

**ORDINANCE NO. 10- 2019**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 18, PERTAINING TO THE REQUIREMENTS FOR SPECIAL EVENT PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town Commission has previously adopted regulations regarding special event permits for events in Town parks; and

**WHEREAS**, the Town's Community Development Department has recommended amendments to Sections 18-120 through 18-127 of the Code of Ordinances pertaining to special event permits; and

**WHEREAS**, the Town Commission has determined that the recommended amendments would further the public's health, safety and general welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:**

**Section 1.** The whereas clauses are hereby incorporated as true and correct findings of fact of the Town Commission.

**Section 2.** Chapter 18, Article IV, Sections 18-120, 121, 122, 123, 124, 125, 126 and 127 are hereby amended as follows:

**Sec. 18-120. - Special event permit required.**

- (a) A special event permit is required when the activity being conducted is expected to impact the town or a portion of the town beyond the normal operations or operating hours of a business, neighborhood, park or other public property, or when the exterior of a property is utilized beyond its approved use. In some cases, special events may require the temporary installation of infrastructure. Examples of special events include; grand openings and special sales events for permanent commercial and businesses uses located in the Town; religious functions and other types of ceremonies, craft shows and fairs, festivals and holiday events, residential/neighborhood block parties, certain sports and recreation events and functions, fundraisers, events and functions held in town parks or on town property; outdoor sales of seasonal items or products conducted on commercial property between November 1 and December 31, or between June 5 and July 5, and other resident or residential, business and commercial events that meet the criteria and requirements of this article.
- (b) Town-sponsored events are not subject to the frequency requirements of this section, or any other sections provided herein. Special event permits may be issued by the town for single use special events and for multiple special events. Special event permits are not intended, nor shall the issuance of a special event permit by the town be deemed or construed to supersede existing zoning, and other town laws or regulations, or to effectuate or constitute a waiver of such regulations.
- (c) Applicants proposing to host special events are subject to the following limitations:  
A property which is the subject of an application is entitled to host a maximum of 12 special events per calendar year. The special event hosted on the property is permitted for up to two consecutive days.

Outdoor seasonal sales may be conducted for no more than 45 consecutive days. Outdoor seasonal sales are permitted one annual event. These events are limited to the Town's commercial zoning districts. Outdoor seasonal sales shall not be conducted as an extension of an existing retail operation, but must constitute a stand-alone use by a separate, third-party vendor.

Events, that in the opinion of the town, can be anticipated to attract 1,000—4,999 participants, shall be entitled to host four special events per calendar year in addition to the 12 listed hereinabove, provided the events are hosted in the following designated areas: Kelsey Park, Lake Shore Park, Bert Bostrom Park or within the Park Avenue Downtown District.

**Sec. 18-121. - Application deadlines for permit; conditions.**

Applications for a special event permit shall be submitted on forms provided by the town to the community development department for approval or denial. Applications must be submitted to the community development department not less than 21 calendar days prior to the date of the proposed special event. For special events

held in town parks, or on town property, an applicant shall submit a special event permit to the town at least 60 days in advance of the proposed special event. The community development director shall be responsible for issuing all special event permits, however, in the event that an applicant requires either a waiver of town imposed fees or other code regulations; or closure of any town streets for more than a 24-hour period, such request must be approved by the town commission. Final approval of a special event permit issued by either the community development director or approved by the town commission may impose conditions which are deemed necessary to protect or further the public health, safety, and general welfare. Temporary freestanding canopies may be used for special events.

**Sec. 18-122. – Criteria for review of special event permits.**

- (a) *Generally.* Prior to issuing a special event permit, the community development director or designee shall review the application for a special event permit and all other supporting documentation submitted by the applicant in conjunction with the following criteria and any additional relevant factors or considerations to determine whether a special event permit shall be issued by the town:
- (1) Will the requested special event be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare?
  - (2) Will any nuisance or hazardous feature or activity involved in the special event be suitably separated from adjacent uses? If yes, does the application adequately detail the methods and means to be used to buffer adjacent uses from the nuisance or harmful effects that the special event may generate, and does the community development director concur that the applicant's proposal will be sufficient in this regard?
  - (3) Will excess vehicular traffic be generated on residential streets? If so, will off-duty law enforcement personnel be necessary? Are there other mitigating solutions which can be implemented to address the effects of excess traffic?
  - (4) Will a vehicular parking problem be created either internal or external to the site of the special event? If so, has the applicant provided any mitigation plan, such as off-site valet parking or other proposals to relieve anticipated parking problems?
  - (5) Will the special event have potential negative audible effects, and if so, to what extent, and has the applicant presented any noise mitigation plan with the application?
  - (6) Will the special event violate any other provisions of the Town Code, and if so, what code sections are in conflict?
  - (7) Will the use be temporary in nature, and not include any permanent improvements? If permanent improvements are proposed and approved by the town, the applicant may be required to transfer ownership of any improvements to the town via a bill of sale or other legal instrument.
  - (8) Will the impacts of nonresidential uses on residential properties be minimized, and if so how?

