

ORDINANCE 12-51

**AN ORDINANCE AMENDING CHAPTER 158, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA REGARDING OUTDOOR SALES AND SPECIAL EVENTS; PROVIDING AN EFFECTIVE DATE.**

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THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That Section 158.225 is hereby amended as follows:

**§ 158.225 OUTDOOR SALES AND SPECIAL EVENTS**

An event which would require a permit under this section is any temporary outdoor special event or outdoor sales, which is not one of the permitted uses of a property and not included as a customary primary or ancillary use. Any use of the property already included in the business tax receipt as a use for a property will not require a separate temporary event permit. Permits are not required for church festivities when held on church property or events held at City parks or recreation facilities.

~~(1) Circuses, Carnivals, Tent Revivals, And Outdoor Exhibitions.~~ Outdoor Special Events.

~~(1) (a) Outdoor events under this section, include but are not limited to circuses, carnivals, tent revivals, outdoor exhibitions, road festivals, and organized competitive events, which shall be permitted on developed property zoned Open Space Recreation, Institutional, and General Commercial and Planned Unit Development/Master Planned Unit Development. The event shall not be permitted to exceed seven (7) consecutive days and no more than two (2) four (4) such events per year shall be permitted on the same property. The limitation of four events per year may be waived by affirmative vote of the City Council. All events containing an animal show shall make application with, and receive approval from, the City's animal control division before a special event permit will be issued.~~

~~(2) (b) The fees for outdoor events are as follows: A One Hundred Dollar (\$100.00) non-refundable application fee; Two Hundred Dollars (\$200.00) for the first day, One Hundred Fifty Dollars (\$150.00) for each succeeding day, and Twenty Dollars (\$20.00) per day, per concession stand, booth, or individuals carrying items on their person for the purposes of sale. The fee(s) shall be paid in full before any equipment is brought upon the location where the outdoor event will take place.~~

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(c) All events containing an animal show shall make application with, and receive approval from, the City's animal control division before a permit will be issued.

(d) All events requiring public street closures shall make application for a street closure permit per Chapter 99 of the City of Port St. Lucie Code of Ordinances with the City's Police Department prior to issuance of a permit.

(e) The area utilized shall be cleaned daily and following any special event shall in all respects be restored to its former condition within twenty-four (24) hours after the close of the event.

~~(3)~~ (f) The applicant applying to the Business Tax Division of the Building Department for such outdoor event permit in the City shall be the owner or its agent of the land upon which the event is intended to be held. Applications must be complete and submitted with the following documentation, to be processed:

(a) (1) The area utilized shall be cleaned daily and following any special event shall in all respects be restored to its former condition within 24 hours after the close of the event. A refundable security deposit in the amount of Five Hundred Dollars (\$500.00) plus One Hundred Dollars (\$100.00) for each day of the event payable in advance, shall be required as security to guarantee that the premises will be cleaned of all rubbish and debris after use by the applicant. Covered dumpsters and trash containers must be provided on the event site and emptied daily.

(b) (2) A written statement from the ~~fire department~~ St. Lucie County Fire District that the tents or temporary structures under which the event is to be held are of fireproof material and will not constitute a fire or egress hazard.

~~(e)~~ (3) Police Services will review the application to determine if off-duty officers are required for traffic/crowd control or for security at the event site. If off-duty police officers are required/requested, payment for their services must be made at least fifteen (15) days prior to the first day of the event.

(4) The carnival owner shall provide a list of all carnival employees, which shall include names, ~~social security numbers~~, and dates of birth.

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- ~~(d)~~ (5) A copy of the inspection report from the Department of Agriculture for mechanical rides, prior to opening.
- ~~(e)~~ (6) If food is being prepared and/or sold on the site, or if any sanitary facilities and/or sewage disposal is involved, the applicant must contact St. Lucie County Health Department to determine if an inspection is required. The Food Safety inspection report must be submitted prior to opening.
- ~~(f)~~ (7) The City reserves the right to request indemnification and insurance be provided to protect the City shall be provided for any event using public property. The applicant shall provide an original insurance certificate showing general liability insurance with a combined single limit of One Million Dollars (\$1,000,000) for bodily injury and property damage per occurrence. Product liability in the amount of One Million Dollars (\$1,000,000) is required if food or beverages are served or sold. The certificate should indicate "Special Event Liability insurance for (Name and type of event, i.e. race, parade, etc.)".
- ~~(g)~~ (8) A site plan ~~will be required~~ showing the location of the special event, all structures to be utilized in the event including tents, booths, exhibits, width of aisles, means of ingress and egress, concession areas, waste removal facilities, sanitary facilities, and utilities such as electrical and telephone facilities.
- (g) An application shall be denied if:
- (1) The applicant has made any misrepresentations in the application.
  - (2) The applicant fails to provide any of the items or information required.
  - (3) The special event will substantially interfere with any other special event for which a permit has already been granted or with the provision of public safety or other city services needed to support of such other previously scheduled events.
  - (4) The special event will have an un-mitigatable adverse impact upon residential or business access and traffic circulation in the area in which it is to be conducted.
- ~~(h)~~ Should any information provided by the applicant be deemed invalid, a permit will not be issued. All information is subject to verification. Any violation of any City ordinance shall result in the permit being revoked

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immediately and the violator being banned from holding an event in the City for a period of not less than 24 months.

