



## VILLAGE OF PALMETTO BAY

### AGENDA VIRTUAL SUNSHINE MEETING THURSDAY, JULY 30, 2020 at 11:00 AM

#### COUNCILMEMBER DAVID SINGER & COUNCILMEMBER MARSHA MATSON

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This meeting will be conducted using a teleconferencing platform. All members of the public are welcomed to participate and speak on the matter presented.

**Public comments forum (Option 1):** Prior to the meeting, the public can submit a web form available at this web address: <https://www.palmettobay-fl.gov/FormCenter/Public-Comments-Form-10/Public-Comments-Form-52>. Form submissions received prior to the meeting will be read before the item is heard. Form submissions received after 11:00 a.m. will be read at the end of the Village Council's Agenda.

**Public comments forum (Option 2):** Public attendees wishing to provide real-time, audible public comments during the meeting may do so using GoToWebinar's desktop, laptop, tablet, or smartphone app. Once registered, attendees will receive GTW session information and call-in telephone numbers for those wishing to use a telephone. Telephone attendees may not participate in public comment as the system has no way to mute or unmute. Attendees wishing to speak during public comment time must use the GoToWebinar application on their desktop, laptop, or smart device. Attendees may not use a webcam whatsoever. In lieu of no availability to participate through the webinar, please submit your public comment using the web form as described above.

**Please register to attend the session as follows:**

<https://register.gotowebinar.com/register/891100706724369677>

**After registering, you will receive a confirmation email containing information about joining the webinar.**

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1. **WELCOME**
2. **PUBLIC COMMENTS**
3. **DISCUSSION TOPIC:**
  - A. Regulation of special events in the Village of Palmetto Bay
4. **ADJOURNMENT**



***DRAFT-ORDINANCE***  
**PROPOSED BY**  
**COUNCILMEMBER DAVID SINGER**  
**FOR DISCUSSION PURPOSES ONLY**

**DISCUSSION FOR SUNSHINE MEETING  
THURSDAY, JULY 30, 2020**

**PROPOSED ORDINANCE 2020-\_\_\_\_\_**

2  
3       **AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL**  
4       **OF THE VILLAGE OF PALMETTO BAY, FLORIDA,**  
5       **RELATING TO SPECIAL EVENTS; AMENDING THE CODE**  
6       **OF ORDINANCES, CHAPTER 30, DIVISION 30-60, SECTION**  
7       **30-60.18, ENTITLED "SPECIAL EVENTS, TEMPORARY";**  
8       **PROVIDING FOR THE REGULATION OF SPECIAL EVENTS;**  
9       **PROVIDING FOR PERMITTING, HOURS OF OPERATION,**  
10       **FEES, APPLICATION PROCEDURES, SIGNAGE, AND**  
11       **RELATED PROVISIONS; PROVIDING FOR SEVERABILITY,**  
12       **CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

13       *(Sponsored by Councilmember David Singer)*  
14

15       **WHEREAS**, special events such as concerts, festivals, exhibits, and  
16 performances are regularly held in the Village of Palmetto Bay; and  
17

18       **WHEREAS**, special use of public and private property for the purpose  
19 of conducting special events can sometimes create unique demands on  
20 public services and present unique public health and safety issues; and  
21

22       **WHEREAS**, the Village of Palmetto Bay has determined that it is in the  
23 best interests of the citizens and visitors to amend the Code of Ordinances  
24 to maximize positive community opportunities and minimize negative  
25 concerns regarding special events.  
26

27       **NOW, THEREFORE, BE IT ENACTED BY THE VILLAGE OF**  
28 **PALMETTO BAY, FLORIDA, THAT:**  
29

30       The Code of Ordinances at Chapter 30, Division 30-60, Section 30-60.18,  
31 Special Events, shall be amended as follows:

32       A special event or temporary use is permitted on private property in all  
33 zoning district provided a special event permit is obtained. The special event  
34 permit application includes applicant, event and event logistical information  
35 to be considered by the Village in making its determination whether to  
36 approve an application. Temporary structures including tents and lighting  
37 require building division review and may require a building permit.

