

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; APPENDIX A ZONING, ARTICLE III GENERAL PROVISIONS; SECTION 3.24; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

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BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, AS FOLLOWS:

**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.

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

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

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

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

34                **SECTION 2:**        The Code of the City of Margate,  
35 Florida, Chapter 31 Platting, Subdivision and Other Land Use  
36 Regulations, Section 31-39 **Development Review Committee Fees**,  
37 is hereby amended to read as follows:  
38

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

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

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

Plat, nonresidential ..... \$ 1,000.00  
+ \$50.00 per acre

Plat, residential ..... 750.00  
+ \$5.00 per dwelling unit

Plat amendment ..... 500.00

Rezoning ..... 1,500.00

Land use plan amendment ..... 3,500.00

Special exception use ..... 500.00

Change of occupancy ..... 250.00

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

Site plan, residential ..... 500.00  
+ \$5.00 per unit

Amended site plan ..... 250.00

Resubmittal (other) ..... 250.00

Telecommunications site development ..... 4,000.00

~~Expedited review ..... Fees  
doubled~~

**SECTION 3:** The Code 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:

1       **Section 3.24. - Outdoor events.**  
2

3       (A)       General: Outdoor events shall mean concerts, fairs,  
4               festivals, races, walks, triathlons, circuses,  
5               carnivals, shows, exhibitions, block parties and other  
6               similar outdoor events on private property, whether  
7               operated totally outdoors, on stage, under tents or  
8               with the use of temporary buildings or structures, to  
9               which members of the public are invited as  
10              participants or spectators.  
11

12       (B)       Outdoor events shall be permitted in all  
13               nonresidential districts, TOC districts, and the  
14               commercial areas of PUD and PRC districts, with the  
15               approval of the property owner, subject to the  
16               following:  
17

18               (1) Each property within the City of Margate meeting  
19               the requirements in the above paragraph may hold  
20               up to four (4) events of the same kind during a  
21               calendar year, provided that each event shall not  
22               exceed fifteen (15) consecutive days.  
23

24               (a)    An event day shall include all days during  
25               which a business and/or event is open, but  
26               shall exclude days during which the business  
27               is closed to customers and the event is not  
28               in operation;  
29

30               (b)    Each event shall be allowed three (3) days  
31               for set-up prior to and three (3) days for  
32               tear down after the event, for a maximum  
33               total of twenty-one (21) days on site;  
34

35               (c)    One (1) additional event may be granted by  
36               the city commission;  
37

38               (d)    City administration may grant an event up to  
39               seven (7) additional calendar days of  
40               operation, due to unforeseen circumstances  
41               such as natural disturbances, but not  
42               including economic hardships.  
43

1 (2) In seeking approval for an outdoor event,  
2 applicants must submit the following to the  
3 development review committee:  
4

5 (a) An application at least thirty (30)  
6 calendar days in advance a scheduled DRC  
7 meeting. (The application shall be on a  
8 form provided by the economic development  
9 department);  
10

11 ~~i. Expedited applications must be~~  
12 ~~received at least fourteen (14) calendar~~  
13 ~~days in advance of a scheduled DRC~~  
14 ~~meeting;~~  
15

16 (b) A site plan showing the exact location  
17 where the event is to take place, a  
18 diagram of any cooking areas, tents,  
19 vendors, seating areas, shows, parking  
20 areas, restroom facilities, or where any  
21 other activities are to take place;  
22

23 (c) A detailed description of the event;  
24

25 (d) A schedule of the exact dates and times of  
26 the event;  
27

28 (e) A letter of approval from the property  
29 owner;  
30

31 (f) Proof of insurance, including a  
32 certificate naming the city as additional  
33 insured;  
34

35 (g) A signed hold-harmless agreement with the  
36 city;  
37

38 (h) Written documentation that the Margate  
39 Police Department has been contacted  
40 regarding the proposed event and a  
41 recommendation from the police department  
42 as to whether a special duty detail is  
43 needed;  
44

1 (i) A copy of current flameproof certificates  
2 for all canvas tents, awnings or canopies  
3 to be used for the event.  
4

5 (3) In granting or denying approval for an outdoor  
6 event, the Development Review Committee shall consider  
7 the following:

8 (a) That the proposed event is compatible with  
9 the existing use of the property and with  
10 the surrounding properties;  
11

12 (b) The relationship that the use may have as  
13 to any holiday or special event;  
14

15 (c) That the proposed event does not create a  
16 safety hazard for persons and/or property  
17 in the surrounding area;  
18

19 (d) That the amount of parking demands created  
20 by the event shall not create an adverse  
21 impact on adjacent residential areas,  
22 and/or the shopping center in which the  
23 event is to be located;  
24

25 (e) That the proposed event does not adversely  
26 affect traffic conditions so as to create  
27 a nuisance;  
28

29 (f) That the event is not so loud or glaring  
30 as to disturb the surrounding area;  
31

32 (g) That all ingress and egress areas are kept  
33 open for the free flow of traffic  
34 circulation. Barricades may be required  
35 for safety purposes;  
36

37 (h) That sanitary facilities shall be provided  
38 and shall be of the type and in a  
39 sufficient number as to meet the  
40 requirements of the event;  
41

42 (j) That the use of fireworks shall comply  
43 with all applicable state laws and obtain

1 a fireworks permit from the city fire  
2 department;

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

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

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

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

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

27  
28 (C) Exceptions:

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

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

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

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

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

24  
25 (D) Any event determined by the Development Review  
26 Committee to have significant impacts based on the  
27 review criteria in section 3.24(B)(3) in this article  
28 shall be required to seek a special exception permit  
29 before the City Commission.  
30

31 **SECTION 4:** All ordinances or parts of ordinances  
32 in conflict are repealed to the extent of such conflict.  
33

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

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



**SECTION 7:** This Ordinance shall become effective immediately upon adoption at its second reading.

PASSED ON FIRST READING THIS \_\_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED ON SECOND READING THIS \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
JOSEPH KAVANAGH  
CITY CLERK

\_\_\_\_\_  
MAYOR TOMMY RUZZANO

*RECORD OF VOTE - 1ST READING*

*RECORD OF VOTE - 2ND READING*

Caggiano \_\_\_\_\_  
Simone \_\_\_\_\_  
Peerman \_\_\_\_\_  
Schwartz \_\_\_\_\_  
Ruzzano \_\_\_\_\_

Caggiano \_\_\_\_\_  
Simone \_\_\_\_\_  
Peerman \_\_\_\_\_  
Schwartz \_\_\_\_\_  
Ruzzano \_\_\_\_\_