### (2) Temporary Outdoor Sales

~~(B)~~ (a) Recreational Vehicles and Boat Sales. The sales of recreational vehicles and boats shall be permitted on developed property zoned General Commercial and Open Space Recreation, and Planned Unit Development/Master Planned Unit Development. The sale shall not be permitted to exceed seven (7) days. If the event is located in a parking lot, the sale shall not use more than fifteen (15%) percent of the total required parking spaces of the project. Only one (1) applicant may apply per site at any time. A temporary sales permit shall be required for each event with a cost of One Hundred Dollars (\$100.00) for the first day, Fifty Dollars (\$50.00) each additional day. A letter from the property owner or its agent stating its consent shall be provided at the time of application. Temporary tent and parking lot sales of automobiles are prohibited except on property licensed and zoned dealership property for the use.

~~(C)~~ (b) A permit is not required for the ~~D~~ display of merchandise at the entry to retail establishments. Merchandise displays may be located at the entry of each business. Displays shall be limited to one half (1/2) the business' store frontage. Stores with more than one (1) entry shall be limited to the same total by any combination. In no case shall a display extend into the parking lot or fire lane.

~~(D)~~ (c) Temporary Tent and Parking Lot Sales. The outdoor sales of merchandise other than Automobiles, RV's, Motorized Vehicles and Boats shall be permitted on developed property zoned Institutional, Open Space Recreation, and General Commercial, and Planned Unit Development/Master Planned Unit Development. The temporary outdoor sales event shall be limited to two (2) one-week sales events per calendar year, either by a locally licensed business or sponsored by a locally licensed business on the same property. The limitation to two (2) one-week sales events per calendar year shall apply unless otherwise specified in this chapter. ~~not apply to Christmas Tree Sales or Crafter/Vendor Annual Permit holders, as authorized by paragraph (E) Christmas Tree Sales and (F) Crafter/Vendor Annual Permits.~~ If the event is located in a parking lot, the sale shall not use more than fifteen (15%) percent of the total required parking spaces, as defined by its site plan. A temporary sales permit shall be required for each event with a fee of Two Hundred Dollars (\$200.00). Only one (1) applicant may apply per site at any given time.

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~~(E)~~ (d) Crafter/Vendor Annual Permit. The outdoor sales of merchandise shall be permitted on developed property zoned Open Space Recreation, Institutional, and General Commercial, and Planned Unit Development/Master Planned Unit Development. The number of outdoor sales events, pursuant to this subsection, shall be limited to twelve (12) two-day sales events per calendar year. If the event is located in a parking lot, the sale shall not use more than fifteen (15%) of the total required parking spaces. A fee of Five Hundred Dollars (\$500.00) is required for a Crafter/Vendor Annual Permit. Only one (1) applicant may apply per site at any scheduled event. A schedule of event dates and a letter from the property owner stating its consent shall be provided at the time of application. One on-site sign per event is included with the permit fee.

~~(F)~~ (e) Christmas Tree Sales. The sale of Christmas trees shall be permitted on property zoned Institutional, and General Commercial, and Planned Unit Development/Master Planned Unit Development for a maximum of forty-five (45) days. A temporary sales permit shall be required with a fee of Twenty Dollars (\$20.00) per day, up to a maximum fee of Two Hundred Dollars (\$200.00).

(f) Farmer's Market Annual Permit. Outdoor farmer's markets shall be permitted on developed property zoned Institutional, General Commercial, and Planned Unit Development/Master Planned Unit Development. The number of outdoor sales events, pursuant to this subsection, shall be limited to twenty-four (24) two-day sales events per calendar year. If the event is located in a parking lot, the sale shall not use more than fifteen (15%) of the total required parking spaces. A fee of Five Hundred Dollars (\$500.00) is required for a Farmer's Market Annual Permit. Only one (1) applicant may apply per site at any scheduled event. A schedule of event dates and a letter from the property owner stating its consent shall be provided at the time of application. One on-site sign per event is included with the permit fee.

~~(G)~~ (B) Legally recognized 501(C)(3) non-profit and charitable organizations sponsored by a local business having a current business tax receipt are exempt from the fees. The non-profit or charitable organization must; however, provide proof of non-profit/charitable status and shall obtain a permit under the above mentioned regulations.

~~(H) Permits are not required for church festivities when held on church property.~~

(C) Requests for exemption from fees must be made in writing to the City

**ORDINANCE 12-51**

Manager's office to be placed on a City Council agenda.

Section 2. That Section 158.217 (G)(5) regarding mobile sales be amended as follows:

**§ 158.217 (G)(5)** Be self-contained and portable so as to be removed from the site each night and not exceed ~~one~~ two hundred 2400 square feet in size:

Section 3. This Ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 24<sup>th</sup> day of September, 2012.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
JoAnn M. Faiella, Mayor

ATTEST:

By: \_\_\_\_\_  
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Roger G. Orr, City Attorney



**City of Port St. Lucie**  
**Planning and Zoning Department**  
**A City for All Ages**

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**TO:** CITY COUNCIL - MEETING OF SEPTEMBER 24, 2012

**FROM:** ANNE COX, ASSISTANT DIRECTOR OF PLANNING AND ZONING *AC*

**RE:** ZONING CODE TEXT AMENDMENT  
(PROJECT NO. P11-108)  
CHAPTER 158, ZONING CODE – OUTDOOR SALES AND SPECIAL  
EVENTS

**DATE:** SEPTEMBER 18, 2012

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Per the action taken by the City Council at the September 10, 2012 City Council meeting on item 12(c), Ordinance 12-51 has been revised to include the amendment to Section 158.217 (G)(5) of the Zoning Code regarding mobile sales. The proposed revision increases the allowable size of mobile vendor businesses, such as food carts, from 100 square feet to 200 square feet.

