

**AGENDA
PLANNING COMMISSION
CITY OF ROELAND PARK, KANSAS
ROELAND PARK
4600 W 51ST STREET
FEBRUARY 18, 2020 6:00 PM**

I. Roll Call

1. Introductions of New Planning Commissioners

II. Discussion Items

1. Comp Plan Update - Residential Design Standards and Universal Design

III. Approval of Minutes

1. Minutes from 12/17/2019 Planning Commission Meeting

IV. Public Hearing

1. Changes to Special Events Code Regarding Seasonal Sales

V. Action Items

VI. Other Matters Before the Planning Commission

VII. Adjournment

Scheduled Meeting Dates

Item Number: Roll Call- I.-1.
Committee 2/18/2020
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 2/18/2020
Submitted By: Jennifer Jones-Lacy
Committee/Department:
Title: **Introductions of New Planning Commissioners**
Item Type: Other

Recommendation:

For informational purposes only.

Details:

Brian Ashworth will be replacing Kyle Rogler as one of the at-large representatives for the Planning Commission and Susan Schenewerk will be filling the vacant Ward 4 position. Lisa Brunner, who was appointed on Monday night 2/17 will be replacing Pete Davis as the Ward 1 representative.

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Item Number: Discussion Items- II.-1.
Committee 2/18/2020
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 2/18/2020
Submitted By: Jennifer Jones-Lacy
Committee/Department: Admin
Title: **Comp Plan Update - Residential Design Standards and Universal Design**
Item Type: Discussion

Recommendation:

For informational purposes only.

Details:

Chris Shires and Chris Cline with the City's consulting firm Confluence will provide a presentation on residential design standards along with some recommendations on code changes to move forward. The presentation will also touch on some recommendations for incorporating universal design principals into new builds or substantial remodels.

The presentation and associated code references will be presented at the workshop.

Financial Impact

Amount of Request: N/A	
Budgeted Item?	Budgeted Amount: N/A
Line Item Code/Description:	

Additional Information



How does item relate to Strategic Plan?

Yes - updating the City's Comprehensive Plan every several years is essential to ensuring city planning and land use recommendations are in line with the desires of the community.

How does item benefit Community for all Ages?

Universal Design helps residents of our community age in place and this review is part of the comprehensive plan update as requested by City Council.

ATTACHMENTS:

Description		Type
	Residential Design Standards	Exhibit
	Comp Plan Presentation - Residential Design Standards	Exhibit

Roeland Park Residential Design Regulations

Preliminary Recommendations Summary *Draft: 02-18-2020*



Zoning Code Updates

Application

New single-family homes, including the replacement of a demolished home, must comply with the design regulations

Reconstruction or replacement of 50% or more of the gross floor area of the original structure, including successive projects that cumulatively total 50% or more of the gross floor area of the original structure, require the entire structure be brought into compliance with the design regulations.

All additions must comply with the design regulations. Additions greater than 2,000 sq. ft. in gross floor area, including successive the additions that cumulatively total 2,000 or more sq. ft., require the entire structure be brought into compliance with the design regulations.

Exceptions and Building Maintenance

The regulations do not apply to building façade maintenance and repair including repainting of existing painted surfaces, window or siding material replacement and roof replacement.

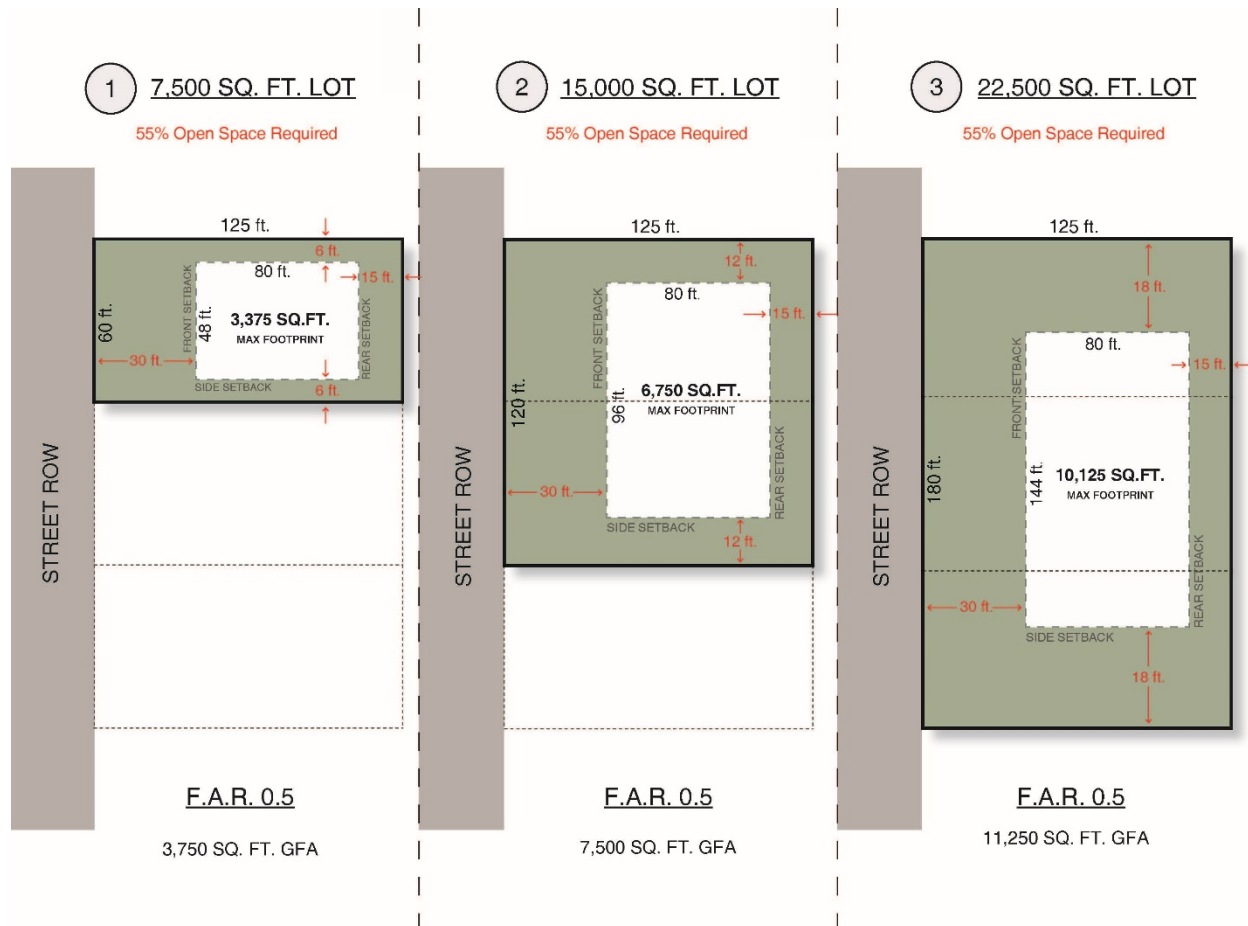
At the full discretion of the Building Official, deviations from these standards may be granted in order to ensure the building addition is aesthetically compatible with the existing building design and appearance.

Bulk Regulations

Keep bulk standards the same but eliminate the increased height exception - keep 35 ft as max height.

- Front Yard Setback: 30 to 35 ft
- Rear Yard Setback: 15 ft
- Side Yard Setback: 5 ft (building limited to max 80% of lot width)
- Height Limit: 35 ft ~~(add 1 ft of height for each additional ft of setback)~~
- Open Space Required: 55%

FAR - Add a Floor Area Ratio (FAR) requirement of 0.5 to further limit the bulk of a new home on a large lot.



Architectural Design

Single-family homes should be designed and constructed to be compatible with the surrounding neighborhood and be built of quality materials. All single-family dwellings and their accessory structures, including detached garages and sheds over 120 square feet, shall be residential in character.

