

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

ORDINANCE NO. 32-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, AMENDING CHAPTER 27 OF THE TOWN’S CODE OF ORDINANCES, BY AMENDING ARTICLE I, SECTION 27-1 ENTITLED “DEFINITIONS” TO ADD DEFINITIONS FOR “SIDEWALK SALES”, “GRAND OPENINGS” AND “PROMOTIONAL EVENTS”; AMENDING ARTICLE IV, TABLES 1 AND 2 PERTAINING TO SPECIAL EVENT PERMITS, REPEALING THE TABLE ENTITLED “SPECIAL EVENT USE REGULATIONS” CONTAINED IN ARTICLE VIII, DIVISION 5, SECTION 27-990.13 OF THE MXD ZONING DISTRICT REGULATIONS; AMENDING ARTICLE IV, SECTION 27-253 ENTITLED “ZONING DISTRICT USE REGULATIONS”; AMENDING ARTICLE IV, SECTION 27-272 ENTITLED “REQUIREMENTS, PROCEDURES, AND FEES”; AMENDING SECTION 27-273 ENTITLED “SIGN REQUIREMENTS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Jupiter (“Town”) has adopted a Comprehensive Plan which has been determined to be in compliance with Chapter 163, Part II, Florida Statutes; and

WHEREAS, pursuant to Section 163.3202(2), Florida Statutes, municipalities are required to provide specific and detailed provisions as part of the implementation of their adopted Comprehensive Plans; and

WHEREAS, the Town Council of the Town of Jupiter, Florida, has previously enacted Land Development Regulations which have been codified in the Town Code at

1 Chapter 27, Sections 27-1, 27-272, 27-273, and 27-990.13 (Special Event Use
2 Regulation table); and

3 **WHEREAS**, the Town Council hereby determines that the amendments to the
4 Town Code, in Chapter 27, Sections 27-1, 27-272, 27-273, and 27-990.13 (Special
5 Event Use Regulation table) are necessary and appropriate to facilitate the public's
6 health, safety and general welfare; and

7 **WHEREAS**, the proposed amendments will streamline the administrative
8 procedures for processing special event permits; and

9 **WHEREAS**, Town staff and the Jupiter Planning and Zoning Commission have
10 reviewed the proposed Town Code amendments, and have made their respective
11 recommendations to the Town Council; and

12 **WHEREAS**, the Jupiter Town Council, after due notice and public hearings, and
13 after considering the evidence presented by Town staff, the Town's Planning and Zoning
14 Commission, and interested members of the public, has determined that the adoption of
15 the proposed amendments would further the health, safety and general welfare.

16 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE**
17 **TOWN OF JUPITER, FLORIDA AS FOLLOWS:**

18 **Section 1.** The whereas clauses are incorporated herein as true and correct and
19 as the findings of fact of the Town Council.

20 **Section 2.** Town Code Chapter 27, Article I, Section 27-1 is hereby amended to
21 read as follows:

22 **Sec. 27-1. Definitions**

23 Sidewalk sale shall mean the retail sale of merchandise outside and/or adjacent
24 to buildings and structures on privately owned sidewalks and walkway areas.

1 Grand opening shall mean an event at which a business, profession,
 2 organization, office, or other forms of public, private, civic, or charitable
 3 associations wishes to announce the official opening of their new location or
 4 ownership.

5 Promotional events are publicity efforts or advertising that are designed to
 6 increase customers, sales, or attendance at or for businesses, professions,
 7 organizations, offices, or other forms of public, private, civic, or charitable
 8 associations.

9 **Section 3.** Town Code Chapter 27, Article IV, Tables 1 and 2 pertaining to
 10 special permits are hereby amended to read as follows:

11 **TABLE 1**

<i>Uses</i>	<i>Permit "A"</i>	<i>Permit "B"</i>	<i>Permit "C"</i>	<i>Permit "D"</i>
<u>Animal Horse show</u>		X		
<u>Art, antique, & craft, home & garden shows, and/or sales**</u>	X	X		
<u>Auctions (temporary only)</u>		X		
<u>Automobile/vehicle and boat show and sales (maximum 2 per year per property)</u>		X		
<u>Automotive/vehicle and boat show</u>	X			
<u>Bait sales (boat)</u>				X
<u>Community events, block (street) parties or other neighborhood events</u>	X			
<u>Carnivals, fairs, festivals***</u>		X		
<u>Career/job fairs</u>	X			
<u>Christmas tree sales</u>			X	
<u>Circuses</u>		X		
<u>Fireworks/sparkler sales</u>			X	
<u>Fireworks/laser shows</u>		X		
<u>Flea market</u>		X		
<u>Food exposition/bake-off, cook-off**</u>	X	X		

Grand opening sales	X			
Lunch wagons (mobile only)				X
Outdoor film, theatrical or musical production or <u>concert**</u>	X	X		
Outdoor fundraising events	X			
Outdoor religious ceremonies on public property	X			
Parades	X			
Pumpkin sales			X	
<u>Seasonal sales of Christmas trees, fireworks or pumpkins)</u>			X	
Sidewalk sales	X	X		
Snack boats				X
Sports tournaments, <u>events or exhibitions**</u>	X	X		
Tent sales		X		
Vendors, temporary concession stands for sale of goods on the Riverwalk Corridor component (subject to consent of the adjacent property owner landward of the Riverwalk Corridor)				X

