Common Council Report

Agenda Item: Discussion, Direction and Possible Action Regarding Outdoor Displays of Merchandise within the Downtown Business Districts

Meeting Date: September 21, 2021
Presenter: Al Hulick, City Administrator
Department: City Administration

Conformance with Strategic Plan:
- Affordability & Financial Stability
- Safe, Inclusive, Welcoming Community
- Diverse Opportunities for Fun and Life-Long Learning
- High Performing Organization with Professional Staff
- Environment for Business Success with Thoughtful Growth and Development

Summary
City Staff is seeking direction from the Common Council regarding requests to allow outdoor displays of merchandise and décor within the public right-of-way (sidewalks) in the downtowns (B3 Zone District). Currently, outdoor displays of merchandise and/or décor within the sidewalk is not permitted within the City of Milton, unless granted permission by the Common Council.

Analysis and Key Issues
In July of 2021, Farmhouse Finds requested the ability to display some of their merchandise in front of their store on the public sidewalk. Using Section 78-315(4) of the Code of Ordinances which states “Unclassified or unspecified uses may be permitted by the city plan commission, provided that such uses are similar in character to the principal uses permitted in the district,” the Plan Commission granted permission to Farmhouse Finds to display their merchandise in front of their store so long as it didn’t extend beyond 2-feet from the storefront (60-square feet).

Additionally, the Plan Commission recommended that City Staff research potential changes to the Ordinance that would simply “permit” this type of outdoor merchandise display in the downtowns without having to seek permission from the Plan Commission. The Plan Commission put a sunset date of October 1st for staff to prepare a revised Ordinance or have the merchandise removed from in front of Farmhouse Finds.

In researching this matter, City Staff contacted several other communities in the area to see how they handle outdoor displays of merchandise within their respective downtowns. Attached are the examples that were provided. Results vary from not allowing such displays, to permitting such displays by right, to issuing a permit to allow such displays.

Therefore, City Staff is seeking direction from the Common Council regarding these types of requests. City Staff sees this matter through a multi-pronged approach:
1. Does the Common Council wish to permit outdoor displays of merchandise?
a. If yes, then the City’s Ordinances would need to be amended to allow such displays.
b. If no, then this matter is closed, and no outdoor displays of merchandise will be permitted in the downtowns.

2. If the Common Council does wish to permit outdoor displays of merchandise in the downtowns, under what parameters would permission be granted to do so?
   a. By right?
   b. By request on a case by case basis?
   c. By permit?
      i. How long would the permit be “good for?”
      ii. Would there be a cost to the permit?

Some additional things to consider:

- If permitted, what parameters would pertain to the displays (distance, size, duration, etc.)?
- What happens if a property owner displays items that are deemed offensive or inappropriate?

**Fiscal Impact**

If permitted or denied, there would be no fiscal impact to the City of Milton. If a permit is required, the City could charge a fee, thus resulting in a nominal revenue source.

**Attachments**

- Examples of other community ordinances/requirements
- Examples of current outdoor displays in Milton