



City of Sanibel

Planning Department

MEMORANDUM

DATE: January 29, 2013

TO: Jim Jordan, Planning Director

FROM: Jim Fricke, Planner

SUBJECT: Sidewalk Sales: Revised Analysis and Consideration of Public Comment on Proposed Ordinance Changes; Options for City Council Action

Background

During the Planning Commission meeting of December 11, 2012, public comment was heard on the changes being proposed to the Sidewalk Sale Special Events ordinance. Comments were provided by Barbara Harrington of the Royal Shell Companies/RLR Investments, whose shopping centers house 36 local merchants. Her verbal comments were a reiteration of the recommendations and rationale provided in writing (email) to the City Manager on December 4, 2012.

Ms. Harrington provided the following points for consideration, while acknowledging she has received feedback from merchants both in opposition and in favor of more sales dates:

- Increasing the number of sale dates from 37 to 67 would mean that nearly 20% of the annual shopping days could be dedicated to sales. Since most merchants have a narrow profit margin, this could create a hardship, and may cause them to reduce employment opportunities
- A large number of sale dates can make Sanibel appear as a less appealing discount district and can give the shopping centers a flea market or discount mall appearance based on the appearance of goods displayed outside.
- Tenant/merchant compliance with the rules is difficult to continuously police.

Based on the above rationale, Ms. Harrington made the following recommendations:

- Increase sidewalk sales in December, to include the week-end before Christmas through January 1st so Sanibel retailers can compete with off-island shops
- Increase sale dates around Easter so merchants can have 'end of season' sales.
- Increase sale dates around July 4th to take advantage of increased guest traffic on the island.
- Leave the remainder of the sale dates as they currently stand and monitor how

well these changes work for merchants.

Summary of Possible Ordinance Modifications

The Planning Commission did not recommend any changes to the proposed Sidewalk Sale ordinance revisions before them. The Commission adopted Resolution No. 12-19, and deferred to City Council regarding public comment. Therefore, the only additional changes currently under consideration herein revolve around the number and timing of permitted sale dates.

Current Ordinance: The current ordinance allows for up to 37 sale dates tied to specific holidays, as follows:

- January-Martin Luther King, Jr. Day weekend (3rd Monday of January and 2 days prior)
- February 14—Valentine's Day (2 days prior to and the day of)
- February 20—President's Day (1 day prior, day of, and 1 day after)
- March 17—St. Patrick's Day (1 day prior, day of, and 1 day after)
- Easter weekend (Friday, Saturday and Sunday)
- Memorial Day weekend (Saturday, Sunday and Monday)
- July 4th Independence Day (1 day prior, day of, and 1 day after)
- Labor Day weekend (Saturday, Sunday and Monday)
- Columbus Day weekend (2nd Monday of October and 2 days prior)
- Thanksgiving Holiday (Friday, Saturday and Sunday)
- Christmas Holiday (weekend prior to and the week of December 25th)

Proposed Ordinance Change: The ordinance change being proposed, as it currently stands, allows for up to 67 sale dates. This proposal retains the current holiday event allowance and provides 3 additional consecutive days per month, with the exception of February and December, where 6 days per month is already met or exceeded by the holiday event allowance, an increase of 30 sale dates, *noted* as follows:

- January - Martin Luther King, Jr. Day weekend (3rd Monday of January and 2 days prior), *plus 3 additional consecutive days*
- February 14 - Valentine's Day (2 days prior to and the day of)
- February 20 - President's Day (1 day prior, day of, and 1 day after)
- March 17 - St. Patrick's Day (1 day prior, day of, and 1 day after), *plus 3 additional consecutive days*
- April - Easter weekend (Friday, Saturday and Sunday), *plus 3 additional consecutive days*
- May - Memorial Day weekend (Saturday, Sunday and Monday), *plus 3 additional consecutive days*
- *June – Up to 3 consecutive days*
- July 4th Independence Day (1 day prior, day of, and 1 day after), *plus 3 additional consecutive days*
- *August - Up to 3 consecutive days*
- September - Labor Day weekend (Saturday, Sunday and Monday), *plus 3 additional consecutive days*

