



City of Annapolis
Committee Referral Action

Date: May 2, 2014

To: Jessica Cowles, Legislative & Policy Analyst
Regina Watkins-Eldridge, City Clerk

The Planning Commission has reviewed Ordinance O-6-14 and has taken the following action:

 x Favorable with amendments

 May 1, 2014
Meeting Date

City of



Annapolis

PLANNING COMMISSION

(410)263-7961

145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

May 1, 2014

To: Annapolis City Council
From: Planning Commission
Re: Findings - O-6-14: Seasonal Outdoor Sales

SUMMARY

This legislation proposes the creation of a new use category for outdoor sales of a seasonal nature. The new use category would incorporate two existing seasonal use categories Christmas tree and greens sales and open-air markets, including farmers markets and produce sales. Christmas tree and greens sales are allowed in all the commercial districts and open-air markets are allowed in the MX district. It would also expand seasonal sales to include produce and plant sales and allow the new use in all the commercial districts and the MX district

STAFF RECOMMENDATION

At a regularly scheduled meeting on April 3, 2014, the Planning and Zoning staff presented their analysis and recommendations for approval of the legislation.

Staff reviewed the background of the regulations and proposed amendments and then provided an analysis. This information was forwarded to the Planning Commission for review in a report dated March 27, 2014.

Staff stated that the legislation was developed as a result of a request for an administration determination to allow a produce sales operation last year. In making this determination, staff reviewed the regulations applied to seasonal uses in other jurisdictions and what was currently allowed under the City code. Under the proposed legislation, seasonal outdoor sales are defined as follows:

“Seasonal outdoor sales” means a direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produced as well as locally produced and related agricultural products and handmade crafts.

A set of uniform standards for all seasonal uses would then be applied. Staff recommended that in addition to the new standards the following code sections would also need to be deleted as they will be replaced by the new set of standards for seasonal outdoor sales. In Chapter 21.64 STANDARDS FOR USES SUBJECT TO STANDARDS, delete 21.64.150 Christmas tree and greens sales and 21.64.380 Markets, open air.

PUBLIC HEARING AND DELIBERATION

In accordance with the Annapolis City Code, a public hearing was held and the public was invited to comment on the proposed text amendment. Several persons spoke on the legislation.

Annapolis City Council

Findings: O-6-14

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At the close of the public hearing, the Planning Commission entered into deliberations. The Commission recommended some changes to the legislation in order to clarify the definition and the standards. They requested that staff revise the legislation in accordance with their recommendations. The revised legislation was reviewed by the Planning Commission at their May 1, 2014 meeting. The revised definition is:

“SEASONAL OUTDOOR SALES” MEANS A DIRECT MARKETING OPERATION ON PUBLIC OR PRIVATE PROPERTY WITHOUT A PERMANENT STRUCTURE AND ONLY OFFERING OUTDOOR SHOPPING. SUCH AN OPERATION IS SEASONAL IN NATURE AND FEATURES ON-FARM PRODUCED AS WELL AS LOCALLY PRODUCED AND RELATED AGRICULTURAL PRODUCTS AND HANDMADE CRAFTS.

The revised standards are, as follows:

A. SALES ARE ALLOWED ONLY ON A SEASONAL BASIS.

B. THE DEPARTMENT OF PLANNING AND ZONING SHALL DETERMINE THE LENGTH OF TIME THAT THE SEASONAL USE MAY REMAIN OPEN, THE NUMBER OF DAYS AND NUMBER OF HOURS IN A DAY THAT THE SEASONAL USE MAY REMAIN OPEN, REQUIREMENTS FOR REFUSE REMOVAL AND DELIVERIES FOR EACH SEASONAL USE, AND ANY OTHER STANDARDS REQUIRED BY THIS CHAPTER FOR EACH SEASONAL USE.

C. A USE PERMIT IS REQUIRED AND SHALL NOT BE ISSUED WITHOUT THE PRIOR WRITTEN CONSENT OF THE OWNER OF THE PROPERTY ALLOWING USE OF THE PROPERTY FOR SEASONAL OUTDOOR SALES.