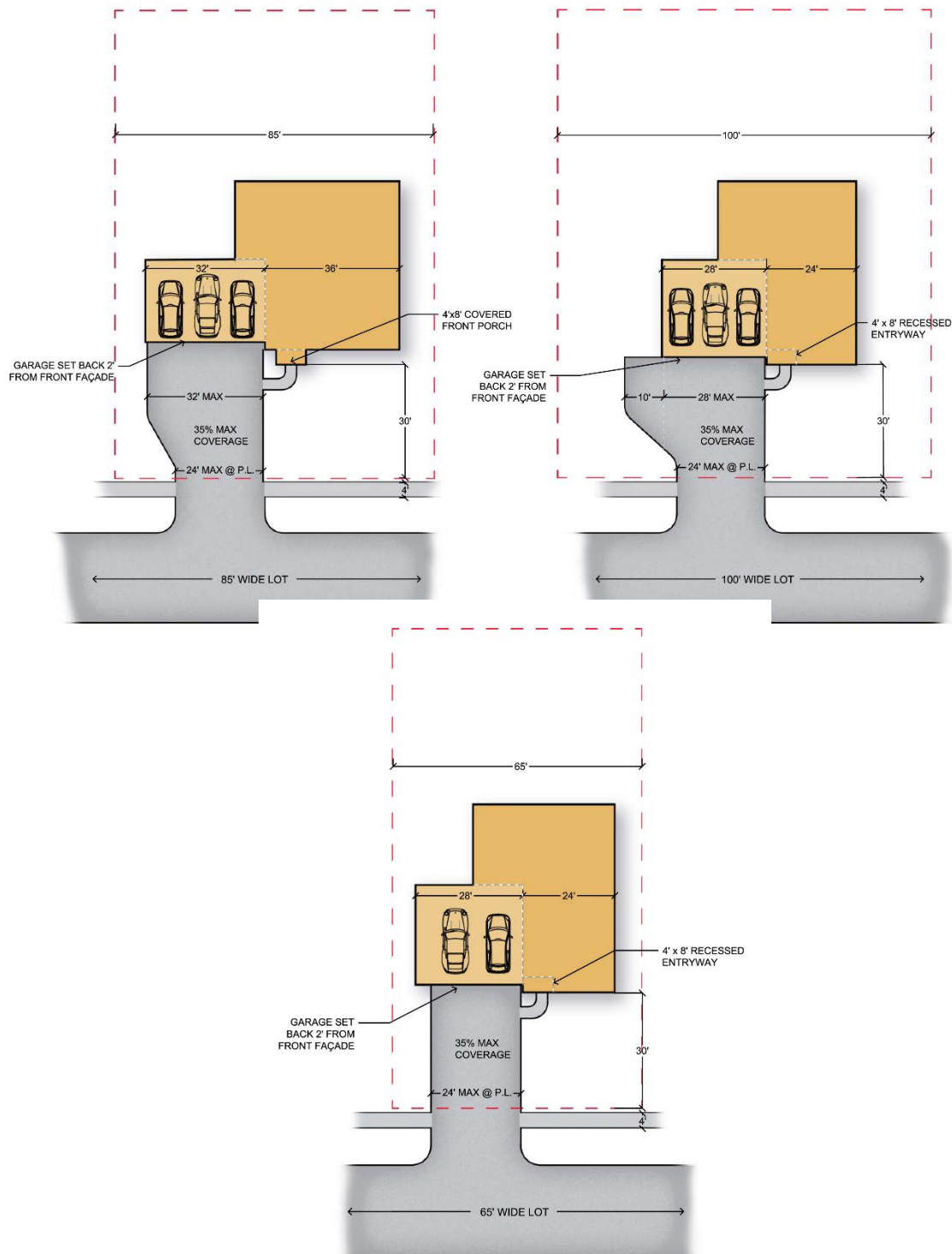
All buildings shall employ recognized architectural styles and design principals and designed with a top, middle, and base. Roofs, windows, doorways, porches, columns, and other building elements must be properly proportioned to be in scale with the size and shape of the structure. Building exterior materials shall be applied in an authentic and honest manner reflecting the material's purpose, weight, and typical use in order to convey a sense of quality and durability.

Trim and Roof Overhangs - Except where architecturally unsuitable, appropriately scaled trim of at least 3-inches in width shall be included around all window and door openings, building corners, and roof lines along all street facing facades. All building soffits, overhangs, and cornices shall be appropriately scaled with a typical projection of no less than 6-inches, except as may be appropriate based on the architectural style.

Front Porch or Recessed Entry - A roofed, open-air front porch or a recessed front entryway that have a minimum width of 8 feet and depth of 4 feet shall be required.

Street Facing Garage Door Standards

Street facing garage doors that either exceed 50% of the width of the street-facing façade or have a combined total width of 30 ft shall be architecturally treated and setback a minimum 2-ft from the front façade of the house.



Exterior Building Materials

No specific standards for exterior materials except that quality, exterior grade material required.

Acceptable materials include exterior grade/rated:

- Brick and stone veneer
- Stucco - traditional Portland based
- Wood - panels, siding and trim
- Cement fiberboard and composite wood - panels, siding and trim
- Vinyl and metal siding and trim
- Exterior Insulation and Finish System (EIFS) - water managed
- Glass windows and doors, and glass block
- Concrete block and cast-in-place concrete - foundation walls only

Wall and Roof Articulation

No street facing building wall shall exceed 30-feet in width without a change or articulation in the wall plane by means of a horizontal off-set of at least 2-feet. No street facing roof shall exceed 24-ft in width without a change in the roof direction, articulation of the roof plane by means of an off-set of at least 2-feet, or other significant change to the roof form.

Windows

All street facing facades shall include window openings that comprise at least 10% of the façade area.

Driveways

Maintain 35%-yard area coverage limit for driveways and parking and 2 ft setback requirement.

Driveway Widths - Add limit that driveways shall be no greater than 24-feet wide or the width of a garage door opening that faces the street, whichever width is greater, and shall taper to no greater than 24-feet in width at the street right-of-way line.

Additional parking of vehicles may be permitted on a surfaced area off to one side of a driveway. This auxiliary parking area shall be no more than 10-feet in width and shall not encroach into the right-of-way.

RESIDENTIAL DESIGN GUIDELINES AND UNIVERSAL DESIGN PRINCIPALS

PRELIMINARY RECOMMENDATIONS

Roeland Park Comprehensive Plan Update
Joint City Council / Planning Commission Workshop

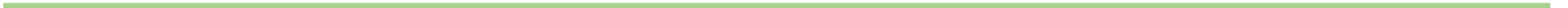
February 18, 2020

CONFLUENCE



RESIDENTIAL DESIGN GUIDELINES

ZONING CODE UPDATE OPTIONS



APPLICATION

Applies to:

New single-family homes

- Includes the replacement of a demolished home

Reconstruction / replacement / 50% or more of the original structure square footage

- Including successive projects

All additions must comply with the design regulations.

- Additions greater than 2,000 sq. ft. in gross floor area, including successive projects, require entire structure be brought into compliance
-

EXCEPTIONS AND BUILDING MAINTENANCE

Does not apply to:

Building façade maintenance and repair including:

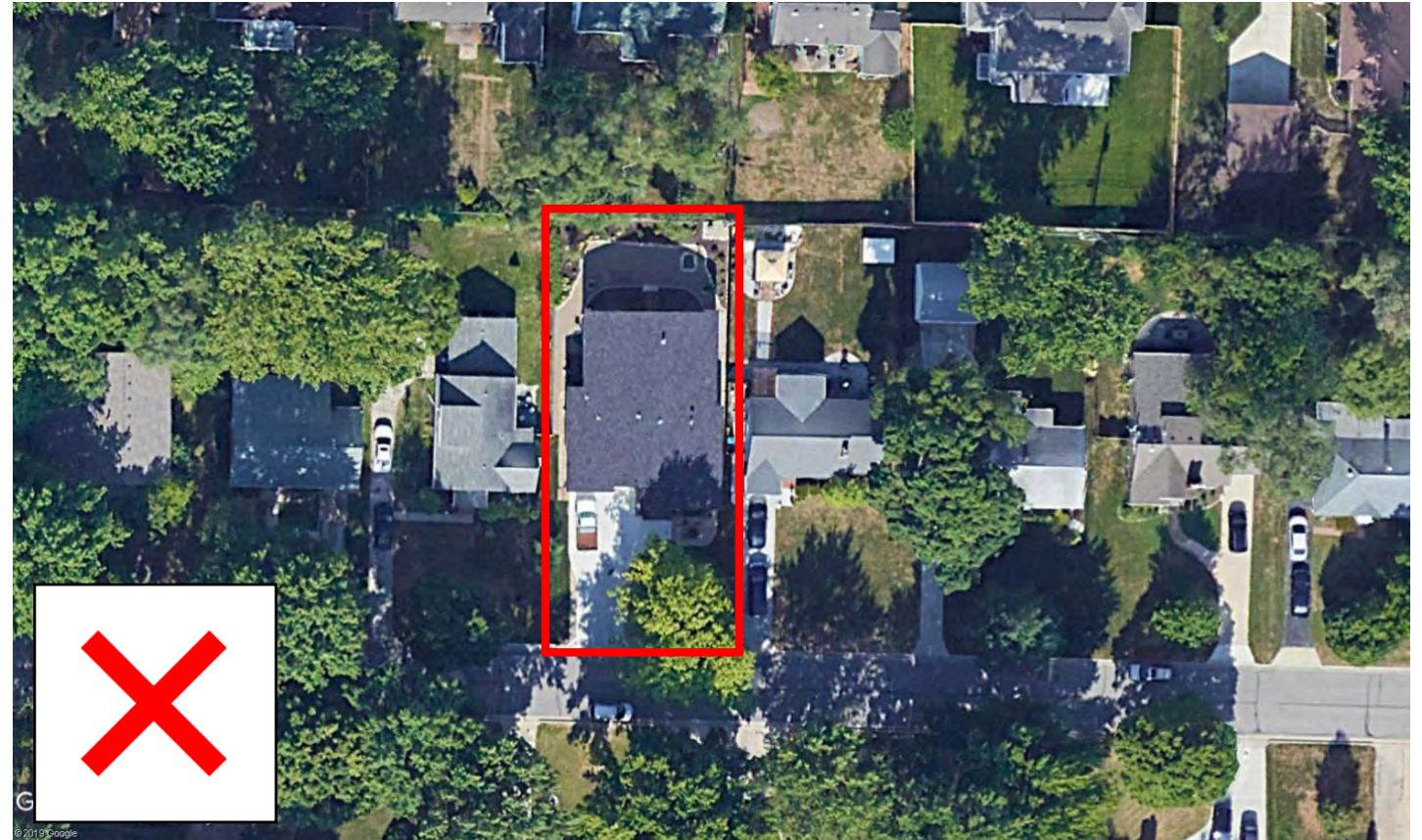
- Repainting of existing painted surfaces
- Window or siding material replacement with identical or similar materials
- Roof replacement with identical or similar materials

