

ORDINANCE 2021-3

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ST. LUCIE VILLAGE, FLORIDA, PROHIBITING COMMERCIAL EVENTS ON RESIDENTIALLY ZONED PROPERTIES, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of St. Lucie Village, Florida, ("the Village") is a small community, primarily zoned single family residential;

WHEREAS, the Village was incorporated in 1961 for the purpose of maintaining control over its zoning and residential character;

WHEREAS, Village regulation has historically limited commercial activity in residential districts to allow only home occupations which are incidental to the residential use, are conducted entirely within the residential or accessory structure and out of view of other residences or the road, are not obnoxious, offensive, or hazardous, and do not generate a greater volume of traffic than would normally be expected or require parking other than on the subject property, off the street and outside of the required front yard;

WHEREAS, the Village has long recognized that loud noises, such as music or noise that may be heard at a greater distance than 50 feet from the source are a nuisance in residential zoning districts, particularly between 10:00 p.m. and 7:00 a.m.; and,

WHEREAS, there have been parties and events at rented residentially zoned properties which have negatively and unreasonably impacted the surrounding residential properties by bringing in far more people than would normally occupy a single family residential property, by increasing traffic and requiring more parking than the rented property can

accommodate (resulting in parking in peoples' yards without permission), and by generating excessive noise, heard well away from the subject property, thus imposing on neighbors and the surrounding community; and,

WHEREAS, such rentals for such parties and events would seem to be a clear violation of the Village's limitations on commercial activity and night time sound nuisances, but the Board of Aldermen deems it important to clearly address this particular issue.

NOW, THEREFORE, be it ordained by the Board of Aldermen of the Town of St. Lucie Village, Florida, as follows:

1. Except as specifically permitted by Village Ordinance or preemptive State law, or otherwise grandfathered or specifically permitted, commercial activity is not permitted within the residential zoning district in the Village.

2. In particular, rental of residentially zoned property within the municipal limits of the Village for commercial events is prohibited.

3. A "commercial event", as the term is used herein, is a gathering of people, celebration, or party which is held or occurs on residentially zoned property which has been leased by the owner, the owner's agent, or a tenant for consideration in exchange for holding the event at that property, and either (a) at which the parking for the attendees can not be contained within the property and the required setbacks, or (b) from which sound or noise which is excessive and unnecessary, meaning sound or noise which is plainly audible or plainly discernible from any neighboring residential property.

4. For the purposes of this Ordinance, "plainly audible" means sound or noise that can be measured or detected by a human without

benefit of a hearing aid by a reasonable person of ordinary sensibilities; and, "plainly discernible" means ground or airborne vibrations associated with sound which can be detected by the human senses of a reasonable person of ordinary sensibilities.

5. A violation of these provisions shall be addressed in accordance with the provisions of Ordinance 2018-3; and, if a violation is established before the Special Magistrate in proceedings in accordance with said Ordinance, the violation shall be treated as one which is irreparable or irreversible in nature and the property owner may be fined accordingly.

6. This Ordinance shall be effective immediately upon passage; provided, however, that the prohibition provided herein shall not be effective to support a fine for a commercial event based on a lease entered before the date of passage.

PASSED AND APPROVED by the Board of Aldermen of the Town of St. Lucie Village on this ___ day of _____, 2021.

APPROVED:
BOARD OF ALDERMEN OF THE TOWN OF
ST. LUCIE VILLAGE, FLORIDA

By: _____
William G. Thiess, Mayor

ATTESTED:

By: _____
Mary Fowler, Clerk

I, Mary Fowler, Acting Clerk of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, do hereby certify that this is a true and accurate copy of Ordinance **2021-3** which was duly introduced, read and adopted at the regular meeting of the Board of Aldermen of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, held this ___ day of _____, 2021.

Mary Fowler, Clerk