

# CITY OF WESTLAKE



## AGENDA

### **Local Planning Agency Meeting**

Monday, April 11, 2022 at 6:00 PM

Westlake Council Chambers  
4005 Seminole Pratt Whitney Road  
Westlake, Florida 33470

In efforts to balance the need for the City of Westlake to function and conduct business during the COVID-19 pandemic, we will adhere to the recommended social/physical distancing (staying at least six feet away from each other) guidelines, per the Centers for Disease Control and Prevention (CDC) and Palm Beach County's directives. There will be limited seating available in the Council Chambers. Therefore, preregistration will be required for in-person participation.

The instructions for preregistration attendance/participation and viewing of the meeting are outlined below:

#### **PREREGISTRATION FOR IN-PERSON ATTENDANCE:**

- All interested persons, Quasi-Judicial meeting applicants, their representatives, and witnesses must preregister to attend/participate in a meeting by sending an email to City Clerk, Zoie Burgess at [zburgess@westlakegov.com](mailto:zburgess@westlakegov.com) or by phone at 561-530-5880 no later than one (1) business day prior to the meeting date (e.g. by 4:00 P.M. on a Friday, if the meeting is scheduled for that Monday, etc.)
- In-person attendance/participation will be based upon the order in which the preregistration requests are received by the City Clerk. For Public Hearing Quasi-Judicial meetings, precedence into the Council Chambers will be given to applicants, their representatives, and/or witnesses over all other preregistered parties.

#### **COMMUNICATIONS MEDIA TECHNOLOGY – WEBEX:**

Members of the public may also participate in the meeting through electronic means and may access as follows:

1. Join the Webex meeting from your computer, tablet or smartphone at the following link:  
<https://cityofwestlake.my.webex.com/>

Meeting ID: 2630 547 0723

Password: hello

2. Participants may also dial in using your phone with any of the following number(s):

United States Toll: +1-408-418-9388

Meeting ID: 2630 547 0723

For participants attending the meeting via WebEx, public comments will be accepted via an electronic comment card, at least 24 hours prior to the public meeting and also acknowledged during the meeting when participants utilize the “raise your hand” feature during the designated time.

Procedures for Public Comment are also provided via the City website:  
<https://www.westlakegov.com/cityclerk/page/covid-19-public-meetings>

### **CITY COUNCIL:**

JohnPaul O’Connor, Mayor

Vacant, Vice Mayor

Pilar Valle Ron, Council Member – Seat 1

Julian Martinez, Council Member – Seat 2

Greg Langowski, Council Member – Seat 4

### **CITY STAFF:**

Ken Cassel, City Manager

Zoie P. Burgess, CMC, City Clerk

Donald J. Doody, Esq., Interim City Attorney

Nilsa Zacarias, Planning and Zoning Director

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

**CONSENT AGENDA**

*This section of the agenda consists of routine or administrative items that require final approval by the City Council and may be approved in its entirety by a single motion. There will be no discussion of these items unless a City Council Member requests such, in which event, the item will be removed from the Consent Agenda and considered on a future agenda.*

**PUBLIC HEARING**

- A.** Ordinance 2022-04 – Mobile Food Trucks

**Submitted By:** Planning & Zoning

**ORDINANCE NO. 2022-04**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER \_\_\_\_ ENTITLED LAND DEVELOPMENT REGULATIONS BY CREATING SECTION \_\_\_\_\_ ENTITLED "MOBILE FOOD TRUCKS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR REQUIREMENTS FOR ALL MOBILE FOOD TRUCKS; PROVIDING FOR THE REGULATIONS RELATIVE TO CONDUCTING BUSINESS; PROVIDING PARKING AND STORAGE OF INACTIVE FOOD TRUCKS; PROVIDING FOR WASTE DISPOSAL; PROVIDING FOR LOCATIONS BY ZONING DISTRICT; PROVIDING FOR VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

- B.** Ordinance 2022-03 – Special Events

**Submitted By:** Planning & Zoning

**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.**

**ADJOURNMENT**

**NOTICE:** If a person, firm or corporation decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, you will need a record of the proceedings, and you 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. (The above notice is required by State Law. Anyone desiring a verbatim transcript shall have the responsibility, at his own cost, to arrange for the transcript). The City of Westlake does not prepare or provide such verbatim record.

