ORDINANCE 12-14

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 Chapter 155.03(G)(1)(B) Fees of the Sign Code of the City of Port St. Lucie Land Development Regulations is proposed as follows:

(G) Fees:

1) At the time of submission of an application for a sign permit, all fees associated with the subject sign shall be paid per the following rates:

APPLICATION	FEE
B. Building Department Sign Review Fees:	
1) New applications	$ 75.00
2) Review of revisions to sign plan	$ 50.00
3) Illuminated signs:	
Up to 32 square feet	$ 125.00
Over 32 square feet	$ 250.00
4) Non illuminated signs:	
Up to 32 square feet	$ 100.00
Over 32 square feet	$ 200.00
5) Temporary signs:	
Up to 32 square feet	$ 75.00
Over 32 square feet	$ 125.00
6) Billboard permits	
Up to 672 square feet	$5,000.00
7) Temporary banners (apply online)	$ 25.00
8) Temporary banners	$ 50.00
Note: Building Permit and Building Permit/Inspection fees are also required.	

The amendment to 155.05 Prohibited Signs of the Sign Code of the City of Port St. Lucie Land Development Regulations is proposed as follows:

155.05 PROHIBITED SIGNS

(N) Banners and flags used to attract attention to commercial establishments, excepting allowable flags pursuant to § 155.04(B)(5), allowable banners pursuant to § 155.07(B), § 155.05(F), and § 155.05(G), and allowable "feather" flags pursuant to § 155.08(B)(1).

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 to January 2, when they meet the above criteria. Said banners for the period of November 11 to January 2 shall not count as part of the aforementioned 21 day limit.

(G) New Businesses 'Just Opened' Temporary Banners. A new business may display a temporary banner to show that their business has just opened. Such banners will be permitted for a 30 day period from the date of the new business opening. 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 new business is permitted to have one banner, professionally created and maintained, and not to exceed 32 square feet in area during the approved time.

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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: **March 26, 2012 and April 9, 2012**

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

ITEM: **P12-003 CITY OF PORT ST. LUCIE CHAPTER 155 SIGN CODE ZONING TEXT AMENDMENT APPLICATION**

RECOMMENDED ACTION: On March 3, 2012, the Planning and Zoning Board unanimously recommended approval of the zoning text amendment as recommended by staff with the additional language added to 155.07(F) as follows:

Said banners for the period of November 11 to January 2 shall not count as part of the aforementioned 21 day limit.

EXHIBITS:

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

SUMMARY EXPLANATION/BACKGROUND INFORMATION: The City of Port St. Lucie is proposing to amend Chapters 155.03(G)(1)(B) Fees, 155.05(N) Prohibited Signs, and 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 to allow and regulate temporary banners on commercial businesses.

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

None.

SUBMITTING DEPARTMENT: PLANNING and ZONING DATE: March 14, 2012

DRAFT PLANNING AND ZONING BOARD MEETING MINUTES 3/6/12
ITEM 7 D

D. CITY OF PORT ST. LUCIE CHAPTER 155 SIGN CODE - ZONING TEXT AMENDMENT

Ms. Huntress stated, "The City of Port St. Lucie is proposing to amend Chapters 155.03(G)(1)(B), Fees, 155.05(N), Prohibited Signs, and 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 to allow and regulate temporary banners on commercial businesses. On January 24, 2011, the City Council unanimously approved a motion to allow one banner per business to meet all City Code requirements until January 6, 2012. On December 12, 2011, the City received a request from the St. Lucie County Chamber of Commerce to modify Chapter 158.225(A)(1), Outdoor Sales and Special Events, of the City of Port St. Lucie Land Development Regulations in the Zoning Code to allow special events for seven days, no more than four times per year, and that those seven days be consecutive. Currently the Code allows special events two times per year. The City Council unanimously approved this request on January 9, 2012. On January 26, 2012, at the request of the Mayor, the Planning and Zoning Department set up a meeting with City staff and local businesses to discuss signage and banners. It was determined that the appropriate changes to the Code to allow and regulate temporary banners on commercial businesses would be to the Sign Code as opposed to the Zoning Code."

