

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER ___ ENTITLED LAND DEVELOPMENT CODE BY SPECIFICALLY CREATING SECTION ___ ENTITLED "SPECIAL EVENTS"; PROVIDING FOR A DEFINITION OF SPECIAL EVENTS; PROVIDING FOR THE REQUIREMENT OF A PERMIT; PROVIDING FOR PERMIT REQUIREMENTS; PROVIDING FOR REGULATIONS RELATIVE TO SIGNAGE, THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES; PROVIDING FOR BATCH APPLICATIONS; PROVIDING FOR THE REGULATION OF GARAGE SALES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City Council finds the assembly of large numbers of people require notice and opportunity for the organization of resources related to events occurring within the City; and

WHEREAS, the City Council finds and determines that the variety, uniqueness, and timing of certain special events require the City to adopt regulations which aim to define and determine what qualifies as a special event and the regulations that shall govern certain special events; and

WHEREAS, the purpose of this ordinance is promote the safe and efficient operation and organization of special events which will serve the best interests of the residents of the City; and

WHEREAS, the City Council of the City of Westlake deems it in the best interest of health, safety, and welfare of the residents of Westlake to establish regulations for conducting special events within the City; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE CITY OF WESTLAKE, FLORIDA, as follows:

SECTION 1. Recitals. The foregoing recitals are confirmed, adopted and incorporated herein and made a part hereof by this reference.

SECTION 2. The City Council hereby amends Chapter _____ by including Article _____, Section _____ entitled "SPECIAL EVENTS" as follows:

CHAPTER XX

Article XX

Sec. XXX. - Special events.

- (a) "Special event" means a temporary meeting, activity, gathering, or group of persons, animals, or vehicles, or a combination thereof (excluding any such event conducted for the primary purpose of First Amendment speech or assembly), having a common purpose, design, or goal that will detrimentally affect or impact the ordinary and normal use by the general public upon any public or private facility, street, sidewalk, alley, public or private area, or building where the event substantially inhibits the usual flow of pedestrian or vehicular traffic, and is not the type approved for, or customarily associated with, the site upon which the event is located. Examples of special events include, but are not limited to block parties, parades, races or walks, athletic events, carnivals, shows, grand opening or promotional events,

shopping plaza sidewalk sales, charity fundraisers, farmer's market, holiday tree and pumpkin patch lots, and other similar temporary uses or events not specifically permitted by the City's zoning ordinance, but does not include demonstrations. The term "special event" does not include:

- 1) a normal business sale event or similar activity for non-residential establishments;
- 2) a social gathering at a single residential dwelling unit such as a birthday party, a gathering to watch a sporting event, a celebration of life, or similar event;
- 3) garage sales or other outdoor sales in residential zones;
- 4) events taking place within a residential community that is subject to homeowners association or property owners association governing documents.

(b) Permit required and restrictions. Any City resident, or any City business holding a current City business tax receipt, or any non-profit or charitable organization registered with the State of Florida is eligible to apply for and seek a special event permit pursuant to this section subject to the following conditions and restrictions:

- 1) For non-residential uses outside of the R-1 and R-2 zoning districts, a maximum of four (4) special events permits shall be permitted per address in any single calendar year and each event shall not exceed fourteen (14) consecutive calendar days. However, temporary seasonal sales defined as sales related to a specific period of time recognized in the Westlake community as a basis for a recognition or celebration of a recognized holiday shall not exceed forty-five (45) consecutive days. A special event that includes multiple addresses, for example within a shopping center, shall count as one event for each address captured by the special event permit. No events for a single business shall occur consecutively, unless approved by the City Council.
- 2) For non-residential uses located within the R-1 or R-2 zoning districts, a no more than two (2) special events permits shall be allowed per address in any single calendar year and each event shall not exceed seven (7) consecutive calendar days. However, temporary seasonal sales as defined in this section shall not exceed forty-five (45) consecutive days. A special event that includes multiple addresses, for example within a shopping center, shall count as one event for each address captured by the special event permit. No events for a single business shall occur consecutively, except those with City Council approval.
- 3) Anchor tenants are permitted four (4) special events per calendar year in addition to the limitation above. The term "anchor tenant" shall be defined as the tenant in any non-neighborhood plaza with the greatest amount of square footage located within the leasehold premises.
- 4) Notwithstanding the other limitations in this subsection, when a new non-residential use is opened, within one year of receiving its certificate of occupancy, it may hold one (1) "grand opening" event in addition to the other special events permitted in this subsection but the one (1) grand opening event shall be required to comply with this section and shall not exceed 7 calendar days.
- 5) Special Events that are sponsored or sanctioned by the City or Seminole

Improvement District (SID) shall not be subject to City Council approval. For SID event anticipated to exceed 200 people, SID shall provide notice to the City Manager thirty (30) calendar days before the event describing the anticipated number of attendees, coordination with law enforcement, fire rescue, and a traffic management plan, if required.