Building Official may grant deviations to ensure the building addition is aesthetically compatible with the existing building design and appearance

BULK REGULATIONS

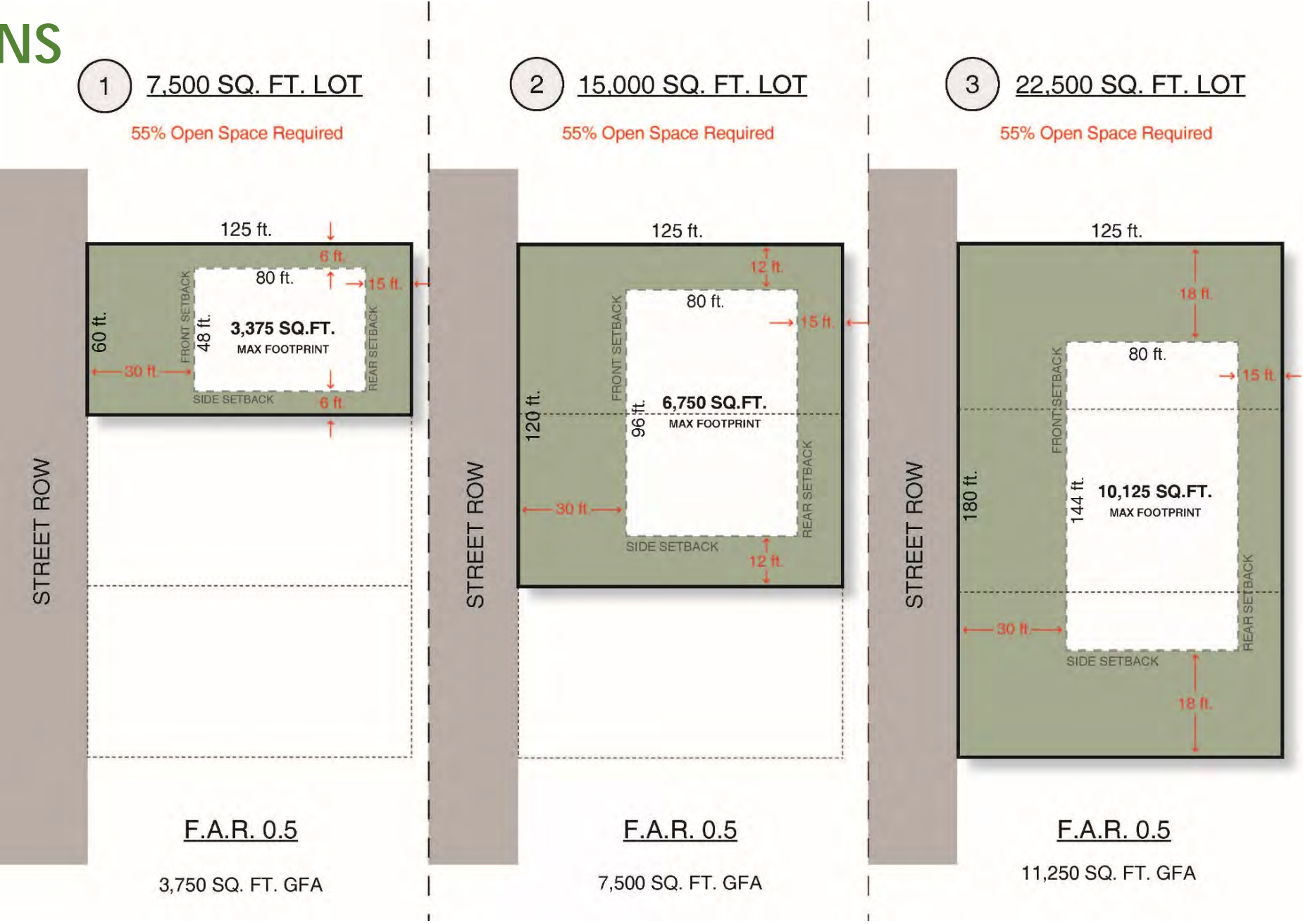
Keep bulk standards the same but eliminate the increased height exception

- Front yard setback: 30 – 35 ft
- Rear yard setback: 15 ft
- Side yard setback: 5 ft (building limited to max 80% of lot width)
- Height limit: 35 ft
- Open space required: 55%



BULK REGULATIONS

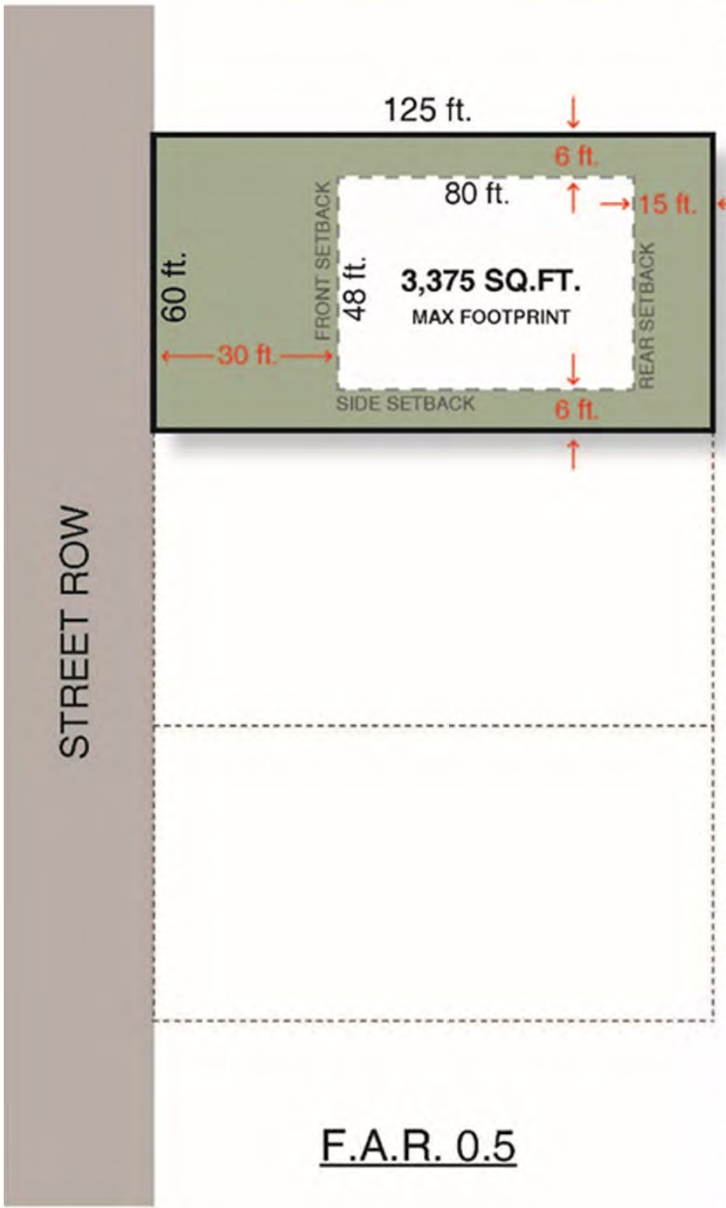
Add a Floor Area Ratio (FAR) requirement of 0.5 to further limit the bulk of a new home on a large lot



