

ORDINANCE 2012-04

(Zoning amendment – Special Sales and Events)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AS IT PERTAINS TO APPROVALS OF SPECIAL SALES AND EVENTS ON NON-RESIDENTIAL PROPERTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida:

SECTION 1. Amend review fees for special sales and events
Table 23-242 “Land Use Applications – Required Fees” is amended as follows:

Under “23-212 Verification of Zoning Compliance,” amend “c. Written zoning determination” to read as follows:

c. Written zoning determination or administrative approval.

After 23-222, amend “Waiver of strict compliance only” to read as follows:

Waiver of strict compliance only (per sec. 23-222.5) or review of application for temporary outdoor sale or event (per sec. 23-343).

SECTION 2. Conditional use regulations for special sales and events
Sec. 23-343 “Auctions, sales, and events, temporary” is amended as follows:

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

Temporary events, auctions and sales, not including yard sales, are permitted on non-residential properties subject to the ~~following~~ provisions of this section. For yard sales on residential properties, see section 23-355. 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.) a. 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.

~~b. Auctions, sales, and special events in non-residential parking lots and on vacant lots or open areas in non-residential zoning districts may be permitted on a temporary or periodic basis by special permit issued pursuant to section 23-216~~

(2.) ~~e. Regardless of the zoning district, auctions and sales at churches and schools, and government properties including parks and open areas, are exempt from approval under this section the requirement for special permit or site plan approval, provided that, for churches and schools, the event is sponsored by the institution on whose property the event takes place, that 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 the code may be required.

~~d. Auctions and sales are prohibited on residential properties except that yard sales are permitted pursuant to section 23-355~~

~~e. Periodic auctions and sales on a property or those proposed for more than three (3) days within a month require a special exception use permit pursuant to section 23-216 and may be subject to annual renewal.~~

~~f. Any tent, booth, or temporary structure shall require the approval of the building official and fire marshal.~~

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 4 instances of 3 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 sec. 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 10 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 may be approved, 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 sec. 23-545.
- 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.

(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 sec. 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 per sec. 23-545.

d. Special Exception Use Permit – Outdoor sales and events

Outdoor sales and events require a special exception use permit (See sec. 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 non-residential 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.


SECTION 3. **Special sales and events allowed as accessory use**
Table 23-541 ACCESSORY USES – NONRESIDENTIAL
PROPERTIES, “RESTRICTIONS” column for “Special sales and
events” is amended as follows:

Any use of parking area or outdoor display, sale, or storage of merchandise or services requires a special permit pursuant to section 23-216 except as allowed under. See also section 23-343, Auctions, sales, and events, temporary.

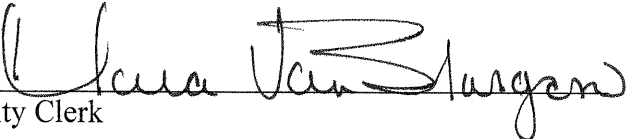
SECTION 4. **Severability:** If any clause, section or provision of this ordinance or any impact fee imposed pursuant to this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance or remaining impact fees shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 5. **Effective date:** This ordinance shall become effective immediately upon its passage by the City Commission.

CERTIFIED AS TO PASSAGE this 6th day of March 2012.

BY: 
Mayor/Commissioner
City of Lake Wales, Polk County, Florida

ATTEST:


City Clerk