



## GENERAL STANDARDS FOR OUTDOOR MERCHANDISE DISPLAYS January 21, 2009

### Purpose and Intent

The purpose of these standards is to enhance the pedestrian environment of the town's business district through the creative use of outdoor spaces by providing businesses the opportunity to display a sample of their products in a manner that enhances the public realm, creates an interesting and comfortable shopping experience, and maintains and improves the town's sense of place and property values.

Outdoor display of merchandise allows retailers an opportunity to inform and pique the interest of the public by offering a small sample of the products that are available inside. Outdoor display of merchandise is not intended to expand retail space or to assist in liquidating clearance or discarded items, nor is it intended to provide locations for freestanding businesses or for mobile vendors. The principal purpose of outdoor display is to enliven sidewalks and pedestrian plazas by promoting pedestrian-oriented businesses.

### Standards

- A. Outdoor merchandise displays as accessory uses to lawfully established retail businesses are subject to the General Standards for Outdoor Merchandise Displays.
- B. The type of merchandise displayed in an outdoor merchandise display shall be limited to the type of merchandise sold by the business at the site.
- C. An outdoor merchandise display must be located directly adjacent to the retail business to which it is an accessory use.
- D. Outdoor merchandise display fixtures shall be compatible with the character of the adjacent buildings and with the applicable design guidelines of the area. Merchandise displays utilizing card tables, cardboard cartons, plastic milk crates, plywood boxes, or pallets are not permitted. Freestanding mannequins and dress-forms are allowed.
- E. Outdoor merchandise display fixtures shall be of good quality, durable materials and construction, and shall be maintained in such a manner as to enhance the downtown area. Outdoor merchandise displays shall be organized and maintained in an orderly and attractive manner at all times.
- F. Outdoor merchandise display fixtures may not be bolted into the ground or fastened to streetlights, trees or other street furniture. All merchandise and merchandise display fixtures must be removed during non-business hours unless located on private property.

- G. Outdoor merchandise displays shall be limited to a width of 25% of the business frontage or 10 linear feet, whichever is less, and up to 4 linear feet deep, while ensuring the compliance of the accessibility standards set forth in Item “L” below. Stores with double-frontage shall not combine their allotment of space to create a larger space than normally allowed.
- H. Outdoor merchandise displays, including the merchandise placed on them shall be limited to 6 feet high. Merchandise too large to be placed on a display may be freestanding.
- I. Outdoor merchandise displays shall not serve as extra storage space for materials that do not fit inside the store. Other than fresh flowers and fresh produce, displays of bulk materials (e.g. dog food, water softener salt, firewood, shoes, etc.) are prohibited.
- J. No sound amplification device, musical instrument or sound reproduction device shall be operated or used in conjunction with outdoor merchandise displays.
- K. Any outdoor lighting associated with outdoor merchandise displays shall be approved by the Community Development Director.
- L. Merchandise displays located in the public right of way shall be subject to the issuance of an encroachment permit. All displays shall allow a minimum 48 inch unobstructed passageway from the exterior border of the merchandise display to the interior edge of the curb of the adjacent street, or to any curb ramp or crosswalk, or to any other fixed obstruction (i.e. light pole, planting area, parking meter) at all times. Merchandise display areas shall not obstruct access to parking areas or driveways, or encroach on landscape areas including lawn areas. Owner/operator shall be responsible for compliance with the California Building Code with regards to accessibility and egress. In no case shall a walkway or store entrance be reduced to less than 36 inches of unobstructed passageway.
- M. Outdoor displays not meeting these standards may be permitted subject to approval of a Conditional Use Permit by the Planning Commission on a case-by-case basis via a Conditional Use Permit at a public hearing.
- N. If the Community Development Director makes a determination that a business is violating the provisions of these standards, the Director will provide notice to the business owner and property owner that there is a violation. The business owner may choose to modify the outdoor display to meet the General Standards for Outdoor Merchandise Displays, or may choose to appeal the Director’s Determination to the Planning Commission. Otherwise the City will commence code enforcement proceedings, including applicable fines.