COUNCIL ITEM 8C
DATE 12-10-12

ITEM ~~10C~~
~~DATE~~ 11/26/12

ORDINANCE 12-73

AN ORDINANCE AMENDING THE CITY OF PORT ST. LUCIE CODE OF ORDINANCES, AMENDING CHAPTER 155 SIGN CODE OF THE CITY OF PORT ST. LUCIE LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. All remaining provisions of Chapter 155 shall remain in full force and effect.

~~Strikethrough~~ text is proposed for deletion and underlined text is new language.

The amendment to 155.07 Regulations for Temporary Signs or Special Events Requiring Permits of the Sign Code of the City of Port St. Lucie Land Development Regulations is proposed as follows:

155.07 REGULATIONS FOR TEMPORARY SIGNS OR SPECIAL EVENTS REQUIRING PERMITS

(F) Temporary Banners. A business that has a current business tax receipt and approved zoning compliance may have a temporary banner no more than three (3) times per year upon application and approval, provided that each time shall not exceed seven (7) consecutive days. The three (3) times, seven (7) day period may be successive but not exceed a total of 21 days per calendar year. The banner shall only be permitted on the principal structure of property identified on the corresponding business tax receipt. Banners are not permitted on a roof structure. Each business is permitted to have one banner, professionally created and maintained, and not to exceed 32 square feet in area during the approved time.

In addition, a temporary banner shall be permitted during the holiday season from ~~November 11~~ October 15 to January 2, when they meet the above criteria. Said banners for the period of ~~November 11~~ October 15 to January 2 shall not count as part of the aforementioned 21 day limit.

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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, FLORIDA

BY:_____
JoAnn M. Faiella, Mayor

ATTEST:

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

BY:_____
Roger G. Orr, City Attorney

CITY OF PORT ST. LUCIE, FL - CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: *REGULAR* __X__ *SPECIAL* ____

DATE: **November 26, 2012 and December 10, 2012**

ORDINANCE __X__ *RESOLUTION* ____ *MOTION* ___ *PUBLIC HEARING* __X__

ITEM: **P12-133 CITY OF PORT ST. LUCIE CHAPTER 155 SIGN CODE ZONING TEXT AMENDMENT APPLICATION**

RECOMMENDED ACTION: **The Planning and Zoning Board reviewed the request on November 6, 2012. Vice Chair Martin moved to approve P12-133. Chair Blazak passed the gavel to Vice Chair Martin and seconded the motion. The motion failed by roll call vote, with Vice Chair Martin and Chair Blazak voting in favor, and Mr. Ojito, Ms. Parks, Ms. MacKenzie, Mr. Battle, and Ms. Skurka voting against.**

EXHIBITS:

A. **Ordinance**
B. **Staff Report**
C. **Support Materials**

SUMMARY EXPLANATION/BACKGROUND INFORMATION: **The City of Port St. Lucie is proposing to amend Chapter 155.07(F) Regulations for Temporary Signs or Special Events Requiring Permits of the Sign Code of the City of Port St. Lucie Land Development Regulations to allow temporary banners during the holiday season on commercial businesses starting on October 15 instead of November 11.**

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

None.

SUBMITTING DEPARTMENT: PLANNING and ZONING DATE: November 13, 2012

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

TO: **CITY COUNCIL – MEETINGS OF NOVEMBER 26, AND DECEMBER 10, 2012**

FROM: **KATHERINE H. HUNTRESS, PLANNER** KHH

RE: **ZONING TEXT AMENDMENT**
CITY OF PORT ST. LUCIE CHAPTER 155 SIGN CODE
PROJECT NO. P12-133

DATE: **NOVEMBER 13, 2012**

At its meeting of September 24, 2012, the City Council passed a motion directing staff to draft an ordinance which allows the holiday period for banners to start on October 15.

The City of Port St. Lucie is proposing to amend Chapter 155.07(F) Regulations for Temporary Signs or Special Events Requiring Permits of the Sign Code of the City of Port St. Lucie Land Development Regulations to allow temporary banners during the holiday season on commercial businesses starting on October 15 instead of November 11.

All remaining provisions of Chapter 155 Sign code shall remain in full force and effect. ~~Strikethrough~~ text is proposed for deletion and <u>underlined</u> text is new language.

The amendment to 155.07(F) Regulations for Temporary Signs or Special Events Requiring Permits of the Sign Code of the City of Port St. Lucie Land Development Regulations is proposed as follows:

155.07 REGULATIONS FOR TEMPORARY SIGNS OR SPECIAL EVENTS REQUIRING PERMITS

(F) Temporary Banners. A business that has a current business tax receipt and approved zoning compliance may have a temporary banner no more than three (3) times per year upon application and approval, provided that each time shall not exceed seven (7) consecutive days. The three (3) times, seven (7) day period may be successive but not exceed a total of 21 days per calendar year. The banner shall only be permitted on the principal structure of property identified on the corresponding business tax receipt. Banners are not permitted on a roof structure. Each business is permitted to have one banner, professionally created and maintained, and not to exceed 32 square feet in area during the approved time.

In addition, a temporary banner shall be permitted during the holiday season from ~~November 11~~ October 15 to January 2 when they meet the above criteria. Said banners for the period of ~~November 11~~ October 15 to January 2 shall not count as part of the aforementioned 21 day limit.

Staff Recommendation:

The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the City's policies of the Comprehensive Plan and recommends approval. The Planning and Zoning Board reviewed the request on November 6, 2012. Vice Chair Martin moved to approve P12-133. Chair Blazak passed the gavel to Vice Chair Martin and seconded the motion. The motion failed by roll call vote, with Vice Chair Martin and Chair Blazak voting in favor, and Mr. Ojito, Ms. Parks, Ms. MacKenzie, Mr. Battle, and Ms. Skurka voting against.

C. P12-133 CITY OF PORT ST. LUCIE - CHAPTER 155 SIGN CODE - CODE TEXT AMENDMENT

Ms. Huntress stated, "At its meeting of September 24, 2012, City Council passed a motion directing staff to draft an ordinance which allows the holiday period for banners to start on October 15 each year. The last paragraph of Chapter 155.07(F), Regulations for Temporary Signs or Special Events requiring permits of the Sign Code of the City of Port St. Lucie Land Development Regulations is proposed to read as follows: In addition, a temporary banner shall be permitted during the holiday season from October 15 to January 2 when they meet the above criteria. Said banners for the period of October 15 to January 2 shall not count as part of the aforementioned 21 day limit. Previously the code read that the holiday period would start on November 11. For the record, the last sentence in the paragraph in the staff report should have November 11 as a strikethrough and October 15 added and underlined. The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the City's policies of the Comprehensive Plan and recommends approval."

Chair Blazak opened the Public Hearing. There being no comments, Chair Blazak closed the Public Hearing. Ms. Parks said, "We are now going to have about 99 days that these banners can be up, including the original 21 days. I'd hate to see Port St. Lucie known as the City known for its lavish banners. A group of believe spent good due diligence volunteering to come up with a Sign Code. Over time it has been slowly erased. I have some concerns about this. I will be voting no." Ms. MacKenzie said, "I agree. I will be voting no also." Ms. Parks added, "It's about 27% of the year. I believe 99 days is excessive." Vice Chair Martin **moved** to approve P12-133. Chair Blazak passed the gavel to Vice Chair Martin and **seconded** the motion. The **motion failed** by roll call vote, with Vice Chair Martin and Chair Blazak voting in favor, and Mr. Ojito, Ms. Parks, Ms. MacKenzie, Mr. Battle, and Ms. Skurka voting against.

