



CITY OF TONKA BAY
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ITEM NO. 9B

Memo

To: Mayor and City Council
From: Lindy Crawford, City Administrator
Date: June 9, 2015
Re: Temporary/Seasonal Outdoor Sales Permit – Untiedt's Garden Market

Tonka Village Shopping Center has applied for a Temporary/Seasonal Outdoor Sales permit to allow Untiedt's Garden Market to sell farm produce (fruit and vegetables) from June 26 – September 7 (74 days; 90 days allowed).

Attached you will find the ordinance section which defines the performance standards that must be met for a permit to be issued.

At the March 10 meeting, the City Council approved a permit for the Plant Place at Tonka Village from April – July. While these sales will coincide for some time (June 26 – July 15), the locations are not conflicting (see attached map).

This is a new vendor. The gazebo structure will be similar to that used by Sever's over the past few years. Sever's Farm Market, who had the annual permit at this location for several years, is no longer in the farm market business. Mr. Craig Gilb from Untiedt's is present to answer any questions you might have.

Council Action Requested:

Motion to approve the Outdoor Seasonal Sales Permit at Tonka Village for Untiedt's Garden Market.

SECTION 1023 - C-1, RECREATIONAL AND LIMITED COMMERCIAL DISTRICT

1023.01 **PURPOSE.** The C-1 Recreational and Limited Commercial District is intended to provide for lake-oriented commercial uses and low intensity, limited commercial activities.

1023.02 **PERMITTED USES.** Subject to applicable provisions of this Ordinance, the following are permitted uses in the C-1 District:

Subd. 1. Marinas.

Subd. 2. Yacht Clubs.

Subd. 3. Temporary Seasonal/Outdoor Sales. *(added 4/17/03)*

- a. No person shall conduct temporary/seasonal outdoor sales without first having received a permit as provided below.
- b. The application for a permit shall include a site plan, a list of materials to be sold or displayed, and the duration of the sale.
- c. A new permit shall be required for all sales located on sites where a permit has not been issued during the preceding twelve (12) month period, and for all sales that include a different site plan, list of materials to be sold, or size and/or location of the sales area from the most recently approved permit. A renewal permit shall be required for a sale that is substantially similar to the most recently approved sale at the site, provided that the most recently approved permit was issued during the preceding twelve (12) month period.
- d. The applicant shall pay the new or renewal permit fee as established annually by the city council. The permit fee shall be paid in full with the application.
- e. Permits issued under this section shall be for a period not to exceed ninety (90) days. No more than two (2) permits shall be issued to the same applicant or property owner in any calendar year.
- f. This section shall not apply to promotional events such as sidewalk sales or shopping center carnivals accessory to the principal use of the property limited to no more than five (5) consecutive days.
- g. The applicant for the permit shall be the owner of the property. If the sale is operated by a person other than the property owner, the owner must notify the City of the operator. The property owner is responsible for the actions of the operator and the conditions of the permit.

- h. The city council shall issue a new or renewal permit if the applicant demonstrates that the following performance standards will be met:
 - 1. Off-street parking and loading areas are provided where required.
 - 2. No public address system shall be used.
 - 3. The number, area, bulk, height, location, frequency and duration of such uses is controlled. The site shall be kept in a neat and orderly fashion, free from litter, refuse, debris, junk, or other waste which results in offensive odors or unsightly conditions.
 - 4. Display of items shall be arranged in as compact a manner as reasonably practicable with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
 - 5. No uses or displays shall be permitted in required parking areas, required green areas, parking setback areas, or any right-of-way or other public property.
 - 6. The sale and associated parking shall not obstruct parking spaces needed by any permanent business established on the site except that when a sale is held only during the time when all permanent businesses on the site are closed, parking spaces may be obstructed.
 - 7. No portion of the use or event shall take place within one hundred (100) feet of any residential buildings.
- i. No renewal permit shall be issued if the operator failed to comply with any performance standards during the term of a previously issued new or renewal permit, except upon the approval of the City Council.
- j. A temporary/seasonal outdoor sales permit shall be issued for a particular use and to the property owner making application for such permit. Such permit shall not be transferred or assigned for use by another without the written consent of the City.
- k. Failure to comply with any performance standard or any other violation of this section shall constitute sufficient cause for the termination of the permit by the City Council following a public hearing.

Subd. 4. And such other uses as in the determination of the City Council are in a similar nature.

1023.03 **INTERIM USES.** Subject to the applicable provisions of this Ordinance, the following are interim uses in the C-1 District and are governed by Section 1007 of this Ordinance:

Subd. 1. None.