COUNCIL ITEM 12C  
DATE 9-10-12

MEMORANDUM

TO: MAYOR & CITY COUNCIL  
FROM: GREGORY J. ORAVEC, CITY MANAGER  
SUBJECT: MOBILE VENDORS  
DATE: SEPTEMBER 7, 2012

Towards the end of this week, the matter of mobile food vendors became a topic of interest due to code compliance activities. The staff and I received inquiries from Mayor Faiella and Councilman Kelly.

As you may be aware, mobile food vendors are regulated by Section 158.217(G) of the Code of Ordinances, which is excerpted below for your reference:

- (G) Mobile Sales. Mobile vending businesses shall submit plans to be reviewed along with the occupational license application, renewable annually, and shall:
- (1) Be located in general commercial (CG), or planned unit development (PUD) zoning districts;
  - (2) Be associated with an existing business and obtain written permission of the property owner;
  - (3) Be located on a sidewalk in front of the business which has granted permission, provided adequate passage is maintained;
  - (4) Be the only mobile sales (outdoor vendor) on the lot;
  - (5) Be self-contained and portable so as to be removed from the site each night and not exceed one hundred (100) square feet in size;
  - (6) Limit signage to ten (10) square feet. Freestanding signs, banners, pennants, balloons or flags shall be prohibited;
  - (7) Be limited to the sale of prepared food and flowers. Other retail sales shall be prohibited.

This memorandum serves to inquire if the City Council would like staff to draft any changes to the Code. We look forward to receiving your input.

If you have any questions or would like additional information, please do not hesitate to contact me.

Thank you.

a) **MINOR SITE PLAN, SHAMROCK PLAZA P12-038**, LOCATED WEST OF SW PORT ST. LUCIE BOULEVARD, NORTH AND EAST OF SW YAMADA DRIVE, CONSTRUCTION OF A 6,780 SQ FT RETAIL BUILDING WITH A CONVENIENCE STORE ON THE NORTH SIDE OF THE BUILDING AND A DRIVE THROUGH WINDOW ON THE SOUTH SIDE OF THE BUILDING, **REVISED SUBMITTAL** REQUESTS THE CONVENIENCE TO BE LOCATED ON THE SOUTH SIDE OF THE BUILDING, AZZI PLUS, LLC, PLANNING AND ZONING

**ACTION:** Motion passed unanimously to approve Item 12 a).

**ADDED ITEMS:**

b) **DIGITAL DOMAIN**

**OTHER:** Mayor Faiella asked that a rescue plan be created for the City in the light of the closure of Digital Domain.

\* c) **FOOD CART VENDORS** \*

**ACTION:** Motion passed unanimously to approve changing the 100 square feet to 200 square feet and to bring the item as part of Item 10b, Ordinance 12-51, when it comes for 2<sup>nd</sup> reading.

**13. NEW BUSINESS**

a) **FY 2013 SMART POLICING INITIATIVE: INSTITUTIONALIZATION OF EVIDENCE BASED PRACTICES GRANT**, APPLICATION TOTALING \$272,342 TO FUND: ONE REPEAT OFFENDER DETECTIVE (SWORN), ONE CRIME ANALYST (NON-SWORN), AND THE CONSULTING FAU PARTNER DR. RACHEL SANTOS, TWO YEAR GRANT STARTING 10/1/12 TO 9/30/14, NO MATCHING FUNDS REQUIRED, POLICE DEPARTMENT

**ACTION:** Motion passed unanimously to approve Item 13 a).

b) **PRESIDIO NETWORKED SOLUTIONS, AND CISCO SYSTEMS, INC.**, PER SECTION 35.06, EQUAL TO OR LOWER THAN EXISTING CONTRACT, APPROVAL TO PARTICIPATE IN FLORIDA STATE CONTRACTS, UPGRADE THE CITY DATACENTER CORE ENVIRONMENT, \$412,506.10, #20120084, FUND 001-1320-5642, MIS

**ACTION:** Motion passed unanimously to approve Item 13 b).

c) **BELLSOUTH COMMUNICATION SYSTEMS, LLC D/B/A AT&T COMMUNICATION SYSTEMS SOUTHEAST**, CITY PHONE SYSTEM UPGRADE, PURSUANT TO CHAPTER 35.06, OFFER LOWER THAN STATE CONTRACT PRICE, \$154,333.98, #20120070, FUND 301/110/104-401/431-001, OFFICE OF MANAGEMENT AND BUDGET

**ACTION:** Motion passed unanimously to approve Item 13 c).

COUNCIL ITEM 108  
DATE 9-10-12

COUNCIL ITEM 10B  
DATE 8/27/12

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THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That Section 158.225 is hereby amended as follows:

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An event which would require a permit under this section is any temporary outdoor special event or outdoor sales, which is not one of the permitted uses of a property and not included as a customary primary or ancillary use. Any use of the property already included in the business tax receipt as a use for a property will not require a separate temporary event permit. Permits are not required for church festivities when held on church property or events held at City parks or recreation facilities.

(1) ~~Circuses, Carnivals, Tent Revivals, And Outdoor Exhibitions.~~ Outdoor Special Events.

(1) (a) Outdoor events under this section, include but are not limited to circuses, carnivals, tent revivals, outdoor exhibitions, road festivals, and organized competitive events, which shall be permitted on developed property zoned Open Space Recreation, Institutional, and General Commercial and Planned Unit Development/Master Planned Unit Development. The event shall not be permitted to exceed seven (7) consecutive days and no more than ~~two (2)~~ four (4) such events per year shall be permitted on the same property. The limitation of four events per year may be waived by affirmative vote of the City Council. All events containing an animal show shall make application with, and receive approval from, the City's animal control division before a special event permit will be issued.

(2) (b) The fees for outdoor events are as follows: A One Hundred Dollar (\$100.00) non-refundable application fee; Two Hundred Dollars (\$200.00) for the first day, One Hundred Fifty Dollars (\$150.00) for each succeeding day, and Twenty Dollars (\$20.00) per day, per concession stand, booth, or individuals carrying items on their person for the purposes of sale. The fee(s) shall be paid in full before any equipment is brought upon the location where the outdoor event will take place.

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(c) All events containing an animal show shall make application with, and receive approval from, the City's animal control division before a permit will be issued.

(d) All events requiring public street closures shall make application for a street closure permit per Chapter 99 of the City of Port St. Lucie Code of Ordinances with the City's Police Department prior to issuance of a permit.

(e) The area utilized shall be cleaned daily and following any special event shall in all respects be restored to its former condition within twenty-four (24) hours after the close of the event.

~~(3)~~ (f) The applicant applying to the Business Tax Division of the Building Department for such outdoor event permit in the City shall be the owner or its agent of the land upon which the event is intended to be held. Applications must be complete and submitted with the following documentation, to be processed:

(a) (1) The area utilized shall be cleaned daily and following any special event shall in all respects be restored to its former condition within 24 hours after the close of the event. A refundable security deposit in the amount of Five Hundred Dollars (\$500.00) plus One Hundred Dollars (\$100.00) for each day of the event payable in advance, shall be required as security to guarantee that the premises will be cleaned of all rubbish and debris after use by the applicant. Covered dumpsters and trash containers must be provided on the event site and emptied daily.

(b) (2) A written statement from the fire department St. Lucie County Fire District that the tents or temporary structures under which the event is to be held are of fireproof material and will not constitute a fire or egress hazard.

(c) (3) Police Services will review the application to determine if off-duty officers are required for traffic/crowd control or for security at the event site. If off-duty police officers are required/requested, payment for their services must be made at least fifteen (15) days prior to the first day of the event.

(4) The carnival owner shall provide a list of all carnival employees, which shall include names, ~~social security numbers~~, and dates of birth.

## ORDINANCE 12-51

~~(d)~~ (5) A copy of the inspection report from the Department of Agriculture for mechanical rides, prior to opening.

~~(e)~~ (6) If food is being prepared and/or sold on the site, or if any sanitary facilities and/or sewage disposal is involved, the applicant must contact St. Lucie County Health Department to determine if an inspection is required. The Food Safety inspection report must be submitted prior to opening.

~~(f)~~ (7) ~~The City reserves the right to request indemnification and insurance be provided to protect the City shall be provided for any event using public property. The applicant shall provide an original insurance certificate showing general liability insurance with a combined single limit of One Million Dollars (\$1,000,000) for bodily injury and property damage per occurrence. Product liability in the amount of One Million Dollars (\$1,000,000) is required if food or beverages are served or sold. The certificate should indicate "Special Event Liability insurance for (Name and type of event, i.e. race, parade, etc.)".~~

~~(g)~~ (8) A site plan will be required showing the location of the special event, all structures to be utilized in the event including tents, booths, exhibits, width of aisles, means of ingress and egress, concession areas, waste removal facilities, sanitary facilities, and utilities such as electrical and telephone facilities.

(g) An application shall be denied if:

(1) The applicant has made any misrepresentations in the application.

(2) The applicant fails to provide any of the items or information required.

(3) The special event will substantially interfere with any other special event for which a permit has already been granted or with the provision of public safety or other city services needed to support of such other previously scheduled events.

(4) The special event will have an un-mitigatable adverse impact upon residential or business access and traffic circulation in the area in which it is to be conducted.

~~(h) Should any information provided by the applicant be deemed invalid, a permit will not be issued. All information is subject to verification. Any violation of any City ordinance shall result in the permit being revoked~~

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immediately and the violator being banned from holding an event in the City for a period of not less than 24 months.

### (2) Temporary Outdoor Sales

~~(B)~~ (a) Recreational Vehicles and Boat Sales. The sales of recreational vehicles and boats shall be permitted on developed property zoned General Commercial and Open Space Recreation and Planned Unit Development/Master Planned Unit Development. The sale shall not be permitted to exceed seven (7) days. If the event is located in a parking lot, the sale shall not use more than fifteen (15%) percent of the total required parking spaces of the project. Only one (1) applicant may apply per site at any time. A temporary sales permit shall be required for each event with a cost of One Hundred Dollars (\$100.00) for the first day, Fifty Dollars (\$50.00) each additional day. A letter from the property owner or its agent stating its consent shall be provided at the time of application. Temporary tent and parking lot sales of automobiles are prohibited except on property licensed and zoned dealership property for the use.

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Hundred Dollars (\$200.00). Only one (1) applicant may apply per site at any given time.

~~(E)~~ (d) Crafter/Vendor Annual Permit. The outdoor sales of merchandise shall be permitted on developed property zoned Open Space Recreation, Institutional, ~~and General Commercial, and Planned Unit Development/Master Planned Unit Development.~~ The number of outdoor sales events, pursuant to this subsection, shall be limited to twelve (12) two-day sales events per calendar year. If the event is located in a parking lot, the sale shall not use more than fifteen (15%) of the total required parking spaces. A fee of Five Hundred Dollars (\$500.00) is required for a Crafter/Vendor Annual Permit. Only one (1) applicant may apply per site at any scheduled event. A schedule of event dates and a letter from the property owner stating its consent shall be provided at the time of application. One on-site sign per event is included with the permit fee.

~~(F)~~ (e) Christmas Tree Sales. The sale of Christmas trees shall be permitted on property zoned Institutional, ~~and General Commercial, and Planned Unit Development/Master Planned Unit Development~~ for a maximum of forty-five (45) days. A temporary sales permit shall be required with a fee of Twenty Dollars (\$20.00) per day, up to a maximum fee of Two Hundred Dollars (\$200.00).

(f) Farmer's Market Annual Permit. Outdoor farmer's markets shall be permitted on developed property zoned Institutional, General Commercial, and Planned Unit Development/Master Planned Unit Development. The number of outdoor sales events, pursuant to this subsection, shall be limited to twenty-four (24) two-day sales events per calendar year. If the event is located in a parking lot, the sale shall not use more than fifteen (15%) of the total required parking spaces. A fee of Five Hundred Dollars (\$500.00) is required for a Farmer's Market Annual Permit. Only one (1) applicant may apply per site at any scheduled event. A schedule of event dates and a letter from the property owner stating its consent shall be provided at the time of application. One on-site sign per event is included with the permit fee.

~~(G)~~ (B) Legally recognized 501(C)(3) non-profit and charitable organizations sponsored by a local business having a current business tax receipt are exempt from the fees. The non-profit or charitable organization must; however, provide proof of non-profit/charitable status and shall obtain a permit under the above mentioned regulations.

~~(H) Permits are not required for church festivities when held on church property.~~

**ORDINANCE 12-51**

(C) Requests for exemption from fees must be made in writing to the City Manager's office to be placed on a City Council agenda.

Section 2. This Ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
JoAnn M. Faiella, Mayor

ATTEST:

By: \_\_\_\_\_  
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Roger G. Orr, City Attorney

PORT ST. LUCIE CITY COUNCIL

AGENDA ITEM REQUEST

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MEETING:     REGULAR   X       SPECIAL

DATE: 8-27-12 and 9-10-12

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ORDINANCE   X   RESOLUTION    MOTION

PUBLIC HEARING   9-10-12   LEGAL AD PUBLISH DATE   City Clerk's Office  

NAME OF NEWSPAPER   St. Lucie News Tribune  

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ITEM: P11-108. City Code Text Amendment – Chapter 158: Zoning – Outdoor Sales and Special Events

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RECOMMENDED ACTION: The Planning & Zoning Board at their meeting of August 7, 2012, unanimously recommended approval of the proposed amendment to the City's Zoning Code.

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EXHIBITS: A. Staff Report and Recommendation  
          B. Ordinance

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SUMMARY EXPLANATION/BACKGROUND INFORMATION: Proposed amendment to expand the special events section of the code; to allow farmer's markets under temporary outdoor sales; and to allow special events and temporary outdoor sales in PUD and MPUD zoning districts.

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IF PRESENTATION IS TO BE MADE, HOW MUCH TIME WILL BE REQUIRED?

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SUBMITTING DEPARTMENT: Planning Department

DATE: 8/14/12



**City of Port St. Lucie**  
**Planning and Zoning Department**  
**A City for All Ages**

**TO:** PLANNING AND ZONING BOARD - MEETING OF AUGUST 7, 2012

**FROM:** ANNE COX, ASSISTANT DIRECTOR OF PLANNING AND ZONING *AC*

**RE:** ZONING CODE TEXT AMENDMENT  
 (PROJECT NO. P11-108)  
 CHAPTER 158, ZONING CODE – OUTDOOR SALES AND SPECIAL  
 EVENTS

**DATE:** JULY 26, 2012

**BACKGROUND**

This item was discussed at the July 3, 2012 Planning and Zoning Board meeting. The public hearing was not opened at that meeting as indicated in the attached minutes. Therefore the item has been placed back on the agenda so that the public hearing can be held. Additional revisions have been made to address the comments of the board.

Temporary outdoor sales and special events are regulated by Section 158.225 of the City's Zoning Code. This section of the code currently permits temporary outdoor special events such as circuses, carnivals, tent revivals, and outdoor exhibitions on property zoned open space recreation, institutional, and general commercial no more than twice a year on the same property. The code also permits temporary outdoor sales such as recreational vehicle and boat sales, temporary tent and parking lot sales, crafter/vendor sales and Christmas tree sales for various time periods in different zoning districts.

