

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, APPENDIX A ZONING, ARTICLE III GENERAL PROVISIONS, SECTION 3.24 OUTDOOR EVENTS; PROVIDING FOR MINIMUM STANDARDS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

SECTION 1: The Code of Ordinances of the City of Margate, Florida, Appendix A Zoning, Article III General Provisions, Section 3.24 Outdoor events is hereby amended to read as follows:

Section 3.24 Outdoor events.

(A) General: Outdoor events shall mean concerts, fairs, festivals, races, walks, triathlons, circuses, carnivals, shows, exhibitions, block parties and other similar outdoor events on private property, whether operated totally outdoors, on stage, under tents or with the use of temporary buildings or structures, to which member of the public are invited as participants or spectators.

(B) Outdoor events shall be permitted in all nonresidential districts, TOC districts, and the commercial areas of PUD and PRC districts, with the approval of the property owner, subject to the following:

(1) Each property within the City of Margate meeting the requirements in the above paragraph may hold up to four (4) events of the same kind during a calendar year provided that each event shall not exceed fifteen (15) consecutive days.

1 (a) An event day shall include all days during
2 which a business and/or event is open, but
3 shall exclude days during which the business
4 is closed to customers and the event is not in
5 operation;

6
7 (b) Each event shall be allowed three (3) days for
8 set-up prior to and three (3) days for tear
9 down after the event, for a maximum total of
10 twenty-one (21) days on site;

11
12 (c) One additional event may be granted by the
13 city commission;

14
15 (d) City administration may grant an event up to
16 seven (7) additional calendar days of
17 operation, due to unforeseen circumstances
18 such as natural disturbances, but not
19 including economic hardships.

20
21 (2) In seeking approval for an outdoor event,
22 applicants must submit the following to the
23 development review committee:

24
25 (a) An application at least thirty (30) days in
26 advance of the first day of the event. (The
27 application shall be on a form provided by the
28 economic development department);

29
30 (b) Expedited applications may be received at
31 least fourteen (14) days in advance of the
32 first day of the event;

33
34 ~~(c)~~ (b) A site plan showing the exact location where
35 the event is to take place, a diagram of any
36 cooking areas, tents, vendors, seating areas,
37 shows, parking areas, restroom facilities, or
38 where any other activities are to take place;

39
40 ~~(d)~~ (e) A detailed description of the event;

41
42 ~~(e)~~ (f) A schedule of the exact dates and times of
43 the event;

44
45 ~~(f)~~ (g) A letter of approval from the property owner;

1
2 (g~~f~~) Proof of insurance, including a certificate
3 naming the city as additional insured;
4

5 (h~~e~~) A signed hold-harmless agreement with the
6 city;
7

8 (i~~h~~) Written documentation that the Margate Police
9 Department has been contacted regarding the
10 proposed event and a recommendation from the
11 police department as to whether a special duty
12 detail is needed;
13

14 (j~~i~~) A copy of current flameproof certificates for
15 all canvas tents, awnings or canopies to be
16 used for the event.
17

18 (3) In granting or denying approval for an outdoor
19 event, the Development Review Committee shall
20 consider the following:
21

22 (a) That the proposed event is compatible with the
23 existing use of the property and with the
24 surrounding properties;
25

26 (b) The relationship that the use may have as to
27 any holiday or special event;
28

29 (c) That the proposed event does not create a
30 safety hazard for persons and/or property in
31 the surrounding area;
32

33 (d) That the amount of parking demands created by
34 the event shall not create an adverse impact
35 on adjacent residential areas, and/or the
36 shopping center in which the event is to be
37 located;
38

39 (e) That the proposed event does not adversely
40 affect traffic conditions so as to create a
41 nuisance;
42

43 (f) That the event is not so loud or glaring as to
44 disturb the surrounding area;
45

1 (g) That all ingress and egress areas are kept
2 open for the free flow of traffic circulation.
3 Barricades may be required for safety
4 purposes;

5
6 (h) That sanitary facilities shall be provided and
7 shall be of the type and in a sufficient
8 number as to meet the requirements of the
9 event;

10
11 (i) That the use of fireworks shall comply with
12 all applicable state laws and obtain a
13 fireworks permit from the city fire
14 department;

15
16 (j) That any signage used for the proposed event
17 is in conformance with Article Xxi of the
18 Zoning Code;

19
20 (k) That each event or series of events, if
21 interrelated, shall receive a separate letter
22 of approval from the city;

23
24 (l) That sponsors of any event at which food or
25 beverages will be sold or distributed meet all
26 applicable health codes;

27
28 (m) That all permits required by the City of
29 Margate are obtained in the proper manner,
30 including having all required inspections
31 conducted;

32
33 (n) That any additional conditions as may be
34 imposed upon the petitioner as deemed
35 necessary for safety purposes by the
36 Development Review Committee are met.

37
38 (C) Exceptions:

39
40 (1) This section shall not apply to political
41 assemblies or assemblies convened to petition
42 the government for redress of grievances.

43
44 (2) Any religious institution or charitable
45 organization utilizing the same operator and

1 location for an event that has previously
2 received DRC approval may petition for
3 approval of any subsequent events in writing.
4 Any such petition must be received by the
5 Economic Development Department as least
6 thirty (30) days prior to the first day of
7 each subsequent event. Provided that Economic
8 Development staff has determined that all the
9 requirements of section 3.24 (b) (2) have been
10 satisfied, the petitioner may proceed with
11 permitting without reappearing before the DRC.
12 However, if the conditions of approval have
13 not been met or the event is found to be
14 operating outside the scope of its approval,
15 then any approvals of said recurring outdoor
16 event held by a religious institution or
17 charitable organization shall become null and
18 void. If an approval becomes null and void for
19 a recurring outdoor event, then the religious
20 institution or charitable organization must
21 reappear before the Development Review
22 Committee in order to be eligible for this
23 exception in subsequent events.
24

25 Additionally, any DRC fees associated with
26 outdoor events shall be waived for religious
27 institutions and charitable organizations.
28

29 (3) Events organized, planned, and operated by the City
30 or the Margate Community Redevelopment Agency (CRA)
31 and held at municipal facilities, CRA property or
32 on other property owned or controlled by a
33 governmental entity are exempt from appearing
34 before the DRC; provided, however, that the
35 requirements of section 3.24(B) are satisfied.
36

37 (D) Any event determined by the Development Review Committee
38 to have significant impacts based on the review criteria
39 in section 3.24 (B) (3) in this article shall be required
40 to seek a special exception permit before the City
41 Commission.
42
43

SECTION 2. All ordinances or parts of ordinances in conflict herewith are, and the same is, here by repealed to the extent of such conflict.

SECTION 3. If any section, clause or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the City of Margate Code, and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. This ordinance shall become effective immediately upon adoption at its second reading.

PASSED ON FIRST READING THIS _____ day of _____ 2015.

PASSED ON SECOND READING THIS _____ day of _____ 2015.

ATTEST:

JOSEPH J. KAVANAGH
CITY CLERK

MAYOR JOANNE SIMONE

RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

Peerman _____
Talerico _____
Bryan _____
Ruzzano _____
Simone _____

Peerman _____
Talerico _____
Bryan _____
Ruzzano _____
Simone _____