

**ORDINANCE NO. 2950-14**

**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 is substantially involved with display and/or sale of fine art, art, and arts and crafts (which shall include custom or specialty furniture including handmade furniture), and where such proposed special event occurs within a time period from thirty (30) days before extending to thirty (30) days after the Fall Art Festival and the Spring Art Festival, which take place approximately and typically in the second week of October and the third week of March each year. However, this special circumstance does not apply if art, fine art and arts and crafts are displayed or offered for sale at a business that is regularly engaged in the display or sale of such, or if display or offer of arts or crafts for sale is on City property and with the City's express permission.

**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 24th day of February, 2014.

Kenneth W. Bradley  
Mayor Kenneth W. Bradley

ATTEST:

Cynthia S. Bonham  
Cynthia S. Bonham, MMC, City Clerk