1 Temporary signs and/or banners shall comply with the provisions of Division  
2 30 90.

3  
4 **Section 1. Special Events - Definitions.**

5  
6 A 'Special Event' shall be defined as a temporary use on public or private  
7 property that would not be permitted generally or without restriction  
8 throughout a particular zoning district, but would be permitted if controlled  
9 with special review in accordance with this section, and to which individuals  
10 are invited to watch, listen or participate, with or without admission charges,  
11 including, but not limited to, the following:

12  
13 (a) Carnivals, circuses, mechanical amusement rides, and similar activities.

14 (b) Any event that will take place on a public right-of-way within the  
15 boundaries of the Village of Palmetto Bay or on any other property owned or  
16 occupied by the Village of Palmetto Bay.

17 (c) Outdoor shows, concerts and exhibitions.

18 (d) Block parties, craft fairs, parades, rallies, or other similar events.

19 (e) Any event, public or private, requiring street closure which occurs on a  
20 Village street, sidewalk, alley or other street right-of-way, and which is likely  
21 to obstruct, delay or interfere with the normal flow of pedestrian or vehicular  
22 traffic.

23 (f) Any activity or event, including private gatherings on residential property  
24 {other than those identified in (g)(4.) below, that have more than 100  
25 attendees and occurs within the boundaries of the Village of Palmetto Bay.

26 (g) Special event does not include the following:

27 1. Any activities or events held or conducted by the Village of Palmetto Bay  
28 and approved by the Village Council.

29 2. Grand openings for businesses, provided the special event does not last  
30 longer than thirty (30) days: ribbon-cuttings: not-for-profit bake sales.

31 3. Residential garage sales, provided that no more than four (4) days per year:  
a sale over the weekend shall count as three ( 3) days.

32 4. Road-side and/or other properties for temporary commercial use such as  
33 Christmas Trees, Halloween Pumpkins and 4<sup>th</sup> of July Fireworks sales shall  
34 be authorized via permits to be issued by the Planning and Zoning/Building  
35 as required up to a maximum of thirty (30) consecutive days.

36  
37 **Section 2. Permit Required.** To hold, engage in, or conduct any  
38 special event subject to the provisions of this article and not expressly  
39 exempt, a permit issued pursuant to the provisions of this article must be  
40 obtained.

1  
2 **Section 3. Special Event Hours and Duration.**

3 (a) No special event shall be or conducted or prepared for after 11:00 p.m.  
4 and before 7:00 a.m., unless the event is held or conducted within a building  
5 with solid walls which is insulated and/or effectuates an exterior noise level  
6 at or below the legal sounds decibels.

7 (b) Except as provided in Section 1 {g), special events are limited to three  
8 (3) consecutive days per event. Events taking longer than three (3)  
9 consecutive days require Council approval.

10 (c) All special events expecting 100 or more in attendance will require  
11 Council approval.

12  
13 **Section 4. Permit Application Procedure: Appeal.**

14 {a) A complete application for a permit pursuant to this article shall be  
15 submitted along with all required documents, to the Planning & Zoning  
16 Department no later than thirty (30) days prior to the event to avoid late  
17 fees. Payment must be made at the time of the submittal process.

18 (b) For events requiring Council approval, the application is to be submitted  
19 no later than sixty (60) days in advance of the date of the proposed event.

20 (c) A fee of \$150 for events with no Council approval, \$250 for events with  
21 Council approval and \$500 for applications received after the required  
22 timeframe, which are to be used to defray the costs of administration and  
23 review of the application pursuant to this code. Any event sponsored by an  
24 organization or entity which qualifies under section 501(c)(3) of the U.S.  
25 Internal Revenue Code will receive a 50% reduction on application fee. No  
26 refund of an application fee shall be permitted in the event the application is  
27 not approved. Applications less than ten (10) days prior to event date will not  
28 be accepted.

29 {d) Once an application is submitted the process is as follows: (i) verification  
30 that all documents are included in the packet: (ii) applications will be sent to  
31 the Public Works Department, Building Department, Police Department and  
32 Planning and Zoning Department, with copies to the Village Manager: (iii)  
33 upon the respective departments having reviewed the application, all  
34 comments will be forward to the applicant to address: (iv) departments shall  
35 then review any comments received form the applicant and respond no later  
36 than three (3) days after the date of the application as to whether it approves  
37 the plans as submitted, approve the plans subject to stated conditions, or  
38 objects for stated reasons.

39 {e) It is the responsibility of the applicant to ensure that any and all comments  
40 made by the Village departments are addressed to continue the application

1 process. If all comments have been addressed and approved. the applicant  
2 will be notified via e-mail.