1

7,500 SQ. FT. LOT

55% Open Space Required



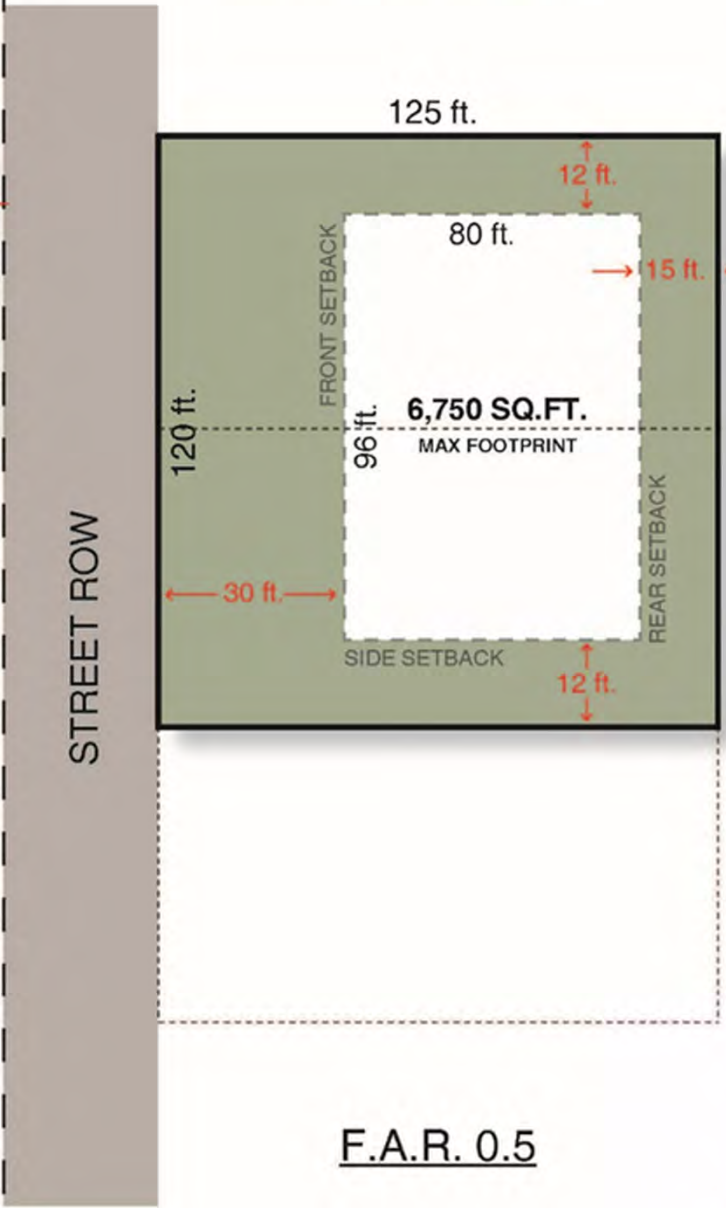
F.A.R. 0.5

3,750 SQ. FT. GFA

2

15,000 SQ. FT. LOT

55% Open Space Required



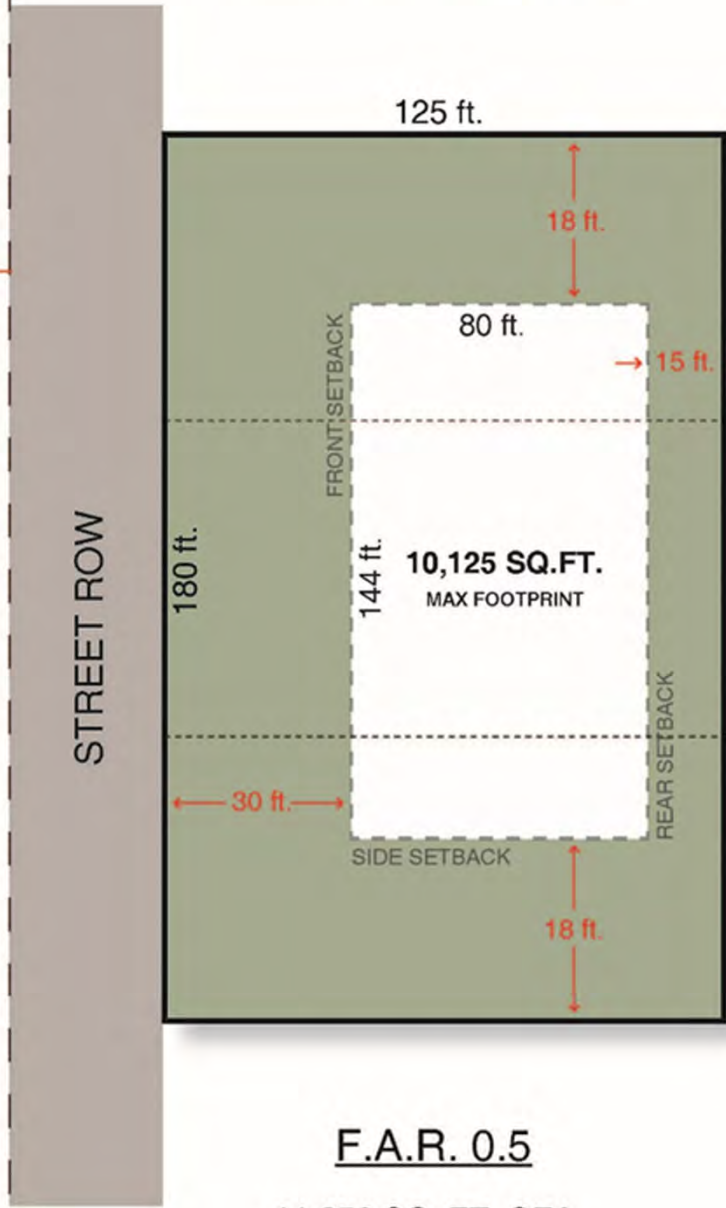
F.A.R. 0.5

7,500 SQ. FT. GFA

3

22,500 SQ. FT. LOT

55% Open Space Required



F.A.R. 0.5

11,250 SQ. FT. GFA

ARCHITECTURAL DESIGN

Require:

- Homes be designed and constructed to be compatible with the surrounding neighborhood and be built of quality materials
- Must be residential in character



ARCHITECTURAL DESIGN

Require:

- Recognized architectural styles and design principals
- Homes be designed with a top, middle, and base



ARCHITECTURAL DESIGN

Require:

- Roofs, windows, doorways, porches, columns, and other building elements be proportional and in scale
- Building materials be applied in a manner that reflects the material's purpose, weight, and typical use



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TRIM AND ROOF OVERHANGS

Require:

- Appropriately scaled trim of a least 3-inches in width required around all window and door openings, building corners, and roof lines along all street facing facades – except when architecturally unsuitable



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TRIM AND ROOF OVERHANGS

Require:

- Building soffits, overhangs, and cornices in scale with a typical projection of 6-inches, except when architecturally unsuitable
- Roofed, open-air front porch or a recessed front entryway - minimum width of 8-feet and depth of 4-feet



TRIM AND ROOF OVERHANGS

Require:

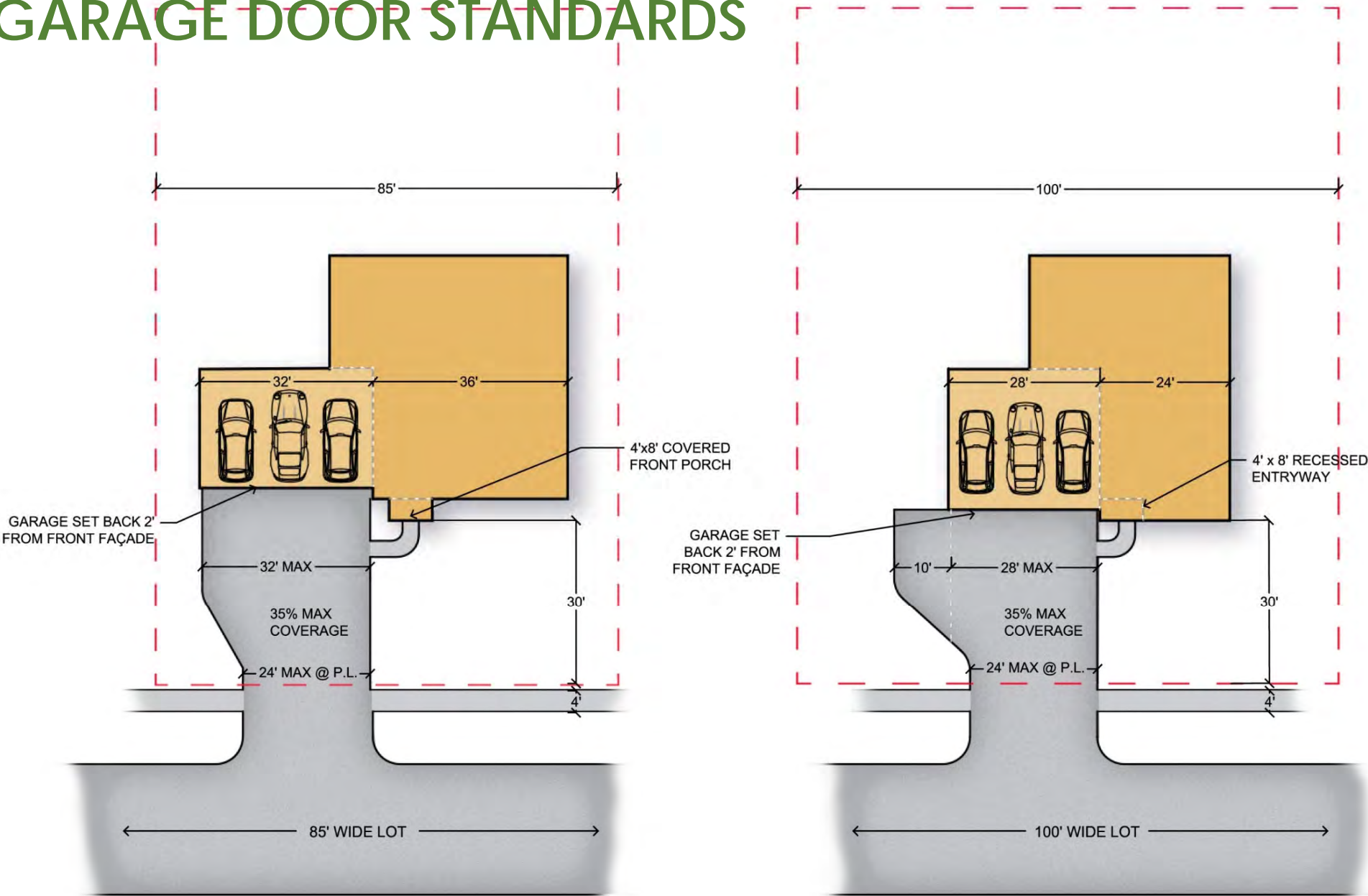
- Building soffits, overhangs, and cornices in scale with a typical projection of 6-inches, except when architecturally unsuitable
- Roofed, open-air front porch or a recessed front entryway - minimum width of 8-feet and depth of 4-feet

