

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 31 PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS SECTIONS 31-34 DEVELOPMENT REVIEW COMMITTEE AND 31-39 DEVELOPMENT REVIEW COMMITTEE FEES; AMENDING APPENDIX A ZONING, AMENDING ARTICLE III GENERAL PROVISIONS; SECTION 3.24; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1: The Code of the City of Margate, Florida, Chapter 31 Platting, Subdivision and Other Land Use Regulations, Section 31-34 **Development Review Committee**, is hereby amended to read as follows¹:

Sec. 31-34. - Development review committee.

(a) *Establishment.* There is hereby established a development review committee comprised of representatives of city departments having a direct interest in new development. Membership of the development review committee shall include the director of economic development, the director of environmental and engineering services, a representative from the fire department, the building official, the director of public works, a representative from the police department, and a representative from the community redevelopment agency or any designees of the aforesaid. The director of economic development shall serve as chairman of the committee.

The development review committee shall have the right to make such rules as are necessary for the orderly conduct of its meetings.

(b) *Role in review of development proposals.* The development review committee shall meet on a regular basis for the purpose of reviewing and submitting to the planning and

¹CODING: Words in ~~struck through~~ text are deletions from existing text, words in underscoring text are additions to existing text, and **shaded** text are changes between First and Second Readings.

1 zoning board a report on all applications for any
2 proposed plats, subdivision resurveys, land use plan
3 amendments, or rezonings. The development review
4 committee shall review all site plans other than those
5 for a single-family or two-family home on a platted lot.
6 Proposals to the development review committee shall be
7 submitted at least thirty (30) days prior to the
8 committee meeting considering same. ~~Proposals submitted~~
9 ~~to the development review committee less than thirty~~
10 ~~(30) days prior to the committee meeting considering the~~
11 ~~same shall be subject to expedited review fees.~~

12 The development review committee, as to all proposed
13 plats, subdivision resurveys, land use plan amendments,
14 and rezonings, shall make a statement to the planning
15 and zoning board assessing the adequacy of the proposal
16 as to all city ordinances. The statements assessing the
17 adequacy of any proposed subdivision or rezoning shall
18 be considered by both the planning and zoning board and
19 the city commission.

20 The development review committee, as to all proposed
21 site plans submitted in conjunction with proposed plats
22 and rezonings or submitted not in conjunction with
23 proposed plats and rezonings, shall have the following
24 power: Each member of the committee shall have the
25 responsibility to approve or disapprove the submitted
26 development based upon compliance with all applicable
27 laws and regulations, including section 31-35, which
28 come under his/her department's jurisdiction. The
29 approval of all committee members shall constitute a
30 demonstration of compliance.

31 **SECTION 2:** The Code of the City of Margate,
32 Florida, Chapter 31 Platting, Subdivision and Other Land Use
33 Regulations, Section 31-39 **Development Review Committee Fees**,
34 is hereby amended to read as follows:
35

36 **Sec. 31-39. - Development review committee fees.**

37
38 The following fees shall apply for submittal to the
39 development review committee and shall be payable to the
40 eCity:

1 ~~The following fees shall apply for submittal to the~~
2 ~~development review committee and shall be payable to the~~
3 ~~city:~~

4 Plat, nonresidential \$ 1,000.00
5 + \$50.00 per acre

6 Plat, residential 750.00
7 + \$5.00 per dwelling unit

8 Plat amendment 500.00

9 Rezoning 1,500.00

10 Land use plan amendment 3,500.00

11 Special exception use 500.00

12 Change of occupancy 250.00

13 Site plan, nonresidential 500.00
14 + \$1.00 per 25 square feet of new construction

15 Site plan, residential 500.00
16 + \$5.00 per unit

17 Amended site plan 250.00

18 Resubmittal (other) 250.00

19 Telecommunications site development 4,000.00

20 ~~Expedited review Fees~~
21 ~~doubled~~

22
23 **SECTION 3:** The Code of the City of Margate,
24 Florida, Appendix A Zoning, Article III General Provisions,
25 Section 3.24 **Outdoor Events**, is hereby amended to read as
26 follows:
27