- October - Columbus Day weekend (2nd Monday of October and 2 days prior), *plus 3 additional consecutive days*
- November - Thanksgiving Holiday (Friday, Saturday and Sunday), *plus 3 additional consecutive days*
- Christmas Holiday (weekend prior to and the week of December 25th)

Ordinance Change – Addressing Public Comment: If the sidewalk sale event ordinance were to be changed to adopt the recommendations provided in public comment, there would be up to 56 sale dates, an increase of 19 days *noted* as follows:

- January - Martin Luther King, Jr. Day weekend (3rd Monday of January and 2 days prior)
- February 14 - Valentine's Day (2 days prior to and the day of)
- February 20 - President's Day (1 day prior, day of, and 1 day after)
- March 17 - St. Patrick's Day (1 day prior, day of, and 1 day after)
- “*End of Season*” – Easter Holiday (10 days, Friday prior to Easter Week thru Easter Sunday)
- Memorial Day weekend (Saturday, Sunday and Monday)
- July 4th Independence Day (3 days prior, day of, and 3 days after)
- Labor Day weekend (Saturday, Sunday and Monday)
- Columbus Day weekend (2nd Monday of October and 2 days prior)
- Thanksgiving Holiday (Friday, Saturday and Sunday)
- Christmas Holiday (*one week prior to Christmas thru January 1st*)

Event	Number of Sale Dates		
	Current Ordinance	Proposed Ordinance	Proposed Ordinance w/Public Comment
January – MLK Day	3	3 + 3	3
February – Valentine’s Day	3	3	3
February – President’s Day	3	3	3
March 17 th – St. Patrick’s Day	3	3 + 3	3
April – Easter Week-end / End of Season	3	3 + 3	10
May – Memorial Day	3	3 + 3	3
June	0	3	0
July 4 th	3	3 + 3	3
August	0	3	0
September – Labor Day	3	3 + 3	3
October – Columbus Day	3	3 + 3	3
November – Thanksgiving	3	3 + 3	3
December - Christmas	7	7	19
Total	37	67	56

None of the other following elements of the proposed ordinance change were addressed by public comment:

- Expansion of eligible participation to include restaurants which legally have non-food merchandise for sale, but specifically excluding gas stations, markets, grocery, liquor, and convenience stores
- Addressing the space allocated for sales and related pedestrian/customer access
- Providing temporary sign requirements (number, location, size) which are specific to Sidewalk Sales Events

Options

1. Continue the current Special Events ordinance as is, with the existing 37 sale dates and allow the pilot program with its seasonal expansion of sale dates to expire.
2. Adopt the ordinance changes referenced in Resolution 12-19, as passed by the Planning Commission, which will expand the total annual sidewalk sale dates to 67 and establishes related sign requirements.
3. Direct staff to draft modified ordinance changes, such as those recommended by public comment noted above, which will expand the total annual sale dates to 56.



MEMORANDUM

DATE: February 5, 2013
TO: Sanibel City Council
THROUGH: Judie Zimomra, City Manager
FROM: Crystal Mansell, Executive Asst. to City Manager
SUBJECT: Annual Retail Holiday Sidewalk Sales Update

BACKGROUND

On December 5, 2006, Sanibel City Council adopted Ordinance 06-016, which updated the City's regulatory system for special events permits that became effective January 1, 2007. This legislation included the creation of the "Annual Retail Holiday Sidewalk Sales Permit." The legislation allows retailers to apply for a single permit, for a one-time application fee of \$50, to conduct sidewalk sales for a total of 37 days over the following holidays:

- Martin Luther King, Jr. Day Weekend (3rd Monday of January & 2 days prior)
- February 14 – Valentine's Day (2 days prior to and the day of)
- February - President's Day (2 days prior, and day of)
- March 17 – St. Patrick's Day (1 day prior, day of, and 1 day after)
- Easter Weekend (Friday, Saturday and Sunday)
- Memorial Day Weekend (Saturday, Sunday and Monday)
- July 4th Independence Day (1 day prior, day of, and 1 day after)
- Labor Day Weekend (Saturday, Sunday and Monday)
- Columbus Day Weekend (2nd Monday of October & 2 days prior)
- Thanksgiving Holiday (Black Friday, Saturday and Sunday)
- Christmas Holiday (Weekend prior to and the week of, up to December 25th)