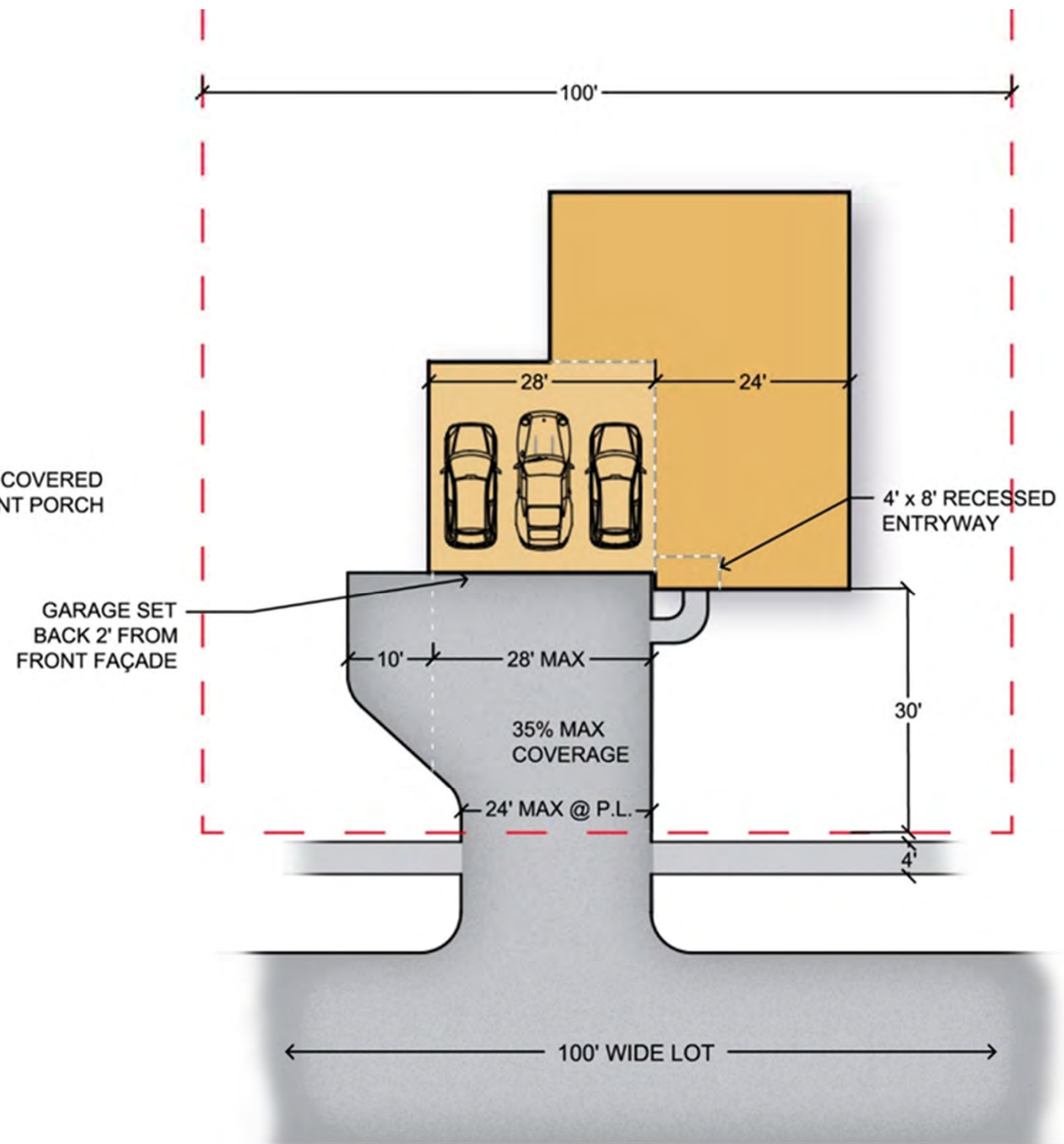
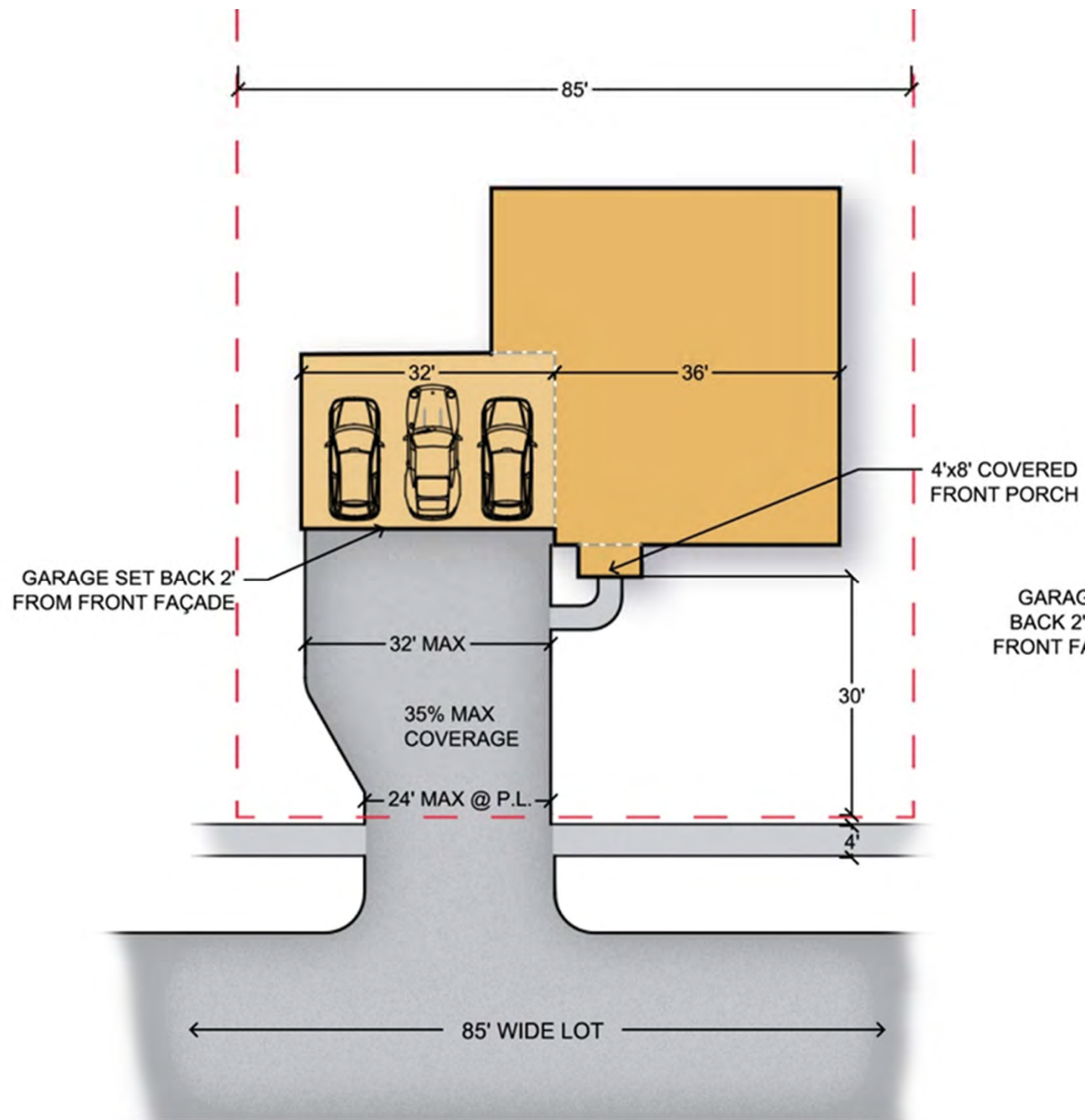


STREET-FACING GARAGE DOOR STANDARDS

Require:

- Street-facing garage doors that either exceed 50% of the width of the street-facing façade or have a combined total width of 30 ft. shall be architecturally treated and setback a minimum of 2 ft. from the front façade of the house