3 (f)The application will be sent to the Village Manager, or his/her designee.  
4 for final approval. A copy of the application with an approval stamp will be  
5 sent to the applicant and the Village's Code Compliance Department.

6 (g)The permit application shall be approved only if the application  
7 demonstrates that the special event meets the requirements of this division  
8 and all other applicable laws. Rules and regulations and will provide for the  
9 protection of the public health, safety and welfare. Without limitation the  
10 application must demonstrate that the activity:

11 1. Will not unreasonably impact traffic volumes and conditions, and will not  
12 unreasonably interfere with the flow of vehicular or pedestrian traffic, such  
13 as when alternative routes for such traffic are unavailable or impractical:

14 2. Will not unreasonably deny access to any properties or areas of the  
15 Village, or access of the public generally to public facilities, by either  
16 vehicular or pedestrian traffic:

17 3. Will not cause any danger or health hazard or unreasonable  
18 inconvenience to any person and will not damage any public or private  
19 property:

20 4. Will not create an unreasonable demand upon the emergency services  
21 personnel and equipment serving the Village, so as to cause potential  
22 deficiencies in such services:

23 5. Will not be a use of a type or intensity inconsistent with surrounding land  
24 uses and the reasonably quiet and peaceful enjoyment thereof:

25 6. Will not be conducted in violation of any Village, State or County rule,  
26 regulation or law:

27 7. Will not result in the depletion, destruction, removal, trampling, or other  
28 damaging of existing vegetation:

29 8. Will have available on private lands sufficient areas for parking to  
30 accommodate the vehicular traffic reasonably to be expected, or provide  
31 sufficient safe parking in the public right-of-way or other public areas, subject  
32 to approval and limited by the Manager:

33 9. Is not designed to and is not reasonably likely to imminently cause or  
34 occasion violence, unlawful activity, or civil disorder.

35 (h) An applicant may appeal any action on an application for a permit to the  
36 Village Council, in writing stating the grounds for appeal sent to the Village  
37 Clerk at least ten days prior to the Council meeting at which the appeal will  
38 be heard.

2 **Section 5.** The Permit Application is attached as Exhibit "A".

3 **Section 6. Issuance of a Permit Conditions and Enforcement**

5 (a) The permit shall be issued upon such conditions as may be required  
6 to ensure compliance with Village regulations governing the matters  
7 contained in the application or as are reasonably necessary to protect the  
8 peace and tranquility of any residential area, mitigate traffic impacts, protect  
9 other uses in the area, or to protect the public health and safety.

10 (b) The permittee shall provide notice to all business and residences property  
11 owners within 2,000 feet of the location of the special event no less than ten  
12 {10} days prior to the event, at the applicant's expense.

13 (c) The permit shall not relieve or waive the requirement that a special event  
14 which requires street closures must first obtain a permit or other approval  
15 from the Public Works Director for the encroachment on, use or closure of  
16 such street or Village right-of-way.

17 (d) Any event or activity which occurs on any street within the Village,  
18 sidewalks, alley or other Village right-of-way is required to make a security  
19 deposit in an amount to be determined by the Public Works Director to  
20 assure proper clean up and replacement of public property to its original  
21 condition and cost of Village services.

22 (g) For all events or activities which will take place on premises owned or  
23 occupied by the Village, the Manager shall require, as a condition of the  
24 issuance of a permit, proof of and maintenance of insurance, obtained and  
25 paid for by the applicant, in a form reviewed and approved by the Village  
26 Attorney. The insurance policy shall be endorsed to the name the Village and  
27 its elected appointed boards, officers, agents, and employees as additional  
28 insured, and shall provide that any other insurance maintained by the Village  
29 of Palmetto Bay shall be in excess and not contributing to the insurance  
30 coverage provided to the Village under the permittee's policy. The minimum  
31 limits of liability shall not be lower than one million dollars (\$1,000,000.00)  
32 combined single limits, per occurrence and in aggregate. Any applicant who  
33 is unable to obtain liability insurance in the amount required by the Village  
34 Council resolution may apply to the Council for approval of a lesser amount.

35 A Release, Hold Harmless, and Indemnity Agreement, signed by the  
36 applicant in a form approved by the Village Attorney, shall be required.

37 (h) The permittee, if deemed necessary by the Village Manager, shall  
38 procure, at its sole cost and expense, off-duty police and fire services.

