Version date: 11/19/2018

Proposed Ordinance Amendment:

Temporary Sales

Background:

Section 5.16.7 (B) of the Unfied Development Code currently requires that temporary sales by others shall receive Special Exception Use approval from the City Planning Commission to conduct limited retail sales from property not owned by the merchant.

Proposed Ordinance Language:

OFF PREMISE TEMPORARY RETAIL OUTDOOR SALES

AN ORDINANCE TO REPLACE SECTION 5.16.7 (B): OUTDOOR SALES, TEMPORARY BY OTHERS CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Any person or persons, corporation, or, agent who engages in or solicits, either in one location or by traveling from place to place, a periodic outdoor business selling and exhibiting for sale goods and merchandise and uses or occupies any temporary structure or outdoor tent, parking lot, truck, vending cart or other area outside of a permanent structure on a property now owned or leased by the person, firm or corporation, shall meet the following requirements:

- Temporary retail sales may only be located in the C1, C1A, C1A/R, C1B, C2A, C2A/R, C2B, C2B/R, and C3 zoning districts. Temporary retail sales may not be located in the above districts if a site plan or conditional plan restricts temporary outdoor sales.
- 2. The temporary sales event and associated fixtures shall not be located less than 10 feet to any public right of way or within any required sight distance triangle. On a property adjacent to any Residential Zoning District, the temporary sales event shall not be located within the required setback established by the zoning district immediately adjacent to the residentially zoned district.
- 3. Any operator of a temporary sales event must receive a zoning compliance permit from the Planning and Development Services Department describing the type of event, duration of event and letter of authorization from granting permission from the property owner.
- 4. No more than two (2) retail sales events shall be allowed per Lot, per calendar year, not including Christmas Tree Sales.
- 5. No one event shall be longer than 15 days.
- 6. There shall be only one temporary retail sales event held at any one time on a parcel.
- 7. One detached sign not to exceed 12 square feet is allowed. Sign must not be located in any public right of way.
- 8. Hours of operation shall occur between 8:00 am and 9:00 pm.

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- 9. Trash and recycling receptacles must be provided for customers to dispose of waste. Such receptacle shall be located no more than ten (10) feet from the mobile food vendor.
- 10. All applicable local and state codes shall be met.