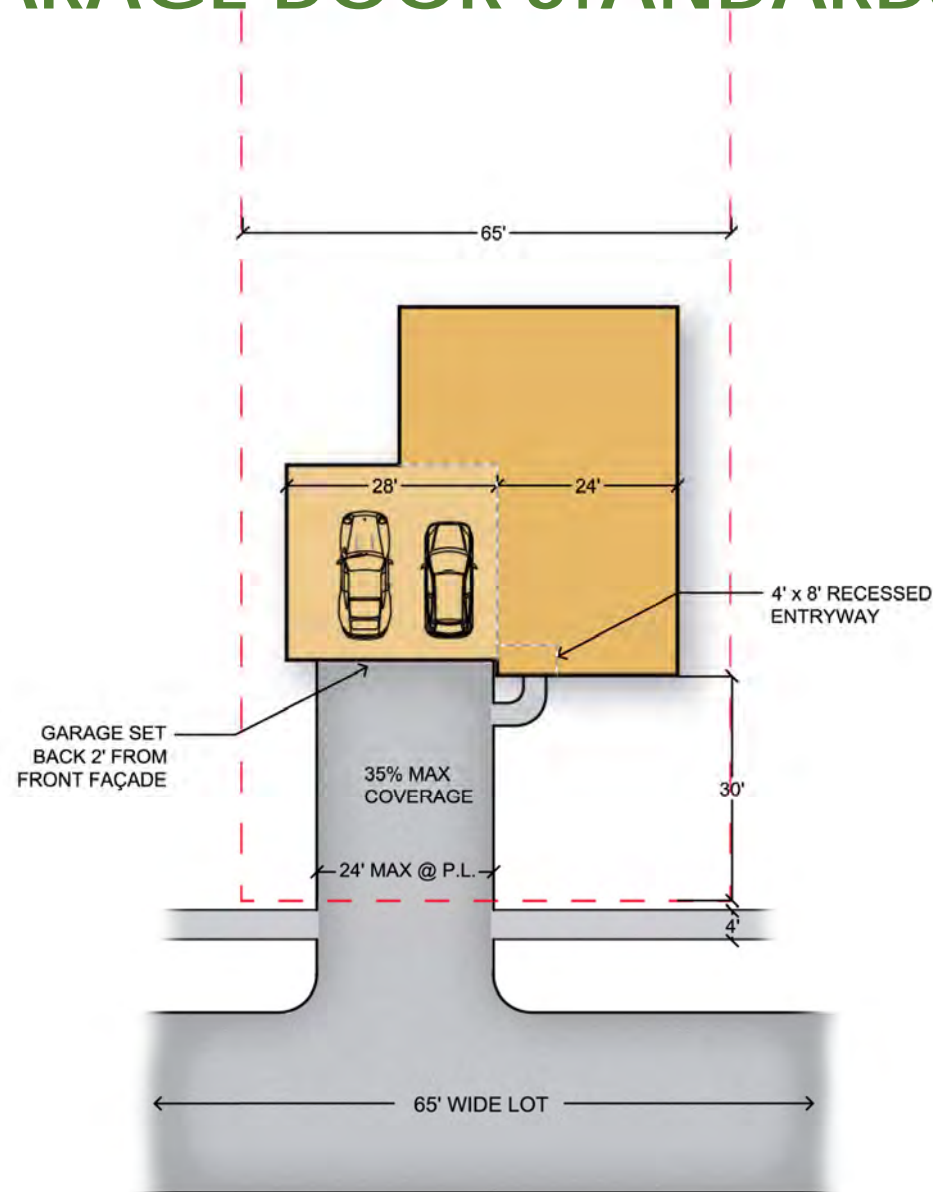


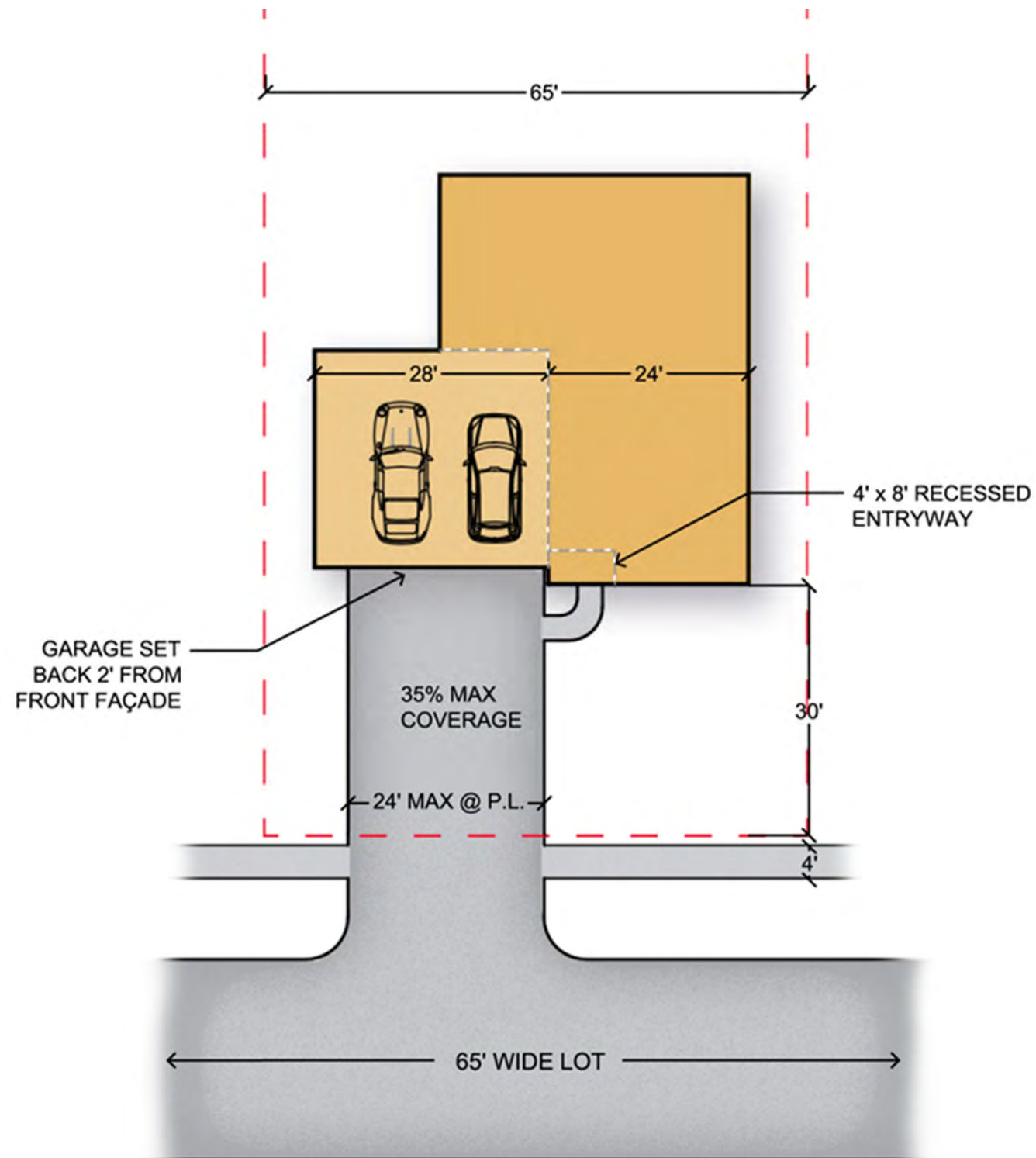


STREET-FACING GARAGE DOOR STANDARDS

Require:

- Street-facing garage doors that either exceed 50% of the width of the street-facing façade or have a combined total width of 30 ft. shall be architecturally treated and setback a minimum of 2 ft. from the front façade of the house





EXTERIOR BUILDING MATERIALS

Exterior grade material required:

- Brick and stone veneer
- Stucco - traditional Portland based
- Wood - panels, siding and trim
- Cement fiberboard and composite wood - panels, siding and trim
- Vinyl and metal siding and trim
- Exterior Insulation and Finish System (EIFS) - water managed
- Glass windows and doors, and glass block
- Concrete block and cast-in-place concrete - foundation walls only



WALL ARTICULATION

No street-facing building wall shall exceed 30 ft. in width without a change or articulation in the wall plan by means of a horizontal offset of at least 2 ft



ROOF ARTICULATION

No street-facing roof shall exceed 24 ft. in width without a change in the roof direction, articulation of the roof plane by means of an offset of at least 2 ft., or other significant change to the roof form



WINDOWS

Require:

- All street-facing facades shall include window openings that comprise at least 10% of the façade area



DRIVEWAY COVERAGE

Maintain 35% yard-area coverage
limit for driveways and parking and
2 ft. setback requirement