D. NO PERMANENT STRUCTURES SHALL BE ERECTED IN CONJUNCTION WITH SEASONAL OUTDOOR SALES. TEMPORARY STRUCTURES, PORTABLE TABLES, AND UMBRELLAS MAY BE UTILIZED FOR SEASONAL OUTDOOR SALES.

E. SITE DESIGN REVIEW AND APPROVAL UNDER CHAPTER 21.62 IS REQUIRED. A SITE DESIGN REVIEW APPLICATION SHALL INCLUDE THE PRODUCTION OF A SCALED SITE PLAN INDICATING THE LOCATION OF TEMPORARY STRUCTURES, TRASH STORAGE AREAS, AND SIGNS, AND THE LOCATION OF ADJACENT STREETS, AVENUES, AND ALLEYS.

F. NO SEASONAL OUTDOOR USE SHALL OBSTRUCT THE VISIBILITY OF ANY MOTORISTS OR PARKING LOT CIRCULATION OR BLOCK ACCESS TO A PUBLIC STREET, AVENUE, OR ALLEY.

G. WHERE THE DEPARTMENT OF PLANNING AND ZONING DETERMINES THAT A SEASONAL OUTDOOR USE WILL RESULT IN ONLY MINIMAL IMPACT ON THE AVAILABILITY OF PARKING FOR OTHER USES OCCUPYING THE SAME PROPERTY, THE DIRECTOR MAY, IN HIS OR HER DISCRETION, ALLOW AN ADJUSTMENT TO THE EXISTING PARKING REQUIREMENT FOR THAT PROPERTY IN ORDER TO UTILIZE THOSE PARKING SPACES FOR THE SEASONAL OUTDOOR USE.

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H. LANDSCAPE BUFFERS SHALL NOT BE USED IN ANY MANNER FOR, OR IN CONNECTION WITH, ANY SEASONAL OUTDOOR SALES.

I. NO SEASONAL OUTDOOR USE SHALL BE LOCATED WITHIN FIFTY (50) FEET FROM ANY RESIDENTIAL ZONE.

J. A SEASONAL OUTDOOR USE SHALL INCLUDE SUFFICIENT REFUSE CONTAINERS, AND RESPONSIBILITY FOR THE MAINTENANCE AND CLEANLINESS OF THE SITE AND ADJACENT AREAS.

K. NO TRUCK-TRACTORS OR SEMI-TRAILERS SHALL BE PARKED OR STORED ON OR ADJACENT TO ANY SEASONAL OUTDOOR SALES AREA.

L. NO SEASONAL OUTDOOR SALES SHALL BE PERMITTED ON ANY ZONE LOT WHERE ANY TYPES OF CHEMICALS, GASOLINE OR OTHER HAZARDOUS MATERIALS ARE STORED OR SOLD.

M. THE DEPARTMENT OF PLANNING AND ZONING MAY IMPOSE ADDITIONAL CONDITIONS AS DEEMED NECESSARY TO INSURE THE SAFE OPERATION OF A SEASONAL OUTDOOR USE AND CODE COMPLIANCE.

RECOMMENDATION

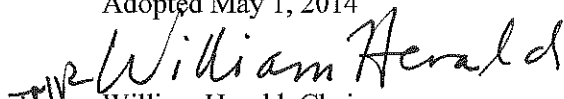
Under section 21.32.010 Purpose and authority of the City Code, it states the following:

For the purpose of promoting the public health, safety, morals and general welfare, and conserving the value of property throughout the city, the city council, from time to time, in the manner set forth in this chapter, may amend the regulations imposed in the districts created by this title; provided, that in all amendatory ordinances adopted under the authority of this chapter, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire city and the uses to which property is devoted at the time of the adoption of the amendatory ordinance.

The code further requires under section 21.32.020 that "Within thirty days after the Commission has completed its review of the proposed amendment, but in no case longer than ninety days after the matter has been placed on the agenda of the commission, the commission shall submit its written recommendations to the city council".

