



TO: Mayor and City Council

FROM: Planning and Zoning Department

SUBJECT: TMOD-23-005

ADDRESS: City-Wide

WORK SESSION DATE: November 13, 2023

Summary: Amendment to Stonecrest's Ordinance Chapter 27 (Zoning Ordinance), Article 4 (Use Regulations) and Article 9 (definitions/Maps) regarding Special Events.

STAFF RECOMMENDATION: Discussion Only



FACTS & ISSUES

- Current ordinance requires all outdoor events to go through a public hearing via the Special Administrative Permit (SAP) process
- This TMOD propose Special Events be removed from the SAP process and have its own process
- Staff is proposing changes to the Stonecrest's Ordinance

Attachment(s) Included:

- **Revisions to Stonecrest's Ordinance regarding Special Events**

TMOD 23-005

STONECREST ZONING ORDINANCE UPDATE

Revision to the Zoning Ordinance, Chapter 27

ARTICLE 4. USE REGULATIONS

DIVISION 3. ~~TEMPORARY USE REGULATIONS-OUTDOOR EVENTS~~

Sec. 4.3.1. ~~Temporary outdoor uses; general requirements. City-Sponsored Events.~~

- A. ~~Temporary outdoor uses shall not be held, unless the necessary special administrative permit is obtained from the planning department, subject to the provisions of article 7 of this chapter, and any other applicable agency which may require review prior to issuance of permits. For the purposes of this division, a city-sponsored event is one which is conducted or sponsored, in full and or in part, by any department, agency, board or commission of the City of Stonecrest or as may be specifically approved by the city council.~~**
- B. ~~Any applicant for a permit for temporary outdoor use shall have the written authorization of the owner of the property to use the property for the specific event for which the application was submitted. City-Sponsored Events may not be held, unless approved by the city council during a regular meeting or a special-called meeting.~~**
- C. ~~All applicants for a permit for temporary outdoor use shall obtain a business license, if applicable. If approved by the city council, the Planning and Zoning Director or designee shall issue a Special Event Permit.~~**
- D. ~~All approvals, permits, or licenses granted under this division must be displayed in a conspicuous manner on the premises at all times for inspection by City of Stonecrest.~~**
- E. ~~No temporary outdoor use may be located within or encroach upon any drainage easement, public sidewalk or right-of-way, fire lanes, designated loading areas, driveways, maneuvering aisles, or ADA minimum four-foot sidewalk width within private sidewalks or other areas intended for pedestrian movement.~~**
- F. ~~Temporary signage is permitted subject to the size and height standards in accordance with chapter 21, signs.~~**

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- ~~G. No operator, employee, or representative of the operator of a temporary outdoor use shall solicit directly from the motoring public.~~
- ~~H. Any temporary outdoor uses which have not complied with this division shall be a violation of this section. Any person or entity found to be in violation of this section may be punished as provided for in article 7 of this chapter.~~
- ~~I. No temporary outdoor use shall be conducted within any public right-of-way unless permitted by public entity.~~
- ~~J. Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation or flow of traffic.~~
- ~~K. Merchandise shall only be displayed in an area not wider than 50 percent of the total linear frontage of the building occupied by the merchant.~~
- ~~L. The premises for a temporary outdoor use shall be restored to a sanitary condition, i.e., cleaned and cleared of all litter, trash and debris; and all equipment, materials, signs, temporary power poles, etc., associated with the temporary outdoor use shall be removed from the property within two days of the last day specified for such use, except for yard sales. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within 24 hours of conclusion of the sale.~~

~~(Ord. of 8-2-2017, § 1(4.3.1))~~

~~Sec. 4.3.2. Duration, frequency and hours of operation of temporary outdoor uses. City-owned Park Events~~

