

MEMORANDUM

DATE: January 13, 2026

TO: Planning and Zoning Board Special Meeting

FROM: Autumn Cochella, AICP, FRA-RA, Growth Management Consultant

SUBJECT: Eagle Ridge Mall Special Exception Use Permit Approval for outdoor sales and events pursuant to Sec. 23-343.c.
451 Eagle Ridge Drive; 487 Eagle Ridge Drive

Zoning/FLUM: C-3 Highway Commercial/RAC Regional Activity Center

PUBLIC HEARING – Requirements have been met.

SYNOPSIS: Curtis Gibson, *Eagle Ridge Mall manager and authorized agent for mall owner(s), requests approval of a Special Exception Use Permit to allow for outdoor sales and events within designated mall parking lot areas, as shown on the site plan.*



Site Plan

RECOMMENDATION

Staff recommends approval of a Special Exception Use Permit for outdoor sales and events within designated areas of the parking lot, with conditions of approval.

BACKGROUND

Areas of the mall parking lot have been utilized through individual special event permit applications over the years for activities such as car sales, training courses, circus events, and more. On December 22, 2025, the City was in receipt of a Special Event Application to allow a circus within the mall parking lot. The application submitted is one prepared by the City Manager's office and is intended for special events on public properties, including those requiring City Commission approval, not events held on private properties. Special events on private property are subject to Section 23-343 of the Land Development Regulations (see **code reference** section below). Because the event is planned for a duration of 10 days, Planning Board review and approval is required. Mall management was notified that the incorrect application was submitted, and that the next available regular Planning Board meeting takes place after the scheduled event. The mall manager stated that tickets have already been sold, and requested a special meeting of the Board.



Circus Site Plan (1/15/2026 – 1/25/2026)

At the recommendation of City Staff, the mall has requested a Special Exception Use Permit to allow outdoor sales and events within designated areas of the mall parking lot to accommodate future events without having to return to the Board each time. The mall requests a term of three (3) years for the Special Permit, before returning to the Board for renewal. Unlike Planning Board review and approval of a temporary event (1 year), this request requires a public hearing.

Per mall management, events may include:

Circuses, carnivals, car shows, pop-up markets, car sales, concerts, sports events, Christmas tree sales, and fireworks sales.

CODE REFERENCE

23-343. - Auctions, sales, and events, temporary.

Temporary events, auctions and sales, not including yard sales, are permitted on nonresidential properties subject to the provisions of this section. For yard sales on residential properties, see section 23-356. Sidewalk sales on public streets are governed by chapter 18 and are not subject to the provisions of this section. Any tent, booth, or temporary structure shall require the approval of the building official and fire marshal.

a.

Exempt sales and events. No approval is required for the following:

1.

One-day auctions of real property are permitted on site, provided they are conducted between the hours of 9:00 a.m. and 8:00 p.m.

2.

Regardless of the zoning district, auctions and sales at churches and schools are exempt from approval under this section, provided that the event is sponsored by the institution on whose property the event takes place, the event(s) is incidental to the principal use of the property, and the event is conducted in a manner compatible with the neighborhood.

3.

Events in city parks and open spaces are exempt from approval under this section. Approval under chapter 18 of this Code may be required.

b.

Administrative approval—Short-term sales and events. The administrative official or designee shall consider applications for temporary outdoor sales or events on developed properties in accordance with the criteria of this section. Such sales/events are limited to four instances of three days' duration each per business unit. For the purposes of this section, a building or commercial plaza with 20,000 square feet of total building floor area or less will be considered one business unit, regardless of how many businesses are located in the structure. In buildings or commercial plazas with over 20,000 square feet

of total building floor area, each business owning or renting a discreet portion of the building's floor area will be considered a business unit.

1.

An application and fee per Table 23-242 must be submitted to the administrative official by the property owner or person with written authorization from the owner. The application shall include a written description of the proposal and a site plan meeting the requirements of section 23-222, as applicable. The site plan shall clearly show the location and dimensions of the display/event area, any changes in parking or traffic circulation, any encroachment on landscaped areas, and any proposed temporary signage, fencing, or other structures or large objects to be installed or displayed. A written description of the event shall be included. Any temporary structures such as tents, fences, booths, play structures or signage must be reviewed by the building official and fire marshal prior to placement or installation and may require a building permit.

2.

Within ten days of receipt of a complete application, the administrative official shall review the application and approve, approve with conditions, or deny it with reference to the following criteria:

A.

Visibility for site access and circulation is not impaired.

B.

Standards of the Americans with Disabilities Act, including maintaining a minimum clear passageway of 44 inches along all sidewalks, are not compromised.

C.

Required parking spaces and drive aisles shall not be used for event or display area. No entrances or exits from the parking area shall be blocked off for the event.

D.

Except for open, grassy areas, no landscaped buffers or required landscaped areas may be used for the event unless the administrative official finds that in the particular instance the landscaping is not likely to be damaged.

E.

The locations, dimensions, materials, and other characteristics of temporary signage or displays shall be specified in any approval. One temporary sign per event shall be allowed, provided it is anchored with posts or secured on a structure, such as a building or fence and does not exceed the square footage allowed for a ground sign for the site per section 23-545. The sign may display a commercial or a non-commercial message.

F.

Short-term events and sales are prohibited on vacant property.

c.

