

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING APPENDIX-A ZONING; SECTION 3.24 OUTDOOR EVENTS; DELETING SECTION 3.31 WALKWAY SALES; AMENDING SECTION 3.22 ALCOHOLIC BEVERAGES; PROVIDING FOR MINIMUM STANDARDS; PROVIDING FOR REPEAL; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1: The Code of the City of Margate, Florida, Appendix-A Zoning, Section 3.24, Outdoor events, is hereby amended to read as follows¹:

~~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 members 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.~~

¹CODING: 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.

~~(a)~~

~~An event day shall include all days during which a business and/or event is open, but shall exclude days during which the business is closed to customers and the event is not in operation;~~

~~(b)~~

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

~~(c)~~

~~One (1) additional event may be granted by the city commission;~~

~~(d)~~

~~City administration may grant an event up to seven (7) additional calendar days of operation, due to unforeseen circumstances such as natural disturbances, but not including economic hardships.~~

~~(2)~~

~~In seeking approval for an outdoor event, applicants must submit the following to the development review committee:~~

~~(a)~~

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

~~i.~~

~~Expedited applications must be received at least fourteen (14) calendar days in advance of a scheduled DRC meeting;~~

~~(b)~~

~~A site plan showing the exact location where the event is to take place, a diagram of any cooking areas, tents, vendors, seating areas, shows, parking areas, restroom facilities, or where any other activities are to take place;~~

~~(c)~~

~~A detailed description of the event;~~

~~(d)~~

~~A schedule of the exact dates and times of the event;~~

~~(e)~~

~~A letter of approval from the property owner;~~

1 ~~(f)~~

2 ~~Proof of insurance, including a certificate naming the~~
3 ~~city as additional insured;~~

4 ~~(g)~~

5 ~~A signed hold-harmless agreement with the city;~~

6 ~~(h)~~

7 ~~Written documentation that the Margate Police~~
8 ~~Department has been contacted regarding the proposed~~
9 ~~event and a recommendation from the police department~~
10 ~~as to whether a special duty detail is needed;~~

11 ~~(i)~~

12 ~~A copy of current flameproof certificates for all~~
13 ~~canvas tents, awnings or canopies to be used for the~~
14 ~~event.~~

15 ~~(3)~~

16 ~~In granting or denying approval for an outdoor event, the~~
17 ~~Development Review Committee shall consider the~~
18 ~~following:~~

19 ~~(a)~~

20 ~~That the proposed event is compatible with the~~
21 ~~existing use of the property and with the surrounding~~
22 ~~properties;~~

23 ~~(b)~~

24 ~~The relationship that the use may have as to any~~
25 ~~holiday or special event;~~

26 ~~(c)~~

27 ~~That the proposed event does not create a safety~~
28 ~~hazard for persons and/or property in the surrounding~~
29 ~~area;~~

30 ~~(d)~~

31 ~~That the amount of parking demands created by the~~
32 ~~event shall not create an adverse impact on adjacent~~
33 ~~residential areas, and/or the shopping center in which~~
34 ~~the event is to be located;~~

35 ~~(e)~~

36 ~~That the proposed event does not adversely affect~~
37 ~~traffic conditions so as to create a nuisance;~~

38 ~~(f)~~

39 ~~That the event is not so loud or glaring as to disturb~~
40 ~~the surrounding area;~~

41 ~~(g)~~

1 ~~That all ingress and egress areas are kept open for~~
2 ~~the free flow of traffic circulation. Barricades may~~
3 ~~be required for safety purposes;~~

4 ~~(h)~~

5 ~~That sanitary facilities shall be provided and shall~~
6 ~~be of the type and in a sufficient number as to meet~~
7 ~~the requirements of the event;~~

11 ~~(i)~~

12 ~~That the use of fireworks shall comply with all~~
13 ~~applicable state laws and obtain a fireworks permit~~
14 ~~from the city fire department;~~

15 ~~(j)~~

16 ~~That any signage used for the proposed event is in~~
17 ~~conformance with Article XXI of the Zoning Code;~~

18 ~~(k)~~

19 ~~That each event or series of events, if interrelated,~~
20 ~~shall receive a separate letter of approval from the~~
21 ~~city;~~

