
Section 3.24. Temporary use permits.

- (A) *Permit required:* All outdoor temporary uses which are provided in this section shall be conducted or erected only after obtaining a Temporary Use Permit (TUP). This section shall not override and shall not be a substitute for any other section of this Code which requires another type of permit, certificate, or approval.
- (B) *Review and approval:* An application for a TUP shall be submitted and reviewed in conformance with the procedures contained in this section. Notice and public hearing requirements shall not apply to TUPs. The payment of an application fee, established by the City Commission, shall be included with the application for a TUP. All tax-exempt organizations that qualify under Section 501 of the Internal Revenue Code are exempt from payment of the fee, except for those with 501c4 tax exempt status. TUP applications shall be reviewed and approved by the Development Services Department or the City Commission, as provided for in subsections (1) and (2) below, who may impose reasonable conditions upon the TUP.
- (1) *Administrative approval:* The establishment of the following uses shall require a TUP issued by the Development Services Department, with review from other City departments as necessary.
- (a) Temporary sales offices and model homes established for the express purpose of marketing a real estate development project with final site plan and Broward County Plat approval. The model homes and sales offices shall be located on contiguous parcels or lots and limited to the property that is being marketed for sales.
 - (b) Seasonal sales lots offering products such as Christmas trees, pumpkins, or flowers; provided, however, that no TUP shall be issued for sales within public rights-of-way. Firework and sparkler sales shall be subject to Margate Fire Rescue Department and Police Department approval.
 - (c) Walkway or parking lot sales by businesses having a City-issued Local Business Tax Receipt, with all such activities located within the property of those businesses and not in any right-of-way.
 - (d) Mobile food truck sales by properly licensed and inspected businesses as part of a special event or in conjunction with a business having a City-issued Local Business Tax Receipt on the same property.
 - (e) Farmers' markets.
 - (f) Community garage sales.
 - (g) Promotional events for businesses and community facilities having a City-issued Local Business Tax Receipt, which anticipate having fewer than 500 attendees at any given time. All such activities shall be located within the property of those businesses and community facilities and not in any right-of-way.
 - (h) Block parties in residential areas with an anticipated attendance greater than 75 people but fewer than 500 people. Block parties in residential areas with an anticipated attendance of 75 people or fewer are not required to apply for a TUP, but must notify the Police Department seven days in advance.
 - (i) Political, religious, or social gatherings which anticipate having fewer than 500 attendees at any given time.
- (2) **City Commission approval:** Applications for the following types of TUPs shall be transmitted to the Development Services Department for review and input by various City departments. Subsequent to administrative review, the Development Services Department shall schedule the application for review by the City Commission. The City Commission may approve the application by resolution and may impose reasonable conditions as necessary to ensure public safety and welfare:

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- (a) Carnivals, fairs, and circuses.
 - (b) Promotional events for businesses and community facilities which anticipate having 500 or more attendees at any given time.
 - (c) Fireworks displays and shows.
 - (d) Other temporary uses or structures which in the opinion of the Development Services Department may require City Commission review.
 - (e) Block parties in residential areas with an anticipated attendance of 500 or more people.
 - (f) Political, religious, or social gatherings which anticipate having 500 or more attendees at any given time.
- (C) *Maximum time limit:* A maximum time limit shall be established for all TUPs based on the minimum amount of time needed to conduct the permitted activity.
- (1) TUPs related to real estate development projects shall not be maintained longer than the time necessary to complete the construction of the project (issuance of the final certificate of occupancy).
 - (2) Seasonal sales shall be limited to 30 consecutive calendar days.
 - (3) Walkway or parking lot sales shall be limited to seven consecutive calendar days.
 - (4) TUPs for all other events shall not be maintained longer than a total of 21 consecutive calendar days, such that an event may utilize up to three days for set-up prior to the commencement of an event, up to 15 days to hold the event, and up to three days after the close of an event for tear down and clean-up.
 - (5) As an exception to the above, the Development Services Department may grant an extension to a TUP of not more than seven consecutive calendar days for unforeseen circumstances, such as natural disturbances, but not including economic hardships.
 - (6) All events approved by TUP shall close by 10:00 p.m., unless approved for a later time by the City Commission.
- (D) *Revocation of permits:* Any temporary use or structure which becomes a nuisance violates the conditions of the permit, endangers the public health or safety or is in violation of this Code shall be immediately subject to revocation by the City Manager.
- (E) *Exemptions:* A TUP will not be required for:
- (1) Any use or structure that is part of a construction project by or for the City; however, a building permit shall be required.
 - (2) Any outdoor event organized, operated, and funded either by the City or CRA that is held upon any City or CRA owned land.
 - (3) All tax-exempt organizations that qualify under Section 501 of the Internal Revenue Code are exempt from payment of the fee, except for those with 501c4 tax exempt status.
- (F) *General criteria and limitations:*
- (1) The temporary use must be compatible with the surrounding land uses.
 - (2) Parking: A parking problem must not be created. 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 loss of legally required parking spaces for the site.