Following a review of the staff report and consideration of staff and public comments, the Planning Commission, by a vote of 4 - 0, recommends approval of O-6-14, subject to the recommended revisions (see attachment).

Adopted May 1, 2014


William Herald, Chair

Annapolis City Council
Findings: O-6-14
May 1, 2014

Planning Commission Amendment to O-6-14

Seasonal Outdoor Sales

Amendment #1

Page 1, Line 25

Insert: Section 21.64.150 and Section 21.64.380

Amendment #2

Page 12, Line 10

Insert

21.64.150 Christmas tree and greens sales.

A. Sales are allowed only on a seasonal basis.

B. No permanent structures shall be erected in conjunction with the sales.

C. Portable tables and umbrellas may be utilized for the sales.

D. Site design review under Chapter 21.62 is required.

E. Where it can be demonstrated that there is no negative impact on the availability of parking for such other uses as may occupy the site, an adjustment to the parking requirement may be granted at the discretion of the Planning and Zoning Director in order to utilize those parking spaces for the temporary use.

F. No use may be made of buffers for sales.

G. The Department of Planning and Zoning may establish requirements for hours of operation, refuse removal and deliveries.

H. Refuse containers shall be provided and the cleanliness of the site and adjacent areas, as defined by the Department of Planning and Zoning, shall be maintained.

21.64.380 Markets, open-air.

See Food and beverage-related uses.

Amendment #3

Strike existing text of 21.64.555

21.64.555 - SEASONAL OUTDOOR SALES

A. SALES ARE ALLOWED ONLY ON A SEASONAL BASIS.

B. A USE PERMIT IS REQUIRED. A LETTER FROM THE OWNER OF THE PROPERTY GIVING HIS/HER CONSENT TO USE THE SUBJECT PROPERTY SHALL BE PROVIDED.

~~C. NO PERMANENT STRUCTURES SHALL BE ERECTED IN CONJUNCTION WITH THE SALES. TEMPORARY STRUCTURES, PORTABLE TABLES, AND UMBRELLAS MAY BE UTILIZED FOR THE SALES.~~

~~D. SITE DESIGN REVIEW UNDER CHAPTER 21.62 IS REQUIRED. A SCALED SITE PLAN INDICATING THE LOCATION OF THE TEMPORARY STRUCTURES, TRASH STORAGE AREAS, LOCATION OF SIGNS AND THE LOCATION OF ADJACENT STREETS, AVENUES AND ALLEYS.~~

~~E. THE USE SHALL NOT OBSTRUCT THE VISIBILITY OF MOTORISTS, NOR OBSTRUCT THE PARKING LOT CIRCULATION OR BLOCK ACCESS TO A PUBLIC STREET.~~

~~F. WHERE IT CAN BE DEMONSTRATED THAT THERE IS NO NEGATIVE IMPACT ON THE AVAILABILITY OF PARKING FOR SUCH OTHER USES AS MAY OCCUPY THE SITE, AN ADJUSTMENT TO THE PARKING REQUIREMENT MAY BE GRANTED AT THE DISCRETION OF THE PLANNING AND ZONING DIRECTOR IN ORDER TO UTILIZE THOSE PARKING SPACES FOR THE TEMPORARY USE.~~

~~G. NO USE MAY BE MADE OF BUFFERS FOR SALES. THE USE SHALL BE AT LEAST FIFTY (50) FEET FROM ANY RESIDENTIAL ZONE.~~

~~H. THE DEPARTMENT OF PLANNING AND ZONING MAY ESTABLISH REQUIREMENTS FOR HOURS OF OPERATION, REFUSE REMOVAL AND DELIVERIES. REFUSE CONTAINERS SHALL BE PROVIDED AND THE CLEANLINESS OF THE SITE AND ADJACENT AREAS, SHALL BE MAINTAINED.~~