22 ~~(l)~~

23 ~~That sponsors of any event at which food or beverages~~
24 ~~will be sold or distributed meet all applicable health~~
25 ~~codes;~~

26 ~~(m)~~

27 ~~That all permits required by the City of Margate are~~
28 ~~obtained in the proper manner, including having all~~
29 ~~required inspections conducted;~~

30 ~~(n)~~

31 ~~That any additional conditions as may be imposed upon~~
32 ~~the petitioner as deemed necessary for safety purposes~~
33 ~~by the Development Review Committee are met.~~

34 ~~(C)~~

35 ~~Exceptions:~~

36 ~~(1)~~

37 ~~This section shall not apply to political assemblies or~~
38 ~~assemblies convened to petition the government for~~
39 ~~redress of grievances.~~

40 ~~(2)~~

41 ~~Any religious institution or charitable organization~~
42 ~~utilizing the same operator and location for an event~~
43 ~~that has previously received DRC approval may petition~~

for approval of any subsequent events in writing. Any such petition must be received by the Economic Development Department at least thirty (30) days prior to the first day of each subsequent event. Provided that Economic Development staff has determined that all the requirements of [section 3.24](#) (B) (2) have been satisfied, the petitioner may proceed with permitting without reappearing before the DRC. However, if the conditions of approval have not been met or the event is found to be operating outside the scope of its approval, then any approvals of said recurring outdoor event held by a religious institution or charitable organization shall become null and void. If an approval becomes null and void for a recurring outdoor event, then the religious institution or charitable organization must reappear before the Development Review Committee in order to be eligible for this exception in subsequent events. Additionally, any DRC fees associated with outdoor events shall be waived for religious institutions and charitable organizations.

~~(3)~~

Events organized, planned, and operated by the City or the Margate Community Redevelopment Agency (CRA) and held at municipal facilities, CRA property or on other property owned or controlled by a governmental entity are exempt from appearing before the DRC; provided, however, that the requirements of [section 3.24](#) (B) are satisfied.

~~(D)~~

Any event determined by the Development Review Committee to have significant impacts based on the review criteria in [section 3.24](#) (B) (3) in this article shall be required to seek a special exception permit before the City Commission.

Section 3.24 - Temporary Use Permits.

(A) Permit required: All temporary uses which are not otherwise allowed by this Code as a permitted use or special exception in a particular zoning district and which are not otherwise prohibited under the terms of this Code shall be conducted or erected only after obtaining a Temporary Use Permit (TUP). This section shall not override, and shall not substitute for, any other section of this Code which requires another type of permit, certificate, or approval.

1 (B) Review and approval: An application for a Temporary Use
2 Permit shall be submitted and reviewed in conformance with the
3 procedures contained in this Code. Notice and public hearing
4 requirements shall not apply to temporary use permits. The
5 payment of an application fee, established by the City
6 Commission, shall be included with the application for a
7 Temporary Use Permit. All tax-exempt organizations who qualify
8 under Section 501 of the Internal Revenue Code are exempt from
9 payment of the fee. TUP applications shall be reviewed and
10 approved by the Economic Development Department, or by the City
11 Commission, as provided for in subsections (1) and (2) below,
12 who may impose reasonable conditions upon the TUP.

13 (1) Administrative approval: The establishment of the
14 following uses shall require a TUP issued by the Economic
15 Development Department, with review from other City
16 departments as necessary.

17
18 (a) Temporary sales offices and model homes
19 established for the express purpose of marketing a
20 real estate development project with final site plan
21 and Broward County Plat approval. The model homes
22 and sales offices shall be located on contiguous
23 parcels or lots and limited to the property which is
24 being marketed for sales.

25
26 (b) Seasonal sales lots offering products such as
27 Christmas trees, pumpkins, or flowers; provided,
28 however, that no TUP shall be issued for sales
29 within public rights-of-way, and fireworks sales
30 shall be subject to Margate Fire-Rescue Department
31 and Police Department approval.

32
33 (c) Walkway or parking lot sales by businesses
34 having a City-issued Local Business Tax Receipt,
35 with all such activities located within the property
36 of those businesses and not in any right-of-way.