(c) Special Event Permit requirements. Written application must be submitted to the City a minimum of forty-five (45) calendar days prior to the date for which the special event is proposed for non-residential properties, or thirty (30) calendar days prior to the date for which the special event is proposed for residential properties. Failure to comply with the required timeline for written applications may be a basis for denial of the application. The form of application shall be obtained from the City and contain, at a minimum, the following information:

- 1) Description and type of event. A detailed statement describing use and type of event(s) proposed.
- 2) Authority. Notarized evidence the property owner/managing agent authorizes the use on the site for the special event reflected on the special event permit application.
- 3) Proposed location with property owner's written consent.
- 4) Proposed date, commencement time and duration of event.
- 5) Approximate number of participants.
- 6) Statement of use. A detailed statement of use, including, but not limited to, sponsor(s), vendors(s), band(s) and/or other musical/entertainment operations, planned activities, duration of event, hours of operation, anticipated attendance, temporary lighting to be provided on site, security, utilities, and use of generators, as applicable.
- 7) Proof of insurance in the amount of \$1,000,000.00 per event.
- 8) Expected traffic, fire-rescue, and utilities impact, if any, and proposed mitigation plans.
- 9) Copy of all required state and county permits if event will be held on or utilize state and/or county-controlled property.
- 10) Signage. Signs are permitted only if related to a special event and shall comply with the City's Code of Ordinances regulating signage.
 - a. Traffic control signs, may only be used for purposes to direct traffic and/or as deemed necessary for the safety of the public, and/or for public events held by the city. Traffic-control signage shall be permitted only at the discretion of the City, and by the Seminole Improvement District if applicable, subject to the review and approval of a traffic-control sign plan illustrating the number, copy area, location, and graphics of all signs proposed. All signs located on public property or right-of-way other than city property shall be submitted with the authorization of the applicable agency. No signs shall be permitted to be installed earlier than ____ calendar days prior to the permitted special event and signs must be removed no later than _____ calendar days after the event.
- 11) Site plan. A detailed site plan for the event, including, but not limited to, property boundaries; road access; location of trash receptacles, sanitary restroom or wash facilities, tents, or other structures; location of rides if applicable; location of parking; location of temporary enclosures, tents, dwellings, offices, and equipment; location of any live entertainment, outdoor music, or stages; and proposed setbacks of activities, fences, tents, booths etc., from adjacent properties. Single residential units shall not be required to provide a site plan.

- (d) Alcoholic beverage service. Notwithstanding anything contained in the City Code of Ordinances to the contrary, alcoholic beverages may be permitted at approved special events under the following conditions; 1) The sale or service of alcoholic beverages at any special event shall require, as a condition precedent, the issuance of the appropriate state alcoholic beverage permit, if any, a copy of which must be provided to the City in conjunction with the special event permit application; 2) the City may require, in its sole discretion, the use of physical barriers to define and contain the outdoor area within which alcoholic beverages may be sold and consumed; 3) the hours of sale, and; 4) the use of security or off-duty law enforcement personnel at the special event.
- (e) Food service. If food service will be available at the event, the applicant shall provide a complete list of food service vendors, their respective State or County licenses or permits if applicable, Florida State health certificates, and a list of the type of food service proposed. The use of mobile food vending vehicles within the city limits shall be subject to the requirements of the Code of Ordinances.
- (f) Entertainment. Any special event that is proposing to include musical or other audio entertainment shall adhere to the following:
 - a. Submit to the City a live entertainment/sound management plan as a part of the special event application for review.
 - b. The applicant must demonstrate that the special event will meet the requirements of the City Code regulating noise.
- (g) Location. In residential zoning districts or residential portions of mixed use districts, special events may occur on public or private schools, churches and houses of worship, public parks, public or private common property, amenity centers, and sites that have been approved for, or are customarily associated with events (such as properties controlled by a property owner's association or homeowner's association). Otherwise, special events may occur only on properties with a non-residential zoning district designation.
- (h) Other materials. Other materials and documentation as may be required by the City application to accurately assess potential impacts of the special event on public facilities and services.
- (i) Final action.
 - 1) After review by, and with the recommendations of Planning and Zoning, Fire Rescue, and Law Enforcement, the City Manager or his/her designee and in his or her sole discretion may approve the application (with conditions if applicable), or deny the application in whole or in part.
 - 2) If the application is denied, the City Manager shall provide the basis for the denial and the applicant may request an appeal to the City Council. Such request must be made in writing to the City Manager within ten (10) calendar days of the denial, and shall be considered by the City Council at its next available scheduled meeting.
 - 3) Any proposed special event whose attendance is contemplated to exceed 200 people in total shall require final approval by the City Council which, after considering the recommendations of Planning and Zoning, the law enforcement department, and the City Manager, may approve the application, deny the application in whole or in part; or approve the application with conditions.
 - 4) Denial of a special event permit application, or the imposition of certain conditions by either the City Manager or the City Council may be based, among other reasons and at

the sole discretion of the City, upon violations of the terms and conditions of a previously approved special event permit for the same address.

