

Version date: 11/19/2018

Proposed Ordinance Amendment:

Temporary Sales

Background:

Section 5.16.7 (B) of the Unified 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:

1. 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.

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

TABLE 5-15: PERMITTED USE TABLE

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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

[illegible]

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USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE								NONRESIDENTIAL AND SPECIAL PURPOSE							USE-SPECIFIC STANDARDS			
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
School, Private		E	E	E	E	E	E	E	E	E	E	E	E	E		E	P	P	P	P	P	P	P	P									
School, Public	P	P	P	P	P	E	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	P	P			P		P	P	P	P	

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USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE								NONRESIDENTIAL AND SPECIAL PURPOSE								USE-SPECIFIC STANDARDS																																
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16																														
Health Care																																																															
	Hospital										E	E	E	E	E		E	E	E	E	E							P			E	E		5.16.2D																													
	Nursing Care Facility										P	P	P	P	P		P	P	P	P	P	P	P	P	P	P					P	P	P	5.16.2F																													
COMMERCIAL																																																															5.16.3
Lodging																																																															
	Bed and Breakfast																				P	P	P	P	P	P																																					
	Hotel																P	P	P	P	P	P	P	P	P	P																																					
Recreation, Entertainment, and Arts																																																															
	Adult Entertainment Business																														P		P		5.16.3A																												
	Artist Studio																P	P	P	P	P	P	P	P	P						P	P	P	5.16.3B																													
	General Entertainment																	P	P	P	P	E	P	P										5.16.3D																													
	Indoor Recreation																E	P	P	P	P	P	P	P			P		E	E	E	E		5.16.3F																													
	Outdoor Recreation		P	E	E	E	E	E	E	E	E	E	E	E									P	P			P		E					5.16.3H																													

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USE CATEGORY AND TYPE		RESIDENTIAL														MIXED USE								NONRESIDENTIAL AND SPECIAL PURPOSE								USE-SPECIFIC STANDARDS		
		AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
Sales																																		
	Automobiles, Motorcycles, Recreational Vehicles, Equipment (Sales and Rental)																				E	E	P	P						P	P			
	Fueling Station																				E	E	E	P								P	5.16.3E	
	Outdoor Sales, Permanent																P	P	P	P	P	P	P	P									5.16.3I	
	Medical Marijuana Provisioning Center																E	E	E	E	E	E	E	E						E	E	E	5.16.3G	
	Restaurant, Bar, Food Service																P	P	P	P	P	P	P	P									5.16.3L	
	Retail Sales, General Merchandise																P	P	P	P	P	P	P	P										
	Wholesale, Resale, Building Material and Supplies																						P	P						P	P	P		

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		AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
Services and Repair																																		
	Automobile, Truck, Construction Equipment Repair																				E	E	P	P						P	P	P	5.16.3C	
	Contractors, General Construction, and Residential Building																					P	P	P						P	P	P		
	Laundry, Cleaning, and Garment Services																P	P	P	P	P	P	P	P						P	P	P		
	Parking Lot or Structure																				E	E				P	P						5.16.3J	
	Personal Services															P	P	P	P	P	P	P	P										5.16.3K	
	Vehicle Wash																				E	E	E	P										
	Veterinary, Kennel, and Animal Boarding															E	E	E	E	E	P	P	P	P						P	P	P	5.16.3M	

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	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16	
OFFICE AND RESEARCH																																		5.16.4
Office-Type																																		
Bank, Credit Union, Financial Services																P	P	P	P	P	P	P	P	P						P	P			
Office, General																P	P	P	P	P	P	P	P	P				P	P	P	P		5.16.4C	
Medical/Dental																P	P	P	P	P	P	P	P	P						P	P		5.16.4C	
Nonprofit Corporations		E	E	E	E	E	E	E	E	E	E	E	E	E		P	P	P	P	P	P	P	P	P				P	P	P	P		5.16.4B	
Research and Development																																		
Laboratory																												P	P	P	P	P		5.16.4A
Medical Laboratory																					P	P	P	P				P	P	P	P	P		
Medical Marijuana Safety Compliance Facility																												P	P	P				5.16.3G
Research/Development																												P	P	P	P	P		
TRANSPORTATION																																		
Medical Marijuana Secure Transporter																							P	P						P			5.16.3G	
Railroad and Public Transportation Rights-of-Way																					P	P	P	P			P			P	P	P		
Transit Center, Station, or Depot																					P	P	P	P			P			P	P	P		
Transportation Facilities																											P							

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		AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
Utilities and Communications																																		
	Broadcasting Facility																				P	P	P	P						P	P	P		
	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	P														P	P			E	E	E	P	P	E		P	P	P	P	P	P	5.16.5D	

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	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										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					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											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											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										5.16.6A; 5.16.6J
	Outdoor Sales, Temporary																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	A																																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		5.16.6A 5.16.6N

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		AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	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	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										5.16.7A
	Outdoor Sales, Temporary by Others																	E	E	E	E	E	E	E	E									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.