~~I. NO TRUCK TRACTORS OR SEMI-TRAILERS SHALL BE PARKED OR STORED ON OR ADJACENT TO THE SEASONAL OUTDOOR SALES AREA; AND~~

~~J. NO SEASONAL OUTDOOR SALES SHALL BE PERMITTED ON ANY ZONE LOT WHERE ANY TYPES OF CHEMICALS OR GASOLINE ARE STORED OR SOLD.~~

And replace with the following text:

A. SALES ARE ALLOWED ONLY ON A SEASONAL BASIS.

B. THE DEPARTMENT OF PLANNING AND ZONING SHALL DETERMINE THE LENGTH OF TIME THAT THE SEASONAL USE MAY REMAIN OPEN, THE NUMBER OF DAYS AND NUMBER OF HOURS IN A DAY THAT THE SEASONAL USE MAY REMAIN OPEN, REQUIREMENTS FOR REFUSE REMOVAL AND DELIVERIES FOR EACH SEASONAL USE, AND ANY OTHER STANDARDS REQUIRED BY THIS CHAPTER FOR EACH SEASONAL USE.

C. A USE PERMIT IS REQUIRED AND SHALL NOT BE ISSUED WITHOUT THE PRIOR WRITTEN CONSENT OF THE OWNER OF THE PROPERTY ALLOWING USE OF THE PROPERTY FOR SEASONAL OUTDOOR SALES.

D. NO PERMANENT STRUCTURES SHALL BE ERECTED IN CONJUNCTION WITH SEASONAL OUTDOOR SALES. TEMPORARY STRUCTURES, PORTABLE TABLES, AND UMBRELLAS MAY BE UTILIZED FOR SEASONAL OUTDOOR SALES.

E. SITE DESIGN REVIEW AND APPROVAL UNDER CHAPTER 21.62 IS REQUIRED. A SITE DESIGN REVIEW APPLICATION SHALL INCLUDE THE PRODUCTION OF A SCALED SITE PLAN INDICATING THE LOCATION OF TEMPORARY STRUCTURES, TRASH STORAGE AREAS, AND SIGNS, AND THE LOCATION OF ADJACENT STREETS, AVENUES, AND ALLEYS.

F. NO SEASONAL OUTDOOR USE SHALL OBSTRUCT THE VISIBILITY OF ANY MOTORISTS OR PARKING LOT CIRCULATION OR BLOCK ACCESS TO A PUBLIC STREET, AVENUE, OR ALLEY.

G. WHERE THE DEPARTMENT OF PLANNING AND ZONING DETERMINES THAT A SEASONAL OUTDOOR USE WILL RESULT IN ONLY MINIMAL IMPACT ON THE AVAILABILITY OF PARKING FOR OTHER USES OCCUPYING THE SAME PROPERTY, THE DIRECTOR MAY, IN HIS OR HER DISCRETION, ALLOW AN ADJUSTMENT TO THE EXISTING PARKING REQUIREMENT FOR THAT PROPERTY IN ORDER TO UTILIZE THOSE PARKING SPACES FOR THE SEASONAL OUTDOOR USE.

H. LANDSCAPE BUFFERS SHALL NOT BE USED IN ANY MANNER FOR, OR IN CONNECTION WITH, ANY SEASONAL OUTDOOR SALES.

I. NO SEASONAL OUTDOOR USE SHALL BE LOCATED WITHIN FIFTY (50) FEET FROM ANY RESIDENTIAL ZONE.

J. A SEASONAL OUTDOOR USE SHALL INCLUDE SUFFICIENT REFUSE CONTAINERS, AND RESPONSIBILITY FOR THE MAINTENANCE AND CLEANLINESS OF THE SITE AND ADJACENT AREAS.

K. NO TRUCK-TRACTORS OR SEMI-TRAILERS SHALL BE PARKED OR STORED ON OR ADJACENT TO ANY SEASONAL OUTDOOR SALES AREA.

L. NO SEASONAL OUTDOOR SALES SHALL BE PERMITTED ON ANY ZONE LOT WHERE ANY TYPES OF CHEMICALS, GASOLINE OR OTHER HAZARDOUS MATERIALS ARE STORED OR SOLD.