28 **Section 3.24. - Outdoor events.**
29

30 (A) General: Outdoor events shall mean concerts, fairs,
31 festivals, races, walks, triathlons, circuses,
32 carnivals, shows, exhibitions, block parties and other

1 similar outdoor events on private property, whether
2 operated totally outdoors, on stage, under tents or
3 with the use of temporary buildings or structures, to
4 which members of the public are invited as
5 participants or spectators.
6

7 (B) Outdoor events shall be permitted in all
8 nonresidential districts, TOC districts, and the
9 commercial areas of PUD and PRC districts, with the
10 approval of the property owner, subject to the
11 following:
12
13

14 (1) Each property within the City of Margate meeting
15 the requirements in the above paragraph may hold
16 up to four (4) events of the same kind during a
17 calendar year, provided that each event shall not
18 exceed fifteen (15) consecutive days.
19

20 (a) An event day shall include all days during
21 which a business and/or event is open, but
22 shall exclude days during which the business
23 is closed to customers and the event is not
24 in operation;
25

26 (b) Each event shall be allowed three (3) days
27 for set-up prior to and three (3) days for
28 tear down after the event, for a maximum
29 total of twenty-one (21) days on site;
30

31 (c) One (1) additional event may be granted by
32 the city commission;
33

34 (d) City administration may grant an event up to
35 seven (7) additional calendar days of
36 operation, due to unforeseen circumstances
37 such as natural disturbances, but not
38 including economic hardships.
39

40 (2) In seeking approval for an outdoor event,
41 applicants must submit the following to the
42 development review committee:
43

1 (a) An application at least thirty (30)
2 calendar days in advance a scheduled DRC
3 meeting. (The application shall be on a
4 form provided by the economic development
5 department);
6

7 ~~i. Expedited applications must be~~
8 ~~received at least fourteen (14) calendar~~
9 ~~days in advance of a scheduled DRC~~
10 ~~meeting;~~
11

12 (b) A site plan showing the exact location
13 where the event is to take place, a
14 diagram of any cooking areas, tents,
15 vendors, seating areas, shows, parking
16 areas, restroom facilities, or where any
17 other activities are to take place;
18

19 (c) A detailed description of the event;
20

21 (d) A schedule of the exact dates and times of
22 the event;
23

24 (e) A letter of approval from the property
25 owner;
26

27 (f) Proof of insurance, including a
28 certificate naming the city as additional
29 insured;
30

31 (g) A signed hold-harmless agreement with the
32 city;
33

34 (h) Written documentation that the Margate
35 Police Department has been contacted
36 regarding the proposed event and a
37 recommendation from the police department
38 as to whether a special duty detail is
39 needed;
40

41 (i) A copy of current flameproof certificates
42 for all canvas tents, awnings or canopies
43 to be used for the event.
44

1
2 (3) In granting or denying approval for an outdoor
3 event, the Development Review Committee shall consider
4 the following:

5 (a) That the proposed event is compatible with
6 the existing use of the property and with
7 the surrounding properties;

8
9 (b) The relationship that the use may have as
10 to any holiday or special event;

11
12 (c) That the proposed event does not create a
13 safety hazard for persons and/or property
14 in the surrounding area;

15
16 (d) That the amount of parking demands created
17 by the event shall not create an adverse
18 impact on adjacent residential areas,
19 and/or the shopping center in which the
20 event is to be located;

21
22 (e) That the proposed event does not adversely
23 affect traffic conditions so as to create
24 a nuisance;

25
26 (f) That the event is not so loud or glaring
27 as to disturb the surrounding area;

28
29 (g) That all ingress and egress areas are kept
30 open for the free flow of traffic
31 circulation. Barricades may be required
32 for safety purposes;

33
34 (h) That sanitary facilities shall be provided
35 and shall be of the type and in a
36 sufficient number as to meet the
37 requirements of the event;

