

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.

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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;

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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.
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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.
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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 _____

Peerman _____
Talerico _____
Bryan _____
Ruzzano _____
Simone _____