

12-14-22



CITY OF WESTLAKE
Planning and Zoning Department
4001 Seminole Pratt Whitney Road
Westlake, Florida 33470
Phone: (561) 530-5880
www.westlakegov.com

DEPARTMENTAL USE ONLY

Ck. # _____

Fee: _____

Intake Date: _____

PROJECT # _____

APPLICATION FOR TEMPORARY STRUCTURE/USE PERMIT

Temporary Permit applications, along with all established and required fees, documents, and plans, shall be submitted to the Planning and Zoning department and Building department for review and recommendation to the City Manager who shall be authorized to issue a Temporary Permit.

INSTRUCTIONS TO APPLICANTS:

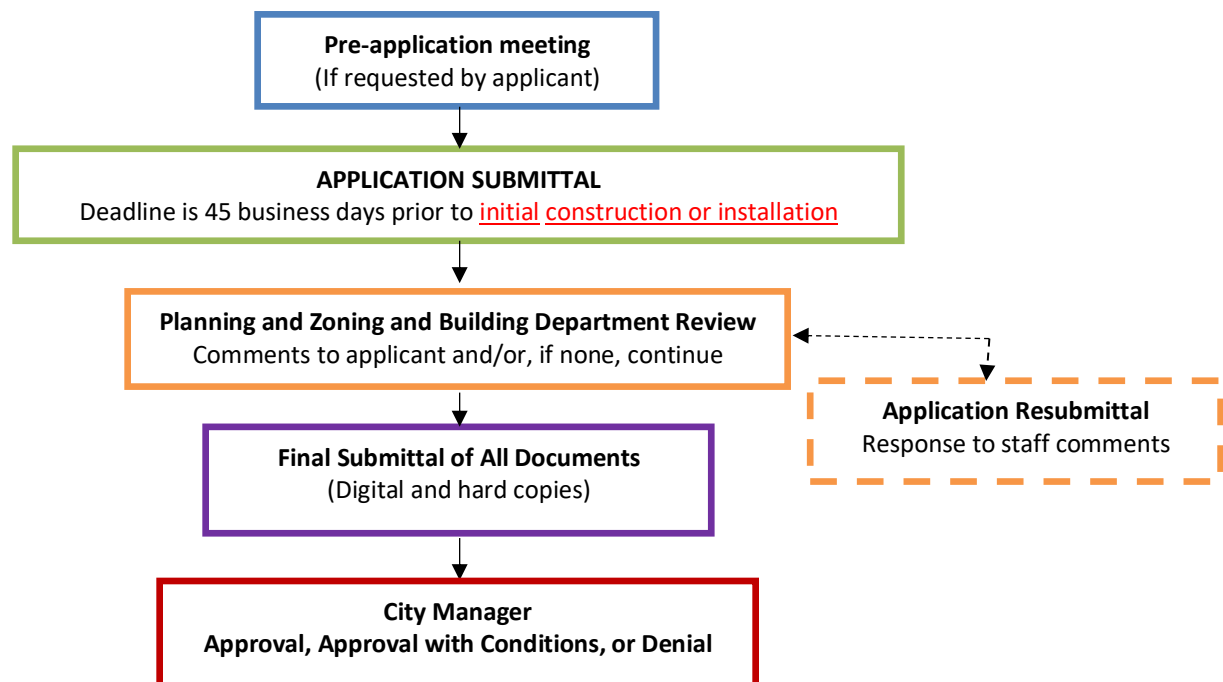
1. Please complete all sections of this application. If not applicable, indicate with N/A.
2. Provide all required documents as requested in the Temporary Structure/Use Application. If not applicable, indicate with N/A.