1
2

TABLE 2

<i>Regulations, Procedures & Fees</i>	<i>Permit "A"</i>	<i>Permit "B"</i>	<i>Permit "C"</i>	<i>Permit "D"</i>
Max. # number of days for event	5	14	45	per TC
Max. # of events per calendar year per property	12	4	4	per TC
Max. # of days per calendar year per property	24	28	90	per TC
Number of calendar days application is due prior to event	7 30	60	30	90
Approval granted by	Staff	PZC	Staff	TC
Alternate review by PZC	per Staff	N/A	per Staff	required
Appeal process	per §§ 27-91--27-95	similar as §§ 27-91--	per §§ 27-91--27-95	per § 27-94

		27-95		
Fee (dollars)	40 <u>\$ 100</u>	200 <u>\$ 400</u>	200 <u>\$ 300</u>	550 <u>\$ 700</u>
Permitted hours of operation*	8 a.m.--10 p.m.	8 a.m.--10 p.m.	8 a.m.--10 p.m.	8 a.m.--10 p.m.
Enforcement/penalties	per §§ 27-41, 27-42	per §§ 27-41, 27-42	per §§ 27-41, 27-42	per §§ 27-41, 27-42
Application requirements	per § 27-139	per § 27-139	per § 27-139	per § 27-139

1 Note: *Hours of operation may be extended by the PZC and TC. Staff may
 2 extend hours to 11:00 p.m. for events located a minimum distance of 300 feet
 3 from any ~~developed~~ residentially zoned property.

4
 5 **The Town may require a Class “B” special event permit for temporary uses and
 6 events indicated in Table 1 above, which would ordinarily be subject to a Class
 7 “A” special event permit, whenever Town staff determines that the event may
 8 have potentially significant impacts on surrounding uses. In such case, the
 9 special event permit application may be denied or postponed to allow for
 10 additional processing time in accordance with Table 2.

11
 12 *** Class “B” special events that recur annually may be approved administratively
 13 after initial approval by the PZC and TC (as applicable). The Director of Planning
 14 and Zoning shall make the determination of when the annual event can be
 15 approved administratively.

16
 17 PZC - Planning and Zoning Commission

18 TC - Town Council

19

1 **Section 4.** The Table contained in Town Code Chapter 27, Article VIII, Division
 2 5, Section 27-990.13, of the MXD zoning district is hereby repealed as follows:

Sec 27-990.13 MXD	Stadium / baseball practice fields	Town Center / common use areas, etc
Aerobic competitions	Permitted	Permitted
Antique show	Permitted	Permitted
Art show	Permitted	Permitted
Auction	Permitted	NO
Automobile show/sales	NO	NO
Aviation club exhibition	Permitted	NO
Baseball exhibition	Permitted	NO
Baseball instructional camp	Permitted	NO
Boat show/sales	NO	NO
Boxing	Permitted	NO
Carnival fair	Permitted	Permitted
Car show	Permitted	Permitted
Circus	Permitted	NO
Coin, stamp, etc. show	Permitted	Permitted
Concerts	Permitted	Permitted
Exposition show	Permitted	Permitted
Fireworks display	Permitted	NO
Flea market	NO	NO
Flower show	Permitted	Permitted
Food exposition/bake off, cook-off	Permitted	Permitted
Football matches/exposition	Permitted	NO
Fund raising event	Permitted	Permitted
Gun show	NO	NO
Gymnastics exhibition/competition	Permitted	NO
Home garden show	Permitted	Permitted
Horse show/exposition	Permitted	NO
Ice hockey games/expositions	Permitted	NO
Ice show/expositions	Permitted	NO
Job show/exhibition	Permitted	NO
Karate/judo competition/exhibition	Permitted	NO
Opera production	Permitted	Permitted
Outdoor theater production	Permitted	Permitted
Recreational vehicle show/sale	NO	NO
Rock/gem/mineral show/exhibition	Permitted	Permitted
Rodeo	NO	NO
Soccer matches/exhibition	Permitted	NO

1 **Section 5.** Town Code, Chapter 27, Article IV, Section 27-253 is hereby
2 amended to read as follows:

3 **Sec. 27-253. Zoning district use regulations.**

4 (a) A special permit may be approved to allow a temporary use within any of the zoning
5 districts in the Town.

6 (b) A special permit may be approved by the Town Manager, the Town Manager's
7 designee, the Planning and Zoning Commission or the Town Council to allow
8 temporary uses that are not permitted in a zoning district due solely to the fact they
9 are temporary in nature. A temporary special permit use shall be defined as such
10 uses that do not include permanently installed improvements, including but not
11 limited to, paved surfaces and structures.

12 (c) All properties within residential zoning districts shall be limited to two special permits
13 per calendar year per property in order to minimize any potential negative impacts on
14 adjacent residential uses. This limitation may be waived by the Planning and Zoning
15 Commission as part of its review of an application for a special permit.

