



TO : Mayor and City Commission
FROM : Linda W. Cox, City Clerk
RE : Code of Ordinances – Chapter 12, Article II – Parks and Recreation
DATE : August 13, 2018

Existing Conditions

The City and St. Lucie County have a strong history of marketing ourselves as an eco-tourism, water front destination, including FortPierceTours.com and our partnership with Visit Florida. These types of activities typically include paddle boards, kayaking, jet skis, boat rentals, fishing, canoeing, surfing and the like. Many of these businesses are home-based, utilizing websites to book tours.

While vending in public parks is prohibited, through RFP 2015-052, Lisa's Kayaks has been granted the ability to offer non-motorized watercraft and bicycle rentals at South Causeway Park and Jaycee Park, resulting in this business being the only approved vendor in these two locations. Said contract renews annually on January 31 upon agreement of both parties, with a final expiration on January 31, 2020.

The City has been issuing BTRs to businesses operating as “home-based” with the requirement that they must operate in accordance with Sec. 22-63 of our code and with the additional restriction that they may not book tours and/or rentals, sell, accept money or act as a vendor in our public parks. We have indicated that they could deliver the required apparatus to their customer, such as a kayak, and immediately leave the area. We subsequently learned that even the “delivery” is prohibited under our existing code.

Short-Term Solutions

After speaking with some of our businesses, it is clear that some minor changes to Chapter 12, specifically Chapter 12-202, will provide some much desired relief to many of our local, water sports types of businesses. Such minor change can easily be accomplished through an ordinance change.

Section 12-202 – Prohibited activities, reads in part as follows:

“It shall be unlawful for any person to do any of the following in any park area or any other areas officially designated by the city commission as a park and posted as such unless specifically permitted by the appropriate authorization received from the city manager and issued pursuant to this article, except for activities of the city which are undertaken within the scope of its governmental authority:

....
(z) Engage in the sale, rental, **delivery, demonstration**, display, or offering as a business promotion any item or service for any non city-sponsored function(s), except as otherwise

permitted for special events as provided by this chapter or administrative rule; [emphasis added]

It is the recommendation of staff that the “Prohibited activities” language be modified as follows:

(z) Engage in the sale, rental, ~~delivery, demonstration, or display, or offering as a business promotion~~ of any item or service for any non city-sponsored function(s), except as otherwise permitted for special events as provided by this chapter or administrative rule;

Long-Term Solutions

Throughout our strategic planning activities, access to our waterfronts remains a common theme. Looking to our future and understanding the increase in visitors and residents, the city is in a position to enable our local business community to expand the services and activities currently available to visitors and residents, particularly in our parks. Knowing that the existing contract for non-motorized watercraft is nearing its final expiration, it may be prudent to evaluate our existing policies for the use of our parks by vendors and potentially identify appropriate areas for a wider array of services and activities.

It is the recommendation of staff that the City Commission seek input from the Parks Committee or direct staff to evaluate the feasibility of expanding the number of sites for appropriate activities throughout the City in preparation of a new RFP in the future.

Attachments:

Code Section 12-202

Code Section 22-63

Contract with Lisa’s Kayaks

cc: Nicholas Mimms, City Manager
Mike Reals, Public Works Director
Peggy Arraiz, Code Enforcement Manager