

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 follows<sup>1</sup>:

**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

<sup>1</sup>CODING: 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  
16 \_\_\_\_\_  
17 MAYOR TOMMY RUZZANO

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

19 TBD \_\_\_\_\_  
20 TBD \_\_\_\_\_  
21 TBD \_\_\_\_\_  
22 SCHWARTZ \_\_\_\_\_  
23 Ruzzano \_\_\_\_\_

24 TBD \_\_\_\_\_  
25 TBD \_\_\_\_\_  
26 TBD \_\_\_\_\_  
27 SCHWARTZ \_\_\_\_\_  
Ruzzano \_\_\_\_\_