

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; AMENDING SECTION 7.2 TOC-C CORRIDOR PERMITTED USES; AMENDING SECTION 8.4 TOC-G GATEWAY PERMITTED USES; AMENDING SECTION 9.5 TOC-CC CITY CENTER PERMITTED USES; AMENDING SECTION 22.3 PERMITTED USES; DELETING SECTION 22.13 PROMOTIONAL EVENT REVIEW CRITERIA; AMENDING SECTION 23.3 PERMITTED USES; AMENDING SECTION 24.3 PERMITTED USES; 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 follows<sup>1</sup>:

**~~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:~~

<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)~~

~~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.~~

~~(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;~~
- ~~(f)~~
- ~~Proof of insurance, including a certificate naming the city as additional insured;~~
- ~~(g)~~
- ~~A signed hold-harmless agreement with the city;~~
- ~~(h)~~
- ~~Written documentation that the Margate Police Department has been contacted regarding the proposed event and a recommendation from the police department as to whether a special duty detail is needed;~~
- ~~(i)~~
- ~~A copy of current flameproof certificates for all canvas tents, awnings or canopies to be used for the event.~~
- ~~(3)~~
- ~~In granting or denying approval for an outdoor event, the Development Review Committee shall consider the following:~~
- ~~(a)~~
- ~~That the proposed event is compatible with the existing use of the property and with the surrounding properties;~~
- ~~(b)~~
- ~~The relationship that the use may have as to any holiday or special event;~~
- ~~(c)~~
- ~~That the proposed event does not create a safety hazard for persons and/or property in the surrounding area;~~
- ~~(d)~~
- ~~That the amount of parking demands created by the event shall not create an adverse impact on adjacent residential areas, and/or the shopping center in which the event is to be located;~~
- ~~(e)~~
- ~~That the proposed event does not adversely affect traffic conditions so as to create a nuisance;~~
- ~~(f)~~

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

~~(g)~~

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

~~(h)~~

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

~~(i)~~

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

~~(j)~~

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

~~(k)~~

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

~~(l)~~

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

~~(m)~~

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

~~(n)~~

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

~~(C)~~

~~Exceptions:~~

~~(1)~~

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

~~(2)~~

Any religious institution or charitable organization utilizing the same operator and location for an event 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 outdoor temporary uses which are provided in this Section shall be conducted or erected only after obtaining a Temporary Use Permit (TUP). This section shall not override, and shall not a 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 Section. 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       (g) Promotional events for businesses and community  
5       facilities having a City-issued Local Business Tax  
6       Receipt, which anticipate having fewer than 500  
7       attendees at any given time. All such activities  
8       shall be located within the property of those  
9       businesses and community facilities and not in any  
10       right-of-way.

11  
12       (h) Block parties in residential neighborhoods.

13  
14       (2) City Commission approval: Applications for the  
15       following types of TUPs shall be transmitted to the  
16       Economic Development Department for review and input by  
17       various City departments. Subsequent to administrative  
18       review, the Economic Development Department shall schedule  
19       the application for review by the City Commission. The  
20       Commission may approve the application by resolution and  
21       may impose reasonable conditions as necessary to ensure  
22       public safety and welfare:

23       (a) Carnivals, fairs, circuses, and other outdoor  
24       events not operated by the City or CRA and held on  
25       non-City owned properties which anticipate having  
26       500 or more attendees at any given time.

27  
28       (b) Fireworks displays and shows.

29  
30       (c) Other temporary uses or structures which in the  
31       opinion of the Economic Development Department may  
32       require City Commission review.

33  
34       (d) Marathons or other events which require a road  
35       closure, except that parades are permitted through  
36       the City Manager's Office, in accordance with  
37       Section 33-63 of this Code.

38  
39       (C) Maximum time limit: A maximum time limit shall be  
40       established for all TUPs based on the minimum amount of time  
41       needed to conduct the permitted activity.

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

5 (2) Seasonal sales shall be limited to thirty (30)  
6 consecutive calendar days.

7 (3) Walkway or parking lot sales shall be limited to seven  
8 (7) consecutive calendar days.

9 (4) TUPs for all other events shall not be maintained longer  
10 than a total of twenty-one (21) consecutive calendar days,  
11 such that an event may utilize up to three (3) days for set-  
12 up prior to the commencement of an event, up to fifteen (15)  
13 days to hold the event, and up to three (3) days after the  
14 close of an event for tear down and clean-up.

15 (5) As an exception to the above, the Economic Development  
16 Department may grant an extension to a TUP of not more than  
17 seven (7) consecutive calendar days for unforeseen  
18 circumstances, such as natural disturbances, but not  
19 including economic hardships.

20 (6) All events approved by TUP shall close by 10 P.M.,  
21 unless approved for a later time by the City Commission.

22 (D) *Revocation of permits:* Any temporary use or structure  
23 which becomes a nuisance, violates the conditions of the permit,  
24 endangers the public health or safety or is in violation of this  
25 Code shall be immediately subject to revocation by the City  
26 Manager.

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

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

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

34 (F) *General criteria and limitations:*

35 (1) The temporary use must be compatible with the  
36 surrounding land uses.



1       (2) Parking: A parking problem must not be created. If off-  
2       site parking is to be utilized, permission must be in  
3       writing from the subject property owner who must  
4       demonstrate that the parking requirement of the temporary  
5       use does not cause the loss of legally required parking  
6       spaces for the site.

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

12  
13       (4) Applicants for a Temporary Use Permit requiring  
14       administrative approval per Section 3.24 (B)(1) shall file  
15       an application with the Economic Development Department at  
16       least thirty (30) calendar days prior to said event,  
17       together with an application fee. Any applicant applying  
18       for a TUP requiring City Commission approval per Section  
19       3.24 (B)(2) shall submit an application with the Economic  
20       Development Department at least ninety (90) calendar days  
21       prior to said event. The applicant, at a minimum, must  
22       submit the following with the application:

23  
24       (a)       A notarized affidavit from the owner of the  
25       land where the event is to be held which grants  
26       permission for the event;

27  
28       (b)       A detailed description of the event, including  
29       dates, hours of operation, provision of water and/or  
30       electric service, access to restrooms, and the  
31       provision of security;

32  
33       (c)       A site plan providing detailed information  
34       about the site and the surrounding area(s) to be  
35       impacted, including a diagram of the event set-up,  
36       cooking areas, tents, vendors, seating areas, shows,  
37       parking areas, restroom facilities, garbage  
38       collection, and where any other activities are to  
39       take place; and

40  
41       (d)       A hold harmless agreement indemnifying the City  
42       of any liability  
43

1           (e)       Proof of insurance, including a certificate  
2                   that names the City of Margate as additional  
3                   insured; and

4  
5           (f)       Temporary Use Permit Application Fees:

6  
7                   i.    TUPs which require City Commission  
8                        approval: \$250.00

9  
10                  ii.   All others: \$75.00

11  
12           (5) Additional information related to and including, but  
13               not limited to, signage, parking, traffic circulation,  
14               building and fire prevention regulations, appropriate  
15               food vendor or catering licenses from the Florida  
16               Department of Business and Professional Regulations,  
17               where applicable, shall be provided to ensure that the  
18               Margate Code of Ordinances is implemented properly for  
19               temporary uses.

20  
21  
22           **SECTION 2:**       The Code of the City of Margate,  
23           Florida, Appendix-A Zoning, Section 3.22, Alcoholic beverages,  
24           is hereby amended to read as follows:  
25

26 **Section 3.22. - Alcoholic beverages.**

27                               .       .       .

28  
29           (III)   *Public consumption, possession, prohibited.*

30  
31           (A) (1) It shall be unlawful for any person to drink or  
32               consume alcoholic beverages, or have in his/her possession  
33               any open container containing alcoholic beverages,  
34               including liquor, beer, or wine, in any commercial  
35               establishment as defined by state law, on any public  
36               street, in any public park, in any public or quasipublic  
37               parking lot, or in any other public place, unless such  
38               place is licensed by the State of Florida for the sale of  
39               alcoholic beverages.

40  
41           (B) (2) For temporary City or Community Redevelopment  
42               Agency events, temporary uses, or outdoor promotional  
43               events approved by the ~~Development Review Committee~~ City

Commission or Economic Development Department in accordance with the criteria contained in Section 3.24, outdoor sales and/or consumption of alcoholic beverages shall be permitted where:

(a) The sale and/or consumption of alcoholic beverages in a designated outdoor area is approved by the City Commission or the Economic Development Department Development Review Committee; and

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

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

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

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

[Note to Municipal Code: The rest of this section shall remain as codified.]

**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~~

1       ~~considered an outdoor event and be subject to all~~  
2       ~~provisions of Section 3.24 of this Article.~~

3  
4       **SECTION 4:**       The Code of the City of Margate,  
5       Florida, Appendix-A Zoning, Section 7.3 TOC-C Corridor  
6       permitted uses, is hereby amended to read as follows:  
7

8                               .       .       .

9       ~~(r) Promotional events that are accessory to a permitted~~  
10       ~~use and temporary in nature shall be permitted after~~  
11       ~~a finding by the Development Review Committee that~~  
12       ~~such event meets the criteria as set forth in~~  
13       ~~section 22.13 of this Code.~~

14  
15       ~~(rs)~~       Public or private elementary, middle, or high  
16       school, subject to the following:  
17

- 18       1.       Schools shall not be located on roadways  
19       classified by Broward County Metropolitan  
20       Organization's Broward Highway Functional  
21       Classifications Map as arterial roadways.  
22       Access to schools shall not be from roadways  
23       classified by Broward County Metropolitan  
24       Organization's Broward County Highway  
25       Functional Classifications map as arterial  
26       roadways.  
27
- 28       2.       School must be located in freestanding single  
29       use structure(s), located on a parcel no small  
30       than the minimum size required by the School  
31       Board of Broward County for public schools. As  
32       an exception, charter schools may be permitted  
33       as an accessory use if located within an  
34       existing library, community service facility,  
35       museum, performing arts center, theatre,  
36       cinema, religious institution, Florida College  
37       System institution, college, or university  
38       facility, in accordance with F.S.  
39       1002.33(18) (C) .  
40
- 41       3.       School must provide a student drop off area for  
42       motorists that is dedicated to student drop off  
43       activities and will not interfere with onsite  
44       parking or roadways adjacent to the school. The  
45       appropriate length and dimensions of the drop

1 off area shall be identified in a traffic study  
2 prepared by a professional engineer licensed in  
3 the State of Florida.

- 4
- 5 4. In order to allow sufficient time to secure  
6 required development order, building permit,  
7 and local business tax receipt approval, a  
8 special exception use application and fee must  
9 be filed with the Economic Development  
10 Department at least nine (9) months before the  
11 start of the school year. This time requirement  
12 cannot be waived or reduced.

13

14 (~~st~~) Restaurants with curb or automobile service.  
15 Such approval shall also be subject to the following  
16 restrictions:

- 17
- 18 1. Subject property shall be located a minimum of  
19 seven hundred fifty (750) feet from one-family  
20 dwelling districts; such distance shall be  
21 measured from front door of the establishment  
22 to the single-family property line; and  
23
- 24 2. All applicable city codes and regulations must  
25 be complied with as of the time of application.  
26

27 (~~tu~~) Theater, outdoor. Subject to requirements of  
28 section 33.11 of this Code.  
29

30 (~~uv~~) Vehicle sales agency. Not permitted within one  
31 hundred (100) feet of any residential district or  
32 use.  
33

34 (~~vw~~) Vehicle rental business.  
35

36 (~~w\*~~) Walkway cafes greater than four hundred (400)  
37 square feet in area, subject to the criteria and  
38 limitations in section 22.3(B) of this Code.  
39

40 . . .

41 [Note to Municipal Code: The rest of this section shall  
42 remain as codified.]  
43

1                   **SECTION 5:**           The Code of the City of Margate,  
2 Florida, Appendix-A Zoning, Section 8.4 TOC-G Gateway  
3 permitted uses, is hereby amended to read as follows:  
4

5  
6           ~~(k) Promotional events that are accessory to a permitted~~  
7           ~~use and temporary in nature shall be permitted after~~  
8           ~~a finding by the Development Review Committee that~~  
9           ~~such event meets the criteria as set forth in~~  
10           ~~section 22.13 of this Code.~~

11  
12           (k±)       Public or private elementary, middle, or high  
13           school, subject to the following:  
14

- 15           1.       Schools shall not be located on roadways  
16                   classified by Broward County Metropolitan  
17                   Organization's Broward Highway Functional  
18                   Classifications Map as arterial roadways.  
19                   Access to schools shall not be from roadways  
20                   classified by Broward County Metropolitan  
21                   Organization's Broward County Highway  
22                   Functional Classifications map as arterial  
23                   roadways.  
24
- 25           2.       School must be located in freestanding single  
26                   use structure(s), located on a parcel no small  
27                   than the minimum size required by the School  
28                   Board of Broward County for public schools. As  
29                   an exception, charter schools may be permitted  
30                   as an accessory use if located within an  
31                   existing library, community service facility,  
32                   museum, performing arts center, theatre,  
33                   cinema, religious institution, Florida College  
34                   System institution, college, or university  
35                   facility, in accordance with F.S.  
36                   1002.33(18) (C) .  
37
- 38           3.       School must provide a student drop off area for  
39                   motorists that is dedicated to student drop off  
40                   activities and will not interfere with onsite  
41                   parking or roadways adjacent to the school. The  
42                   appropriate length and dimensions of the drop  
43                   off area shall be identified in a traffic study  
44                   prepared by a professional engineer licensed in  
45                   the State of Florida.

1  
2 4. In order to allow sufficient time to secure  
3 required development order, building permit,  
4 and local business tax receipt approval, a  
5 special exception use application and fee must  
6 be filed with the Economic Development  
7 Department at least nine (9) months before the  
8 start of the school year. This time requirement  
9 cannot be waived or reduced.

10  
11 (~~l~~m) Theater, outdoor. Subject to requirements of  
12 section 33.11 of this Code.

13  
14 (~~m~~n) Walkway cafes greater than four hundred (400)  
15 square feet in area, subject to the criteria and  
16 limitations in section 22.3(B) of this Code.

17  
18 **[Note to Municipal Code: The rest of this section shall**  
19 **remain as codified.]**

20  
21 **SECTION 6:** The Code of the City of Margate,  
22 Florida, Appendix-A Zoning, Section 9.5 TOC-CC City Center  
23 permitted uses, is hereby amended to read as follows:

24 . . .  
25 ~~(h) Promotional events that are accessory to a permitted~~  
26 ~~use and temporary in nature shall be permitted after~~  
27 ~~a finding by the Development Review Committee that~~  
28 ~~such event meets the criteria as set forth in~~  
29 ~~section 22.13 of this Code.~~

30  
31 (~~h~~i) Public or private elementary, middle, or high  
32 school, subject to the following:

33  
34 1. Schools shall not be located on roadways  
35 classified by Broward County Metropolitan  
36 Organization's Broward Highway Functional  
37 Classifications Map as arterial roadways.  
38 Access to schools shall not be from roadways  
39 classified by Broward County Metropolitan  
40 Organization's Broward County Highway  
41 Functional Classifications map as arterial  
42 roadways.  
43





~~Promotional events, subject to the following limitations:~~

~~(1) Shall be accessory to a permitted use and temporary in nature.~~

~~(2) Shall be permitted after finding by the development review committee that such event meets the criteria as set forth in section 22.13 of this Code [appendix].~~

~~. . .~~

**[Note to Municipal Code: The rest of this section shall remain as codified.]**

**SECTION 8:** The Code of the City of Margate, Florida, Appendix-A Zoning, Section 22.13, Walkway sales, is hereby deleted in its entirety:

**~~Section 22.13. – Promotional event review criteria.~~**

~~(1)~~

~~In granting or denying approval for a promotional event as set forth in Section 22.3(B) (1) (h), the applicant must submit the following to the development review committee:~~

~~(a)~~

~~A site plan showing the exact location of where the event is to take place.~~

~~(b)~~

~~A detailed description of the event.~~

~~(c)~~

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

~~(d)~~

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

~~(e)~~

~~Proof of insurance.~~

~~(f)~~

~~Documentation that the City of Margate Police Department has been contacted to provide assistance and that payment has been rendered.~~

~~(2)~~

~~In granting or denying approval for a promotional event as set forth in section 22.3(B) (1) (h), the development review committee shall consider the following:~~

- 1       ~~(a)~~  
2           ~~That the proposed event is compatible with the existing~~  
3           ~~use of the property and with the surrounding properties.~~
- 4       ~~(b)~~  
5           ~~That the proposed event does not create a safety hazard~~  
6           ~~for persons and/or property in the surrounding area.~~
- 7       ~~(c)~~  
8           ~~That the amount of parking demands created by the event~~  
9           ~~being considered, especially with regard to the adverse~~  
10          ~~impact on adjacent residential areas, is adequate, and~~  
11          ~~that the location being considered meets the criteria for~~  
12          ~~current parking.~~
- 13       ~~(d)~~  
14           ~~That the proposed event does not adversely affect traffic~~  
15           ~~conditions so as to create a nuisance.~~
- 16       ~~(e)~~  
17           ~~That all ingress and egress areas are kept open for the~~  
18           ~~free flow of traffic circulation. Barricades may be~~  
19           ~~required for safety purposes.~~
- 20       ~~(f)~~  
21           ~~That traffic created by the proposed event does not~~  
22           ~~directly affect or interfere with the flow of traffic in~~  
23           ~~the surrounding residential areas. Furthermore, no such~~  
24           ~~event may take place within one hundred (100) feet of any~~  
25           ~~residentially zoned property. This distance shall be~~  
26           ~~measured from the limits of the proposed event to the~~  
27           ~~residential property line.~~
- 28       ~~(g)~~  
29           ~~That any signage used for the proposed event is in~~  
30           ~~conformance with Article XXXIX of the City Code [this~~  
31           ~~appendix].~~
- 32       ~~(h)~~  
33           ~~That additional conditions may be imposed upon the~~  
34           ~~petitioner as deemed necessary by the development review~~  
35           ~~committee.~~

36  
37           **SECTION 9:**       The Code of the City of Margate,  
38           Florida, Appendix-A Zoning, Section 23.3 Permitted uses, is  
39           hereby amended to read as follows:  
40

41                               .       .       .  
42                   Promotional events, subject to the following  
                          limitations:

1           ~~(1) Shall be accessory to a permitted use and~~  
2           ~~temporary in nature.~~

3  
4           ~~(2) Shall be permitted after finding by the~~  
5           ~~development review committee that such event~~  
6           ~~meets the criteria as set forth in section~~  
7           ~~22.13 of this Code [appendix].~~

8                               .       .       .

9           **[Note to Municipal Code: The rest of this section shall**  
10          **remain as codified.]**

11  
12           **SECTION 10:**                   The Code of the City of Margate,  
13          Florida, Appendix-A Zoning, Section 24.3 Permitted uses, is  
14          hereby amended to read as follows:

15  
16                               .       .       .

17  
18          ~~(c) Promotional events, to a permitted use;~~

19  
20          (c~~d~~)       Business and professional office center,  
21               subject to the following:

22  
23               (i)   Said use shall be located in a building or  
24                   development of at least thirty thousand  
25                   (30,000) square feet.

26                               .       .       .

27           **[Note to Municipal Code: The rest of this section shall**  
28          **remain as codified.]**

29  
30           **SECTION 11:**       All ordinances or parts of ordinances  
31          in conflict herewith are and the same is hereby repealed to  
32          the extent of such conflict.

33  
34           **SECTION 12:**       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 13:**       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

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 14:** 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	_____