M. THE DEPARTMENT OF PLANNING AND ZONING MAY IMPOSE ADDITIONAL CONDITIONS AS DEEMED NECESSARY TO INSURE THE SAFE OPERATION OF A SEASONAL OUTDOOR USE AND CODE COMPLIANCE.

Amendment #4

Page 12, Line 46: insert before "without"
ON PUBLIC OR PRIVATE PROPERTY



City of Annapolis

DEPARTMENT OF PLANNING AND ZONING

145 Gorman Street, 3rd Floor, Annapolis, Maryland 21401

Annapolis 410-263-7961 • FAX 410-263-1129 • TDD 410-263-7943

April 23, 2014

ADDENDUM TO STAFF REPORT

TO: Planning Commission

FROM: Jacquelyn Rouse, AICP, Planning Administrator

RE: O-6-14 Seasonal Outdoor Sales

At the April 3, 2014 Planning Commission meeting, the Commission reviewed O-6-14, proposed legislation on Seasonal Outdoor Sales.

After discussing the legislation, the Commission recommended changes to the legislation in order to clarify the definition of seasonal outdoor sales and the standards for their use and operation. They requested that staff provide the Commission with a revised version of the ordinance incorporating their recommendations.

The Commission revisions are shown in red the attached document.

Planning Commission Amendment to O-6-14

Seasonal Outdoor Sales

Amendment #3

Strike existing text of 21.64.555

21.64.555 - SEASONAL OUTDOOR SALES

~~A. SALES ARE ALLOWED ONLY ON A SEASONAL BASIS.~~

~~B. A USE PERMIT IS REQUIRED. A LETTER FROM THE OWNER OF THE PROPERTY GIVING HIS/HER CONSENT TO USE THE SUBJECT PROPERTY SHALL BE PROVIDED.~~

~~C. NO PERMANENT STRUCTURES SHALL BE ERECTED IN CONJUNCTION WITH THE SALES. TEMPORARY STRUCTURES, PORTABLE TABLES, AND UMBRELLAS MAY BE UTILIZED FOR THE SALES.~~

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~~E. THE USE SHALL NOT OBSTRUCT THE VISIBILITY OF MOTORISTS, NOR OBSTRUCT THE PARKING LOT CIRCULATION OR BLOCK ACCESS TO A PUBLIC STREET.~~

~~F. WHERE IT CAN BE DEMONSTRATED THAT THERE IS NO NEGATIVE IMPACT ON THE AVAILABILITY OF PARKING FOR SUCH OTHER USES AS MAY OCCUPY THE SITE, AN ADJUSTMENT TO THE PARKING REQUIREMENT MAY BE GRANTED AT THE DISCRETION OF THE PLANNING AND ZONING DIRECTOR IN ORDER TO UTILIZE THOSE PARKING SPACES FOR THE TEMPORARY USE.~~

~~G. NO USE MAY BE MADE OF BUFFERS FOR SALES. THE USE SHALL BE AT LEAST FIFTY (50) FEET FROM ANY RESIDENTIAL ZONE.~~

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~~I. NO TRUCK TRACTORS OR SEMI-TRAILERS SHALL BE PARKED OR STORED ON OR ADJACENT TO THE SEASONAL OUTDOOR SALES AREA; AND~~

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And replace with the following text:

A. SALES ARE ALLOWED ONLY ON A SEASONAL BASIS.

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F. NO SEASONAL OUTDOOR USE SHALL OBSTRUCT THE VISIBILITY OF ANY MOTORISTS OR PARKING LOT CIRCULATION OR BLOCK ACCESS TO A PUBLIC STREET, AVENUE, OR ALLEY.

