

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE 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.

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 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.

¹ 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 development
2 review committee shall meet on a regular basis for the
3 purpose of reviewing and submitting to the planning and
4 zoning board a report on all applications for any
5 proposed plats, subdivision resurveys, land use plan
6 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:
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39
40
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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 1ST day of MARCH, 2017.

PASSED ON SECOND READING THIS 15TH day of MARCH, 2017.

ATTEST:

JOSEPH J. KAVANAGH
CITY CLERK

MAYOR TOMMY RUZZANO

RECORD OF VOTE - 1ST READING

RECORD OF VOTE - 2ND READING

Caggiano	<u>YES</u>
Simone	<u>YES</u>
Peerman	<u>YES</u>
Schwartz	<u>YES</u>
Ruzzano	<u>YES</u>

Caggiano	_____
Simone	_____
Peerman	_____
Schwartz	_____
Ruzzano	_____