

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;

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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) calendar  
26                   days in advance of the first day of the event  
27                   a scheduled DRC meeting. (The application  
28                   shall be on a form provided by the economic  
29                   development department);

30  
31                   i. Expedited applications must be received at  
32                   least fourteen (14) calendar days in advance  
33                   of a scheduled DRC meeting;

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

40  
41                   (c) A detailed description of the event;

42  
43                   (d) A schedule of the exact dates and times of the  
44                   event;

- 1 (e) A letter of approval from the property owner;  
2  
3 (f) Proof of insurance, including a certificate  
4 naming the city as additional insured;  
5  
6 (g) A signed hold-harmless agreement with the  
7 city;  
8  
9 (h) Written documentation that the Margate Police  
10 Department has been contacted regarding the  
11 proposed event and a recommendation from the  
12 police department as to whether a special duty  
13 detail is needed;  
14  
15 (i) A copy of current flameproof certificates for  
16 all canvas tents, awnings or canopies to be  
17 used for the event.  
18  
19 (3) In granting or denying approval for an outdoor  
20 event, the Development Review Committee shall  
21 consider the following:  
22  
23 (a) That the proposed event is compatible with the  
24 existing use of the property and with the  
25 surrounding properties;  
26  
27 (b) The relationship that the use may have as to  
28 any holiday or special event;  
29  
30 (c) That the proposed event does not create a  
31 safety hazard for persons and/or property in  
32 the surrounding area;  
33  
34 (d) That the amount of parking demands created by  
35 the event shall not create an adverse impact  
36 on adjacent residential areas, and/or the  
37 shopping center in which the event is to be  
38 located;  
39  
40 (e) That the proposed event does not adversely  
41 affect traffic conditions so as to create a  
42 nuisance;  
43  
44 (f) That the event is not so loud or glaring as to  
45 disturb the surrounding area;

- 1  
2 (g) That all ingress and egress areas are kept  
3 open for the free flow of traffic circulation.  
4 Barricades may be required for safety  
5 purposes;  
6  
7 (h) That sanitary facilities shall be provided and  
8 shall be of the type and in a sufficient  
9 number as to meet the requirements of the  
10 event;  
11  
12 (i) That the use of fireworks shall comply with  
13 all applicable state laws and obtain a  
14 fireworks permit from the city fire  
15 department;  
16  
17 (j) That any signage used for the proposed event  
18 is in conformance with Article Xxi of the  
19 Zoning Code;  
20  
21 (k) That each event or series of events, if  
22 interrelated, shall receive a separate letter  
23 of approval from the city;  
24  
25 (l) That sponsors of any event at which food or  
26 beverages will be sold or distributed meet all  
27 applicable health codes;  
28  
29 (m) That all permits required by the City of  
30 Margate are obtained in the proper manner,  
31 including having all required inspections  
32 conducted;  
33  
34 (n) That any additional conditions as may be  
35 imposed upon the petitioner as deemed  
36 necessary for safety purposes by the  
37 Development Review Committee are met.  
38

39 (C) Exceptions:  
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- 41 (1) This section shall not apply to political  
42 assemblies or assemblies convened to petition  
43 the government for redress of grievances.  
44

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

26  
27 Additionally, any DRC fees associated with  
28 outdoor events shall be waived for religious  
29 institutions and charitable organizations.  
30

31 (3) Events organized, planned, and operated by the City  
32 or the Margate Community Redevelopment Agency (CRA)  
33 and held at municipal facilities, CRA property or  
34 on other property owned or controlled by a  
35 governmental entity are exempt from appearing  
36 before the DRC; provided, however, that the  
37 requirements of section 3.24(B) are satisfied.  
38

39 (D) Any event determined by the Development Review Committee  
40 to have significant impacts based on the review criteria  
41 in section 3.24 (B) (3) in this article shall be required  
42 to seek a special exception permit before the City  
43 Commission.  
44  
45

**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 \_\_\_\_\_

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