In accordance with the Americans with Disabilities Act, persons who need an accommodation in order to attend or participate in this meeting should contact the City Clerk at (561) 530-5880 at least three (3) business days prior to the meeting in order to request such assistance.

**AGENDA POSTED:** April 5, 2022

**ORDINANCE NO. 2022-04**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER \_\_\_\_ ENTITLED LAND DEVELOPMENT REGULATIONS BY CREATING SECTION \_\_\_\_\_ ENTITLED "MOBILE FOOD TRUCKS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR REQUIREMENTS FOR ALL MOBILE FOOD TRUCKS; PROVIDING FOR THE REGULATIONS RELATIVE TO CONDUCTING BUSINESS; PROVIDING PARKING AND STORAGE OF INACTIVE FOOD TRUCKS; PROVIDING FOR WASTE DISPOSAL; PROVIDING FOR LOCATIONS BY ZONING DISTRICT; PROVIDING FOR VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of the City of Westlake deems it in the best interest of the residents of Westlake to regulate the operation of Mobile Food Trucks within the City; and

**WHEREAS**, the quality of life enjoyed by the Westlake community will be preserved by enacting a section to the City Code of Ordinance creating specific provisions regulating the business operations of Mobile Food Trucks conducting business 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 "whereas" clauses are confirmed, adopted and incorporated herein and made a part hereof by this reference.

**SECTION 2.** The City Council hereby amends Chapter \_\_\_\_ entitled Land Development Regulations by creating Section \_\_\_\_ entitled Mobile Food Trucks as follows:

**CHAPTER XX: MOBILE FOOD TRUCKS**

**Article X.1) Definitions.**

As used in this Chapter, the following terms shall be defined as follows:

Event Venues: shall mean sites that have been approved for, or are customarily associated with, events.

Mobile food truck shall mean any vehicle that is self-propelled or otherwise movable from place to place, and is used to vend food and beverage products. Mobile food trucks shall be classified as one of the following:

Class I – Mobile kitchens. In addition to the vending of products allowed for class II and class III mobile food trucks, these vehicles may cook, prepare and assemble food items on or in the unit, and serve a full menu. Customers may be notified of the vehicle's location by social media or other forms of advertising. These vehicles may be classified as "mobile food dispensing vehicles," as defined by section 509.102, F.S., if they include self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

Class II – Canteen trucks. These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages may take place on or in the vehicle. However, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations. These vehicles are limited to providing catering services to employees at a specific location. These vehicles may be classified as “mobile food dispensing vehicles,” as defined by section 509.102, F.S., if they include self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

Class III – Ice cream trucks. These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy or frozen water-based food products and pre-packaged beverages. These vehicles may be classified as “mobile food dispensing vehicles,” as defined by section 509.102, F.S., if they include self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

Mobile service base shall mean a place for food storage, the cleaning of the equipment, the filling of water tanks and proper disposal of waste water and grease, and shall not include the use of a private home as a mobile service base.

Responsible Party shall mean the owner, management company, or lessee of real property on which the mobile food truck operates.

Vehicle shall mean a motorized vehicle, including a trailer or other portable unit attached to a motorized vehicle, that is intended for use in vending.

Vend shall mean to sell or offer to sell products from a mobile food truck.

City-issued special event permit shall mean a permit issued by the City for special events per the requirements of chapter XXX of City code.

**Article X.2) Requirements applicable to all mobile food trucks.** The following requirements are applicable to all mobile food trucks operating within the City of Westlake.

**Section 1:** Health and safety regulations; display of state license. A mobile food truck operating within the City’s municipal boundaries shall at all times comply with all federal, state, and local health and safety regulations and requirements, and shall obtain and maintain any and all licenses required by any other health organization or governmental organization having jurisdiction over the same. The license under which the mobile food truck is operating shall be firmly attached and visible on the mobile food truck at all times, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand.