ADMINISTRATIVE ACTIONS

On January 5, 2011, the City Manager administratively approved a one-time expansion of dates in an effort to increase foot traffic to Sanibel's businesses during the economic downturn. In addition to the dates listed above, those retailers who applied for and received an Annual Retail Holiday Sidewalk Sales Permit enjoyed the following added dates to their permits:

- January 5, 2011 through April 24, 2011 – **DAILY**

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LEGISLATIVE ACTIONS

On December 6, 2011, City Council approved the temporary extension for the number of days on which retailers may conduct sidewalk sales events outside of the typical holidays and weekends recognized under Ordinance 06-016, and Land Development Code Section 110-58. This legislation approved the following changes for those retailers who applied for and received an Annual Retail Holiday Sidewalk Sales Permit, effective December 6, 2011 through May 1, 2012:

- Daily sidewalk sales from 8 a.m. to 8 p.m.
- Extended to general and carryout restaurant uses wanting to sell or display related incidental retail merchandise other than food or drink menu items.

PERMIT HISTORY

For calendar year 2013, the City of Sanibel is in receipt of applications for Annual Retail Holiday Sidewalk Sales Permits from the following businesses:

- Olde Sanibel Shoppes
- Tahitian Gardens Shopping Center
- The Village Shops
- Seashells.com/Sanibel Seashells
- Seahorse Shopping Center
- Sanibel Square Shopping Center
- Periwinkle Place Shopping Center

Following the temporary administrative and legislative changes to the sidewalk sales policy for 2011, there was an increase in the number of permits issued by the City of Sanibel, increasing from 7 permits in 2010, to 13 permits in 2011. The number of permits declined in 2012 to 8 approved permits.

2012 – 8 Permits Issued	
BUSINESS NAME	ISSUE DATE
Sanibel Square Shopping Center	1/12/2012
Tahitian Gardens Shopping Center	1/20/2012
The Village Shops	1/20/2012
Olde Sanibel Shoppes	1/20/2012
Periwinkle Place Shopping Center	1/20/2012
Seahorse Shopping Center	2/9/2012
Palm Ridge Plaza	3/19/2012
Big Dog Surf Shop	7/27/2012

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2011 – 13 Permits Issued	
BUSINESS NAME	ISSUE DATE
Tahitian Gardens Shopping Center	1/12/2011
The Village Shops	1/12/2011
Olde Sanibel Shoppes	1/12/2011
Periwinkle Place Shopping Center	1/12/2011
Sanibel Seashell Industry	1/12/2011
Seashells.com	1/12/2011
Islander Trading Post	1/12/2011
Sanibel Square Shopping Center	1/26/2011
Tower Gallery	1/26/2011
Seahorse Shopping Center	1/26/2011
Billy's Bikes	2/16/2011
Bailey's Shopping Center	3/18/2011
Tree Tops Center	3/18/2011

2010 – 7 Permits Issued	
BUSINESS NAME	ISSUE DATE
Tahitian Gardens Shopping Center	1/28/2010
The Village Shops	1/28/2010
Olde Sanibel Shoppes	1/28/2010
Seashells.com	1/28/2010
Seahorse Shopping Center	1/28/2010
Sanibel Square Shopping Center	1/28/2010
Sanibel Sweet Treats & Gourmet Eatery	2/12/2010

2009 – 11 Permits Issued	
BUSINESS NAME	ISSUE DATE
Periwinkle Place Shopping Center	1/9/2009
The Village Shops	1/15/2009
Tahitian Gardens Shopping Center	1/15/2009
Olde Sanibel Shoppes	1/15/2009
Seahorse Shopping Center	1/15/2009
Billy's Bikes	1/15/2009
Sanibel Sweet Treats & Gourmet Eatery	1/15/2009
Sanibel Seashell Industry	2/10/2009
Seashells.com	2/10/2009
Tree Tops Center	7/3/2009
Sanibel Scoop	7/3/2009

News Release – For Immediate Release
January 5, 2011
City of Sanibel, FL
Contact: Crystal Mansell, City Manager's Office (239) 472-3700

City of Sanibel Expands Dates for Annual Retail Holiday Sidewalk Sales – Retailers Now Have the Opportunity to Showcase Merchandise through Easter Weekend!