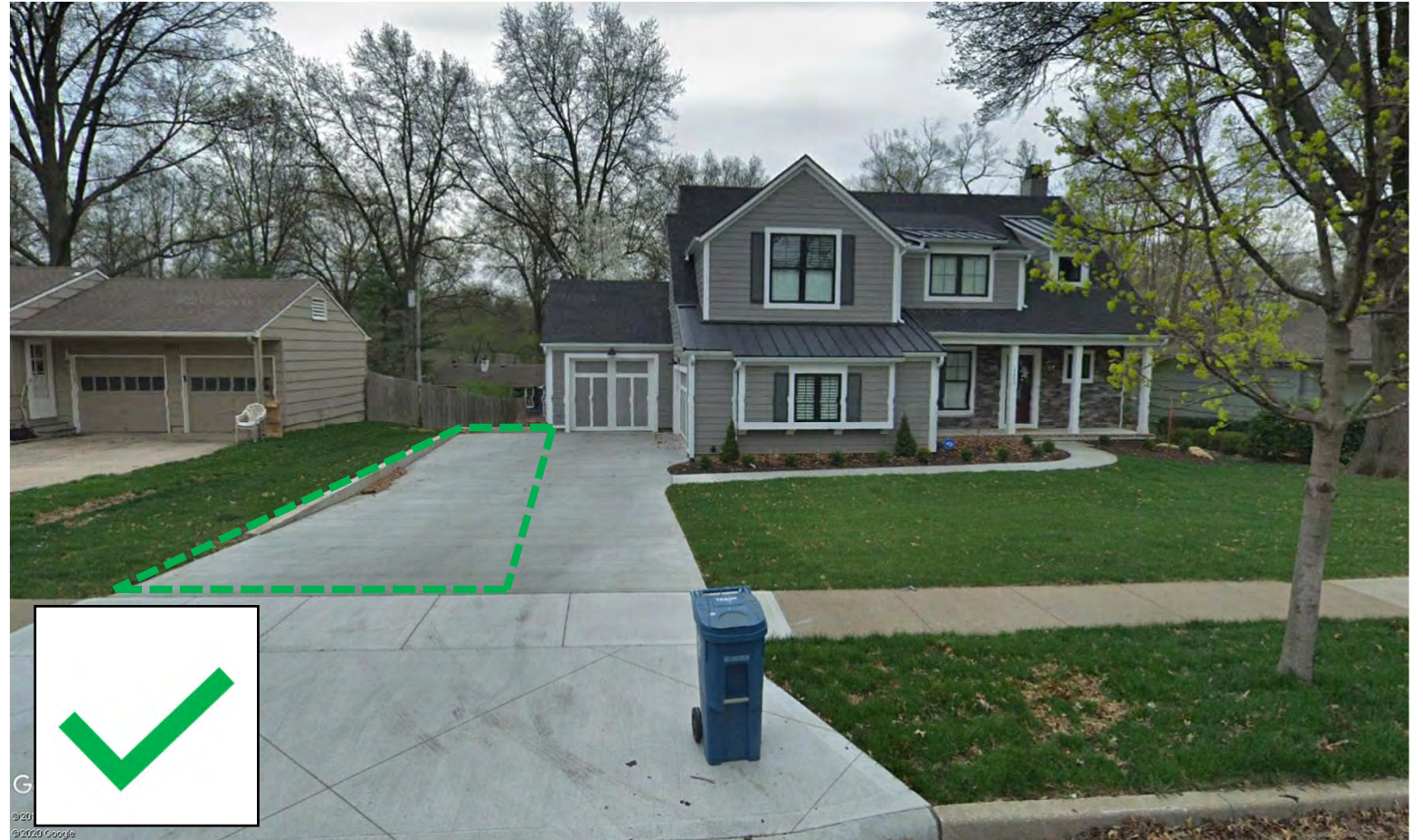
DRIVEWAY WIDTHS

Add limit that driveways shall be no greater than 24-feet wide or the width of a garage door opening that faces the street and shall taper to no greater than 24-feet in width at the street right-of-way line



DRIVEWAY WIDTHS

Additional parking of vehicles may be permitted on a surfaced area off to one side of a driveway. This auxiliary parking area shall be no more than 10-feet in width and shall not encroach into the right-of-way



UNIVERSAL DESIGN PRINCIPALS

ACTION PLAN RECOMMENDATIONS



UNIVERSAL DESIGN (UD) PRINCIPALS RECOMMENDATIONS

Don't require but provide information and incentives - carrot versus stick approach

Educate:

- Develop an awareness campaign (website/mailers/social media posts)
- Create handout material and website reference/resource links geared towards homeowners, remodelers, builders and developers
- Coordinate separate informational/instructional classes for homeowners and builders

Incentivize:

- Offer forgivable loans or grants for homeowners making UD improvements
 - Consider density bonuses or reduction in permit fees to builders utilizing UD principals
 - Tie city incentives to inclusion of UD principals
-

Item Number: **Approval of Minutes- III.-1.**
Committee **2/18/2020**
Meeting Date:



City of Roeland Park
Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **Minutes from 12/17/2019 Planning Commission Meeting**
Item Type:

Recommendation:

Details:

Financial Impact


Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
 PC Minutes - Dec. 17, 2019	Cover Memo

PLANNING COMMISSION MINUTES
CITY OF ROELAND PARK
4600 W 51st Street, Roeland Park, KS 66205
December 17, 2019, 6:00 P.M.

The Roeland Park Planning Commission met on December 17, 2019, in City Hall, 4600 West 51st Street.

Commissioner Nielsen declared a quorum and called the meeting to order.

Present: Paula Gleason Pete Davis Bill Ahrens
 Mark Kohles Kyle Rogler

Absent: Darren Nielsen

Staff: Jennifer Jones-Lacy, Assistant City Administrator
 John Jacobson, Building Official
 Keith Moody, City Administrator

I. ROLL CALL

Ms. Jones-Lacy called the roll.

II. APPROVAL OF MINUTES

1. November 19, 2019, Planning Commission Minutes

MOTION: COMMISSIONER ROGLER MOVED AND COMMISSIONER AHRENS SECONDED
 TO APPROVE THE NOVEMBER 19, 2019, PLANNING COMMISSION MEETING
 MINUTES AS SUBMITTED. (MOTION CARRIED 5-0)

III. PUBLIC HEARING

(No Public Hearing was held.)

IV. ACTION ITEMS

There were no items discussed.

V. DISCUSSION ITEMS

1. Comprehensive Plan Update - Public Input Summary

Ms. Jones-Lacy introduced Chris Cline and Chris Shires from Confluence who provided the results of the public input sessions as well as the public meeting from last month. She said she was very happy with the turnout from the public of about 30 people in addition to staff and Councilmembers.

Chris Shires, planner with Confluence, said that they are at the end of Phase 2, which is the public input phase. Phase 1 began with research and analysis. After the meeting, they will begin drafting the plan content which will they will bring back to the Planning Commission for review and then the final phase will be to present the official plan for approval.

The initial kickoff meeting was followed by a lot of stakeholder interviews and a public workshop. They are trying to establish a youth workshop and also plan to conduct a community survey.

Mr. Shires provided a summary of his presentation that is detailed in the packet. He reviewed the list of stakeholders in the community and noted they provided good feedback on the quality of life in Roeland Park. In general, they also received positive feedback of the City government and working with the City staff and the Governing Body.

Mr. Kohles asked if there were discussions on improving or the rating of the City's infrastructure that came up. Mr. Shires said that did not come up from the individual stakeholders. From other conversations they had, they would like the City to continue to make drainage improvements and curb line improvements in the neighborhoods. The only specific infrastructure comments were related to walkability, sidewalks, trails and creating street crossings across the bigger intersections safely.

Mr. Cline added that the feedback from the stakeholders is consistent with what they have heard from the Planning Commission and the public. Mr. Cline presented information on the Workshop held in November as well as the feedback they received.

Mr. Shires discussed the universal design slides. Ms. Jones-Lacy asked for certain definitions to some of the terms. Mr. Shires said the term "no blank walls" would require a building side would have a minimum use of fenestrations which are openings such as windows and doors, and garages.

An "accessory dwelling unit" would be another unit on a single-family dwelling lot. It could be above a garage, in a basement, or even a tiny home in the back yard.

"Dark sky" refers to being more purposeful on restrictions of exterior lighting to try to eliminate or reduce light pollution.

The discussion turned to design regulations. Commissioner Kohles said the public showed two extremes with strong regulations and ordinances and not too much regulation. He said this creates the possibility of an education component.

Mr. Shires said that universal design applies to new construction, renovation or rehabilitation in making a house more accessible to people who might have a physical disability or even an age in place situation. It would address needs such as no steps, wider hallway, et cetera. He said there could even be an incentive program created for home rehabilitation to make it more compatible for someone to age in place.

For the residential design standard some regulations could also have an educational component for redevelopment, remodeling, and expansion of existing housing. They could

also create a pattern book for redevelopment the people would have access to it for ideas and proportionality to make sure their plans fit within the neighborhood and their City.

The key focus areas they want the plan to identify is to give them more on long-term options, next steps and how to achieve it, and what it will look like to weigh the development priorities and projects that come along.

Mr. Cline recapped that they will issue the community survey and will also continue to try to schedule the youth workshops locally. They will also draft a plan for review by the Planning Commission which will also give them options.

There was also a general discussion of the need to maintain the infrastructure improvements they have already made.

Mr. Cline said with the feedback they have received can will drill down a little more on the survey and be more specific on infrastructure. He said the CIP needs to be loud and clear to reinforce what they are doing. The survey will provide a broader view of the City where the stakeholder feedback was more concentrated and widened a little with the public meeting.

Mr. Shires said the City can use the plan as a marketing tool to help find the right developers and it will also them show what the residents really want for their city.

Commissioner Kohles asked if the Community Center came into the discussions. Mr. Cline said they probably need to have more discussion in the redevelopment plan pertaining to Johnson Drive and Roe Boulevard. He noted they are trying to improve access to the Community Center, but they didn't get the feeling that it was a high priority for redevelopment because it is highly used now in relation to all of the other things around it.

Ms. Jones-Lacy said the City architect just completed a redesign study on the Community Center and made a presentation to the City Council where they had proposed different ideas on ways to improve the Community Center ranging in varying dollars amounts.

City Administrator Moody added the redesign study is on the City's website for review as well as the Planning Sustainable Places document, both of which complement what Confluence is doing. Mr. Moody said he looks for Confluence to incorporate that data into the update to the Comprehensive Plan.

Mr. Cline said they will be back in a few months with their results.

VI. OTHER MATTERS BEFORE THE PLANNING COMMISSION

Ms. Jones-Lacy said they continue to have a Ward 4 vacancy and noted the Commissioners Davis and Rogler were leaving at the end of 2019. She said that Commissioner Rogler will stay until they can get a reappointment. Commissioner Davis has scheduling issues beginning in 2020 but will help if he can to maintain a quorum. Ms. Jones-Lacy will be making recommendations soon and noted that Mr. Jacobson is also reaching out for new members.