- ~~A. Regardless of the type of outdoor event, any applicant wishing to utilize an outdoor component in a city-owned park as part of a larger outdoor event (seventy-five (75) attendees or more), must file a special event application with the Department of Parks and Recreation. The maximum duration, frequency and hours of operation for temporary outdoor uses shall be limited as shown in Table 4.3, below:~~
- ~~B. Decisions of whether to grant a special event permit in a city park shall be made by the Department of Parks and Recreations.~~
- ~~C. A special event application may be submitted no more than 90 days and no fewer than 14 days before a scheduled event to the Department of Parks and Recreations.~~

~~Table 4.3. Temporary Outdoor Uses Operational Requirements~~

Operational requirement maximums for temporary outdoor uses
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Temporary Use	Duration	Frequency	Hours of Operation	Special Administrative Permit Required?
Christmas tree sales	Nov. 15 through Jan. 1		-Cease at 9:00 p.m. Mon.— Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Pumpkin and Halloween sales	Sept. 15 through Oct. 31		-Cease at 9:00 p.m. Mon.— Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Charitable/non- profit event	7 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary Produce stand	One full year	Year round	Daylight hours only	Yes
All other seasonal sales	3 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary outdoor retail sales display	30 consecutive days	4 times/calendar year	Cease at 9:00 p.m. Mon.— Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Temporary outdoor event	14 consecutive days		-Cease at 9:00 p.m. Mon.— Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes

Yard sales	3 consecutive days	Once/6 months	Daylight hours only	No
Farmer's Markets	Year Round	3 consecutive days per month or one day per week	Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes

~~(Ord. of 8-2-2017, § 1(4.3.2); Ord. No. 2022-01-02, § 1(Exh. A), 1-10-2022)~~

Sec. 4.3.3. ~~Temporary outdoor seasonal activities.~~ Outdoor Festivals

~~Temporary outdoor seasonal activities include the sale of retail merchandise associated only with recognized seasonal and federal holidays, the sale of farm produce, Mother's Day, Easter, and Valentine's Day, subject to the following regulations:~~

- ~~A. The outdoor festivals article applies to outdoor events occurring on public and/or private property.~~
- ~~B. Any person, organization, corporation, or other group wishing to have an outdoor festival must obtain a special event permit.~~
- ~~C. To obtain a special event permit for an outdoor festival, the applicant shall submit all required documents and fees to the Planning and Zoning Department, including but not limited to a special event application and any additional required documents.~~
- ~~D. The outdoor festival application must be filed at least 90 days prior to the beginning of the outdoor festival.~~
- ~~E. Where the outdoor festival is scheduled to last for more than one calendar week, the applicant must obtain a new outdoor festival permit for each new calendar week.~~

~~A. *Use regulations.*~~

- ~~1. A special administrative permit shall be required, for all temporary outdoor seasonal activities.~~
- ~~2. Events or sales of retail merchandise not customarily associated with seasonal or federal holidays or farm produce is prohibited.~~
- ~~3. Produce stands in residential areas shall only be located on property of nonresidential uses such as churches, schools, or recreational areas.~~

~~B. *Lot and parcel restrictions.*~~

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- ~~1. A temporary outdoor seasonal activity may be held on a vacant parcel if within a nonresidential zoning district.~~
 - ~~2. A temporary outdoor seasonal activity may be held on parcels where the temporary outdoor seasonal activity is not associated with the principal use of the property.~~
 - ~~3. Temporary outdoor seasonal activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress.~~
 - ~~4. All exterior lighting utilized in conjunction with temporary outdoor seasonal activities shall be directed downward to minimize glare on adjacent properties.~~
 - ~~5. Spotlights and high-temperature process lighting for temporary outdoor seasonal activities are prohibited.~~

~~C. Setback and structure requirements.~~

- ~~1. All temporary outdoor seasonal activities, including installation or erection of associated temporary display and sales structures, shall not be within any public right-of-way, and no display or sales area shall be located within 25 feet of the street.~~
- ~~2. Tents over 200 square feet and canopies over 400 square feet shall require issuance of a building permit and approval by the fire marshal.~~
- ~~3. A sign may be erected on the property in accordance with chapter 21, sign ordinance, for the duration approved by the administrative permit.~~

