



City of Sanibel

Planning Department

MEMORANDUM

DATE: September 12, 2012

TO: Jim Jordan, Planning Director

FROM: Jim Fricke, Planner

SUBJECT: Sidewalk Sales – Special Events: Proposed Ordinance Changes

This memorandum and its attachments address a pending item on the Planning Department's work list, that being, proposed ordinance changes related to Sidewalk Sale Special Events (Section 110.58) and the associated signage regulations (Section 106.137).

Since Hurricane Charley, the City of Sanibel has been working with the business community to meet their expressed need for exposure to passing vehicle traffic. Over the years, with City Council approval, changes have been implemented administratively to meet this need while maintaining the island's unique aesthetic qualities. During this same time frame, the community's utilization of the Shared Use Paths has increased significantly. The corresponding increase in pedestrian and cycle traffic on the path provides the opportunity for attractive pedestrian scale signage.

One way the City has supported the request for additional sales promotion opportunities has been the administrative expansion of dates for retail businesses to conduct Sidewalk Sales Special Events. Recently, in response to a request for equitable treatment, City Council included restaurants with retail merchandise for sale.

The ordinance changes identified herein, if adopted, would codify expanded dates for authorized businesses to conduct permitted Sidewalk Sale Special Events. These changes would also add language for allow for temporary sidewalk sale signs which maintain community aesthetics.

In summary, if approved, the proposed changes would accomplish the following:

- Increase the total number of calendar days allowed for outside sidewalk sales

events from 37 to 67

- Expand eligible participation to include restaurants which legally have non-food merchandise for sale, but specifically exclude gas stations, markets, grocery, liquor, and convenience stores
- Address space allocated for sales and related pedestrian/customer access
- Provide temporary sign requirements (number, location, size) which are specific to Sidewalk Sales Events

The changes, as outlined, do not alter the permit fee, approval process, or other general requirements in place for Special Event permits.

With direction from City Council, the next step would be to prepare a draft ordinance for submittal to the Planning Commission for review and recommendation.

Attachments: Ordinance Change Proposal Document
PowerPoint Summary Presentation
Draft Ordinance Resolution

Ordinance Change Proposal – Holiday Sidewalk Sales and Related Signage

I. Issues Precipitating the Proposed Changes

- A. The City of Sanibel has been working with the local business community since Hurricane Charlie to meet their expressed need for exposure to passing vehicle traffic. Over the years, with City Council approval, changes have been implemented administratively to meet this expressed need while maintaining the island’s unique aesthetic qualities and rural character.
 - 1. During this same time frame, the community’s utilization of the Shared Use Paths has increased significantly. This corresponding increase in pedestrian and cycle traffic on the path provides the opportunity for attractive signage at a pedestrian scale.
- B. One way City Council has been responsive to the need for additional sales promotion opportunities has been through an administrative seasonal expansion, as a pilot, of the “Holiday Sidewalk Sales” dates.
- C. Most recently, restaurants which have non-food retail merchandise for sale were also included after feedback was received this group that it was not equitable to exclude them from these special sales events.
- D. Local business response has been positive and no significant negative impacts on the community, or inconsistencies with the Sanibel Plan have been encountered or raised to date.

II. Options

- A. Revert back to the current ordinance, which limits sidewalks sales to commercial retail establishments and allows for up to 37 days per year which are tied to specific Holidays.
- B. Retain the current ordinance but continue the current administrative practice, whereby the City Council provides temporary seasonal expansion of sidewalk sales dates, as it deems appropriate, including participation by restaurants.
- C. Direct staff to draft ordinance changes as outlined in Section III.C. below (or otherwise modified by City Council recommendations).
- D. Forward draft changes to the Planning Commission for review and recommendation.

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III. Summary of Current Code, Current Practice and Proposed Changes

- A. **Current Code:** (within “Special Events” – Section 110.58, Attached) allows for business owners which conduct commercial retail sales within the commercial district to conduct (with a permit) outside sidewalk sales, during specified holiday periods and durations, for up to a total 37 calendar days per year. Signage for these events is regulated by “Temporary Special Event Signs” - Chapter 106.137 (attached).
- B. **Current Administrative Practice:** City Council has approved several seasonal extended dates for Sidewalk Sales, beyond the Holiday Event Dates specified in ordinance, and have also allowed for the inclusion of restaurants selling retail merchandise.
- C. **Proposed Changes:**
1. Provide for a permanent increase in the number of calendar days allowed for outside sidewalk sales events. Recommendation is to retain the current holiday event allowance and provide 3 additional consecutive days per month, with the exception of February and December, where 6 days per month is already met or exceeded by the holiday event allowance. This change provides for up to a total of 67 calendar days per year for outside sidewalk sales events.
 2. Businesses would be required to identify all sale dates in advance, either at time of annual permit application, if already known and identified, or in any case, no less than 30 days prior to the sales event if the annual permit has already been issued. City of Sanibel will publish sale events for businesses on its website, as is the current practice for all permitted Special Events.
 3. Change all references from “Holiday Sidewalk Sales Special Events” to “Sidewalk Sales Events” so as to be inclusive of all proposed sidewalk sale dates.
 4. Expand the eligible commercial retail businesses being provided this opportunity to include restaurants which legally have non –food merchandise for sale.
 5. Specifically exclude markets, grocery stores, convenience stores, gas stations and liquor stores from conducting sidewalk sales.