(9) Will any streets, roads, or rights-of-way be closed? Has a maintenance of traffic (MOT) plan been submitted? Has the applicant agreed to make the necessary arrangements and pay all related expenses in advance?

(10) Will any proposed signage comply with the sign code requirements of chapter 70 of this Code and has a separate signage application been submitted?

**Sec. 18-124. – Additional criteria for outdoor seasonal sale events.**

Applicants seeking a special event permit for outdoor seasonal sales shall provide the following:

(1) Items for sale.

(2) Proposed location

(3) The property owner's written consent and affidavit of responsibility.

(4) Copy of sales tax number certificate.

**Sec. 18-1245. - Permit issuance.**

Special event permits issued pursuant to this article shall only be issued following the submittal of all required paperwork and payment of all required fees.

**Sec. 18-1256. – Revocation of permit.**

A special event permit may be revoked by the community development director upon a determination that the terms or conditions of the special event permit have been violated or cannot be met. If this determination is made during or after the event takes place, the applicant of the special event applicant will be subject to the forfeiture of 50 percent of the deposit for events on town property, or a \$150.00 penalty for events on private property and will be subject to code enforcement proceedings as established in the Town Code.

**Sec. 18-127. – Special event signage.**

A permit is required for all temporary signs. Signs shall comply with applicable Town code requirements.

**Section 3. Severability.** If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**Section 4. Repeal of Laws in Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 5. Codification.** The provision of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Lake Park. The Sections of the Ordinance maybe renumbered or re-lettered to accomplish such.

**Section 6. Effective date.** This Ordinance shall take effect immediately upon execution.

Upon First Reading this 30 day of October, 2019, the foregoing Ordinance was offered by Vice-Mayor Glas-Castro who moved its approval. The motion was seconded by Commissioner Flaherty and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	_____	_____ /
VICE-MAYOR KIMBERLY GLAS-CASTRO	_____ /	_____
COMMISSIONER ERIN FLAHERTY	_____ /	_____
COMMISSIONER JOHN LINDEN	_____ /	_____
COMMISSIONER ROGER MICHAUD	_____ /	_____

**PUBLISHED IN THE PALM BEACH POST THIS 27 DAY OF October, 2019**

Upon Second Reading this 6 day of November, 2019, the foregoing Ordinance, was offered by Commissioner Flaherty, who moved its adoption. The motion was seconded by Vice-Mayor Glas-Castro and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	_____ /	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	_____ /	_____
COMMISSIONER ERIN FLAHERTY	_____ /	_____
COMMISSIONER JOHN LINDEN	_____ /	_____
COMMISSIONER ROGER MICHAUD	_____ <u>Absent</u>	_____

The Mayor thereupon declared **Ordinance No.** 10-2019 duly passed and adopted this 6 day of November, 2019.

TOWN OF LAKE PARK, FLORIDA

BY: [Signature]  
Mayor, Michael O'Rourke

ATTEST:

Approved as to form and legal sufficiency:

[Signature]  
Town Clerk, Miriam Mendez  
(Town Seal)  
**TOWN OF LAKE PARK  
SEAL  
FLORIDA**

[Signature]  
Town Attorney, Thomas J. Baird

**LEGAL NOTICE OF PROPOSED ORDINANCE  
TOWN OF LAKE PARK**

Please take notice that on Wednesday, November 6, 2019 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

**. Ordinance No. 10-2019 Amending Chapter 18 Pertaining to the Requirements for Special Event Permits**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 18, PERTAINING TO THE REQUIREMENTS FOR SPECIAL EVENT PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**. Ordinance No. 11-2019 Amending Chapter 70 Entitled "Sign Regulations" Providing for the Addition of a Definition of Outdoor Seasonal Sales; Providing for the Amendment of Section 70-103 to Add Outdoor Seasonal Signs as a Permitted Sign.**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 70, ENTITLED "SIGN REGULATIONS" PROVIDING FOR THE ADDITION OF A DEFINITION OF OUTDOOR SEASONAL SALES; PROVIDING FOR THE AMENDMENT OF SECTION 70-103 TO ADD OUTDOOR SEASONAL SIGNS AS A PERMITTED SIGN; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, MMC, Town Clerk  
Town of Lake Park, Florida

**PUB:** The Palm Beach Post October 27, 2019