I. SUBMITTAL REQUIREMENTS AND REVIEW PROCESS

The applicant shall submit the following documents to the City of Westlake **forty-five (45) business days prior to construction or installation date:**

- 1) **Complete signed application form as provided by the City and all required fees and costs.**
- 2) **For Review: Digital and Three (3) full-size hardcopy sets of professionally prepared plans and documents as specified in this [Temporary Structure/Use Permit Application](#).**
- 3) **For Final Submittal: Digital and Three (3) 11x17 sets of plans and documents required in 1) above and an exact rendering of the proposed modification, construction, or addition. Color photographs or prints as close to the actual colors to be used must be supplied. Since color printers often do not display the correct color, **samples of the paint chips and support materials (i.e., canvas, wood, metal, etc.) shall be provided.****
- 4) Any other documents, maps, photographs, or drawings that may help clarify the position of the applicant.

NOTE: All renderings, models, drawings, photos, etc., will become the property of the City of Westlake.



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II. TYPE OF TEMPORARY STRUCTURE/USE REQUESTED

<i>Type of Structure/Use</i>	<input checked="" type="checkbox"/>
Sales Model	<input type="checkbox"/>
Sales and Management office	<input type="checkbox"/>
Temporary Emergency Structure	<input type="checkbox"/>
Tent(s) Accessory to Non-residential use	<input type="checkbox"/>
Temporary Construction trailer	<input type="checkbox"/>
Portable Storage Unit(s) (PSUs)	<input type="checkbox"/>
Temporary Signs (See Code of Ordinances, Chapter 6, Section 6.35)	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

III. PROJECT INFORMATION

PROJECT NAME: _____

PROJECT ADDRESS: _____

DESCRIPTION OF PROJECT: _____

ESTIMATED PROJECT COST _____

PROPERTY CONTROL NUMBER (PCN) _____

SECTION/TOWNSHIP/RANGE: _____

ZONING DISTRICT _____ **FUTURE LAND USE DESIGNATION** _____

EXISTING USE(S) _____

PROPOSED USE(S) _____

IV. OWNER/APPLICANT INFORMATION

Property Owner(s) of Record (Developer) _____

Address: _____

Phone No.: _____ Fax No. _____ E-mail Address: _____

Applicant/Agent (if other than owner, complete *Acknowledgement and Consent* section below):

Name: _____

Address: _____

Phone No.: _____ Fax No.: _____ E-mail Address: _____

V. OWNER AND APPLICANT/AGENT ACKNOWLEDGEMENT AND CONSENT

Consent statement (to be completed if owner is using an agent)

I/we, the owners, hereby give consent to _____ to act on my/our behalf to submit this application, all required material and documents, and attend and represent me/us at all meetings and public hearings pertaining to the application and property I/we own described in the application. By signing this document, I/we affirm that I/we understand and will comply with the provisions and regulations of the City of Westlake, Florida, Code of Ordinances. I/we further certify that all of the information contained in this application and all the documentation submitted is true to the best of my/our knowledge.

Owner's Name (please print)

Applicant/Agent's Name (please print)

Owner's Signature

Applicant/Agent's Signature

Date

Date

V. APPLICATION FEES

See City of Westlake Fee Schedule

VI. ADMINISTRATIVE COSTS

The owner/applicant agrees to compensate the City for all additional administrative costs, actual or anticipated, including, but not limited to, engineering fees, consultant fees, and special studies prior to the processing of the application or not later than 30 days after final application approval whichever is determined as appropriate by the City. **Failure to make such payment shall be grounds for withholding a building or zoning permit.** Costs associated with advertising for public hearings and other public notice requirements are the responsibility of the owner/applicant. The fee shall be paid prior to such application being scheduled for a public hearing requiring notice.

Owner's Signature to Acknowledge

Date

VIII. STANDARDS FOR APPROVAL

Pursuant to Ordinance 2022-15

A. **Standard for approval.** An application for a Temporary Permit approval shall demonstrate compliance with the criteria listed below:

a. **Construction and Site Requirements.**

- i. Temporary structures shall conform to the applicable structural strength, fire safety, means of egress, accessibility, light, ventilation, electrical, and sanitary requirements of the Florida Building Code provisions governing temporary structures. A building permit or temporary certificate of occupancy may be required, as determined by the Building Official, before any structure used in conjunction with the temporary use is constructed or modified. Adequate on-site solid waste containers may be required
- ii. The City Manager is authorized to give permission to temporarily permit the supply and use of power for the construction and function of temporary structures and uses, consistent with any requirements specified for temporary lighting, heat, or power in Chapter 27 of the Florida Building Code, as reasonably interpreted by the Building Official.