~~(Ord. of 8-2-2017, § 1(4.3.3))~~

Sec. 4.3.4. Temporary outdoor retail sales displays. Outdoor Events on Private Property

~~Temporary outdoor retail sales displays and related outdoor storage activities include the exhibition or representation of goods, merchandise, materials, or other items sold or bought at a retail establishment in which the items are displayed or sold outside the confines of a wholly enclosed building, and which are associated with the principal use of an existing business. Temporary outdoor retail sales displays shall not include events for which no business license is required (e.g., cookie sales). Temporary outdoor retail sales displays shall be subject to the following regulations:~~

- ~~A. No outdoor event may be approved for a time period exceeding 14 consecutive days.~~
- ~~B. Outdoor sales of seasonal goods.~~

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- a. Temporary outdoor sales of seasonal goods, such as sale of plants, flowers, farm produce, Christmas trees, and pumpkins may be authorized in nonresidential districts upon approval of a special event permit by the Planning and Zoning Department.
 - b. No temporary outdoor sales of seasonal goods may be conducted within any public right-of-way.
 - c. No temporary outdoor sales of seasonal goods may be approved for a time period exceeding 45 consecutive days.
 - d. All displays and equipment shall be removed nightly.
 - e. Written and notarized permission of the property owner/manager may be required subject to the Planning and Zoning Department.

C. Outdoor sales of merchandise.

- a. Temporary outdoor sales of merchandise may be authorized in nonresidential districts upon approval of a special event permit by the Planning and Zoning Department.
- b. No such temporary outdoor sales of merchandise may be conducted within any public right-of-way, and no display or sales area may be located within 50 feet of the street.
- c. No temporary outdoor sales of merchandise may be approved for a time period exceeding three consecutive days.
- d. No temporary buildings or tents may be permitted in connection with the temporary outdoor sales of merchandise.
- e. All displays and equipment shall be removed nightly.
- f. Written and notarized permission of the property owner/manager may be required subject to the Planning and Zoning Department.

D. Private outdoor events at residence.

- a. An outdoor event occurring on private property, with an expected attendance of fewer than 75 people, does not require a special event permit, and no special event application need be filed.

E. Private outdoor events at Places of Worship and Educational Institutions.

Where an outdoor event occurs on private property, at a building that is located in an area zoned as residential, but where the building is not intended to be a residence, (including without limitation, a place of worship or school):

- a. Where the property is utilized on a regular basis, but in no case less than a weekly basis, for conducting classes and/or

worship services, and where the outdoor event has no greater than 500 attendees, no special event permit is required, and no special event application need be filed.

- b. Where the property is utilized on a regular basis, but in no case less than a weekly basis, for conducting classes and/or worship services, and where the outdoor event has greater than 500 attendees is required to obtain a special event application.
- c. Where the property is not utilized on a regular basis for conducting classes and/or worship services, and where the outdoor event has greater than 75 attendees, a special event permit is required.

F. Private outdoor events on commercial properties.

- a. All outdoor events occurring on commercial zoned properties shall obtain a special event permit.

~~A. Use regulations.~~

- ~~1. A special administrative permit must be approved in accordance with the provisions of article 7 of this chapter.~~
- ~~2. Temporary outdoor retail sales displays shall include the display and sale of retail merchandise associated only with the principal use of the primary business on the property for a limited period of time.~~
- ~~3. Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service or event, shall also be considered part of the temporary outdoor retail sales display.~~
- ~~4. Sales transactions associated with the temporary outdoor retail sales display shall be conducted by employees of the principal use, and goods shall be owned by the owner or tenant of the principal use, not a consignment operation or temporary arrangement with a transient merchant/vendor.~~
- ~~5. Sales transactions associated with the temporary outdoor retail sales display must be consummated inside the building housing the principal use located on the site.~~

~~B. Lot and parcel restrictions.~~

- ~~1. Goods and merchandise may be displayed on public sidewalks only when a sidewalk abuts the store or building. Displays on public or private sidewalks shall not interfere with pedestrian travel, and the minimum ADA required sidewalk width clearance shall be maintained.~~