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- (3) Amount of TUPs: Each property shall be limited to four temporary use permits within a calendar year. An applicant may not conduct two or more events consecutively at one time. An applicant may not receive a TUP on the same property more than once per 30-day time period.
- (4) Applicants for a TUP requiring administrative approval per Section 3.24(B)(1) shall file an application with the Development Services Department at least 30 calendar days prior to said event, together with an application fee. Any applicant applying for a TUP requiring City Commission approval per Section 3.24(B)(2) shall submit an application with the Development Services Department at least 90 calendar days prior to such event. The applicant, at a minimum, must submit the following with the application:
- (a) A notarized affidavit from the owner of the land where the event is to be held which grants permission for the event;
 - (b) A detailed description of the event, including dates, hours of operation, provision of water and/or electric service, access to restrooms, and the provision of security;
 - (c) A site plan providing detailed information about the site and the surrounding area(s) to be impacted, including a diagram of the event set-up, cooking areas, tents, vendors, seating areas, shows, parking areas, restroom facilities, garbage collection, and where any other activities are to take place;
 - (d) A hold harmless agreement indemnifying the City of any liability;
 - (e) Proof of insurance, including a certificate that names the City of Margate as additional insured; and
 - (f) Temporary Use Permit Application Fees:
 - i. TUPs which require City Commission approval: \$250.00
 - ii. All others: \$75.00
- (5) Additional information related to and including, but not limited to, signage, parking, traffic circulation, building and fire prevention regulations, appropriate food vendor or catering licenses from the Florida Department of Business and Professional Regulations, where applicable, shall be provided to ensure that the Margate Code of Ordinances is implemented properly for temporary uses.

(Ord. No. 2017-1500.634, § 1, 9-6-2017 ; Ord. No. 2018-1, § 1, 3-7-2018)

Editor's note(s)—Sec. 1 of Ord. No. 2017-1500.634 , adopted Sept. 6, 2017, amended § 3.24 in its entirety to read as herein set out. Former § 3.24 pertained to outdoor events, and derived from Ord. No. 1500.413, adopted Dec. 19, 1990; Ord. No. 1500.417, adopted Jan. 8, 1992; Ord. No. 1500.429, adopted Sept. 16, 1992; Ord. No. 1500.430, adopted Nov. 18, 1992; Ord. No. 1500.468, adopted Feb. 2, 2000; Ord. No. 1500.479, adopted Sept. 19, 2001; Ord. No. 1500.488, adopted Jan. 29, 2003; Ord. No. 1500.519, adopted Feb. 15, 2006; Ord. No. 1500.539, adopted May 21, 2008; Ord. No. 1500.546, adopted Oct. 15, 2008; Ord. No. 1500.576, adopted June 15, 2011; Ord. No. 1500.580, adopted Nov. 2, 2011; Ord. No. 1500.597, adopted June 5, 2013; Ord. No. 2015-1500.611 , adopted Mar. 18, 2015; Ord. No. 2016-1500.624 , adopted Nov. 2, 2016; and Ord. No. 2017-1500.630 , adopted Mar. 15, 2017.