b. **Use Compatibility:** The temporary use must be compatible with the purpose and intent of the LDRs and the zoning district in which it will be located. The temporary use shall not impair the normal, safe, and effective operation of a permanent use on the same site. The temporary use shall not endanger or be materially detrimental to the public health, safety, or welfare or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.

c. **Cessation.** Upon cessation of the temporary use, any structure associated with the temporary use shall be promptly removed and the site shall be returned to its previous condition, including the removal of all trash, debris, signage, or other evidence of the temporary use.

d. **Traffic Circulation:** The temporary use shall not cause undue traffic congestion or accident potential as determined by the City Engineer, given anticipated attendance and the design of adjacent streets,

intersections, and traffic controls. If off-site parking is to be utilized, permission must be in writing from the subject property owner who must demonstrate that the parking requirement of the temporary use does not cause the permanent loss of legally required parking spaces for the site.

- B. **Nuisance and Revocation.** Any temporary structure or use that becomes a nuisance, violates the conditions of the permit, endangers the public health or safety, is not maintained in accordance with this Chapter, or poses an immediate threat to public health, safety, or welfare shall be immediately subject to revocation by the City Manager. The City Manager may revoke a temporary use permit if it is determined that the applicant has misrepresented any material fact on the application or any supporting materials, or the operation of the temporary use violates any statute, law, ordinance, or regulation.

III. TEMPORARY PERMIT REGULATIONS

Table X.X Temporary Structures and Use Permit Matrix

Table X.X				
Temporary Uses and Structures:	Permit Required	Review Dept.	Duration ¹	Permits per Year ²
Sales Models	Y	Planning & Zoning and Building	See Note 5	N/A
Sales and Management Office	Y	Planning & Zoning and Building	See Note 5	N/A
Temporary Emergency Structure	N	Planning & Zoning and Building	N/A	N/A
Tents Accessory to Non-residential use ⁶	Y	Planning & Zoning and Building	90 Days	4/year
Temporary Construction Trailer	Y	Planning & Zoning and Building	See Note 3	N/A
Portable Storage Units (PSUs)	Y	Planning & Zoning and Building	14 calendar days	2/year
Temporary Signs	Y	Planning & Zoning and Building	See Note 4	2/year
Notes:				
1. Duration is defined as consecutive calendar days.				
2. Each permit or extension requires a separate payment.				
3. Construction and sales trailers may be permitted for the duration of construction activities.				
4. Temporary Signs as defined in the LDRs and are regulated by Section 6.35.				
5. Use shall be temporary and shall expire upon the issuance of the last Certificate of Occupancy of any developments using the models within City boundaries.				
6. These requirements do not apply to tents permitted under the Special Events Ordinance (2022-03).				

- A. **Sales Models.** A builder, contractor, or developer may use any building within any zoning district as a sales model. Sales models shall be clearly depicted on the development site plan. Use of a building as a sales model is

contingent upon issuance of a certificate of occupancy and compliance with this section. A building shall be used as a sales model primarily for the purpose of the sale of similar buildings and land sites by the builder, contractor, or developer. The sales model may be used as a construction office or general office. Construction equipment or maintenance equipment shall not be parked or stored temporarily in a location outside the Sales Model that is visible from the public rights of way or adjacent properties unless appropriately screened. The City Manager may review periodically and in the event of non-compliance with this Chapter or expiration, shall provide a 30 day notice to applicant if permit is subject to closure. The permit holder may submit information to the City Manager within that 30 days after receipt of such notice to show evidence of compliance and that use is consistent with this section and may appeal a decision to close a permit to the City Council. Residential sales models may be sold as residences after their temporary use as a sales model has expired

