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**Sec. 58-3. Outdoor sales and displays.**

- (a) *Prohibited.* It shall be unlawful for any person to display, sell, barter, exchange, or offer to sell, barter or exchange any goods, wares or merchandise of any kind or nature whatsoever located outside any building structure, property or business. This section shall apply to all existing or future businesses, residences, structures, property or premises located within the city limits. For the purposes of this section, premises shall mean the place of business of an enterprise.
- (b) *Exceptions to prohibition.*
  - (1) Outdoor sales or displays during the specified dates listed below:

Event	Dates
City-wide garage sale	Entire weekend (March)*
Juan Levique	Entire weekend (June)*
Grouper Festival	Entire weekend (October)*
Veterans Boat Parade	Entire weekend (November)*
Christmas Tree Display	Thanksgiving Day to Christmas Day
Christmas season	December 15th through January 1st
Football Super Bowl, when it takes place in Tampa	One week (seven calendar days) before and one week (seven calendar days) after Super Bowl Sunday
World Series, when it is held in St. Petersburg	The dates games 1 through 7 are scheduled.

The asterisk (\*) is used to identify that the dates are subject to change from year to year.

- (2) The board of commissioners may, upon special application, permit outdoor sales or displays during other appropriate times.
- (c) *Exemptions.* This section shall not apply to:
  - (1) Curb service or sales that are permitted within the city limits once a local business tax receipt is obtained, includes but is not limited to, vending machines, newsracks, gasoline stations, carwashes, equipment rentals (i.e., scooters, watercraft: jetski, waverunner, etc.), commercial establishments which provide a drive through or pedestrian window or counter, such as banks, restaurants and ice cream parlors.
  - (2) Garage sales on residential private property.
  - (3) Outdoor cafes on public sidewalks when the following requirements have been met:
    - a. At least five feet of unobstructed sidewalk for pedestrian use must be available after installation of the sidewalk cafe.
    - b. A revocable permit to install the sidewalk cafe must be obtained from the city by the licensed restaurant owner and recorded in the public records of the county. Such use may only be considered for installation adjacent to a restaurant use.
    - c. All elements or components utilized to construct the sidewalk cafe must be moveable and no element or component may be bolted or otherwise affixed to the public sidewalk. Prior to the installation of any element or component, a building permit shall be obtained.

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- d. The applicant must pay the local business tax for the activity.
  - e. The applicant provides the city with a copy of an insurance policy, which policy shall name the city as a named insured, covering both property damages, injuries which might occur by reason of such use of the public sidewalk. Such policy shall have limits of at least \$100,000.00 for property damages and at least \$500,000.00 for personal injury liability and must be approved by the city prior to issuance of a revocable permit.
- (4) Outdoor seating on private property for business establishments. Business establishments with outdoor seating prior to July 14, 2009 shall be grandfathered. Any businesses desiring outdoor seating shall submit a site plan depicting the area to be used for outdoor seating and be subject to the following requirements and require approval of the city manager or his designee:
- a. Any business establishment desiring outdoor seating must be located in a R-3, C-1, C-2, C-3, C-4, or PD zoning district.
  - b. The outdoor seating area shall not be located within a designated landscape or parking area.
  - c. Outdoor seating areas shall not be permitted on the side of a business facing an R-1 or R-2 zoning district.
  - d. All outdoor seating shall be established on a paved or stabilized, dust free surface.
  - e. All outdoor seating shall be set back five feet from the any property line.
  - f. The outdoor seating area shall not obstruct the visibility triangle, as described in section 110-423, "Intersection visibility."
  - g. Any increase in the total number of seats at the business establishment as a result of outdoor seating; must comply with chapter 110, "Zoning," article VII, "Off-street parking and loading."
  - h. When the seating area will be adjacent to a vehicular use area, protective barriers shall be installed between the seating area and the vehicle use area;
  - i. All lighting for the outdoor seating area shall be directed inward and shall not spill on to adjacent property;
- (5) Porches. A porch shall be defined as an existing porch, at the time this ordinance is enacted, which is covered and attached to a freestanding single commercial structure not located on a right-of-way or used as public sidewalk.
- (6) Display of plants and produce; subject to the following limitations:
- a. The business must be located in a R-3, C-1, C-2, C-3, C-4, or PD zoning district.
  - b. The business display must be accessory to an approved primary use on the same parcel.
  - c. All plant and produce merchandise must be stored inside the building after permitted hours of operation.
  - d. Display areas are not permitted in required landscape, parking, or pedestrian areas.
  - e. All areas for display or sale shall be provided with a paved or stabilized, dust free surface.
  - f. Outdoor display of produce shall be placed on freestanding, moveable tables, shelves, display fixtures, and/or racks that are moved indoors during any hours the business is not open and that do not exceed five feet in height.
  - g. Outdoor display of produce is prohibited between the hours of 8:00 p.m. and 8:00 a.m.

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- h. Outdoor displays of produce and plants shall be on private property and set back five feet from the any property line.
  - i. No outdoor display of produce and plants shall obstruct the visibility triangle as described in section 110-423, "Intersection visibility."

The board of commissioners may upon special application, permit outdoor sales or displays of merchandise during other limited appropriate times. The time limits for such permits shall be established as part of the permit as decided on an individual basis by the board of commissioners.

(Code 1983, § 17-102; Ord. No. 926, §§ 1, 2, 6-20-00; Ord. No. 978, § 1, 1-28-03; Ord. No. 1134, § 1, 9-10-08; Ord. No. 1156, § 1, 7-14-09)