Drafted by J. Barrett

P = PERMITTED E = SPECIAL EXCEPTION A = PERMITTED

A= PERMITTED ACCESSORY USE BLANK CELL = PROHIBITED

NOTE: ALL PROPERTIES ARE SUBJECT TO THE ADDITIONAL STANDARDS INDICATED FOR THAT USE IN THE RIGHT COLUMN

NOTE: ALL PROPERTIES IN OVERLAY DISTRICTS ARE SUBJECT TO THE ADDITIONAL USE REGULATIONS IN Sec. 5.13

USE CATEGORY AND						R	RESI	DEN	ITIA	L								-	Mix	ŒD	USE	2				Non Si			ENT: Puf)	USE-SPECIFIC STANDARDS
TYPE	AG	R1A	R1B	R1C	R1D	$\mathbf{R}_{1}\mathbf{E}$	$R_{2}A$	R_2B	R3	R4A	R4B	R4C	R4D	R4E	R6	0	C1	$\mathbf{C}_{1}\mathbf{A}$	C1B	C1A/R	\mathbf{D}_{1}	\mathbf{D}_{2}	C2B	C3	R5	Ь	Td	\mathbf{RE}	ORL	\mathbf{M}_{1}	M1A	M2	5.16
PRIMARY USES																																	
RESIDENTIAL																																	5.16.1
Household Living																																	
Adult Foster Care		P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P			P						
Dwelling, Assisted Living										P	Р	P	P	P		P	P	P	P	Р	Р	P	P	P			Р						5.16.1B
Dwelling, Multi-Family										Р	Р	Р	Р	Р		Р	P	P	Р	P	P	P	P	P			P	Е					5.16.1A; 5.16.1D
Dwelling, Single-Family	Р	P	P	P	Р	P	Р	Р	Р	Р	Р	Р	Р	Р		Р	P	Р	Р	Р	P	Р	P	Р			Р						5.16.1A; 5.16.1C
Dwelling, Townhouse									Р	Р	Р	Р	Р	Р		P	Р	Р	Р	Р	Р	P	P	P			Р						5.16.1A
Dwelling, Two-Family							Р	Р	Р	P	Р	Р	Р	P		P	P	Р	Р	Р	Р	P	P	P			Р						5.16.1A
House Trailer/Mobile Home Park															Р																		5.16.1A
Group Living																																	
Emergency Shelter											Р	Р	Р	Р		Р	Р	Р	Р	Р	Р	P	Р	P									
Fraternities, Sororities, and Student Cooperative Housing								Е		Е	Е	Е	Е	Е		Е	Р	Р	Р	Р	Р	Р	Р	Р									5.16.1A; 5.16.1E
Group Housing								Е		Е	Р	Р	Р	Р		Р	Р	P	Р	P	P	P	Р	Р									5.16.1A; 5.16.1F
Guest House										Р	Р	Р	Р	Р		Р	Р	P	Р	P	Р	Р	Р	Р									5.16.1A; 5.16.1G

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Han Cumpany with						R	ESI	DEN	TIA	L]	Mix	ED	USE	,						SIDE			AND SE)	USE-SPECIFIC STANDARDS
USE CATEGORY AND TYPE	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	0	C1	C1A	C1B	C1A/R	\mathbf{D}_1	D_2	C2B	C3	R5	P	PL	RE	ORL	\mathbf{M}_1	M1A	M_2	5.16
PUBLIC/ INSTITUTIONAL																																	5.16.2
Community and Cultural																																	
Cemetery	P																														<u> </u>		
Club Headquarters or Community Center								E		Е	Е	Е	Е	Е		E	Р	P	P	P	P	P	P	P									5.16.2C
Conference Center																					Е								E				
Correctional Facility																											P				<u> </u>		
Museum, Art Gallery																					P	P	P	P			P						
Funeral Services																Р	P	Р	Р	P	Р	P	P	P						P	P	P	
Government Offices and Courts																Р	Р	P	Р	P	P	P	P	P			P			P	Р		
Library		P	P	P	P	P	P	Р	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P			P			P	Р		
Park, Recreation and Open Space																											P						5.16.2G
Religious Assembly	P	E	E	Е	Е	E	E	E	E	Е	Е	E	E	E		Е	P	P	P	P	P	P	P	P							<u> </u>		
Day Care																																	
Adult Day Care Center		Е	Е	Е	Е	E	Е	Е	P	Р	Р	Р	P	Р		P	P	Р	Р	P	P	P	P	P					E	P	P	Р	5.16.2A
Child Care Center		E	E	Е	Е	E	E	E	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P					E	P	P	P	5.16.2B
Educational																																	
Institutions of Higher Learning, Private		Е	Е	Е	Е	Е	Е	Е	Е	Е	Е	Е	Е	Е		Р	Р	P	Р	P	P	P	P	P						Р	P	Р	5.16.2E
Institutions of Higher Learning, Public	Р	Р	P	Р	Р	Р	P	P	Р	Р	Р	Р	Р	Р	P	Р	P	Р	Р	Р	Р	P	P	P	P	P	P	Р	P	Р	Р	Р	

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Hen C	ATTROOPY AND						R	RESII	DEN	ITIA	L]	Mix	ED	USE	2			,			SIDI IAL					USE-SPECIFIC STANDARDS
USE C	ATEGORY AND TYPE	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	0	C1	C1A	C1B	C1A/R	D_1	D2	C2B	C3	R5	Ь	PL	RE	ORL	M1	M1A	M2	5.16
School,	Private		Е	Е	E	Е	Е	Е	Е	Е	Е	Е	E	Е	Е		E	P	Р	P	P	P	Р	P	P									
School,	Public	P	P	P	P	P	Е	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
School,	Trade/Industrial																	P	P	P	P	P	P	Р	P			P		P	P	P	P	