39 **Section 7. Performance Bond**

1 The permittee shall obtain a faithful performance bond on behalf of the  
2 Village in the penal sum of \$1,000,000, conditioned that the permittee shall  
3 will, and faithfully observe, fulfill and perform according to the plans and  
4 conditions approved, and that in the event of any failure on the part of the  
5 permittee, the amount thereof shall be recoverable by the Village for any  
6 damages resulting from the failure.

7  
8 **Section 8. Signage**

9 Any sign which is used in conjunction with a special event must be in  
10 compliance with the sign standards of Division 30-90. Event signage cannot  
11 use the Village of Palmetto Bay name or seal, or be published on the Village  
12 website without the express written approval of the Village.

13  
14 **Section 9. Revocation of permits.**

15 Once a permit has been issued pursuant to this section, it may be revoked  
16 by the Manager or his/her designee for violation of the terms and conditions  
17 thereof, or when reasonably necessary to prevent violence, unlawful activity  
18 civil disorder or danger or health hazard to any person, based on events or  
19 information, including hurricane warnings, brought to the attention of the  
20 Manager or his/her designee after the permit was issued.

21  
22 **Section 10 Violations.**

23 Noncompliance with the conditions of an authorized special events permit  
24 or this chapter may be grounds for denial of future permit applications and  
25 revocation of existing approved permits.

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27  
28 **Section 11. Severability.**

29 The provisions of this Ordinance are declared to be severable, and if any  
30 sentence, section, clause or phrase of this Ordinance shall, for any reason,  
31 be held to be invalid or unconstitutional, such decision shall not affect the  
32 validity of the remaining sentences, sections, clauses or phrases of the  
33 Ordinance, but they shall remain in effect it being the legislative intent that  
34 this Ordinance shall stand notwithstanding the invalidity of any part.

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36 **Section 12. Effective Date.**

37 This Ordinance shall take effect immediately upon enactment on second  
38 reading.



***DRAFT-ORDINANCE***

**PROPOSED BY**

**COUNCILMEMBER MARSHA MATSON**

**FOR DISCUSSION PURPOSES ONLY**

**DISCUSSION FOR SUNSHINE MEETING  
THURSDAY, JULY 30, 2020**

**PROPOSED ORDINANCE NO. 2020-\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SPECIAL EVENTS IN PARKS AND ON VILLAGE PROPERTY; AMENDING VILLAGE CODE SECTION 30-60.18 REGARDING PERMIT APPLICATIONS; THE DIRECTING OF SOUND SPEAKERS; PROHIBITING THE FENCING OF PARKING AREAS AND PARK SPACE: REQUIRING AN INDEMNIFICATION AGREEMENT; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)***

**WHEREAS**, the Village of Palmetto Bay prides itself as being the “Village of Parks”; and

**WHEREAS**, the residents of the Village enjoy the peace, beauty and tranquility of the park system of the Village; and

**WHEREAS**, although the Village allows special events in Village parks and on public and private property, it has become increasingly important to add additional requirements in order to ensure that the residents of the Village are not impacted by events on either public or private property that can disturb the peace and tranquility of residential communities.

**NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

**Section 1.** Section 30-60.18 of the Code of Ordinances is amended as follows:

Sec. 30-60.18 - Special events; temporary uses.

**(a)** A special event or temporary use is permitted on Village park property and on private property in all zoning districts provided a special event permit is obtained. The special event permit application

includes, in addition to those matters in (b) below, the applicant, the event and the event's logistical information to be considered by the Village in making its determination whether to approve an application. Temporary structures including tents and lighting require building division review and may require a building permit. Temporary signs and/or banners shall comply with the provisions of Division 30-90.

(b) Additional requirements for approving any special event permit shall include the following:

(i) a fully complete application which shall not be amended without approval of the Village Council; (ii) any sound speakers shall be directed inward toward the attendees; (iii) there shall be no fencing of the park or parking areas of any event held on Village park property; (iv) an indemnification agreement to be approved by the Village Attorney.

**Section 2. Conflicting Provisions.** The provisions of the Code of Ordinances of the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable, and if any sentence, section, 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 sentences, sections, clauses or phrases of the Ordinance, but shall remain in effect..

**Section 4. Codification.** It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be renumbered or re-lettered.

**Section 5. Effective Date.** This Ordinance shall take effect immediately upon enactment upon Second Reading