VII. ADJOURNMENT

MOTION: COMMISSIONER ROGLER MOVED AND COMMISSIONER KOHLES SECONDED
TO ADJOURN. (MOTION CARRIED 5-0)

(Roeland Park Planning Commission Meeting Adjourned)

Item Number: Public Hearing- IV.-1.
Committee 2/18/2020
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 2/18/2020
Submitted By: Jennifer Jones-Lacy
Committee/Department: Admin
Title: **Changes to Special Events Code Regarding Seasonal Sales**
Item Type: Other

Recommendation:

To review and approve the code change recommendations to 16-702 and 16-704 regarding special events and the administrative approval of seasonal sales.

Details:

The City's Special Events code has five different categories, of which Type 1 does not require a permit, Types 2 - 4 can be permitted administratively by the Building Official if they meet all of the established criteria in the code. One of those requirements states that the event cannot exceed 10 days. This requires all seasonal sales events (often lawn and garden sales by Lowes and Walmart) to fall outside the parameters of a typical Type 4 event and would require Council approval. Since these are annual events put on by our larger retailers, staff would like to request an amendment to the code that would allow such seasonal event permits to be administratively approved by our Building Officials. The proposed changes to the code are attached as well as below and include a definition of seasonal sales.

Sec. 16-702. - Special Events; Defined.

The term "special event" shall mean a temporary, short-term use of land or structures, not otherwise included as permitted or accessory use by this chapter, for one or more of the following types of activities:

- (a) *Type 1.* Fund raising or non-commercial events held outside an enclosed permanent structure for non-profit religious, educational or community service organizations that periodically and routinely operate in the City; including any on-site signs and structures in conjunction with the event;
- (b) *Type 2.* Christmas tree sales;
- (c) *Type 3.* Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district such as banners as defined in 16-903(e) hereof, and attention-attracting devices as defined in 16-

903(c) hereof;

(d)

Type 4. Significant commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as tent sales, trade shows, farmers' markets, seasonal merchandise sales or product demonstrations;

(e)

Type 5. Significant public events intended primarily for entertainment or amusement, such as carnivals, concerts or festivals.

The term "special events" should not include garage sales, transient merchants, or off-site promotional signs and sales.

Seasonal Sales means sale of items that are placed outdoors outside of winter months such as lawn and garden materials, plants, mulch, residential play features, barbecue grills, outdoor furniture, etc.

Sec. 16-704. - Special Events; Administrative Permit Required.

Special events meeting the following standards shall be issued a **special event** permit administratively by the Building Inspector. In administering the provisions of this section, the Building Inspector shall be guided by applicable City policies as adopted by the Governing Body. Any applicant denied a **special event** permit shall be notified in writing of the reasons for the denial and have the opportunity to appeal the denial to the Governing Body. No more than two **special event** permits per calendar year shall be issued administratively at any location.

(a) **Special events** meeting the Type 2 definition may be permitted administratively by the Building Inspector, subject to prior review and approval by the public works and police departments for traffic control and fire safety; provided that, all of the following performance standard are met:

(1) An application is made and a fee paid in accordance with [section 16-706](#);

(2) A site plan indicating the location of the merchandise being sold, aisles, parking and sales trailers;

(3) A lighting plan to be approved by the fire department and Building Inspector;

(4) The permit may be valid from Friday after Thanksgiving until December 26th, with hours of operation from 8:00 a.m. to 10:00 p.m.;

(5) Any structure used in accordance with the **special event** shall meet all site distance (see [section 16-426](#)) and set-back requirements, shall be subject to a valid building permit, and shall be promptly removed upon cessation of tree sales; the tree sales shall be conducted only on private property in a commercial or industrial zoning district, and shall submit evidence that the property owner has granted appropriate permission for tree sales.

(b) **Special events** meeting the Type 3 or Type 4 definition, and Type 1 **events** not meeting the standards of [section 16-703](#), may be permitted administratively by the Building Inspector subject to the prior review and approval of the police and fire departments. No administrative permit shall be issued unless all the following performance standards are met:

(1) An application is made and a fee paid in accordance with [section 16-706](#);

(2) The **special event** shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls;

(3) If involving a banner, no more than one banner is displayed, and the size and design of the banner

is appropriate given the size of the building to which it is attached, and within the character of the surrounding neighborhood and the banner shall be displayed for a maximum duration of 15 days per permit;

(4) The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the **event** itself;

(5) The **special event** shall not endanger the public health, safety, or general welfare given the nature of the activity, its location on the site, and its relationship to parking and access points;

(6) The **special event** shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter, or visual pollution;

(7) Any structure used in conjunction with the **special event** shall meet all site distance requirements (see [section 16-426](#)), shall be the subject of a valid building permit, and shall be promptly removed upon the cessation of the **event**;

(8) The **special event** shall be conducted on private property in a commercial or industrial zoning district, except that non-profit organizations may conduct **events** on any property where the property owner has granted the appropriate permission;

(9) The duration and hours of operation of the **special event** shall be consistent with the intent of the **event** and the surrounding land uses, but in no case shall the duration exceed ten days **except as otherwise outlined in section 16-704 b (11); and**

(10) The **special event** shall comply with all applicable state and federal health, safety, environmental and other applicable requirements.

(11) Seasonal sales typically identified with large box retail may be displayed in approved areas for up to six (6) calendar months of the year. Outside storage and sales are limited to typical spring, summer and fall seasons.

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description

Type



Seasonal Sales Code Change Recommendations

Cover Memo

Sec. 16-702. - Special Events; Defined.

The term "special event" shall mean a temporary, short-term use of land or structures, not otherwise included as permitted or accessory use by this chapter, for one or more of the following types of activities:

(a)

Type 1. Fund raising or non-commercial events held outside an enclosed permanent structure for non-profit religious, educational or community service organizations that periodically and routinely operate in the City; including any on-site signs and structures in conjunction with the event;

(b)

Type 2. Christmas tree sales;

(c)

Type 3. Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district such as banners as defined in [16-903\(e\)](#) hereof, and attention-attracting devices as defined in [16-903\(c\)](#) hereof;

(d)

Type 4. Significant commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as tent sales, trade shows, farmers' markets, seasonal merchandise sales or product demonstrations;

(e)

Type 5. Significant public events intended primarily for entertainment or amusement, such as carnivals, concerts or festivals.

The term "special events" should not include garage sales, transient merchants, or off-site promotional signs and sales.

Seasonal Sales means sale of items that are placed outdoors outside of winter months such as lawn and garden materials, plants, mulch, residential play features, barbecue grills, outdoor furniture, etc.

Sec. 16-704. - Special Events; Administrative Permit Required.

Special events meeting the following standards shall be issued a special event permit administratively by the Building Inspector. In administering the provisions of this section, the Building Inspector shall be guided by applicable City policies as adopted by the Governing Body. Any applicant denied a special event permit shall be notified in writing of the reasons for the denial and have the opportunity to appeal the denial to the Governing Body. No more than two special event permits per calendar year shall be issued administratively at any location.

- (a) Special events meeting the Type 2 definition may be permitted administratively by the Building Inspector, subject to prior review and approval by the public works and police departments for traffic control and fire safety; provided that, all of the following performance standard are met:

- (1) An application is made and a fee paid in accordance with [section 16-706](#);

- (2) A site plan indicating the location of the merchandise being sold, aisles, parking and sales trailers;
 - (3) A lighting plan to be approved by the fire department and Building Inspector;
 - (4) The permit may be valid from Friday after Thanksgiving until December 26th, with hours of operation from 8:00 a.m. to 10:00 p.m.;
 - (5) Any structure used in accordance with the **special event** shall meet all site distance (see [section 16-426](#)) and set-back requirements, shall be subject to a valid building permit, and shall be promptly removed upon cessation of tree sales; the tree sales shall be conducted only on private property in a commercial or industrial zoning district, and shall submit evidence that the property owner has granted appropriate permission for tree sales.
- (b) **Special events** meeting the Type 3 or Type 4 definition, and Type 1 **events** not meeting the standards of [section 16-703](#), may be permitted administratively by the Building Inspector subject to the prior review and approval of the police and fire departments. No administrative permit shall be issued unless all the following performance standards are met:
- (1) An application is made and a fee paid in accordance with [section 16-706](#);
 - (2) The **special event** shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls;
 - (3) If involving a banner, no more than one banner is displayed, and the size and design of the banner is appropriate given the size of the building to which it is attached, and within the character of the surrounding neighborhood and the banner shall be displayed for a maximum duration of 15 days per permit;
 - (4) The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the **event** itself;
 - (5) The **special event** shall not endanger the public health, safety, or general welfare given the nature of the activity, its location on the site, and its relationship to parking and access points;
 - (6) The **special event** shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter, or visual pollution;
 - (7) Any structure used in conjunction with the **special event** shall meet all site distance requirements (see [section 16-426](#)), shall be the subject of a valid building permit, and shall be promptly removed upon the cessation of the **event**;
 - (8) The **special event** shall be conducted on private property in a commercial or industrial zoning district, except that non-profit organizations may

conduct **events** on any property where the property owner has granted the appropriate permission;

- (9) The duration and hours of operation of the **special event** shall be consistent with the intent of the **event** and the surrounding land uses, but in no case shall the duration exceed ten days **except as otherwise outlined in section 16-704 b (11); and**
- (10) The **special event** shall comply with all applicable state and federal health, safety, environmental and other applicable requirements.
- (11) **Seasonal sales typically identified with large box retail may be displayed in approved areas for up to six (6) calendar months of the year. Outside storage and sales are limited to typical spring, summer and fall seasons.**