**Section 2:** Initial and annual fire safety inspections. The mobile food truck shall be made available for inspection by the Palm Beach County Fire Department at a location determined by the Fire Department. The Palm Beach County Fire Department shall ensure compliance with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and codes. Subsequently, every Class I mobile food truck shall undergo an annual inspection by the Palm Beach County Fire Department.

**Section 3:** Written consent of Responsible Party. A mobile food truck shall not operate on any private property without the written consent of the Responsible Party. A copy of such written permission shall be maintained in the mobile food truck at all times, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand.

**Section 4:** Stock-in-trade; storage. All materials, equipment, and stock-in-trade shall be stored entirely within the mobile food truck unless the Responsible Party has obtained a City-issued special event permit, or is at an Event Venue and has permission of the Responsible Party to store such items on the Responsible Party's property.

**Section 5:** Food vending. Food vending shall only be conducted from the mobile food truck, unless the Responsible Party has obtained a City-issued special event permit.

**Section 6:** Alcohol sales. A mobile food truck may sell alcohol beverages in compliance with the State alcohol license requirements. Special events with mobile food trucks shall be exempt from the City Code separation requirements

**Section 7:** Conducting business in public right-of-way. A mobile food truck, except for ice cream trucks, shall not conduct business or operate in the public right-of-way unless approved as part of a City-issued special event permit and with the written permission of SID. When mobile food trucks are authorized to operate, such trucks may stop, stand or park only in right-of-way areas identified in the City-issued special event permit. The mobile food truck shall be responsible for restoring the right of way to a condition equivalent to that before the use by the mobile food truck, including re-sodding and repairing irrigation as necessary. Any restoration required shall be completed within seventy-two (72) hours after receiving a written notice of restoration.

**Section 8:** Conducting business near street intersections or pedestrian crosswalks. A mobile food truck shall not be located within twenty-five (25) feet of any street intersection or pedestrian crosswalk, unless the Responsible Party has obtained a City-issued special event permit.

**Section 9:** Interference with vehicular and pedestrian traffic. A mobile food truck shall not impede ingress or egress of other businesses, building entrances, or emergency exits. A mobile food truck shall not impede the flow of vehicular or pedestrian traffic unless pursuant to a City-issued special event permit.

**Section 10:** Parking requirements. The property on which the food truck is parked during active operation must also provide parking for the customers of the food truck. The mobile food truck shall not be parked:

- (A) in a fire lane or in an area blocking a fire hydrant;
- (B) in Americans with Disabilities (ADA) accessible parking spaces or accessible ramps;
- (C) in any driveway aisles, "no parking" zones, or loading-only areas.

**Section 11:** Use of designated parking spaces.

- (A) OPTION 1: The on-site parking requirements shall be maintained for the principal use of the property except pursuant to a City-issued special event permit and with the written permission of the Responsible Party.

(B) OPTION 2: The on-site parking requirements shall be maintained for the principal use of the Responsible Party's property unless:

- (1) the mobile food truck is operating pursuant to a City-issued special event permit and has the written permission of the Responsible Party; or
- (2) the Responsible Party demonstrates that a mobile food truck's use of required parking spaces will not negatively impact the parking of any other use, which may be demonstrated through a parking study, written permission of the other uses relying on a common parking lot, or other evidence acceptable to the Planning and Zoning Director.

**Section 12:** Parking and storage of inactive mobile food trucks. Food trucks not in active operation may be parked and stored as follows:

- (A) Food trucks associated with an existing retail food establishment may park in the parking spaces designated for the existing retail food establishment.
- (B) Food trucks may park in appropriate parking lots so long as:
  - (1) The food truck is parked in a designated parking lot or space designed to accommodate oversized vehicles in a parking lot or space designated for light industrial use.
  - (2) The food truck operator obtains the written permission of the Responsible Party
  - (3) The parking space is not in a loading zone, unless overnight parking in the loading zone is approved by the City as part of a site plan.
  - (4) The parked food truck meets all parking, location, and screening requirements governing parking of commercial vehicles, trucks, or trailers pursuant to Chapters 3 and 8 of the LDRs.

**Section 13:** Noise limitations. Except for class III ice cream trucks, a mobile food truck shall not make sounds, announcements, or amplify music to call attention to its vending or products either while traveling on public or private rights-of-way, or when stationary. All mobile food trucks, including, but not limited to, class III ice cream trucks, shall comply with the City's noise ordinance contained in Chapter 21 of City Code. A Responsible Party may apply for a special event permit with the City to deviate from these requirements.

**Section 14:** Restroom facility. Mobile food trucks operating on a private property for a duration of more than three (3) hours shall have a written agreement with the Responsible Party that confirms the food truck employees have access to a flushable restroom within 400 feet of the vending location during the hours of operation. A copy of such written permission shall be maintained in the mobile food truck at all times, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand. This requirement shall not apply when the mobile food truck is on public property with a publicly accessible flushable restroom, when the mobile food truck is within 400 feet of a publicly accessible flushable restroom, or when the mobile food truck is operating under a City-issued special event permit and has access to either a temporary restroom.

**Section 15:** Waste disposal. Mobile food trucks shall:

- (1) Provide for their own waste collection and removal such that no waste remains on the property;
- (2) Provide a waste receptacle for public use;
- (3) Keep the surrounding area neat and orderly at all times;
- (4) Remove all garbage or trash prior to departure of the mobile food truck each day;



- (5) Properly discard any waste material in accordance with any applicable federal, state, county, and municipal laws, rules, regulations, orders, or permits;
- (6) Not, under any circumstances, release grease or any waste materials into the stormwater system, tree pits, sidewalks, streets, parking lots, or onto any private or public property;
- (7) Not, at any time, discharge any fluids or toxic pollutants.
- (8) Class I mobile food trucks shall also have a current written agreement, with a state or local licensed facility, for the proper disposal of grease. A copy of such written agreement shall be maintained in the mobile food truck at all times, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand.

**Section 16:** (v) Signage. All mobile food trucks may affix a sign to the mobile food truck displaying prices, product descriptions and food truck name. Mobile food trucks shall not display any products or samples outside of the vehicle unless operating pursuant to a City-issued special event permit. Mobile food trucks shall not post or utilize any freestanding signs or advertisements, flags, balloons, streamers, flashing lights, banners, or other similar attraction devices, and shall not utilize or post person(s) to advertise mobile food trucks, except sandwich boards placed no more than 10 feet from the mobile food truck, which displays prices, product descriptions and the food truck name. Sandwich board signs shall not impede pedestrian or vehicular traffic. When in operation, Chapter 6 of the City code shall not apply to mobile food trucks.

### **Article X.3) Requirements applicable generally**

#### **Section 1: Applicability.**

(A) Exceptions. This Article shall not apply to:

(1) Event Venues.

(2) Any City-sponsored or City-sanctioned special event or SID.

(B) Unless excepted above, the requirements in this Chapter shall apply to all mobile food truck operations within the City.

**Section 2: Limitations on number of mobile food trucks per property.** No more than one (1) mobile food truck shall operate on a given property at any one time, unless the Responsible Party has obtained a City-issued special event permit.

**Section 3: Food truck special event requirements.** Gatherings of two (2) or more class I, class II, and/or class III mobile food trucks on a property at any given time shall be classified as a special event. In order for such events to occur, the Responsible Party shall be required to obtain a City-issued special event permit prior to the event taking place. Applications for special event permits shall be made by the Responsible Party to the City in accordance with the requirements of chapter X of City code.

**Section 4: Outside patron seating.** No tables, chairs, umbrellas, or other furniture for patron seating may be placed outside the mobile food truck unless the Responsible Party has obtained a City-issued special event permit.