Ms. Huntress continued, "City staff has met to review the proposal from the Chamber of Commerce and has drafted language to meet the intent of their request. This proposed language provides for three opportunities per year to display temporary banners. It is also proposed that a temporary banner be permitted for new businesses at no fee for a 30-day period, and a temporary banner be permitted during the holiday season from November 11 to January 2. The amendment to Chapter 155.03(G)(1)(B), Fees, is proposed to add an application fee of $50 for temporary banners, or if the application is made on line, the fee is proposed to be $25. The amendment to Chapter 155.05(N), Prohibited Signs, is proposing to add the two section numbers of the Code that we are adding to allow banners. The amendment to Chapter 155.07, Regulations for Temporary Signs or

Special Events Requiring Permits, is proposing to add the following language: (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 times per year upon application and approval, provided that each time shall not exceed seven consecutive days. The three times, seven 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 to January 2, when they met the above criteria. (G) New Businesses, Just Opened Temporary Banners. A new business may display a temporary banner to show that their business has just opened. Such banners will be permitted for a 30-day period from the date of the new business opening. The banner shall only be permitted on the principal structure or property identified on the corresponding business tax receipt. Banners are not permitted on a roof structure. Each new business is permitted to have one banner professionally created and maintained, and not to exceed 32 square feet in area during the approved time."

Ms. Huntress said, "The Planning and Zoning staff finds the request to be consistent with the direction and intent of the City's policies of the Comprehensive Plan and recommends approval."

Mr. Battle asked for clarification of the term roof and whether a banner can be put on a parapet. Mr. Holbrook replied, "We have a definition of roof. Depending on the type of roof structure, that would define whether or not it would be permitted." Mr. Battle asked, "On a commercial building with a parapet, if you have a new business, can you put the temporary banner on the parapet?" Mr. Holbrook answered, "Without a diagram, I would say yes, but we may have exceptions. The idea is that you have it on the horizontal structure." Chair Parks asked if the banners can be left up 24 hours a day. Ms. Huntress replied, "The intent is that they can be up 24 hours." Mr. Gardner asked who would be policing the signs and banners. Ms. Huntress replied, "There will have be a permit for it. We haven't worked out the details of whether that will be on the sign. The garage sale signs have the permit on the back of the sign. They may have to have the permit in hand for the banners. Code Enforcement will police this." Mr. Holbrook noted, "The application will be processed

through the Business Tax Division of the Building Department. The idea is that we'll have a database of who can have those banners, so that as Code goes out they can refer to that." Mr. Gardner said, "When you go down Port St. Lucie Boulevard you see signs strapped to bushes or on poles. Is that permitted or does it literally have to be on the building?" Ms. Huntress said, "That's what we're trying to get rid of. That's why we said on the principal structure." Mr. Blazak said, "The holiday period is about 50 days. Is that in addition to the other three consecutive periods?" Ms. Huntress replied in the affirmative. Mr. Garrett said, "In our packet is a St. Lucie County Chamber letter requesting four times per year. I assume that the holiday time was in response to adding a fourth time period." Ms. Huntress answered, "The staff felt that it was good to add something for the holiday season." Mr. Garrett clarified, "If they get a permit it is in their best interest to maximize it for seven days, because if they only use it for two days, it still counts as one of their times."

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing. Ms. Booker advised, "I would like to add a change to Paragraph F. A sentence should be added for clarification on the 21 days and the temporary seasonal item, to read 'said banners for the period of November 11 to January 2 shall not count as part of the aforementioned 21-day limit.'" Chair Parks said, "I hope this will be a solution to all the problems that everyone has had with the banners." Mr. Blazak commented, "I would like to compliment the staff and everyone who worked on this. When we had banners up for a year you could watch the evolution from a couple of stakes to banners tied to 4x4's with lights and an extension cord. It was pretty ugly. I hope this resolves that." Mr. Sanders asked, "Since the new businesses are applying for a license, is this something automatic or do they have to apply specifically?" Mr. Holbrook answered, "When a business applies to pay their business tax, it has not been determined as to whether this is automatic or not. It could easily be handled by the administration." Mr. Sanders observed that it would be a nice bonus for a new business.

Mr. Gardner **moved** to recommend approval for P11-003, with the addition recommended by Ms. Booker. Mr. Blazak **seconded** the motion, which **passed unanimously** by voice vote.