G. WHERE THE DEPARTMENT OF PLANNING AND ZONING DETERMINES THAT A SEASONAL OUTDOOR USE WILL RESULT IN ONLY MINIMAL IMPACT ON THE AVAILABILITY OF PARKING FOR OTHER USES OCCUPYING THE SAME PROPERTY, THE DIRECTOR MAY, IN HIS OR HER DISCRETION, ALLOW AN ADJUSTMENT TO THE EXISTING PARKING REQUIREMENT FOR THAT PROPERTY IN ORDER TO UTILIZE THOSE PARKING SPACES FOR THE SEASONAL OUTDOOR USE.

H. LANDSCAPE BUFFERS SHALL NOT BE USED IN ANY MANNER FOR, OR IN CONNECTION WITH, ANY SEASONAL OUTDOOR SALES.

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K. NO TRUCK-TRACTORS OR SEMI-TRAILERS SHALL BE PARKED OR STORED ON OR ADJACENT TO ANY SEASONAL OUTDOOR SALES AREA.

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March 27, 2014

MEMORANDUM

TO: Planning Commission

FROM: Sally Nash, AICP, Acting Director of Planning and Zoning

RE: O-6-14 Seasonal Outdoor Sales

BACKGROUND

Last year the Department of Planning and Zoning made an administrative determination to allow a produce sales operation in the B2 zoning district based on its similarity to a Christmas tree and green sales operation which is an allowed use under the current code. In making this determination, staff reviewed the regulations applied to seasonal uses in other jurisdictions and what was currently allowed under the City code. This legislation is the result.

This legislation proposes the creation of a new use category for outdoor sales of a seasonal nature. The new use category would incorporate two existing seasonal use categories Christmas tree and greens sales and open-air markets, including farmers markets and produce sales. Christmas tree and greens sales are allowed in all the commercial districts and open-air markets are allowed in the MX district. It would also expand seasonal sales to include produce and plant sales and allow the new use in all the commercial districts and the MX district

SUMMARY

Under the proposed legislation, seasonal outdoor sales are defined as follows:

“SEASONAL OUTDOOR SALES” MEANS A DIRECT MARKETING OPERATION WITHOUT A PERMANENT STRUCTURE AND ONLY OFFERING OUTDOOR SHOPPING. SUCH AN OPERATION IS SEASONAL IN NATURE AND FEATURES ON-FARM PRODUCED AS WELL AS LOCALLY PRODUCED AND RELATED AGRICULTURAL PRODUCTS AND HANDMADE CRAFTS.

A set of uniform standards for all seasonal uses would then be applied. The proposed standards are:

- A. SALES ARE ALLOWED ONLY ON A SEASONAL BASIS.

B. A USE PERMIT IS REQUIRED. A LETTER FROM THE OWNER OF THE PROPERTY GIVING HIS/HER CONSENT TO USE THE SUBJECT PROPERTY SHALL BE PROVIDED.

C. NO PERMANENT STRUCTURES SHALL BE ERECTED IN CONJUNCTION WITH THE SALES. TEMPORARY STRUCTURES, PORTABLE TABLES, AND UMBRELLAS MAY BE UTILIZED FOR THE SALES.

D. SITE DESIGN REVIEW UNDER CHAPTER 21.62 IS REQUIRED. A SCALED SITE PLAN INDICATING THE LOCATION OF THE TEMPORARY STRUCTURES, TRASH STORAGE AREAS, LOCATION OF SIGNS AND THE LOCATION OF ADJACENT STREETS, AVENUES AND ALLEYS;

E. THE USE SHALL NOT OBSTRUCT THE VISIBILITY OF MOTORISTS, NOR OBSTRUCT THE PARKING LOT CIRCULATION OR BLOCK ACCESS TO A PUBLIC STREET; **MINIMAL**

F. WHERE IT CAN BE DEMONSTRATED THAT THERE IS NO NEGATIVE IMPACT ON THE AVAILABILITY OF PARKING FOR SUCH OTHER USES AS MAY OCCUPY THE SITE, AN ADJUSTMENT TO THE ^{EXISTING} PARKING REQUIREMENT MAY BE GRANTED AT THE DISCRETION OF THE PLANNING AND ZONING DIRECTOR IN ORDER TO UTILIZE THOSE PARKING SPACES FOR THE ~~TEMPORARY~~ ^{SEASONAL} USE. **LANDSCAPED**