**PROPOSED AMENDMENTS**

Staff is proposing amendments to this section of the Zoning Code based on requests from property owners and suggested revisions by the City's departments to update the code. The Business Tax Division of the Building Department issues the special event and outdoor sales permits.

The proposed text amendments regarding outdoor special events are summarized as follows:

- 1) Addition of an introductory section defining temporary events that require permits.
- 2) Addition of road festivals and organized competitive events to the list of special events.
- 3) Allowing outdoor special events on property zoned Planned Unit Development and Master Planned Unit Development in addition to Open Space Recreation, Institutional and General Commercial.
- 4) Expansion of the number of outdoor special events allowed on the same property from two (2) to four (4) times per year, with the caveat that the limitation of four events may be waived by affirmative vote of the City Council.
- 5) Moving the requirement that events containing an animal show apply to the City's animal control division to a new subsection.
- 6) Addition of a requirement that all events requiring closure of public streets apply to the Police Department for a permit.
- 7) Moving the requirements for trash containers and cleaning of sites to a new subsection.
- 8) Addition of a new subsection addressing the grounds for denial of an application for a permit.

The proposed text amendments regarding temporary outdoor sales are summarized as follows:

- 1) Addition of Planned Unit Development and Master Planned Unit Development zoning districts as areas permitted for outdoor sales.
- 2) Addition of a new subsection allowing farmer's market annual permits similar to the existing crafter/vendor annual permit. Farmer's markets are proposed to be limited to twenty-four (24) two-day sales events per calendar year.
- 3) Addition of a new subsection stating that requests for exemptions from any fees must be made in writing to the City Manager's office to be placed on a City Council agenda.

## **PROPOSED TEXT AMENDMENTS**

The proposed amendments to the Zoning Code are shown by the struck-through and underlined text as follows:

### **§ 158.225 OUTDOOR SALES AND SPECIAL EVENTS**

(A) An event which would require a permit under this section is any temporary outdoor special event or outdoor sales, which is not one of the permitted uses of a property and not included as a customary primary or ancillary use. Any use of the property already included in the business tax receipt as a use for a property will not require a separate temporary event permit. Permits are not required for

church festivities when held on church property or events held at City parks or recreation facilities.

(1) Circuses, Carnivals, Tent Revivals, And Outdoor Exhibitions: Outdoor Special Events.

~~(1) (a) Outdoor events under this section, include but are not limited to circuses, carnivals, tent revivals, outdoor exhibitions, road festivals, and organized competitive events, which shall be permitted on developed property zoned Open Space Recreation, Institutional, and General Commercial and Planned Unit Development/Master Planned Unit Development. The event shall not be permitted to exceed seven (7) consecutive days and no more than two (2) four (4) such events per year shall be permitted on the same property. The limitation of four events per year may be waived by affirmative vote of the City Council. All events containing an animal show shall make application with, and receive approval from, the City's animal control division before a special event permit will be issued.~~

~~(2) (b) The fees for outdoor events are as follows: A One Hundred Dollar (\$100.00) non-refundable application fee; Two Hundred Dollars (\$200.00) for the first day, One Hundred Fifty Dollars (\$150.00) for each succeeding day, and Twenty Dollars (\$20.00) per day, per concession stand, booth, or individuals carrying items on their person for the purposes of sale. The fee(s) shall be paid in full before any equipment is brought upon the location where the outdoor event will take place.~~

~~(c) All events containing an animal show shall make application with, and receive approval from, the City's animal control division before a permit will be issued.~~

~~(d) All events requiring public street closures shall make application for a street closure permit per Chapter 99 of the City of Port St. Lucie Code of Ordinances with the City's Police Department prior to issuance of a permit.~~

~~(e) The area utilized shall be cleaned daily and following any special event shall in all respects be restored to its former condition within twenty-four (24) hours after the close of the event. Covered dumpsters and trash containers must be provided on the event site and emptied daily.~~

~~(3) (f) The applicant applying to the Business Tax Division of the Building Department for such outdoor event permit in the City shall be the owner or its agent of the land upon which the event is intended to be held. Applications must be complete and submitted with the following documentation, to be processed:~~

~~(a) (1) The area utilized shall be cleaned daily and following any special event shall in all respects be restored to its former condition within 24 hours after the close of the event. A refundable security deposit in the amount of Five Hundred Dollars (\$500.00) plus One Hundred Dollars (\$100.00) for each day of the event payable in advance, shall be required as security to guarantee that the premises will be cleaned of all rubbish and debris after use by the applicant. Covered dumpsters and trash containers must be provided on the event site and emptied daily.~~

~~(b) (2) A written statement from the fire department St. Lucie County Fire District that the tents or temporary structures under which the event is to be held are of fireproof material and will not constitute a fire or egress hazard.~~

~~(c) (3) Police Services will review the application to determine if off-duty officers are required for traffic/crowd control or for security at the event site. If off-duty police officers are required/requested, payment for their services must be made at least fifteen (15) days prior to the first day of the event.~~

~~(4) The carnival owner shall provide a list of all carnival employees, which shall include names, social security numbers, and dates of birth.~~

~~(d) (5) A copy of the inspection report from the Department of Agriculture for mechanical rides, prior to opening.~~