- B. **Sales and Management Office.** Use of a sales and/or management office shall be limited to on-site office work with no overnight habitation.
- C. **Temporary Emergency Structure.** This section is intended to allow placement or erection of temporary structures that address immediate public needs including but not limited to temporary fire stations, hurricane shelters, utility facilities and other similar public facilities.
 - 1. **Determination of Public Emergency.** The City Manager may authorize in any district the issuance of a building permit for a temporary structure upon determination that a public emergency exists or an overwhelming public purpose is served by the temporary permit.
- D. **Tents accessory to non-residential use.** A tent not part of a Special Event Permit may be used as a temporary structure for non-residential purposes accessory to the principal use subject to the Planning and Zoning Director's approval as a special use and the standards contained in this subsection.
 - 1. *Frequency.* The use of the tent and the proposed non-residential use or event shall not exceed four times per calendar year, at any given parcel.
 - 2. *Duration.* The tent may be used for a maximum period of ninety (90) days provided that an additional thirty-day administrative extension may be approved subject to the Planning and Zoning Director's finding that the tent and use continue to meet all the applicable requirements of these LDRs and the Building Code, and the tent and use is in harmony with the surrounding area.
 - 3. *On-Site Location.* The tent shall be located on the lot so that it does not adversely interfere with on-site circulation and shall not be located in any required parking space(s). All setback requirements of the underlying district shall be met.
 - 4. *Access.* The primary access for the use shall not cause traffic to flow through nearby residential areas. Back-out parking directly onto a public street shall be prohibited.
- E. **Temporary Construction Trailer.** Temporary construction trailers, temporary structures, vehicles and attendant parking and storage areas are permitted subject to the requirements below:
 - 1. *Use.* Use of this facility shall be limited to storage and on-site office work with no overnight habitation.
 - 2. *Condition.* Trailers, temporary structures, or vehicles used for construction offices on a construction site or in a subdivision shall only be permitted during the period of construction and only after a building permit for the construction job has been issued.

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3. *Duration.* The construction trailer, temporary structures, or vehicles used for construction offices **shall** remain on site only for the duration of the permitting and building of the construction project.
 4. *Location.* The construction trailer, temporary structures, vehicles and attendant parking and storage areas **shall** be located on site so as not to interfere with safe ingress and egress to developed areas or areas under construction. All temporary structures and construction trailers shall be located on the site adhering to the setback requirements as required by the applicable zoning district unless such setbacks cannot be met due to special conditions or circumstances.
 5. *Removal.* The construction trailer, temporary structures, vehicles and attendant parking and storage areas **shall** be removed if construction ceases for more than five (5) months unless it can be demonstrated that construction will proceed within thirty (30) days from notice from the City.
 6. *Certificate of Occupancy.* The construction trailer, temporary structures, vehicles and attendant parking and storage areas **shall** be removed no later than thirty (30) days after the final certificate of occupancy for the construction project is issued.
 7. *Abandonment.* Abandoned trailers, temporary structures, vehicles and attendant parking and storage areas shall not be permitted on the site.
 8. *Unsafe structure.* If all building permits for the construction project have expired, and no further permits have been issued for six (6) months, the trailer shall be removed from the property immediately. Upon notice from the City, any trailers, temporary structures, vehicles and attendant parking and storage areas which have been abandoned under these provisions shall be considered an unsafe structure and shall be abated pursuant to the City Building Code Enforcement.
- F. **Portable storage units (PSUs)** shall be allowed in all residential zoning districts and in residential areas in mixed use zoning districts so long as the following conditions are met:
1. PSUs must be placed on driveways or approved parking areas; and
 2. PSUs are allowed at a location for no more than 14 calendar days per placement with no more than two placements per year.
- G. **Exceptions.** A permit for a temporary structure or use is not required **when:**
1. such use or structure is part of a construction project by or for the City or SID; provided however a building permit shall be required;
 2. such use or structure shall be at a site that has been approved for or is customarily associated with special events.;
 3. a special events permit has been obtained.