CITY OF PORT ST. LUCIE
CITY COUNCIL REGULAR MEETING ACTION AGENDA
SEPTEMBER 24, 2012

4. **PUBLIC TO BE HEARD**

ALAN LANDERS - CODE ENFORCEMENT

OTHER: Councilwoman Martin suggested that Mr. Landers, who spoke on Code Enforcement and amending City Codes, set up a meeting so that she could review with him what he is looking for.

LAWRENCE COHEN - ST. LUCIE WEST BOULEVARD ROAD CONDITION

OTHER: The City Manager stated that he hoped to come back to Council within the next 45 days with a plan to get all of the roadwork done on St. Lucie West Boulevard in this next fiscal year.

CAMPAIGN CONTRIBUTIONS FROM DIGITAL DOMAIN

OTHER: Councilwoman Berger stated that she had not received any donations in her previous campaign or in the current campaign from Digital Domain.

OTHER: Councilwoman Martin stated that she hadn't received any campaign donations from Digital Domain.

6. **ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA**

ACTION: Motion passed unanimously to approve the Agenda, with Items 7 d) and 13 h) pulled, and Item 12 c), Digital Domain Update, added.

7. **APPROVAL OF CONSENT AGENDA**

a) APPROVAL OF MINUTES - SEPTEMBER 10, 2012, SPECIAL MEETING

b) UNITY OF TITLE, MELODY J. JAPINOSKI, TO COMBINE LOTS 22 AND 23, BLOCK 441, PORT ST. LUCIE SECTION 3, SO THAT THE OWNER CAN PLACE A SHED ON HER ADJACENT VACANT LOT, LEGAL DEPARTMENT

c) FLORIDA POWER AND LIGHT, COMMERCIAL DEMAND RESPONSE RIDER AGREEMENTS, PLANNING AND ZONING

d) MARTIN MEMORIAL MEDICAL CENTER, AMENDMENT #2, OPERATION OF A WELLNESS/FITNESS CENTER, ALLOW A SEASONAL CHANGE

ACTION: Motion passed unanimously to approve Resolution 12-R99.

d) RESOLUTION 12-R100, APPROVING AND ACCEPTING THE PRELIMINARY AND FINAL PLAT FOR PRIMA VISTA COMMERCIAL CENTER (P12-099) WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA ON THE REQUEST OF THE SHOPPES AT PRIMA VISTA, LLC.; AUTHORIZING THE MAYOR AND CITY CLERK TO COUNTERSIGN SAID PLAT; PROVIDING AN EFFECTIVE DATE.

ACTION: Motion passed unanimously to approve Resolution 12-R100.

12. **UNFINISHED BUSINESS**

a) DISCUSSION REGARDING ORDINANCE 11-63 AS IT RELATES TO CONSIGNMENT SHOPS, COUNCILMAN KELLY

ACTION: It was the consensus of the Council to bring Item 12 a) back to Council as an ordinance.

b) DISCUSSION REGARDING AMENDING ORDINANCE 09-100, ART IN PUBLIC PLACES REQUIREMENTS, PLANNING AND ZONING

ACTION: Motion passed unanimously to approve staff's recommendations and to add two members to the Public Art Advisory Board, with one new member coming from the Chamber of Commerce and the other new member coming from Treasure Coast Builders Association.

13. **NEW BUSINESS**

a) DISCUSSION REGARDING CITY OF PORT ST. LUCIE CHAPTER 155 SIGN CODE ZONING TEXT AMENDMENT - BANNERS, COUNCILMAN KELLY

ACTION: Motion passed to allow banners from October 15 to January 2, with Vice Mayor Bartz, Mayor Faiella, Councilwoman Martin, and Councilman Kelly voting in favor, and Councilwoman Berger voting against.

OTHER: The City Manager advised Council that the proposed change to the ordinance will come back at the next Council meeting.

b) DISCUSSION REGARDING SCREENING OF RECYCLING DUMPSTERS, GARBAGE CONTAINER ENCLOSURES, COUNCILMAN KELLY

OTHER: Councilman Kelly requested Item 13 b) be postponed to obtain additional information, and to bring it back to Council at another time.