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USE CATEGORY AND						R	ESI	DEN	ITIA	L									Mix	ED	USE				, ,	Non Si			ENT: Puf				USE-SPECIFIC STANDARDS
TYPE	AG	R1A	R1B	R1C	$R_{1}D$	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	0	C1	C1A	C1B	C1A/R	\mathbf{D}_1	D2	C2B	C3	R5	Ь	bΓ	RE	ORL	\mathbf{M}_{1}	M1A	M_2	5.16
Health Care																																	
Hospital										Е	Е	Е	Е	Ε		Е	Е	Е	Е	Е							Р			Е	Е		5.16.2D
Nursing Care Facility										P	Р	P	P	Р		P	P	P	P	P	P	P	P	P	P					Р	P	Р	5.16.2F
COMMERCIAL																																	5.16.3
Lodging																																	
Bed and Breakfast																					Р	Р	Р	P	Р								
Hotel																P	P	P	P	P	P	P	P	P	Р								
Recreation, Entertainment, and Arts																																	
Adult Entertainment Business																														P		P	5.16.3A
Artist Studio																P	P	P	P	Р	P	P	P	P						P	P	Р	5.16.3B
General Entertainment																	P	P	P	P	P	E	P	P									5.16.3D
Indoor Recreation																E	P	P	P	P	P	P	P	P			P		E	E	Е	E	5.16.3F
Outdoor Recreation	P	Е	Е	Е	Ε	E	E	Е	Е	E	Ε	E	E	Ε									P	P			P		E				5.16.3H

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Hop Campoony ave						R	RESI	DEN	ITIA	L									Mix	ED	USE				,	Non Si		SIDI IAL)	USE-SPECIFIC STANDARDS
USE CATEGORY AND TYPE	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	0	C1	C1A	C1B	C1A/R	D1	D_2	C2B	C3	R5	Ь	PL	RE	ORL	M1	M1A	M2	5.16
Sales																																	
Automobiles, Motorcycles, Recreational Vehicles, Equipment (Sales and Rental)																					Е	E	P	P						Р	Р		
Fueling Station																					E	Е	E	P								P	5.16.3E
Outdoor Sales, Permanent																	P	P	P	P	P	P	P	P									5.16.3I
Medical MarijuanaProvisioning Center																	Е	Е	Е	Е	Е	E	Е	E						Е	Е	Е	5.16.3G
Restaurant, Bar, Food Service																	Р	P	P	P	P	Р	P	P									5.16.3L
Retail Sales, General Merchandise																	Р	P	P	P	P	Р	P	P									
Wholesale, Resale, Building Material and Supplies																							P	Р						P	P	Р	

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USE CATEGORY AND TYPE	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	0	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	Ь	PL	RE	ORL	\mathbf{M}_1	M1A	M_2	5.16
Services and Repair																																	
Automobile, Truck, Construction Equipment Repair																					Е	Е	Р	Р						P	Р	Р	5.16.3C
Contractors, General Construction, and Residential Building																						Р	Р	Р						Р	Р	Р	
Laundry, Cleaning, and Garment Services																	P	P	P	P	P	P	P	Р						P	P	Р	
Parking Lot or Structure																					E	Е				P	P						5.16.3J
Personal Services																P	P	P	P	P	P	P	P	P									5.16.3K
Vehicle Wash																					Е	Е	Е	P									
Veterinary, Kennel, and Animal Boarding																Е	E	Е	E	Е	P	P	P	P						P	P	P	5.16.3M