(j) Batch Applications. A Batch Application is an application requesting approval of multiple special events. Any person or entity entitled to seek a special event permit may submit a Batch Application to the City. A Batch Application does not entitle the applicant to more special event permits than otherwise permitted by this Chapter, but does allow all special events described in the Batch Application to be permitted through a single application. Each special event described in the Batch Application must meet the requirements of this Chapter or other approved Special Events Program. For any event anticipated to exceed 200 people, the applicant shall provide updated information to the City forty-five (45) calendar days before the event describing the anticipated number of attendees, coordination with law enforcement, fire rescue, and a traffic management plan, if required.

(k) Special Events Program. For any non-residential development, the owner or manager may submit a Special Events Program application requesting a waiver for a period not to exceed three (3) years from the limitation on the annual number of permissible special events and/or any other requirement of this Chapter. The application may, but is not required to, contain details of special events that will be held as part of the Special Events Program. The Special Events Program application shall go before City Council and may be approved, denied, or approved with conditions.

a. If a Special Events Program is approved or approved with conditions, the applicant is then required to obtain a permit from the City for each special event that is part of the Special Event Program, demonstrating compliance with this Chapter subject to any conditions of approval. Applications for these special events may be made through Batch Applications, individual applications, or any combination thereof.

b. The City Council may withdraw the waiver at any time after providing written notice ten (10) calendar days in advance in the event it determines that the Special Event Program is detrimental to the Westlake Community and it is in the best interest of the City to protect the health, safety, and welfare of the residents of Westlake.

(l). Event Venues - Other notification required. Sites that have been approved for, or are customarily associated with events, are not required to seek special event permits. However:

- 1) If such a site will host an event that is substantially larger than the types of event approved for or customarily associated with the site, such that the event will negatively impact traffic to a greater degree than is typical during an event of that normal parking procedures will not accommodate anticipated vehicles, then written request for approval of a maintenance of traffic plan must be made to the City at least forty-five (45) calendar days prior to the event. Such request must include a description of the event, provide the anticipated duration of the event, provide the anticipated number of attendees or vehicles at the event, and provide a maintenance of traffic plan. The City shall respond to such application within twenty (20) calendar days; otherwise, the provided maintenance of traffic plan shall be deemed acceptable.
- 2) For any special event anticipated to attract more than 200 people, notice must be provided to the Palm Beach County Sheriff and Palm Beach County Fire Department at least 30 days in advance, and must state the anticipated number of attendees, the location and the duration of the event. In the event should either the Palm Beach County Sheriff or the Palm Beach County Fire Department issue a recommendation, the applicant/ sponsor of the event shall be required to comply with all the recommendations of both agencies.

(m) Violations. It shall be unlawful to operate or hold any special event in the City without compliance with this Section. Violations of this Article shall subject the property owner to code enforcement proceedings.

Sec. XXX.

Garage sales and other outdoor sales in residential zones; permit required; limitations.

This section does not apply to residences governed by a homeowner association or property owner’s association. No garage sale, carport sale, yard sale, outdoor sale, or other similar activities in any residential district, including the residential portion of the mixed use district, shall be permitted without the issuance of a permit from Planning and Zoning. There shall be no fee charged by the City for the issuance of such permit. Not more than two (2) permits shall be issued to any one street address during any single calendar year.

- a) Garage sales and other outdoor sales in residential zones; application for permit; issuance.
 - 1) Applicants for a garage sale or other outdoor sale permit in a residential zone shall first submit a statement showing:
 - i. The name and address of the person conducting the garage sale or other outdoor sale.
 - ii. The day(s) and time(s) upon which the sale shall occur.
 - iii. A list of proposed locations for signs, which may be installed no sooner than 1 day before sale and must be removed at the end of the day of sale. Each garage sale is allowed one sign that is a maximum of 12 sq. ft. in size on the property hosting the sale and a maximum of three off-premises directional signs.
 - 2) City Manager or designee shall issue the permit as a matter of right upon determination that the garage sale or other outdoor sale does not violate any of the terms of this Code. By applying for a permit, the applicant agrees to comply with all permit requirements and on-street parking requirements.
 - 3) Restrictions. Garage sales or other outdoor sales in residential districts, or in the residential portion of a mixed use district, are permitted only on Saturdays and Sundays between the hours of 8:00 a.m. and 5:00 p.m. Such sales at any other time of the day are prohibited.
- b) Garage sales and other outdoor sales in residential zones; cleanup of site. All sites of garage sales or outdoor sales shall be left in a clean and orderly manner upon completion of the sales activities. All temporary signs shall be removed immediately upon the conclusion of the garage sale or outdoor sale.
- c) Penalty for violations. Violations of the regulations for conducting garage sales shall be grounds for denial of a subsequent garage sale permit. In addition, the City may, at its sole discretion, refer alleged violations to the code enforcement special magistrate.

SECTION 4. Codification. It is the intention of the City Council of the City of Westlake that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Westlake, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and

the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

SECTION 5. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions which are in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 6. Severability. Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

SECTION 7. Effective Date. This ordinance shall be effective upon adoption on second reading.

PASSED this ____ day of _____, 2022, on first reading.

PUBLISHED on this ____ day of _____, 2022 in the Palm Beach Post.

PASSED AND ADOPTED this ____ day of _____, 2022, on second reading.

City of Westlake
JohnPaul O'Connor , Mayor

ATTEST:

Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY