



**REGULAR MEETING OF
THE DEVELOPMENT REVIEW COMMITTEE
MINUTES**

Tuesday, March 28, 2017

10:00 AM

City of Margate
Municipal Building

City Commission

Mayor Tommy Ruzzano
Vice Mayor Arlene R. Schwartz
Anthony N. Caggiano
Lesa Peerman
Joanne Simone

Interim City Manager

Samuel A. May

City Attorney

Douglas R. Gonzales

City Clerk

Joseph J. Kavanagh

PRESENT:

Ben Ziskal, AICP, CEcD, Director of Economic Development
Timothy Finn, Senior Planner
Andrew Pinney, Associate Planner
Richard Nixon, Building Department
Kevin Wilson, Fire
Jeanine Athias, Engineering
Lt. Paul Fix, Police Department
Lt. Joe Galaska, Police Department

ALSO PRESENT:

ABSENT:

Diane Colonna, CRA Executive Director
Abraham Stubbins, Utilities
Abidemi Ajayi (A.J.), Engineering
Dan Topp, Code Compliance Officer
Michael Jones, Director of Parks and Recreation
Director of Public Works

The regular meeting of the Margate Development Review Committee (DRC), having been properly noticed, was called to order by Ben Ziskal at 10:02 AM on **Tuesday, March 28, 2017** in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063.

- 1A) APPROVAL OF THE MINUTES FROM THE DEVELOPMENT REVIEW COMMITTEE MEETING ON FEBRUARY 14, 2017.
- 1B) APPROVAL OF THE MINUTES FROM THE DEVELOPMENT REVIEW COMMITTEE MEETING ON FEBRUARY 28, 2017.

The meeting minutes were approved as written.

2) **NEW BUSINESS**

Economic Development Department

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www.margatefl.com • edevdirector@margatefl.com

2A) **DRC NO. 03-17-01** CONSIDERATION OF AN ORDINANCE TO UPDATE THE CODE OF ORDINANCES' REFERENCES OF THE DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES TO THE ECONOMIC DEVELOPMENT DEPARTMENT.

PETITIONER: CITY OF MARGATE, ECONOMIC DEVELOPMENT DEPARTMENT

Andrew Pinney explained that the purpose of the ordinance was to strike through references to the Department of Environmental and Engineering Services (DEES) and change them to the Economic Development Department for various zoning functions that Economic Development had been handling for more than five years. He said it was to update the Code to reflect the actual procedure of the City.

He advised that the next item on the agenda was updated after this particular ordinance was written. He said the reference to Section 331 Walkway Sales would be removed from this ordinance before it moved forward to Planning and Zoning.

DRC Comments:

Richard Nixon had no comment.

Kevin Wilson had no comment.

Tim Finn had no comment.

Jeanine Athias had no comment.

Lt. Paul Fix had no comment.

Lt. Joe Galaska had no comment.

Ben Ziskal said the ordinance would move on to the Planning and Zoning Board in May and then to the City Commission for consideration in June.

2B) **DRC NO. 03-17-02** CONSIDERATION OF AN ORDINANCE TO PROVIDE REGULATIONS AND PROCEDURES TO REVIEW TEMPORARY USE PERMITS

PETITIONER: CITY OF MARGATE, ECONOMIC DEVELOPMENT DEPARTMENT

Tim Finn explained that historically small, basic events like grand openings for restaurants and clothing stores were required to go before a hearing for approval. He said that this ordinance would erase what was currently on the books for special events and outdoor events and it would bring forth a new process called Temporary Use Permits (TUP). Under the new process, he said small events would no longer require a hearing. Rather, they would be reviewed by individuals on the Development Review Committee (DRC) and then the Economic Development Department would issue a Temporary Use Letter and a Temporary Use Permit granting approval. He stated that the process still needed to be flushed out but once the ordinance was adopted, all the necessary forms would be revised.

Mr. Finn explained the following proposed process once the ordinance was adopted, noting that it was still preliminary and subject to change:

- applicant submits ten (10) copies of the application and paperwork to an Associate Planner in the Economic Development Department (EDD) with a \$250 review fee
- EDD scans all the paperwork and emails it to the DRC members or EDD sends hard copies to each member via inter-office mail. Mr. Finn said he would like the DRC members' opinion on the preferred transmission method.
- DRC members would have seven (7) days to review and provide comments
- EDD would take the comments and issue a Notice of Requirements letter that would specify what was needed from each department, such as insurance liability certificates, site plan revisions, etc.
- A revised Notice of Requirements letter would be given to the applicant for review and follow-up.
- Applicant would have seven (7) days to provide EDD with the back-up that the various departments requested.
- If all necessary paperwork was provided and the requirements were met, EDD would issue a Special Event Permit letter which outlined the date of the event, the location, and any conditions specified by the DRC members.
- EDD would issue an 11"x17" Temporary Use Permit card that the applicant would be required to post in a conspicuous location at the event.
- Upon final approval, the applicant would receive the Special Event Permit letter and the Temporary Use Permit card.
- If the applicant did not provide all the required information, EDD would issue a Special Events Cancellation Notice one week to 14 days prior to the event.

Mr. Finn stated that a 30-day timeframe for review might not be adequate for events such as parades or carnivals that had attendance of 500 or more. He noted that the Community Redevelopment Agency required 90 days for review of large outdoor events and special events. He asked the DRC members for their thoughts about including verbiage that would allow for additional review time for carnivals which would also require City Commission approval.

DRC Comments:

Richard Nixon commented that he favored a streamlined, easy process.

Kevin Wilson asked for clarification on whether all committee members would receive correspondence on all upcoming events. Mr. Finn responded that they would; he needed direction on whether the members preferred the information scanned and emailed to them or via individual hard copy format. Mr. Wilson said he was fine with the committee's consensus. Mr. Finn said he preferred a mass email versus inter-office mail. He said he would proceed with the email option if acceptable to the committee. He reiterated that the process was still preliminary and there might be some trial and error.

Andrew Pinney provided the following comments:

- stated that the ordinance would likely expand as it went through the process. He said the term "outdoor event" had been used in the City's Zoning Code for a long time and there were a lot of references to such throughout its sections.

-commented on the permit requirements specified on page 5, paragraph A, and noted that zoning districts TOC-C, TOC-G, TOC-CC, B-2 Community Business, B-3 Liberal Business, and M-1 Light Industrial had special exception use listed as promotional event; those references would need to be either struck out or reworded to be consistent.

-referenced page 6, and asked if there was a scope or something more definitive to explain the clause "may impose reasonable conditions" that appeared under the *City Commission approval* section.

-referenced page 6 (1)(a), and asked procedurally whether a Temporary Use Permit would be issued before or after the Building Department issued permits for the uses listed, or if the Building Department would still even issue permits for those uses.

-referenced page 7 (2), and asked for clarification on whether the "administrative review" mention represented the review process that the DRC members would follow versus there being a scheduled DRC hearing. Mr. Finn said that was correct.

-commented on the 30-day deadline and the \$250 fee, noting that it was still taking the same amount of time and costing the same amount of money for the applicant. He asked whether it was possible to reduce the amount of time to 15-20 days for the small events that were staff only and/or to reduce the fee, noting that it would better received by the business community. He agreed that the larger events that were to go before the City Commission required more staff and review time.

-advised that the language in section 3.22, III of the Zoning Code, which referenced the consumption of alcoholic beverages would need to be revised to be consistent.

-referenced page 7 (C)(1), and advised that the language in section 39.16 of the Zoning Code, which referenced the exemption of temporary signs would need to be revised to be consistent.

-commented that the number of occurrences was limited to no more than four times per year unless approved by the City Manager or his/her designee. He asked if there was any kind of criteria that would be used to grant additional events in a year.

-asked if there was any minimum time spacing between events or whether they could be grouped together.

-referenced page 8 (F)(1), and noted that Temporary Use Permits would not be issued in residential neighborhoods except for community garage sales; he asked whether block parties would be allowed around the holidays.

-referenced page 8 (4)(c), which stated that a site plan must be to scale. He said that requirement was difficult for the average business to provide, particularly for a small event. He asked if that requirement could be split between large and small events or if the requirement that the site plan be to scale could be removed.