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- ~~2. Temporary outdoor retail sales display activities are prohibited on a vacant parcel.~~
 - ~~3. Temporary outdoor retail sales display activities shall be conducted only on a paved surface, unless approved by the director.~~
 - ~~4. Temporary outdoor retail sales display activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress and are not permitted within areas required, set aside or designated for loading and maneuvering areas, emergency access ways, driving aisles and driveways.~~
 - ~~5. Property zoned M (Light Industrial) and M2 (Heavy Industrial) are exempt from subsections (b)(1) and (b)(2) of this section and the duration limits (Table 4.3). An administrative use permit is required, and duration of use is subject to the approval of the director.~~

~~C. Setback and display requirements.~~

- ~~1. All temporary outdoor retail sales display activities, including installation or erection of associated temporary display and sales structures, and stand-alone merchandise, display tables, or display racks, must be set back at least ten feet from a city or state right-of-way.~~
- ~~2. A temporary shade structure, tent, tilt-up, umbrella or covering may be erected as a part of the temporary outdoor retail sales display activity. Mobile buildings are prohibited. Tents over 100 square feet shall require issuance of a building permit.~~
- ~~3. Display tables, racks or shelves may be used as part of a temporary outdoor retail sales display activity.~~
- ~~4. Temporary outdoor retail sales display items, excluding shade structures, tents, tilt-ups, umbrellas or coverings, shall not exceed six feet above grade.~~
- ~~5. A sign may be erected on the property in accordance with chapter 21, sign ordinance, for the duration approved by the administrative permit.~~

~~(Ord. of 8-2-2017, § 1(4.3.4))~~

Sec. 4.3.5. Temporary outdoor sales or events. Temporary Fireworks Retail Sales.

- A. Temporary Fireworks Retail Sales are allowed only in the C-1 and C-2 zoning districts.**

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- B. A special event permit application must be submitted to the Planning and Zoning Department no later than 60 calendar days prior to commencement of sales.
 - C. The permitted location is not transferable.
 - D. Temporary Fireworks Retail Sales must not be located within 1,500 feet of another Temporary Fireworks Retail Sales facility.
 - E. Temporary Fireworks Retail Sales must be located within 500 feet of a fire hydrant, unless the Fire Marshal in writing authorizes operation in excess of 500 feet.
 - F. Any Temporary Fireworks Retail Sales must maintain a minimum 25-foot setback from the right-of-way and not be located within a required landscape strip, buffer or improvement setback. Sales must also maintain a minimum setback of 10 feet from any driveway.
 - G. Temporary Fireworks Retail Sales must not be located within 150 feet of nursing homes, hospitals, day care facilities, schools or residential districts.
 - H. The hours of operation are limited to the hours of 8:00 AM to 9:00 PM.

~~Temporary outdoor sales or events may include temporary art shows, carnival rides, special outdoor social or religious event, entertainment, athletic events, rodeos, horseshows, and other events of community interest.~~

~~A.—Use regulations. Temporary outdoor sales or events shall be governed by the following regulations:~~

~~1.—Site conditions.~~

~~a.—Employees shall be uniformed and identified.~~

~~b.—Security or off-duty police officers shall be on-site during operating hours.~~

~~c.—Portable toilets or access to bathrooms shall be provided.~~

~~d.—Approval from the property owner.~~

~~e.—Traffic Control Plan must be approved by the fire marshal's office.~~

~~2.—If the temporary outdoor event involves structures that require issuance of a building permit, a site plan of the event shall be included with the building permit application. The site plan submittal required by article 7 of this chapter shall indicate compliance with all zoning ordinance requirements.~~

~~B.—Lot and parcel restrictions. Temporary outdoor event activities shall be set back at least 100 feet from any residential district or use.~~

~~C.—Temporary sites for worship. The establishment of sites and tents for temporary worship conducted on a site not designated as a place of worship requires the grant of a special administrative permit by the director of planning.~~

~~(Ord. of 8-2-2017, § 1(4.3.5); Ord. No. 2022-01-02, § 1(Exh. A), 1-10-2022; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)~~

Sec. 4.3.6. Yard sales. Reserved.