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TYPE	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	0	C1	C_{1A}	$C_{1}B$	C1A/R	\mathbf{D}_1	D2	C2B	C3	R5	Ь	bΓ	RE	ORL	\mathbf{M}_{1}	M1A	M_2	5.16
OFFICE AND RESEARCH																																	5.16.4
Office-Type																																	
Bank, Credit Union, Financial Services																Р	P	P	P	P	P	P	P	P						P	Р		
Office, General																P	P	P	P	P	P	P	P	P				P	P	P	P		5.16.4C
Medical/Dental																P	P	P	Р	P	P	P	P	P						P	P		5.16.4C
Nonprofit Corporations		Е	Е	Е	Е	Е	Е	Е	Е	Е	Е	Е	Е	Е		P	P	Р	P	Р	P	P	P	P				P	P	P	Р		5.16.4B
Research and Development																																	
Laboratory																												Р	Р	Р	Р	Р	5.16.4A
Medical Laboratory																					Р	P	P	Р				P	P	Р	P	P	
Medical Marijuana Safety Compliance Facility																												P	Р	P			5.16.3G
Research/Development																												Р	Р	P	Р	Р	
TRANSPORTATION																																	
Medical Marijuana Secure Transporter																							P	P						P			5.16.3G
Railroad and Public Transportation Rights-of- Way																					P	Р	P	P			Р			P	Р	P	
Transit Center, Station, or Depot																					Р	Р	Р	Р			Р			P	Р	Р	
Transportation Facilities																											P						

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TYPE	AG	R1A	R1B	R1C	R1D	R1E	R2A	R_2B	$\mathbf{R}3$	R4A	R4B	R4C	R4D	R4E	R6	0	C1	C1A	C1B	C1A/R	D1	D_2	C_2B	C3	R5	Ь	PL	RE	ORL	\mathbf{M}_{1}	M1A	M_2	5.16
Industrial																																	5.16.5
Agricultural																																	
Agriculture/Greenhouse	Р																																
Barns	P																																
Borrow Pits	Ε																																
Medical Marijuana Grower																	P	P	P	P				P				Е	Е	P	P	Р	5.16.3G
Manufacturing, Processing, Assembly, and Fabrication																																	
Asphalt, Concrete Mixing Plant, Sand and Gravel Pit																																Е	
Coal and Coke Dealer																																P	
Food and Beverages																														P	P	P	
Heavy Manufacturing																																P	5.16.5A
Laundry and Dry Cleaning Plant																														P	Р	Р	
Light Manufacturing																													P	P	P		5.16.5B
Medical Marijuana Processor																												Е	E	P			5.16.3G
Oil and Gas Wells																																	5.16.5C
Pilot Manufacturing																												P	P	P	P	P	
Scrap and Waste Material																																E	
Slaughterhouse																																E	

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Han Cumpany and						R	RESI	DEN	ITIA	L									MIX	ŒD	USE	2				Non Si		SIDI IAL					USE-SPECIFIC STANDARDS
USE CATEGORY AND TYPE	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	0	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	Ь	PL	RE	ORL	\mathbf{M}_1	M1A	M2	5.16
Utilities and Communications																																	
Broadcasting Facility																					P	P	P	P						Р	Р	Р	
Data Processing and Computer Centers																P	P	P	P	P	P	P	P	P				P	P	P	P	P	
Electric, Gas, and Sanitary Services																														P	P	P	
Power and Fuel Rights-of- Way																																P	
Wireless Communication Facilities	Р															Р	P			Е	Е	Е	P	P	Е		P	P	P	P	P	P	5.16.5D