In an effort to assist Sanibel's businesses this season, the City of Sanibel announced today the one-time expansion of dates for those retailers who apply for and receive an *Annual Retail Holiday Sidewalk Sales Permit*.

In announcing this expansion, Sanibel City Manager Judie Zimomra stated, "This change will provide Sanibel retailers with an opportunity to increase foot traffic to their businesses and visitors an opportunity to enjoy our weather while strolling through our unique business district."

Under the expanded dates, retailers are permitted to hold Sidewalk Sales, which allows sales racks displayed outside and one on-site special sales sign, on the following dates:

- January 5, 2011 through April 24, 2011 – **Daily**
- Memorial Day Weekend (Saturday, Sunday and Monday)
- July 4th Independence Day (1 day prior, day of, and 1 day after)
- Labor Day Weekend (Saturday, Sunday and Monday)
- Columbus Day Weekend (2nd Monday of October & 2 days prior)
- Thanksgiving Holiday (Black Friday, Saturday and Sunday)
- Christmas Holiday (Weekend prior to and the week of, up to December 25th)

The fee for an Annual Retail Holiday Sidewalk Sale Permit is \$50. Retailers interested in applying for the permit should contact Crystal Mansell in the City Manager's Office at (239) 472-3700, or visit the City's website at www.mysanibel.com.



City of Sanibel

City Council Temporarily Expands Sidewalk Sales Special Events

On December 06, 2011, City Council approved the temporary extension for the number of days on which retailers may conduct sidewalk sales events outside of the typical holidays and holiday weekends recognized by Land Development Code Section 110-58.

As approved retailers will be allow to apply for the appropriate special event permit to place sales racks, tables, and temporary signage on the sidewalk adjacent to their place of business between the hours of 8 AM and 8 PM, until May 1, 2012. This approval also has been extended to general and carry-out restaurant uses wanting to sell or display related incidental retail merchandise other than food and drink menu items.

Application for the sidewalk sales special event permit must be submitted to the city manager's office no later than seven days prior to the first event for which such an application is made, accompanied by a \$50.00 nonrefundable application fee.

For additional information please contact:

Crystal J. Mansell
Executive Assistant to City Manager

City of Sanibel
800 Dunlop Road
Sanibel, FL 33957
(239) 472-3700, ext. 355
FAX (239) 472-3065

Email Address: crystal.mansell@mysanibel.com

CITY OF SANIBEL
ORDINANCE 12-011

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, IN CHAPTER 110 SPECIAL EVENTS, AMENDING ARTICLE I AND ARTICLE II FOR THE DEFINITION AND PERMITTING OF SIDEWALK SALE SPECIAL EVENTS; AMENDING CHAPTER 106 SIGNS, AND ADDING SECTION 106-140 TEMPORARY SIDEWALK SALE SIGNS; AMENDING SECTION 110-1 TO UPDATE DEFINITION FOR SIDEWALK SALE SPECIAL EVENT; AMENDING SECTION 110-49 FOR PERMIT APPLICATION LANGUAGE CONSISTENT WITH NEW DEFINITION; AMENDING SECTION 110-52 TO CORRECT CROSS REFERENCE; AMENDING SECTION 110-57 TO BE CONSISTENT WITH NEW DEFINITION; AMENDING SECTION 110-57 TO BE CONSISTENT WITH NEW DEFINITION; AMENDING SECTION 110-58 TO EXPAND SIDEWALK SALE SPECIAL EVENT DATES AND IDENTIFY ASSOCIATED PERMIT STANDARDS AND REQUIREMENTS; ADDING NEW SECTION 106-40 TEMPORARY SIDEWALK SALE SIGNS TO ESTABLISH STANDARDS SPECIFIC TO SIDEWALK SALE EVENT SIGNAGE; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a procedure has been established to revise and amend the Land Development Code in a manner consistent with the *Sanibel Plan*; and