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6. Specifically exclude all food items from being sold or offered at outside sidewalk sales.
 7. Regulate the amount of space allowed for outside sidewalk sales:
 - a) The lesser of 25% of business frontage or 100 square feet.
 - b) Allow for a minimum of 3 feet of safe and unobstructed pedestrian passage.
 - c) Functional and integrated access and internal circulation for people with disabilities must be maintained.
 8. Provide sign requirements specific to permitted Sidewalk Sales Events:
 - a) Number and location of signs allowed: One sign per business establishment permitted to conduct a Sidewalk Sales Events, to be located at the storefront and/or adjacent to the doorway and parallel to the business frontage. One sign per multi-occupancy commercial center, to be located at or near the point of street level public access, but not in the public right of way, which may be either parallel or perpendicular to the frontage, dependent on the site specific conditions.
 - b) Size of signs: Signs at the storefront cannot exceed 4 square feet; permitted street level signs cannot exceed 6 square feet.
 - c) Structure and Content of Signs: Signs shall be neat in appearance and sturdily constructed.
 - d) Temporary signs must be removed during a declared emergency or storm event.
- D. ***Ordinance Requirements of Note - Not Recommended for Modification:***
1. Permit application fee remains \$50.00.
 2. Temporary structures, other than racks and/or tables to display merchandise, are not authorized.
 3. Limitation on 3 consecutive days, excepting the Christmas Holiday as noted in the current ordinance.

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4. General conditions and approval requirements for Special Permits as provided for in the current ordinance remain.
5. General conditions for temporary signs still apply.

IV. Specific Code to be Modified

- A. Land Development – Chapter 110 – Special Events
 1. Definitions (Section 110-1)
 2. Permits (Sections 110-46 thru 110-58, as appropriate)
 3. Regulations (Section 110-82 – Associated Signs)
- B. Land Development Code – Chapter 106 - Signs
 1. Exemptions (Section 106-53)
 2. Regulations – Temporary Signs (Sections 106-131 thru 106-140, as appropriate)

V. Related Forms to be Modified

1. Special Events Permit Application

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Current Code

Sec. 110-58. - Holiday sidewalk sales special event permit.

The city manager may issue a holiday sidewalk sales special event permit, annually, to a licensed City of Sanibel business owner authorized to conduct commercial retail sales at their Sanibel business address if located within the City of Sanibel Commercial District. Application for a holiday sidewalk sales special event permit must be submitted to the city manager's office no later than seven days prior to the first holiday for which application is made, accompanied by a \$50.00 nonrefundable application fee. The issuance of a holiday sidewalk sales special event permit by the city manager shall authorize the business applicant to conduct holiday sidewalk sales (not to exceed 37 calendar days) on the following holidays:

- Martin Luther King, Jr. Day weekend (3rd Monday of January and 2 days prior)
- February 14—Valentine's Day (2 days prior to and the day of)
- February 20—President's Day (1 day prior, day of, and 1 day after)
- March 17—St. Patrick's Day (1 day prior, day of, and 1 day after)
- Easter weekend (Friday, Saturday and Sunday)
- Memorial Day weekend (Saturday, Sunday and Monday)
- July 4th Independence Day (1 day prior, day of, and 1 day after)
- Labor Day weekend (Saturday, Sunday and Monday)
- Columbus Day weekend (2nd Monday of October and 2 days prior)
- Thanksgiving Holiday (Friday, Saturday and Sunday)
- Christmas Holiday (weekend prior to and the week of December 25th)

The city manager or his/her designee may revoke the holiday sidewalk sales special event permit for violation of the terms and conditions, noncompliance with rules, local ordinances or for conducting sales outside of the above dates. A holiday sidewalk sales special permit does not authorize temporary structures other than those structures used to display merchandise such as sales racks and/or tables.

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Sec. 106-137. - Temporary special event signs.

Temporary special event signs shall only be erected, in accordance with the following standards:

(1)

Number. A maximum of one temporary special event sign announcing or advertising the special event shall be erected on the lot on which the special event takes place. The city manager may authorize directional signs with consideration given to public safety and the signage reasonably necessary and appropriate for the intended purpose.

(2)

Area and height. Temporary special event signs shall have a maximum sign face area of 12 square feet and a maximum height of four feet.

(3)

Sign structure and type. The sign structure shall be adequate to support the sign, as determined by the city manager, or his designee. The sign may be of any type, except it may not be a prohibited sign.

(4)

Location. The location of the temporary special event sign and directional signs shall be as approved by city manager as reasonably necessary and appropriate for the type of special event.

(5)

Timing and removal. Temporary special event signs may be erected the day of the event only.