~~A. Yard sales may be conducted without a permit on private property, but shall not be conducted within the public right-of-way.~~

~~B.—Goods sold at yard sales must originate as the legal property of the homeowner, other persons participating in the sale, or members of a participating organization. Goods shall not include any items purchased for resale at the yard sale.~~

~~1.—Two temporary signs are permitted during the yard sale, provided that such signs shall be on private property with permission of the owner, not within the public right-of-way or attached to a utility pole. Signs must be removed immediately following the conclusion of the sale.~~

~~2.—All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within 24 hours of conclusion of the sale.~~

~~(Ord. of 8-2-2017, § 1(4.3.6))~~

Sec. 4.3.7. Temporary buildings, use and construction of. Reserved.

~~Except where herein otherwise specifically permitted, temporary buildings, such as a mobile home or trailer, shall not be allowed in any district except:~~

~~(1) For caretaker's residence in the industrial districts;~~

~~(2) To serve as a home sales office for a subdivision only during such time as a subdivision is under development; or~~

~~(3) In conjunction with construction work or pending completion of a permanent building for a period concurrent with approved land disturbance and building permits.~~

~~Such temporary buildings shall be sited and permitted in any district upon approval of the director of planning through a special administrative permit. Such temporary buildings shall be removed when the construction has been completed.~~

~~(Ord. of 8-2-2017, § 1(4.3.7))~~

ARTICLE 9. – DEFINITIONS/MAPS

Sec. 4.3.1. – Defined terms.

City-sponsored event means an outdoor event that meets one of the two following criteria:

1. An outdoor event that is executed entirely by the city and/or its contractors and/or consultants, and that is fully financed by the city and/or by sponsors obtained by the city; or
2. An outdoor event:
 - a) that is executed entirely by an entity that assumes complete or partial responsibility for maintaining and/or improving a city park or facility for one year or greater at no cost to the city, pursuant to a written agreement with the city, or an outdoor event that is executed by said entity's contractors and/or consultants; and
 - b) where all of the net proceeds from the outdoor event are utilized by the entity to perform maintenance and/or improvement of a city park or facility.

Special event means any organized for-profit or nonprofit activity having as its purpose entertainment, recreation and/or education which has a minimum of seventy-five (75) attendees and (i) takes place on public property or (ii) takes place on private property but requires special public services and which is permitted by the city under this article. Gatherings or activities that take place on private property and that make no use of city streets, or other public services other than for lawful parking, are not subject to the provisions of this article, but shall comply with all other requirements specified by ordinance. Special events include, but are not limited to; fairs, tours, grand opening celebrations, races, parades, marches, rallies, assemblies, festivals, concerts, holiday celebrations, bicycle runs, and block parties. Private social gatherings which will make no use of city streets or other public services other than for lawful parking are not included. Garage sales, lawn sales, rummage sales, flea market sales, or any similar casual sale of tangible personal property are not included.

Appendix A. – SCHEDULE OF FEES

Stonecrest Planning and Zoning Fee Schedule			
Public Notice	All Land Use and Variance, and Administrative Appeal Petitions (except Administrative and Minor)	Signs	\$80.00 per sign
		Advertising	\$50.00
Revisions	Rezoning or Use Permit		\$100.00 for each submittal of a revision
	Modification		\$100.00 for each submittal of a revision
Special Event Permit			\$50.00 plus \$10.00 per day
Special Administrative Permit	Temporary outdoor events		\$50.00 plus \$10.00 per day
	Temporary outdoor sales, seasonal		\$50.00
	Temporary Outdoor Retail Sales		\$50.00 plus \$10.00 per day
	Temporary or seasonal farmer's markets; Temporary produce stand		\$50.00
	Temporary Structure		\$50.00
	Urban Community Garden, over 5 acres		\$50.00
	Telecommunication		\$50.00
	All Other Administrative Permits		\$25.00