WHEREAS, such revisions have been referred to the Planning Commission for a recommendation as to the consistency of that Amendment with the *Sanibel Plan*; and

WHEREAS, the City Council deems it necessary to make such revisions to the Land Development Code, as contained in this ordinance; and

WHEREAS, all required public notices and public hearings for such amendment have been properly given and held.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Sanibel, Florida:

SECTION 1. The Code of Ordinances of the City of Sanibel, Chapter 110 Special Events, Article I, Section 110-1 Definitions, is hereby amended with underlining indicating added language and ~~strike throughs~~ indicating deletions, as follows:

Section 110-1 - Definitions

For the purpose of this chapter, the following words and terms shall have the meanings respectively ascribed:

Approved structure means any structure constructed and used in compliance with a development permit issued by the city or any structure constructed prior to the adoption of the city Code or this land development code which is being used in full compliance with the regulations of this land development code, chapter 126, article V in particular.

Garage sale means any sale, primarily of used goods, conducted at a residential dwelling unit by the owner or tenant thereof.

Holiday ~~sidewalk sales~~ special event means any sidewalk sale of merchandise by a City of Sanibel licensed business, authorized to conduct commercial retail sales at their Sanibel business address if located in the City of Sanibel commercial district, pursuant to the relevant requirements of the Land Development Code.

Special event means any sale, grand opening, wedding, photo shoot, party, holiday celebration, bazaar, concert or other performance, fair, tent revival, fundraising event, art festival, race, tour, rally, parade, bicycle run, demonstration, contest, exhibition, block party, outdoor display, or similar event or occurrence, including the use of tents, or other devices or structures to conduct, advertise or promote any such event occurring on public or non-public lands or in a public right-of-way such as a public or non-public street, shared-use path, alley or other public place or building, park, beach, parking lot, vacant lot, in which a special event would inhibit the usual flow of pedestrian or vehicular travel or which occupies any public area or building so as to preempt use of said area by the general public or which deviates from the established use of said area or building, but such term does not include the following:

- (1) Any usual and customary noncommercial accessory use of a residential dwelling unit;
- (2) Any use or activity specifically approved by a development permit issued by the city; or
- (3) Private gatherings that will make no use of a public property other than for lawful parking;
- (4) Any garage sale conducted in compliance with the requirements of this chapter.

Student or youth group event means an event or activity which has the following characteristics:

- (1) All proceeds solely benefit the Sanibel student or youth group conducting the event;
- (2) A single day event generally lasting not longer than eight hours;
- (3) No vendor or related fees are charged (only the youth group fee or contribution is solicited);
- (4) The event is managed and conducted solely by volunteers;
- (5) Temporary and/or permanent structures are not required.

SECTION 2. The Code of Ordinances of the City of Sanibel, Chapter 110 Special Events, Article I, Section 110-49 Applications, is hereby amended with underlining indicating added language and ~~strike throughs~~ indicating deletions, as follows:

Section 110-49. - Applications.

(a) Applications for special event permits shall be submitted to the city manager, on forms provided by the city, at least 30 calendar days prior to the event, accompanied by a \$50.00 non-refundable application fee. The city manager may, however, accept an application made less than 30 calendar days prior to the event, accompanied by a \$5.00 per day non-refundable late fee in addition to the non-refundable application fee, if the applicant

demonstrates that changing the date will result in a hardship and that, due to circumstances beyond control of the applicant, the application could not reasonably have been made in time. Applications will not be accepted later than seven calendar days prior to the event. The application shall be signed by the owner of the land for which such a permit is requested or by the owner's authorized representative or designated agent. The property owner must submit, in writing, the owner's authorized agent or representative's name and contact information. Applications for a ~~holiday~~-sidewalk sales special events permit must be submitted no later than seven days prior to the first scheduled sale date ~~holiday~~ for which application is made, accompanied by a \$50.00 non-refundable application fee. Each application shall include or be accompanied by the following:

- (1) Complete information as to the type of activity planned; the date and time; the expected number of spectators and participants; any commercial activities included; the number, type, and location of any temporary structures to be used; the number, type, and location of any signs or advertising to be used; provisions made for parking; admission charge, if any; and the desired location, along with any factors particularly affecting the choice of location;
- (2) The names and addresses of the applicants and sponsors of the activity other than the applicants; and
- (3) The telephone number at which an applicant or other responsible party may be reached while the activity is occurring.

(b) Limited application for student or youth group event.

The council finds that, in general, student or youth group events as defined in this division (including, by way of example and not limitation, student car washes) serve an important community purpose and require only a limited

city review in order to assure that each such event is conducted in compliance with applicable city regulations. Therefore, the city manager is authorized to prepare a limited application for a student or youth group event which provides sufficient information and detail for the city manager or her designee to confirm that such event is planned and conditioned in compliance with all applicable city regulations. There is hereby established a \$5.00 application fee for a student or youth group event.

SECTION 3. The Code of Ordinances of the City of Sanibel, Chapter 110 Special Events, Article I, Section 110-52 Permits for Multiple Events, is hereby amended with underlining indicating added language and ~~strike-throughs~~ indicating deletions, as follows:

Section 110-52 - Permits for multiple events.

The city manager may, if sufficient information is provided by an applicant, issue one permit to cover more than one such activity in a calendar year, subject to the limitation of six special events for any one site or location, as provided in section 110-~~57~~ 55, unless a greater number is approved by the city council.

SECTION 4. The Code of Ordinances of the City of Sanibel, Chapter 110 Special Events, Article I, Section 110-57 Limit on Permits, is hereby amended with underlining indicating added language and ~~strike-throughs~~ indicating deletions, as follows:

Section 110-57 - Limit on permits.

Unless approved by the city council, no more than six permits and one sidewalk holiday-sales special event permit shall be issued pursuant to this chapter during any calendar year for special events on the same site or location. The city council may approve additional special events on the same site or location if

the granting of such additional events does not undermine or conflict with other city rules or policies.

SECTION 5. The Code of Ordinances of the City of Sanibel, Chapter 110 Special Events, Article I, Section 110-58 Holiday Sidewalk Sales Special Event Permit, is hereby amended with underlining indicating added language and ~~strike throughs~~ indicating deletions, as follows:

Section 110-58 –~~Holiday~~ Sidewalk sales special event permit.

The city manager may issue a ~~holiday~~ sidewalk sales special event permit, annually, to a licensed City of Sanibel business owner authorized to conduct commercial retail sales at their Sanibel business address if located within the City of Sanibel Commercial District. Application for a ~~holiday~~ sidewalk sales special event permit must be submitted to the city manager's office no later than seven days prior to the first scheduled sale event ~~holiday~~ for which application is made, accompanied by a \$50.00 nonrefundable application fee. The issuance of a ~~holiday~~ sidewalk sales special event permit by the city manager shall authorize the business applicant to conduct ~~holiday~~ sidewalk sales (not to exceed 37 calendar days) on the following holidays:

- Martin Luther King, Jr. Day weekend (3rd Monday of January and 2 days prior)
- February 14—Valentine's Day (2 days prior to and the day of)
- February 20—President's Day (1 day prior, day of, and 1 day after)
- March 17—St. Patrick's Day (1 day prior, day of, and 1 day after)
- Easter weekend (Friday, Saturday and Sunday)
- Memorial Day weekend (Saturday, Sunday and Monday)
- July 4th Independence Day (1 day prior, day of, and 1 day after)
- Labor Day weekend (Saturday, Sunday and Monday)
- Columbus Day weekend (2nd Monday of October and 2 days prior)

- Thanksgiving Holiday (Friday, Saturday and Sunday)
- Christmas Holiday (weekend prior to and the week of December 25th)

In addition, the business applicant may conduct sidewalk sales for up to 3 additional, consecutive days, but not in conjunction with the holiday events listed above, in the months of January, March, April, May, June, July, August, September, October, and November. Total annual sidewalk sales are not to exceed 67 calendar days.