**Section 5: Conducting business near existing retail food establishments.** A mobile food truck shall not be located within 200 feet of any existing retail food establishment during such establishment's hours of operation without the prior written permission from the retail food establishment unless the Responsible Party has obtained a City-issued special event permit. A copy of such written permission shall be maintained in the mobile food truck at all times, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand.

**Section 6: Conducting business near City-sponsored or City-sanctioned special event.** A mobile food truck shall not be located within 200 feet of any City-sponsored or City-sanctioned special event, unless the mobile food truck is permitted by the City to operate at such special event.

**Section 7: Limitations on number of operating days.** The same mobile food truck shall not operate on a given property more than two (2) consecutive days per calendar month, and further shall not operate on a given property more than twenty (20) days in total per calendar year, unless the Responsible Party has obtained a City-issued special event permit.

**Section 8: Hours of operation.** A mobile food truck shall operate only between the hours of 7:00 a.m. to 9:00 p.m., unless the Responsible Party has obtained a City-issued special event permit or the hours of operation would be restricted pursuant to the rules and regulations of a Property Owners' Association or restricted by restrictive covenants encumbering the subject property.

#### Article X.4) Vending locations by zoning district.

**Section 1:** A mobile food truck shall be permitted to operate only on the properties designated below, unless the Responsible Party has obtained a City-issued special event permit allowing for a deviation from these requirements.

(A) Class I – Mobile food trucks.

(1) Residential zoning districts.

(a) Individual single-family lots only if there is a written contractual agreement between a mobile food truck and the Responsible Party for catering services. A copy of such written agreement shall be maintained in the mobile food truck at all times during the event, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand. The term “catering services” shall not include the vending of products from the mobile food truck itself during a catered event and does not include events that are open to the public.

(b) Properties owned or operated by homeowners associations or property owners associations.

(c) Rental apartment complexes.

(2) Nonresidential zoning districts and mixed-use districts. Class I mobile food trucks shall be permitted on any nonresidential or mixed-use property where retail sales and restaurants are a permitted use under the applicable zoning regulations.

(3) Recreation/open space district. The vending of products from a Class I mobile food truck on properties zoned as recreation/open space shall be allowed pursuant to an City-issued special event permit.

(B) Class II – Canteen trucks. Class II canteen trucks are prohibited in all zoning districts except to provide catering to employees on-site at locations within clearly delineated boundaries of the site. Boundaries shall be delineated through the use of fencing or

other materials enclosing a construction site, where there is a currently valid construction permit.

(C) Class III – Ice cream trucks.

(1) Residential zoning districts.

(a) Individual single-family lots only if there is a written contractual agreement between a mobile food truck and the Responsible Party for catering services and not prohibited by the terms of any rules or regulation promulgated by a Home Owner’s Association. A copy of such written agreement shall be maintained in the mobile food truck at all times during the event, and shall be produced to a law enforcement officer, or City code enforcement officer upon demand. The term “catering services” shall not include the vending of products from the mobile food truck itself during a catered event, and does not include events that are open to the public.

(b) Properties owned or operated by homeowners associations or property owners associations.

(c) Rental apartment complexes.

(2) Nonresidential zoning districts and mixed-use districts. Class III ice cream trucks shall be permitted on any nonresidential or mixed-use property where retail sales and restaurants are a permitted use under the applicable zoning regulations.

(3) Recreation/open space district. The vending of products from a class III ice cream truck on properties zoned as recreation/open space shall be allowed pursuant to a City-issued special event permit.

(4) Rights-of-way. A class III ice cream truck shall not stop, stand or park for more than ten (10) minutes, unless there are customers waiting in line to buy products.

**Article X.5) Penalties for violations.**

It shall be unlawful for any person to violate any of the provisions of this division. This division may be enforced by any means allowed by law, including, but not limited to, code enforcement citation under F.S. ch. 162 . If the citation method is used to punish violators, the violation shall be treated as a civil infraction, and fines shall be set forth in the schedule of fees and charges adopted by resolution of the City Council and such fines may then be revised from time to time by resolution of the City Council; however, any fine amount set forth in such resolution of the City Council shall not to exceed five hundred dollars (\$500.00) per offense. Each day a violation occurs shall constitute a separate offense and shall be punishable hereunder as a separate offense.