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USE CATEGORY AND			,				ESI												Mix							Noi	IRE	SIDI	ENT Pui	IAL	ANI		USE-SPECIFIC STANDARDS
TYPE	AG	R1A	R1B	R1C	R1D	R1E	$R_{2}A$	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	0	C1	V13	C1B	C1A/R	D1	D2	C_2B	\mathbb{C}_3	R5	Ь	\mathbf{Td}	RE	ORL	M1	M1A	M2	5.16
Warehousing and Storage																																	
Outdoor Storage																														P	P	P	
Warehousing and Indoor Storage																							P	P						Р	P	Р	
ACCESSORY USES																																	5.16.6
All Accessory Buildings																																	5.16.6A;
Bed and Breakfast, Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A																			5.16.6A
Community Recreation									A	A	A	A	A	A																			5.16.6A;
Dish Antenna		A	A	A	A	A	A	A	A	A	A	A	A	A	A																		5.16.6A; 5.16.6A.3; 5.16.6B
Drive-Through Facility																Е					Е	Е	Е	Е									5.16.6A; 5.16.6A.3; 5.16.6C
Dwelling Unit, Accessory		A	A	A	A	A	<u>A</u>																										5.16.6A; 5.16.6D
Dwelling Unit, Manager's																														A	A	A	5.16.6A; 5.16.6E
Family Day Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									5.16.6A; 5.16.6F
Group Day Care Home	Α	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Α	A	A	A	A	A	A	A	A									5.16.6A; 5.16.6G

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Type	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	0	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	Ь	PL	RE	ORL	M1	M1A	M_2	5.16
Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									5.16.6A; 5.16.6H
Incidental Services																A									A				A				5.16.6A; 5.16.6I
Management/Maintenance Office and Storage									A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A				5.16.6A
Medical Marijuana Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									5.16.6A; 5.16.3G
Medical Marijuana Use or Cultivation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									5.16.6A; 5.16.3G
Office, Administrative/Executive																											A			A	A	A	5.16.6A;
Outdoor Display and Vending Machines																	A	A	A	A	A	A	A	A									5.16.6A; 5.16.6J
Outdoor Sales, Temporary																A	A	A	A	A	A	A	A	A									5.16.6A; 5.16.6K
Parking Attendant Building																										A							5.16.6A;
Restaurant, Bar, Food Service																									A								5.16.6A; 5.16.6L
Retail Sales, General Merchandise																													A	A	A	A	5.16.6A; 5.16.6M
Roadside Stand	Α																																5.16.6A
Solar Energy System	A								A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	5.16.6A 5.16.6N

P= Permitted E = Special Exception A = Permitted Accessory Use Blank Cell = Prohibited

NOTE: ALL PROPERTIES ARE SUBJECT TO THE ADDITIONAL STANDARDS INDICATED FOR THAT USE IN THE RIGHT COLUMN

NOTE: ALL properties in overlay districts are subject to the additional use regulations in Sec. 5.13

NOTE: SPECIFIC USES IN THE C1A/R, RE, AND ORL DISTRICTS ARE SUBJECT TO ADDITIONAL STANDARDS FOUND IN SECTIONS 5.12.5, 5.13.4, AND 5.13.5 RESPECTIVELY

Hen Campoony and						R	RESI	DEN	ITIA	L]	Mix	ED	USE	2				Non Si		SIDI IAL)	USE-SPECIFIC STANDARDS
USE CATEGORY AND TYPE	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	0	C1	C1A	C1B	C1A/R	D_1	D_2	C2B	C3	R5	Ь	bΓ	RE	ORL	\mathbf{M}_1	M1A	M2	5.16
Solar Energy System, Personal-Scale		A	A	A	A	A	A	A	A	A																							5.16.6A 5.16.6O
Wireless Communication Antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	5.16.6A; 5.16.6P
TEMPORARY USES																																	5.16.7
Christmas Tree Sales	Р	P	P	P	Р	P	Р	P	P	P	P	P	Р	Р	P	P	P	Р	Р	P	Р	P	P	P									5.16.7A
Outdoor Sales, Temporary by Others																	Е	Е	Е	Е	Е	Е	Е	Е									5.16.7B
Special Event Sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	5.16.7C

Section 2. This ordinance shall take effect and be in force on and after ten days from legal publication.