The business applicant is required to identify all sale event dates at the time of annual permit application, if known, or in any case no less than 30 days prior to the sales event if the annual permit has already been issued.

The Sidewalk Sale Special Event permit authorizes a business to conduct outside sales of non-food and beverage retail merchandise only. Outside space dedicated to the display of merchandise is limited to the lesser of 25% of the applicant business frontage or 100 square feet. Outside merchandise display and sales areas must allow for a minimum of 3 feet of safe and unobstructed pedestrian passage and maintain functional and integrated access and internal circulation for people with disabilities.

Sidewalk Sale Special Event permits are limited to commercial retail establishments which legally offer non-food merchandise for sale, including restaurants, but excluding gas stations, markets, liquor stores, grocery stores and convenience stores.

The city manager or his/her designee may revoke the ~~holiday~~ sidewalk sales special event permit for violation of the terms and conditions, noncompliance with rules, local ordinances or for conducting sales outside of the above dates or the dates identified in the applicants permit. A ~~holiday~~ sidewalk sales special permit does not authorize temporary structures other than those structures used to display merchandise such as sales racks and/or tables.

SECTION 6. The Code of Ordinances of the City of Sanibel, Chapter 106 Signs, Article III Restriction and Regulations, Division 3 Temporary Signs Special Events, is hereby amended to add a new Section 106-140 Temporary Sidewalk Sale Signs with underlining indicating added language, as follows:

Section 106-140 – Temporary Sidewalk Sale Signs

Temporary sidewalk sale signs shall only be erected, in accordance with the following standards:

(1) Number. A maximum of one temporary sidewalk sale sign announcing or advertising the event shall be erected per business storefront where the sidewalk sale takes place and/or per multi-unit occupancy commercial center where one or more businesses have an approved sidewalk sale special event permit.

(2) Area and height. Temporary sidewalk sale signs at the business storefront shall have a maximum sign face area of 4 square feet. Temporary sidewalk sale signs for a multi-occupancy commercial center shall have a maximum face area of 6 square feet and a maximum height of 4 feet.

(3) Sign structure and type. The sign structure shall be adequate to support the sign, as determined by the city manager, or his designee. The sign must be neat and not garish in appearance and may be of any type, except it may not be a prohibited sign.

(4) Location. The location of the temporary sidewalk sale sign for a single business shall be at the storefront and/or adjacent to the doorway and parallel to the business frontage, but not in the public right of way. The location of the temporary sidewalk sale sign for a multi-occupancy commercial center shall be located at or near the point of street level public access, but not in the public right-of-way, and may be either parallel or perpendicular to the frontage, dependent on the site specific conditions.

(5) Timing and removal. All temporary sidewalk sale signs may be erected the day of the event only and must be removed during a declared emergency or storm event.

SECTION 7. Codification.

This ordinance shall be an amendment to the Code of Ordinances of the City of Sanibel, Subpart B of Part II. In Article I of Chapter 110, Sections 110-1, 110-49, 110-52, 110-57 and 110-58 are hereby amended. In Article III, Division 3 of Chapter 106 a new Section 106-140 is added,

SECTION 8. Conflict.

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

SECTION 9. Severance.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 10. Effective date.

This Ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this _____ day of _____, 2013.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:

Kenneth B. Cuyler
Kenneth B. Cuyler, City Attorney

11/24/12
Date

Hearing Dates:

Date of First Reading: _____, 2012

Ordinance Publication Date: _____, 201__

Date of Second Reading and Public Hearing: _____, 2013

Vote of Council Members:

Ruane _____

Denham _____

Congress _____

Harrity _____

Jennings _____

Date filed with the City Clerk: _____