**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 INTERIM CITY ATTORNEY



Item A.

# Meeting Agenda Item Coversheet

<b>MEETING DATE:</b>		April 11, 2022	<b>Submitted By:</b> Planning & Zoning	
<b>SUBJECT:</b> <i>This will be the name of the Item as it will appear on the Agenda</i>		Ordinance 2022-04 – Mobile Food Trucks		
<b>STAFF RECOMMENDATION:</b> (MOTION READY)		Motion to recommend City Council approve Ordinance 2022-04 – Mobile Food Trucks		
<b>SUMMARY and/or JUSTIFICATION:</b>		This Ordinance establishes provisions for Mobile Food Trucks including definitions, requirements, vending locations, parking and storage of inactive food trucks, waste disposal, locations by zoning district, and penalties for violations.		
<b>SELECT, if applicable</b>	<b>AGREEMENT:</b>		<b>BUDGET:</b>	
	<b>STAFF REPORT:</b>		<b>PROCLAMATION:</b>	
	<b>EXHIBIT(S):</b>	X	<b>OTHER:</b>	
<b>IDENTIFY EACH ATTACHMENT.</b> <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>		Exhibit A: Ordinance 2022-04: Mobile Food Trucks		
<b>SELECT, if applicable</b>		<b>RESOLUTION:</b>		<b>ORDINANCE:</b> X
<b>IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE</b> <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <b><u>Please keep text indented.</u></b>		<p style="text-align: center;"><b>ORDINANCE NO. 2022-04</b></p> <p><b>AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER ____ ENTITLED LAND DEVELOPMENT REGULATIONS BY CREATING SECTION _____ ENTITLED "MOBILE FOOD TRUCKS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR REQUIREMENTS FOR ALL MOBILE FOOD TRUCKS; PROVIDING FOR THE REGULATIONS RELATIVE TO CONDUCTING BUSINESS; PROVIDING PARKING AND STORAGE OF INACTIVE FOOD TRUCKS; PROVIDING FOR WASTE DISPOSAL; PROVIDING FOR LOCATIONS BY ZONING DISTRICT; PROVIDING FOR VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.</b></p>		
<b>FISCAL IMPACT (if any):</b>		No Fiscal Impact		\$0

**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.**

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**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 \_\_\_\_\_ 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 police and fire, 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. by
- (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 Police, 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 police 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 police and fire, 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 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 INTERIM CITY ATTORNEY



Item B.

# Meeting Agenda Item Coversheet

<b>MEETING DATE:</b>		April 11, 2022	<b>Submitted By:</b> Planning & Zoning	
<b>SUBJECT:</b> <i>This will be the name of the Item as it will appear on the Agenda</i>		Ordinance 2022-03 – Special Events		
<b>STAFF RECOMMENDATION:</b> (MOTION READY)		Motion to recommend City Council approve Ordinance 2022-03 – Special Events		
<b>SUMMARY and/or JUSTIFICATION:</b>		This Ordinance establishes provisions for Special Events including definitions, requirements, regulations relative to signage, the sale or service of alcoholic beverages, providing for batch applications and garage sales.		
<b>SELECT, if applicable</b>	<b>AGREEMENT:</b>		<b>BUDGET:</b>	
	<b>STAFF REPORT:</b>		<b>PROCLAMATION:</b>	
	<b>EXHIBIT(S):</b>	X	<b>OTHER:</b>	
<b>IDENTIFY EACH ATTACHMENT.</b> <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>	Exhibit A: Ordinance 2022-03: Special Events			
<b>SELECT, if applicable</b>	<b>RESOLUTION:</b>		<b>ORDINANCE:</b>	X
<b>IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE</b> <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <b><u>Please keep text indented.</u></b>	<p style="text-align: center;"><b>ORDINANCE NO. 2022-03</b></p> <p><b>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.</b></p>			
<b>FISCAL IMPACT (if any):</b>	No Fiscal Impact		\$0	21