-referenced page 9 (5), and suggested that the insurance requirement also include mention of the City being listed as additional insured, as it was in Section 3.24 of the Zoning Code.

-referenced page 9, Section 3.31, and suggested that it be changed to be "deleted in its entirety" since all the language in that section had been stricken, and to avoid having it marked as reserved in Municode.

Jeanine Athias advised that submitting the information via email would be easier.

Lt. Paul Fix concurred with the email distribution.

Lt. Joe Galaska suggested contacting the IT Department to see whether the process might be applicable to the new Work Order program that was being implemented. He mentioned comments that had been made at a prior City Commission or CRA meeting concerning cut-off

times for events. He suggested including time frames if they were willing to implement them. He said they (Police) were looking at a cut-off time of 10:00 p.m. for the carnivals because after that time, families were gone and historically the people coming were there to cause problems. He agreed that a 90-day lead time would be more sufficient for staffing purposes. He said some of the parameters might need to be changed for a given event depending on whether alcohol was being served.

Ben Ziskal suggested having IT create an email group for Outdoor Events so everyone can see each other's responses within the group. He explained how the outdoor event procedure had morphed over the years whereas years ago every event, small or large, had to go before the DRC which became burdensome to the applicants particularly if they were holding the exact same event every year. He said the language had been revised so that the requestor of an existing or previously approved event was only required to notify Economic Development in writing and to provide updated insurance and hold harmless forms; but, the applicant was still required to get the necessary permits. However, he said this process ended up taking many of the departments out of the loop such as the police department which required more lead time. Also, he said there were some very small events that were required to come to the DRC which was burdensome for the businesses. He said the intent was to eliminate the red tape on the smaller events, keep everyone in the loop, and still provide a review for the City Commission for the larger events.

Mr. Ziskal asked for feedback from Police on whether attendance of 500 people was the appropriate number to require further approval from the City Commission or whether it was a different number from the standpoint of crowd control and community impact. Lt. Galaska responded that it would depend because the applicant might say that they were only planning on having 300 people but then 3,000 people show up. He said it was difficult to put a hard number on it. He said each event needed to be looked at individually. He said generally there were no problems with large daytime events. He said it was the evening events and the ones where alcohol was being sold that could attract more people where there could potentially be problems. He said he was not comfortable providing a number because it depended on the type of event and the time; he preferred handling it case-by-case.

Mr. Ziskal said that a line would need to be drawn somewhere in order to craft the ordinance to specify when an application would be reviewed by staff only versus an application that would require a public hearing. He said some of the factors that differentiate events were their hours, duration, and whether an event was self-contained on one property or multiple properties that might require crossing a roadway. He suggested that staff review the comments given that day, revise the ordinance, and bring it back to the DRC in late April.

Mr. Nixon commented that he did not think the process was a good one with regards to construction office trailers because it had contractors jumping through another loop for something that was usually handled through the permitting process in the Building Department. He said he was in favor of the group emails and suggested including a provision for when a DRC member was out of the office so that items did not sit unattended. He suggested using a span of numbers for anticipated attendees as opposed to a flat number.

Mr. Pinney suggested, in addition to number of attendees, that the acreage and the amenities provided at the event might also be factors to consider that might trigger the further review

process. He suggested the decision to send an event to City Commission should be based on multiple criteria.

Mr. Wilson asked whether portolets were tied to the number of attendees at an event. Mr. Ziskal said that it was somewhat of a judgment call as to whether the business or church would allow the patrons to use their facilities. Ms. Athias commented that portolets were mandatory at the carnivals held on CRA property.

Mr. Ziskal said revisions would be made to the draft of the ordinance and it would come back before DRC at the end of April.

3) **GENERAL DISCUSSION**

Congratulations were extended to Mr. Ziskal on the birth of his son.

There being no further business, the meeting adjourned at 10:34 A.M.

Respectfully submitted,

Prepared by: Rita Rodi

Benjamin Ziskal, AICP, CEcD
Director, Economic Development Department

Date: _____