G. NO USE MAY BE MADE OF ^{LANDSCAPED} BUFFERS FOR SALES. THE USE SHALL BE AT LEAST FIFTY (50) FEET FROM ANY RESIDENTIAL ZONE;

H. THE DEPARTMENT OF PLANNING AND ZONING ^{SHALL} ~~MAY~~ ESTABLISH REQUIREMENTS ^{OF} FOR HOURS OF OPERATION, REFUSE REMOVAL AND DELIVERIES. REFUSE CONTAINERS SHALL BE PROVIDED AND THE CLEANLINESS OF THE SITE AND ADJACENT AREAS SHALL BE MAINTAINED.

I. NO TRUCK-TRACTORS OR SEMI-TRAILERS SHALL BE PARKED OR STORED ON OR ADJACENT TO THE SEASONAL OUTDOOR SALES AREA; AND

J. NO SEASONAL OUTDOOR SALES SHALL BE PERMITTED ON ANY ZONE LOT WHERE ANY TYPES OF CHEMICALS OR GASOLINE, ^{OR OTHER HAZARDOUS MATERIALS} ARE STORED OR SOLD.

K. ^{OR OTHER HAZARDOUS MATERIALS} Additional conditions as deemed necessary to insure the safe operation of the business and code compliance. A number of code changes are necessary in order create the new use category.

Delete from 21.48.020 Table of Uses—Commercial and Industrial Zoning Districts, Christmas tree and greens sales

Delete from 21.48.030 Table of Uses—Office and Mixed Use Zoning Districts, markets, open-air

In both tables add a new use category: outdoor seasonal sales, as a permitted use subject to standards.

In 21.48.020 Table of Uses—Commercial and Industrial Zoning Districts, the new use would be allowed in the following districts:

- B1 Convenience Shopping district
- B2 Community Shopping district
- B3 General Commercial district.
- BCE Business Corridor Enhancement district.
- BR Business Revitalization district.
- C2 Conservation Business district.

This includes all of the commercial districts currently allowing Christmas tree and greens sales with the exception of the I1, Industrial District and the addition of the B1, BR and C2 districts.

In 21.48.030 Table of Uses—Office and Mixed Use Zoning Districts, the new use would be allowed in the MX, Mixed Use district which currently allows open-air markets.

The following code sections would also need to be deleted as they will be replaced by the new set of standards for seasonal outdoor sales. In Chapter 21.64 STANDARDS FOR USES SUBJECT TO STANDARDS, delete:

21.64.150 Christmas tree and greens sales.

- A. Sales are allowed only on a seasonal basis.
- B. No permanent structures shall be erected in conjunction with the sales.
- C. Portable tables and umbrellas may be utilized for the sales.
- D. Site design review under Chapter 21.62 is required.
- E. Where it can be demonstrated that there is no negative impact on the availability of parking for such other uses as may occupy the site, an adjustment to the parking requirement may be granted at the discretion of the Planning and Zoning Director in order to utilize those parking spaces for the temporary use.
- F. No use may be made of buffers for sales.
- G. The Department of Planning and Zoning may establish requirements for hours of operation, refuse removal and deliveries.
- H. Refuse containers shall be provided and the cleanliness of the site and adjacent areas, as defined by the Department of Planning and Zoning, shall be maintained.

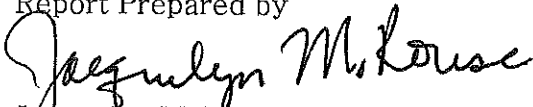
and 21.64.380 Markets, open air.

See Food and beverage-related uses

RECOMMENDATION

Staff recommends approval of the legislation with the recommended additional changes discussed above.

Report Prepared by



Jacquelyn M. Rouse, AICP
Planning Administrator