Planning board approval—Temporary outdoor sales and events. The planning board shall consider applications for temporary outdoor sales, events, and displays on

developed properties in accordance with the criteria of this section. Approvals for events/sales on developed property may be granted for a maximum of one year, but may be renewed by the planning board upon review. No approvals shall be granted under this section for events on vacant property.

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An application and fee per Table 23-242 must be submitted to the administrative official by the property owner or person with written authorization from the owner. The application shall include a written description of the proposal and a site plan meeting the requirements of section 23-222, as applicable. The site plan shall clearly show the location and dimensions of the display/event area, any changes in parking or traffic circulation, any encroachment on landscaped areas, and any proposed temporary signage, fencing, or other structures or large objects to be installed or displayed. A written description of the event shall be included. Any temporary structures such as tents, fences, booths, play structures or signage must be reviewed by the building official and fire marshal prior to placement or installation and may require a building permit.

2.

The planning board shall consider a complete application at the next available meeting. No public notice or hearing is required. The planning board shall approve, approve with conditions, or deny the application with reference to the following criteria:

A.

Visibility for site access and circulation is not impaired.

B.

Standards of the Americans with Disabilities Act, including maintaining a minimum clear passageway of 44 inches along all sidewalks, are not compromised.

C.

The use of parking spaces in excess of those required by the zoning regulations shall be approved only if site access, site circulation, and vehicular/pedestrian safety are not compromised.

D.

The use of required parking spaces or drive aisles shall be approved for display or events on a short-term basis only, subject to planning board discretion, provided the number of spaces remaining available for patrons is adequate, and provided that site access, site circulation, and vehicular/pedestrian safety are not compromised.

E.

Except for open, grassy areas, no landscaped buffers or required landscaped areas may be used for the event unless the planning board finds that in the particular instance the landscaping is not likely to be damaged.

F.

Use of temporary signage or displays other than goods for sale shall not exceed four two-week periods within a year. The locations, dimensions, materials, and other

characteristics of temporary signage or displays shall be specified in any approval. A banner or other similar feature shall be allowed as a display only if it is anchored with posts or other method or is secured on a structure, such as a building or fence and if it does not exceed the square footage allowed for a ground sign for the site on Table 23-545. The sign may display a commercial or a non-commercial message.

d.

Special exception use permit—Outdoor sales and events. Outdoor sales and events require a special exception use permit (see [section 23-216](#) for approval process) unless exempt or otherwise allowed under this section. A special exception use permit is also required if any of the following conditions apply:

1.

The floor area of the building or plaza on the site where the event is to take place exceeds 20,000 square feet, and the event or sale involves outdoor area beyond the sidewalk immediately adjacent to the applicant business;

2.

The request is for an outdoor sale or event lasting longer than one year on a developed property;

3.

The request is for a sale or event on a vacant lot. No event, sale or display shall be approved on a vacant lot unless the lot is in a nonresidential district and is part of a substantially developed business park or commercial subdivision. Such events shall be approved for no longer than 30 days' duration;

4.

The request is for a periodic sale or event occurring more than four times per year;

5.

The request is for multiple locations for outdoor sales or events.

Conditions of Approval:

1. This approval shall expire three (3) years after the date of approval, unless the applicant applies for an extension of time on approval. A request for an extension of time on approval shall be reviewed by the Planning and Zoning Board.
2. Areas for sales and events shall be kept in good, clean condition, so to not become unsightly and detract from the quality and appearance of the surrounding area.
3. Signage for sales and events shall be located within the designated event area and shall not be placed along external roadways.
4. Temporary signs, banners, and flags outside of the designated sales and event areas require approval of a Temporary Sign Permit reviewed by the City's Planning Technician.
5. The designated sales and event areas shall not be expanded without the approval of the Planning and Zoning Board.

6. Only one (1) designated sales and event area shall be utilized at one time.
7. No sales event or special event shall last for a duration of longer than thirty (30) days.
8. ADA parking spaces shall not be encroached upon within any designated sales and event area.
9. All requirements pursuant to Sec. 23-343.c.2. shall be adhered to.
10. Individual tent permit applications are required and are not approved as part of this Special Permit.
11. Adult Entertainment Uses, as defined within Sec. 23-341, are prohibited a part of this Special Permit.
12. Alcoholic beverage sales and service, as defined within Sec. 23-342, are not approved as part of this Special. Such sales and service are subject to the City's Conditional Use regulations, as well as City zoning approval and State licensure approval.
13. If an event is to take place outside of mall hours, restroom facilities shall be provided.
14. Failure to comply with the conditions of approval shall result in Code Compliance action, the potential revocation the Special Permit, and require re-review by the Planning and Zoning Board.
15. At the time of the drafting of this Staff Report, the required application fee of \$250.91 has not been paid. Approval of this Special Permit is contingent upon the payment of the required fee. Any sales or events taking place on site prior to the payment of the application fee are subject to Code Compliance action and shutdown.

Staff Findings:

- 1.) The request required review and approval of the Planning and Zoning Board, including a public hearing, for a Special Exception Use Permit pursuant to Section 23-343.
- 2.) Due to the decrease in activity and traffic at the mall, the request to utilize designated areas of the mall parking lots for sales and special events should not have a negative impact on parking to serve the mall.

ATTACHMENTS

Site Plan