16 ~~(d) Use regulations for outdoor special events within the MXD zoning district are~~
17 ~~provided in section 27-990.13.~~

18 (d) Activities held at Town venues, such as the Civic Center, Town parks, Town Hall, the
19 Riverwalk, and/or Community Center, shall be subject to Town departmental permit
20 requirements and applications only.

21 (e) Town-sponsored events shall be exempt from ~~from~~ the special permit application
22 process.

23 (f) Permitting requirements for events sponsored by a public or private school as part of
24 the typical curriculum, which are proposed on school property may be waived by the
25 Town Manager or the Town Manager's designee.

- 1 (g) Events held in the County owned parks shall be subject to the County permit
2 requirements only.
- 3 (h) ~~Permitting requirements for e~~Outdoor fundraising events, ~~if not otherwise categorized~~
4 ~~in Table 1 [refer to the end of this article],~~ sponsored by a nonprofit organization (as
5 defined in F.S. § 627.10401) may be exempted ~~waived~~ from the special permit
6 requirements by the Town Manager or the Town Manager's designee. ~~If none~~ any of
7 the following activities or improvements will occur or is anticipated to occur at the
8 event, the applicable permits shall be required.
- 9 (1) ~~No s~~Signage shall be ~~permitted to be~~ erected or installed on site indicating the
10 event.
- 11 (2) ~~No b~~Buildings, tents or similar structures. ~~are proposed~~
- 12 (3) ~~No e~~Electrical, plumbing or similar utility connections ~~are~~ required to service
13 the event.
- 14 (4) ~~No s~~Sanitary facilities ~~are proposed.~~ Facilities shall be available on site within
15 existing improved structures.
- 16 (i) Residential garage sales shall not be subject to permitting requirements; however,
17 no more than two sales shall occur per calendar year per residence.
- 18 (j) Fees for events sponsored by a nonprofit organization (as defined in F.S. §
19 617.10401) may be waived by the Town Manager or the Town Manager's designee.
- 20 (k) All permitted uses are defined in Table 1 [refer to the end of this article].
- 21 (l) Sidewalk sales, grand openings, and promotional events that do not require other
22 special event permits (e.g. a special permit "A" or "B" shall be required for outdoor
23 music/radio broadcasts, outdoor fundraising, etc.) shall be subject to the permitting
24 requirements as listed below:

1 (1) Applicants shall notify the Planning and Zoning Department at least two
2 business days prior to the sidewalk sale, grand opening, or promotional event
3 with the dates, times, and duration of the event. In cases when sidewalk sales,
4 grand openings, or promotional events are determined by staff to have
5 significant impacts, a Class "A" or "B" special event permit shall be required.
6 The subject special event permit application may be denied or postponed to
7 allow for additional processing time per Table 2;

8 (2) The permission of the property owner shall be the responsibility of the event
9 holder and shall be obtained prior to conducting sidewalk sales, grand
10 openings, and/or promotional events;

11 (3) The retail sale of items associated with a sidewalk sale shall only be permitted
12 in conjunction with a retail business licensed at the subject property;

13 (4) Sidewalk sales, grand openings, and promotional events shall be limited to six
14 (6) events per business per year, with a maximum of five (5) days per event, for
15 a total duration of no more than twenty-four (24) calendar days per year.

16 (5) None of the above events shall include the sale or distribution of alcohol,
17 unless otherwise permitted through an existing business licensed at the
18 property for which the special event permit is issued.

19 (m) Events held within the permanently enclosed areas of the spring training facility may
20 be exempted from the special permit requirements of the Code by the Town
21 Manager or the Town Manager's designee. However, stadium special events that are
22 held on the stadium plaza or any parking areas shall be subject to this Article.

23 Section 6. Town Code, Chapter 27, Article IV, Section 27-272 is hereby
24 amended to read as follows:

25 **Sec. 27-272. Requirements, procedures and fees.**

1 Special permit applications shall be reviewed in accordance with Table 1 [refer to the
2 end of this article]. Submittal requirements for each specific type of application shall be
3 as indicated on the official Town application form provided by the Department of
4 Planning and Zoning. Community Development.

5 **Section 7.** Town Code Chapter 27, Article IV, Section 27-273 is hereby amended
6 to read as follows:

7 **Sec. 27-273. Sign requirements.**

8 Temporary signs, including banners, may be permitted pursuant to article XII of this
9 chapter for T-5 signs. Extended time frames for signs may be approved for Class "C"
10 and "D" special permits as part of the approval process.

11 **Section 8. Severability.** If any section, subsection, sentence, clause, phrase or
12 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
13 competent jurisdiction, such portion shall be deemed a separate, distinct and
14 independent provision and such holding shall not affect the validity of the remaining
15 portions thereof.

16 **Section 9. Repeal of laws in conflict.** All Ordinances or parts of Ordinances in
17 conflict herewith are hereby repealed to the extent of such conflict.

18 **Section 10. Codification.** The Sections of the Ordinance may be renumbered or
19 re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section",
20 "Article", or any other appropriate word.

21 **Section 11. Effective Date.** This Ordinance shall take effect immediately upon
22 adoption.