~~(e) (6) If food is being prepared and/or sold on the site, or if any sanitary facilities and/or sewage disposal is involved, the applicant must contact St. Lucie County Health Department to determine if an inspection is required. The Food Safety inspection report must be submitted prior to opening.~~

~~(f) (7) The City reserves the right to request indemnification and insurance be provided to protect the City shall be provided for any event using public property. The applicant shall provide an original insurance certificate showing general liability insurance with a combined single limit of One Million Dollars (\$1,000,000) for bodily injury and property damage per occurrence. Product liability in the amount of One Million Dollars (\$1,000,000) is required if food or beverages are served or sold. The certificate should indicate "Special Event Liability insurance for (Name and type of event, i.e. race, parade, etc.)".~~

~~(g) (8) A site plan will be required showing the location of the special event, all structures to be utilized in the event including tents, booths, exhibits, width of aisles, means of ingress and egress, concession areas, waste removal facilities, sanitary facilities, and utilities such as electrical and telephone facilities.~~

(g) An application shall be denied if:

- (1) The applicant has made any misrepresentations in the application.
- (2) The applicant fails to provide any of the items or information required.
- (3) The special event will substantially interfere with any other special event for which a permit has already been granted or with the provision of public safety or other city services needed to support such other previously scheduled events.
- (4) The special event will have an un-mitigatable adverse impact upon residential or business access and traffic circulation in the area in which it is to be conducted.

~~(h) Should any information provided by the applicant be deemed invalid, a permit will not be issued. All information is subject to verification. Any violation of any City ordinance shall result in the permit being revoked immediately and the violator being banned from holding an event in the City for a period of not less than 24 months.~~

(2) Temporary Outdoor Sales

~~(B)~~ (a) Recreational Vehicles and Boat Sales. The sales of recreational vehicles and boats shall be permitted on developed property zoned General Commercial and Open Space Recreation and Planned Unit Development/Master Planned Unit Development. The sale shall not be permitted to exceed seven (7) days. If the event is located in a parking lot, the sale shall not use more than fifteen (15%) percent of the total required parking spaces of the project. Only one (1) applicant may apply per site at any time. A temporary sales permit shall be required for each event with a cost of One Hundred Dollars (\$100.00) for the first day, Fifty Dollars (\$50.00) each additional day. A letter from the property owner or its agent stating its consent shall be provided at the time of application. Temporary tent and parking lot sales of automobiles are prohibited except on property licensed and zoned dealership property for the use.

~~(C)~~ (b) A permit is not required for the D display of merchandise at the entry to retail establishments. Merchandise displays may be located at the entry of each business. Displays shall be limited to one half (1/2) the business' store frontage. Stores with more than one (1) entry shall be limited to the same total by any combination. In no case shall a display extend into the parking lot or fire lane.

~~(D)~~ (c) Temporary Tent and Parking Lot Sales. The outdoor sales of merchandise other than Automobiles, RV's, Motorized Vehicles and Boats

shall be permitted on developed property zoned Institutional, Open Space Recreation, and General Commercial, and Planned Unit Development/Master Planned Unit Development. The temporary outdoor sales event shall be limited to two (2) one-week sales events per calendar year, either by a locally licensed business or sponsored by a locally licensed business on the same property. The limitation to two (2) one-week sales events per calendar year shall apply unless otherwise specified in this chapter. ~~not apply to Christmas Tree Sales or Crafter/Vendor Annual Permit holders, as authorized by paragraph (E) Christmas Tree Sales and (F) Crafter/Vendor Annual Permits.~~ If the event is located in a parking lot, the sale shall not use more than fifteen (15%) percent of the total required parking spaces, as defined by its site plan. A temporary sales permit shall be required for each event with a fee of Two Hundred Dollars (\$200.00). Only one (1) applicant may apply per site at any given time.

~~(E)~~ (d) Crafter/Vendor Annual Permit. The outdoor sales of merchandise shall be permitted on developed property zoned Open Space Recreation, Institutional, and General Commercial, and Planned Unit Development/Master Planned Unit Development. The number of outdoor sales events, pursuant to this subsection, shall be limited to twelve (12) two-day sales events per calendar year. If the event is located in a parking lot, the sale shall not use more than fifteen (15%) of the total required parking spaces. A fee of Five Hundred Dollars (\$500.00) is required for a Crafter/Vendor Annual Permit. Only one (1) applicant may apply per site at any scheduled event. A schedule of event dates and a letter from the property owner stating its consent shall be provided at the time of application. One on-site sign per event is included with the permit fee.

~~(F)~~ (e) Christmas Tree Sales. The sale of Christmas trees shall be permitted on property zoned Institutional, and General Commercial, and Planned Unit Development/Master Planned Unit Development for a maximum of forty-five (45) days. A temporary sales permit shall be required with a fee of Twenty Dollars (\$20.00) per day, up to a maximum fee of Two Hundred Dollars (\$200.00).

(f) Farmer's Market Annual Permit. Outdoor farmer's markets shall be permitted on developed property zoned Institutional, General Commercial, and Planned Unit Development/Master Planned Unit Development. The number of outdoor sales events, pursuant to this subsection, shall be limited to twenty-four (24) two-day sales events per calendar year. If the event is located in a parking lot, the sale shall not use more than fifteen (15%) of the total required parking spaces. A fee of Five Hundred Dollars (\$500.00) is required for a Farmer's Market Annual Permit. Only one (1) applicant may apply per site at any scheduled event. A schedule of event dates and a letter from the property owner stating its consent shall be provided at the time of application. One on-site sign per event is included with the permit fee.