37
38 (d) Mobile food truck sales by properly licensed
39 and inspected businesses as part of a special event
40 or in conjunction with a business having a City-
41 issued Local Business Tax Receipt on the same
42 property.

43
44 (e) Farmers' markets.

1
2 (f) Community garage sales.
3

4 (2) City Commission approval: Applications for the
5 following types of TUPs shall be transmitted to the
6 Economic Development Department for review and input by
7 various City departments. Subsequent to administrative
8 review, the Economic Development Department shall schedule
9 the application for review by the City Commission. The
10 Commission may approve the application by resolution and
11 may impose reasonable conditions as necessary to ensure
12 public safety and welfare:

13 (a) Carnivals, fairs, circuses, and other outdoor
14 events held on non-City owned properties which
15 anticipate having over 500 attendees at any given
16 time.

17
18 (b) Fireworks displays and shows.
19

20 (c) Block parties in residential neighborhoods.
21

22 (d) Other temporary uses or structures which in the
23 opinion of the Economic Development Department may
24 require City Commission review.
25

26 (C) Maximum time limit: A maximum time limit shall be
27 established for all TUPs based on the minimum amount of time
28 needed to conduct the permitted activity.

29 (1) TUPs related to real estate development projects shall
30 not be maintained longer than the time necessary to complete
31 the construction of the project (issuance of the final
32 certificate of occupancy).

33 (2) Seasonal sales shall be limited to thirty (30) days.

34 (3) Walkway or parking lot sales shall be limited to seven
35 (7) days.

36 (D) Revocation of permits: Any temporary use or structure
37 which becomes a nuisance, violates the conditions of the permit,
38 endangers the public health or safety or is in violation of this
39 Code shall be immediately subject to revocation by the City
40 Manager.

1 (E) Exemptions: A TUP will not be required for:

2 (1) Any use or structure that is part of a construction
3 project by or for the City; however a building permit shall
4 be required.

5 (2) Any organized, operated, and funded outdoor event either
6 by the City or CRA that is held upon any City or CRA owned
7 land.

8 (F) General criteria and limitations:

9 (1) The temporary use must be compatible with the
10 surrounding land uses.

11 (2) Parking: A parking problem must not be created. If off-
12 site parking is to be utilized, permission must be in
13 writing from the subject property owner who must
14 demonstrate that the parking requirement of the temporary
15 use does not cause the loss of legally required parking
16 spaces for the site.

17 (3) Amount of TUPs: Each property shall be limited to four
18 (4) temporary use permits within a calendar year. Applicant
19 may not conduct two (2) or more events consecutively at one
20 time. An applicant may not receive a TUP on the same
21 property more than once per thirty (30) day time period.

22
23 (4) Applicants for a Temporary Use Permit requiring
24 administrative approval per Section 3.24 (B) (1) shall file
25 an application with the Economic Development Department at
26 least thirty (30) calendar days prior to said event,
27 together with an application fee. Any applicant applying
28 for a TUP requiring City Commission approval per Section
29 3.24 (B) (2) shall submit an application with the Economic
30 Development Department at least ninety (90) calendar days
31 prior to said event. The applicant, at a minimum, must
32 submit the following with the application:

33
34 (a) An affidavit that permission has been secured
35 from the owner of the land upon which the event is
36 to be held;

37
38 (b) A detailed description of the event, including
39 hours of operation, provision of water and/or

electric service, access to restrooms, and the provision of security;

(c) A site plan providing detailed information about the site and the surrounding area(s) to be impacted; and

(d) A hold harmless agreement indemnifying the City
of any liability

(e) Temporary Use Permit Application Fees:

i. Carnival, parade, firework display, block party: \$250.00

ii. All others: \$75.00

(5) Additional information related to and including, but not limited to, signage, parking, traffic circulation, building and fire prevention regulations, insurance, vendors and health certificates shall be required, where applicable, to ensure that the Margate Code of Ordinances is implemented properly for temporary uses. The additional information, where applicable, may be required by the Economic Development Department.

SECTION 2: The Code of the City of Margate, Florida, Appendix-A Zoning, Section 3.22, Alcoholic beverages, is hereby amended to read as follows:

Section 3.22. - Alcoholic beverages.