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

TO: **CITY COUNCIL – MEETINGS OF MARCH 26, 2012 AND APRIL 9, 2012**

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

RE: **ZONING TEXT AMENDMENT**
CITY OF PORT ST. LUCIE CHAPTER 155 SIGN CODE
PROJECT NO. P12-003

DATE: **MARCH 14, 2012**

The City of Port St. Lucie is proposing to amend Chapters 155.03(G)(1)(B) Fees, 155.05(N) Prohibited Signs, and 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 to allow and regulate temporary banners on commercial businesses.

History: On January 24, 2011 the City Council unanimously approved a motion to allow one banner per business to meet all city code requirements until January 6, 2012. On December 12, 2011 the city received a request from the St. Lucie County Chamber of Commerce to modify Chapter 158.225(A)(1) Outdoor Sales and Special Events of the City of Port St. Lucie Land Development Regulations to allow special events for 7 days, no more than 4 times per year, and that those 7 days be consecutive. Currently, the code allows special events 2 times per year. The City Council unanimously approved a motion to approve this request on January 9, 2012.

The Planning and Zoning Department advertised the requested zoning text amendment to be on the February 7, 2012 Planning and Zoning Board meeting's agenda. On January 26, 2012, at the request of the Mayor, the Planning and Zoning Department set up a meeting with city staff and local businesses to discuss signage, and the project was put on hold until further discussion were held. It was determined that the appropriate changes to the code to allow and regulate temporary banners on commercial businesses would be to the Sign Code.

City staff has met to review the proposal from the Chamber of Commerce and has drafted the attached language to meet the intent of their request. This amendment provides for three opportunities a year to display temporary banners. As a result of further discussions, it is also proposed that a temporary banner be permitted for new businesses at no fee for a 30 day period. It also provides for regulations pertaining to size, quantity, location, eligibility, and application fee cost.

The purpose of this amendment is to allow and regulate temporary banners on commercial businesses. 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 Chapter 155.03(G)(1)(B) Fees of the Sign Code of the City of Port St. Lucie Land Development Regulations is proposed as follows:

(G) Fees:

1) At the time of submission of an application for a sign permit, all fees associated with the subject sign shall be paid per the following rates:

APPLICATION	FEE
B. Building Department Sign Review Fees:	
1) New applications	$ 75.00
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<u>7) Temporary banners (apply online)</u>	<u>$ 25.00</u>
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Note: Building Permit and Building Permit/Inspection fees are also required.	

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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:

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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. On March 3, 2012 the Planning and Zoning Board unanimously recommended approval of the zoning text amendment as recommended by staff with the additional language added to 155.07(F) as follows:

"Said banners for the period of November 11 to January 2 shall not count as part of the aforementioned 21 day limit."

ST. LUCIE COUNTY CHAMBER OF COMMERCE

City of Port St. Lucie
Received
DEC 12 2011
City Council

December 8, 2011

Mayor and City Council
Port St. Lucie
121 SW Port St. Lucie Blvd.
Port St. Lucie, FL 34984

Dear Mayor and City Council:

On behalf of the St. Lucie County Chamber of Commerce, we would like to thank the Mayor and City Council for allowing the Chamber an opportunity to review the banner section of the existing sign ordinance governing Port St. Lucie while having in place a temporary lift of enforcement on that section.

After much discussion by the Port St. Lucie Area Council and input from Chamber members, it is our recommendation that the existing ordinance remain in effect with a minor change. Currently, section 158.225(A)(1) allows special event signs for 7 days no more than two times per year. We request that the section, or any more appropriate section, be modified to allow special events signs for 7 days no more than four times per year and that those 7-day periods may be consecutive.

We appreciate your consideration of this request.

Very truly yours,

Richard Kolleda
Chairman of the Board

ST. LUCIE COUNTY CHAMBER OF COMMERCE
ADMINISTRATIVE OFFICES
1850 SW Fountainview Blvd., Suite 201
Port St. Lucie, FL 34986
Phone: (772) 340-1333
Fax: (772) 785-7021

THE CHAMBER AT SEVEN GABLES
HOUSE VISITOR CENTER
482 N. Indian River Drive
Downtown Fort Pierce
Phone: (772) 468-9152
Fax: (772) 468-9826

WWW.STLUCIECHAMBER.ORG
INFO@STLUCIECHAMBER.ORG
TOLL FREE -- 888 STLUCIE

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DEC 13 2011
City Manager's Office