38
39 (j) That the use of fireworks shall comply
40 with all applicable state laws and obtain
41 a fireworks permit from the city fire
42 department;

1 (k) That any signage used for the proposed
2 event is in conformance with Article XXI
3 of the Zoning Code;

4
5
6 (l) That each event or series of events, if
7 interrelated, shall receive a separate
8 letter of approval from the city;

9
10 (m) That sponsors of any event at which food
11 or beverages will be sold or distributed
12 meet all applicable health codes;

13
14
15 (n) That all permits required by the City of
16 Margate are obtained in the proper manner,
17 including having all required inspections
18 conducted;

19
20 (o) That any additional conditions as may be
21 imposed upon the petitioner as deemed
22 necessary for safety purposes by the
23 Development Review Committee are met.

24
25
26
27 (C) Exceptions:

28
29 (1) This section shall not apply to political
30 assemblies or assemblies convened to petition the
31 government for redress of grievances.

32
33 (2) Any religious institution or charitable
34 organization utilizing the same operator and
35 location for an event that has previously
36 received DRC approval may petition for approval
37 of any subsequent events in writing. Any such
38 petition must be received by the Economic
39 Development Department at least thirty (30) days
40 prior to the first day of each subsequent event.
41 Provided that Economic Development staff has
42 determined that all the requirements of section
43 3.24(B)(2) have been satisfied, the petitioner
44 may proceed with permitting without reappearing
45 before the DRC. However, if the conditions of

1 approval have not been met or the event is found
2 to be operating outside the scope of its
3 approval, then any approvals of said recurring
4 outdoor event held by a religious institution or
5 charitable organization shall become null and
6 void. If an approval becomes null and void for a
7 recurring outdoor event, then the religious
8 institution or charitable organization must
9 reappear before the Development Review Committee
10 in order to be eligible for this exception in
11 subsequent events.

12 Additionally, any DRC fees associated with
13 outdoor events shall be waived for religious
14 institutions and charitable organizations.

15 (3) Events organized, planned, and operated by the
16 City or the Margate Community Redevelopment
17 Agency (CRA) and held at municipal facilities,
18 CRA property or on other property owned or
19 controlled by a governmental entity are exempt
20 from appearing before the DRC; provided, however,
21 that the requirements of section 3.24(B) are
22 satisfied.

23
24 (D) Any event determined by the Development Review Committee
25 to have significant impacts based on the review
26 criteria in section 3.24(B)(3) in this article shall
27 be required to seek a special exception permit before
28 the City Commission.

29
30
31 **SECTION 4:** All ordinances or parts of ordinances
32 in conflict herewith are and the same is hereby repealed to
33 the extent of such conflict.

34
35 **SECTION 5:** If any section, sentence, clause, or
36 phrase of this ordinance is held to be invalid or
37 unconstitutional by a court of competent jurisdiction, then
38 said holding shall in no way affect the validity of the
39 remaining portions of this ordinance.

40
41 **SECTION 6:** It is the intention of the City
42 Commission that the provisions of this ordinance shall become
43 and be made a part of the City of Margate Code, and that the
44 sections of this ordinance may be renumbered or relettered and
45 the word "ordinance" may be changed to "section", "article"
46 or such other appropriate word or phrase in order to

1 accomplish such intentions.
2

3 **SECTION 7:** This ordinance shall become effective
4 immediately upon adoption at its second reading.
5

6 PASSED ON FIRST READING THIS ____ day of _____ 2017.
7

8 PASSED ON SECOND READING THIS ____ day of _____ 2017.
9

10 ATTEST:

11
12 _____
13 JOSEPH KAVANAGH
14 CITY CLERK
15

12 _____
13 MAYOR TOMMY RUZZANO
14

16
17 *RECORD OF VOTE - 1ST READING* *RECORD OF VOTE - 2ND READING*
18

19 TBD _____
20 TBD _____
21 TBD _____
22 SCHWARTZ _____
23 Ruzzano _____
24

19 TBD _____
20 TBD _____
21 TBD _____
22 SCHWARTZ _____
23 Ruzzano _____
24