**(B-2)**

(f) *Other requirements.* All uses shall in addition to all other requirements apply the following standards:

- (1) No bars on doors or windows during business hours.
- (2) No automatic interior or exterior security lock doors or doors that require request for entry or exit during business hours.
- (3) No exterior storage of merchandise except for nursery stock associated with a garden supply store or florist.
- (4) No exterior sales of merchandise except for nursery stock associated with a garden supply store or florist.

**(B-3)**

(f) *Other requirements.* All uses shall, in addition to all other requirements, apply the following standards:

- (1) No bars on doors or windows during business hours.
- (2) No automatic interior or exterior security lock doors that require request for entry or exit during business hours.
- (3) No exterior storage of merchandise.
- (4) No exterior sales of merchandise except twice a year for three days at a time as a sidewalk sale.