

**CITY OF WINTER PARK  
PLANNING AND ZONING BOARD**

**Staff Report  
December 3, 2013**

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**REQUEST OF THE CITY OF WINTER PARK FOR:** AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", SECTION 58-84, RELATING TO NON-RESIDENTIAL ZONING DISTRICTS AND THE CONDITIONS REQUIRED FOR A SPECIAL EVENT; PROVIDING FOR, SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

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This agenda item is in response to an issue that developed last year when a private organization asked for a "special event permit" to hold an "arts festival" event at the same time as the City's annual Spring Arts Festival in March. The competing event was not held but they were soliciting approval from the Winter Park Village and other commercial property owners in the downtown to stage their event at the same time and thereby benefit from the attendance already in the City for the city sponsored event.

The City Commission has expressed interest in protecting the tradition of the Spring and Autumn Art Festival recognizing the vast number of hours that volunteers spend on preparations for and the hosting of these events. Thus, the City Attorney has drafted this proposed ordinance creating a non-compete window of 45 days on either side of these traditional city sponsored art festivals. Since the rules for "special events" are in the Zoning Code, the P&Z Board needs to make a recommendation on this ordinance.

**STAFF RECOMMENDATION IS FOR APPROVAL**



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November 6, 2013

***Via email & regular U.S. Mail***

George Wiggins, Director of Building/Legislative Affairs  
Dori Stone, Director, CRA and Economic Development  
Randy Knight, City Manager  
Michelle del Valle, Assistant City Manager  
City of Winter Park  
401 Park Avenue South  
Winter Park, FL 32789

Re: Ordinance designed to protect City event brands

Dear George, Dori, Randy and Michelle:

As requested by staff, enclosed is a proposed Ordinance amending Section 58-84 of the City Code to add a subsection to protect City event brands. Please review this draft and if it meets with your approval, please place it on an upcoming agenda.

Please do not hesitate to contact me if you have any questions or if you have any edits. It is being sent via email in Word so you can more easily edit it.

Sincerely,

Usher L. Brown

ULB:tla

Enclosure

G:\docs\Cities\Winter Park\Ordinances and Resolutions General\Art Shows - Special Event\ltr.city with draft ordinance amending 58-84.wpd

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA  
AMENDING SECTION 58-84, RELATING TO NON-  
RESIDENTIAL ZONING DISTRICTS AND THE CONDITIONS  
REQUIRED FOR A SPECIAL EVENT; PROVIDING FOR,  
SEVERABILITY, CODIFICATION, CONFLICTS, AND AN  
EFFECTIVE DATE.

RECITALS AND LEGISLATIVE FINDINGS

WHEREAS, the City of Winter Park allows for special events to occur, but in the existing Code of Ordinances the City reserves the right to deny a special event permit if the proposed event will have a substantial negative impact for any of the reasons mentioned in Section 58-84(u)(4)a.1-14 of the Municipal Code; and

WHEREAS, the City Commission has determined that it has traditionally sponsored or co-sponsored art festivals that occur in October and March of each year; and

WHEREAS, the City Commission has determined that a special event that involves the sale of art where the promoter is not the owner of the art gallery or other business where the outdoor sale or display of art may properly and reasonably be viewed as an ancillary or accessory use of the business premises; and

WHEREAS, the City Commission has determined that in order to protect and preserve the substantial brand and significance of the Fall and Spring Art Festivals sponsored or co-sponsored by the City it is necessary to insure that a reasonable period of time is reserved both before and after the City sponsored events to protect the brand of the City's art festivals that are sponsored or co-sponsored by the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

**Section 1.** **Recitals.** The foregoing recitals are hereby adopted and confirmed, and constitute the legislative findings of the City Commission of the City of Winter Park acting in its legislative capacity.

**Section 2.** Section 58-85. General Provisions For Nonresidential Zoning Districts shall be amended by creating a new subsection 58-85(u)(4)a(15), which new language is shown by underlining, as follows:

“Section 58-84. General provisions for nonresidential zoning districts.

(u) *Special event.*

(4) *Approval.*

- a. *Criteria.* The city may approve or conditionally approve the issuance of a special event permit upon application, unless one of the following circumstances exist:

1. ...

15. The proposed special event will occur within either forty-five (45) days before or forty-five (45) days after a similar special event that is sponsored or co-sponsored by the city. If this condition exists the permit will be denied. As examples and without limitation, the city is a sponsor or co-sponsor of the Fall Art Festival which takes place approximately in the second week of October each year and the Spring Art Festival taking place typically in the third week of March each year. An event which is an art festival other than these events, and promoted by an organization that is not an owner of the physical premises on which the festival will take place, may not conduct such festival within forty-five (45) days before or after either of the city sponsored or co-sponsored art festivals. Similarly, any other City sponsored or co-sponsored event shall likewise carry a forty-five (45) day buffer before and after such event with respect to a similar special event, as determined in the discretion of the City Manager.

**Section 3. Codification and Incorporation Into the Code.** This Ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations and omissions not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid, unlawful or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, facial or other reasons, such portion shall be deemed a separate, distinct and

independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 5. Conflicts.** All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**Section 6. Effective Date Of Ordinance.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

Adopted by the City Commission of the City of Winter Park, Florida in a regular meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor Kenneth W. Bradley

ATTEST:

\_\_\_\_\_  
Cindy Bonham, City Clerk

First reading: \_\_\_\_\_  
Second reading: \_\_\_\_\_