~~(G)~~ (B) Legally recognized 501(C)(3) non-profit and charitable organizations sponsored by a local business having a current business tax receipt are exempt from the fees. The non-profit or charitable organization must, however, provide proof of non-profit/charitable status and shall obtain a permit under the above mentioned regulations.

~~(H) Permits are not required for church festivities when held on church property.~~

(C) Request for exemption from fees must be made in writing to the City Manager's office to be placed on a City Council agenda.

**STAFF RECOMMENDATION:**

The Planning and Zoning Department staff recommends approval of the proposed text amendments to the Zoning Code.

rules are in place to implement it, but the property owner has to come forward, not Council."

Vice Chair Martin **moved** to deny project P12-071, Port St. Lucie Suburban, LLC, Town Centre, Sign Variance. Ms. Parks **seconded** the motion, which **passed unanimously** by roll call vote.

**B. P11-108 CITY OF PORT ST. LUCIE - CHAPTER 158 ZONING CODE - OUTDOOR SALES AND SPECIAL EVENTS, ZONING TEXT AMENDMENT**

Ms. Cox said, "This is a City-initiated Zoning Text Amendment to Section 158.225 of the City's Zoning Code regarding outdoor sales and special events. This amendment arose from requests from property owners, and suggested revisions were made by City departments. Road festivals and organized competitive events are proposed to be added to the list of special events that would be allowed. Currently, special events are allowed in the Open Space Recreation, Institutional, and General Commercial Zoning Districts. This amendment proposes to allow them in PUD's and the Master PUD's, which are the developments in the NCD area. It is also proposing to expand the number of outdoor special events that are allowed on the same property from two to four times per year. If an applicant wanted to have one more than four times per year, they would have to ask the City Council for approval. It also is requiring that if an event requires a closure of a public street, they would have to apply to the Police Department for a permit. It is adding a new subsection, which would state the grounds for denial for an application. It moves a couple of other items to another location where they make more sense. There are also proposed text amendments regarding the temporary outdoor sales that are allowed by the Code. They are also being proposed to be expanded to be allowed in the PUD and MPUD areas. It is adding a new subsection, which would allow farmers' markets. They would be able to get annual permits similar to what the craft or vendors are already getting. They would be limited to 24 two-day sales events per calendar year. The last proposed revision is to add a subsection, which states that if anyone is requesting a waiver of fees, they would have to put it in writing to the City Manager's office to be placed on the City Council agenda. The Planning and Zoning Department staff recommends approval of the proposed text amendments as presented."

Ms. Parks said, "On Page 4, Item 7, there is some striking out of some verbiage in regards to liability insurance that would be required at the event location. The new one states, 'The City reserves the right to request that the identification and insurance to protect the City shall be provided in the event of using public property.' I think it should be stronger. They

should, because there are a lot of people looking for deep pockets that I do not want impacted on the City. I know that our Legal Department does a fantastic job of sifting through that, but as a citizen of the community, I would be remiss if I didn't bring that to your attention. It had originally been \$1 million in bodily insurance for injury and property damages required." Ms. Cox explained, "The proposed language did come from our Risk Management Department, and it has been the practice to always get that insurance." Ms. Parks pointed out, "It says, 'shall provide' and doesn't say that they have to." The Senior Assistant City Attorney advised, "That is what the word 'shall' refers to. Other times we use the word 'may,' which gives them the option. When we use the word 'shall,' it is mandatory that we receive it. The stricter language that was in here previously on the indemnification amount was changed because some of the smaller groups couldn't meet the requirements, as it is extremely expensive." Ms. Cox remarked, "It is to allow flexibility." Ms. Parks said, "On Page 6, Item 3 has to do with non-profit organizations. Does that include religious groups and fraternal organizations, or biking and running events?" The Senior Assistant City Attorney responded, "If they have the 501(c)(3) status, then yes. It doesn't matter what type of entity as long as they have that legal status from the Internal Revenue Service, they would be considered under Paragraph 3." Ms. Parks asked, "Would it not be a good idea to put that 501(c)(3) language in there, so it is very clearly defined, or perhaps there is some leeway with that." The Senior Assistant City Attorney advised, "The non-profit would cover that, but it wouldn't change anything if we put 501(c)(3) in here, as that is the IRS's definition of a not for profit status." Ms. Parks questioned, "Where do bicycle and running events come into play in this framework?" Ms. Cox answered, "Under the Organized Competitive Events as a special event." Ms. Parks commented, "Thank you."

Mr. Garrett **moved** to recommend approval of P11-108, City of Port St. Lucie, Chapter 158 Zoning Code, Outdoor Sales and Special Events, Zoning Text Amendment. Mr. Battle **seconded** the motion, which **passed unanimously** by roll call vote.

(**Clerk's Note:** The public hearing was not opened; therefore, the item will come back to the next Board meeting).

#### **C. P11-123 VERANO DEVELOPMENTS OF REGIONAL IMPACT - NOTICE OF PROPOSED CHANGE**

Chair Blazak opened the Public