• • •

(III) *Public consumption, possession, prohibited.*

(A) (1) It shall be unlawful for any person to drink or consume alcoholic beverages, or have in his/her possession any open container containing alcoholic beverages, including liquor, beer, or wine, in any commercial establishment as defined by state law, on any public

1 street, in any public park, in any public or quasipublic
2 parking lot, or in any other public place, unless such
3 place is licensed by the State of Florida for the sale of
4 alcoholic beverages.

5
6 (B) (2) For temporary City or Community Redevelopment
7 Agency events, temporary uses, or outdoor promotional
8 events approved by the ~~Development Review Committee~~ City
9 Commission in accordance with the criteria contained in
10 Section 3.24, outdoor sales and/or consumption of
11 alcoholic beverages shall be permitted where:

12 (a) The sale and/or consumption of alcoholic
13 beverages in a designated outdoor area is approved
14 by the City Commission ~~or the Development Review~~
15 ~~Committee~~; and

16 (b) A license from the State of Florida for said
17 temporary event has been obtained.

18
19 (3) This section shall not be construed to permit
20 drinking or consumption of any of the beverages listed
21 herein in public parking lots or in any other public place
22 wherein adjacent stores may be licensed by the City for the
23 sale of alcoholic beverages.

24
25 (B) For this section, the definition of quasipublic shall
26 be that private property where a private owner permits the
27 general and common use of a street or way by the public
28 such as parking lots, shopping centers, and those areas
29 where the public is deemed to be invited. Quasipublic shall
30 also include those portions of private property which are
31 parking lots, streets, or common areas of apartment
32 buildings, condominiums, mobile home parks, and like
33 organizations, where the private owner or organization in
34 control of said areas has requested from the City in
35 writing that this section be enforced.

36
37 (C) Those outdoor portions of any established golf course
38 of which access is limited to only patrons who have paid
39 the appropriate admission fees shall be considered private
40 property and therefore exempt from the prohibitions of this
41 section. The sale and consumption of alcoholic beverages
42 shall be permitted in these areas upon approval of the City
43 Commission.

44 . . .

SECTION 3: The Code of the City of Margate, Florida, Appendix-A Zoning, Section 3.31, Walkway sales, is hereby deleted in its entirety:

~~Section 3.31. - Walkway sales.~~

~~Applications for sales on walkways on private property shall be made to the Department of Environmental and Engineering Services (DEES) at least fourteen (14) days prior to the first day of the walkway sale. An administrative fee of two hundred dollars (\$200.00) shall be applied to all applications. A letter of approval must be obtained prior to holding a walkway sale.~~

~~(A)~~

~~Permit criteria. DEES staff may approve applications for walkway sales meeting the following criteria:~~

~~(1)~~

~~Walkway sales are permitted outside of an existing enclosed permanent business location on four (4) occasions per calendar year for a time period not to exceed three (3) consecutive days per occasion. All occasions must be documented on the application to DEES.~~

~~(2)~~

~~All vending shall be directly in front of or adjacent to the permanently enclosed business, and wholly on private property.~~

~~(3)~~

~~No parking spaces, fire lanes, or drive aisles shall be encroached upon.~~

~~(4)~~

~~Sufficient pedestrian access shall be maintained.~~

~~(5)~~

~~Only merchandise customarily sold from the existing business with a valid occupational license shall be sold outdoors.~~

~~(6)~~

~~A letter of approval from the property owner must be provided.~~

~~(7)~~

~~Proof of insurance, including a certificate naming the City as additional insured must be provided.~~

~~(8)~~

~~No cooking, musicians, radio broadcasts, DJs or other live entertainment or activity shall be permitted in conjunction with a walkway sale. Any additional such activity in conjunction with a walkway sale shall be considered an outdoor event and be subject to all provisions of Section 3.24 of this Article.~~

SECTION 4: All ordinances or parts of ordinances in conflict herewith are and the same is hereby repealed to the extent of such conflict.

SECTION 5: If any section, sentence, 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 6: 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 relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish 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	_____	Caggiano	_____
Simone	_____	Simone	_____
Peerman	_____	Peerman	_____
Schwartz	_____	Schwartz	_____
Ruzzano	_____	Ruzzano	_____