

CITY OF MARGATE, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING WITH CONDITIONS A TEMPORARY USE PERMIT FOR THE BROWARD COUNTY FAIR TO BE HELD AT 1000 NORTH STATE ROAD 7, FROM NOVEMBER 18, 2021 THROUGH DECEMBER 5, 2021; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 24, 2021, the Margate Community Redevelopment Agency ("MCRA") approved use of MCRA property for the Broward County Fair, to be finalized through a Temporary Use Agreement; and

WHEREAS, on September 13, 2021, Broward County Fair, Inc. ("APPLICANT") submitted a Temporary Use Permit ("TUP") application to the Margate Development Services Department for a fair to be held on 1000 North State Road 7 from November 18, 2021 through December 5, 2021; and

WHEREAS, Section 3.24 of the Margate Zoning Code provides that TUP's for a fair shall be reviewed by the City Commission, and that the City Commission may approve the application by resolution and may impose reasonable conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

SECTION 1: The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

SECTION 2: That APPLICANT has requested and the City Commission, of the City of Margate, Florida, agrees to waive the following Code requirements:

- A. Section 3.24 of the Margate Zoning Code requires TUP applications for fairs to be submitted to the Development Services Department no less than 90 days prior to the start of said event. APPLICANT submitted a TUP application 66 days prior to the event; and
- B. Section 3.24 of the Margate Zoning Code requires TUP events to close by 10 P.M. APPLICANT has requested permission to operate a fair until 12 A.M. (of the following morning) Sundays through Thursdays, and until 1 A.M. (of the following morning) on Fridays and Saturdays; and

- C. Section 3.24 of the Margate Zoning Code limits duration of TUP events to a total of 21 consecutive calendar days, such that an event may utilize up to three days for set-up prior to the commencement of an event, up to 15 days to hold the event, and up to three days after the close of an event for tear down and clean-up. APPLICANT has requested use of the property for a total of 33 days, such that event set-up will be from November 8, 2021 through November 18, 2021, the fair will operate from November 18 through December 5, 2021, and event clean up and clear out will be from December 6, 2021 through December 10, 2021; and
- D. Section 3.24 of the Margate Zoning Code requires TUP applicants to provide appropriate food vendor or catering licenses from the Florida Department of Business and Profession Regulations prior to the event. APPLICANT has requested to waive this as an application requirement, but has indicated that all food vendors will be inspected and approved by the State prior to the fair opening to the public; and
- E. Section 3.14 of the Margate Zoning Code prohibits the use of chain link fence within any TOC zoning district, and the subject properties of the proposed fair are located within the TOC-CC City Center zoning district. Applicant proposes to erect a 6-foot high chain link fence surrounding the event; and
- F. Section 33-79 of the Code of the City of Margate prohibits using or operating any mechanical device or loudspeaker in a fixed or moveable position exterior to any building, or mounted upon any mechanical device or loudspeaker in a fixed or moveable position exterior to any building, or mounted upon any motor vehicle such that the sound therefrom is plainly audible at or beyond the property boundary of the source, or on a public way. APPLICANT has responded to this staff comment with, "We intend on complying with any and all noise ordinances or we would seek an exemption from the commission."

SECTION 3: That the City Commission of the City of Margate, Florida, hereby approves with conditions a Temporary Use Permit ("TUP") granting permission to the Broward County Fair, Inc. ("APPLICANT") to hold a fair at 1000 North State Road 7 from November 18, 2021 through December 5, 2021, subject to the following conditions:

- A. That inspections must be approved prior to the start of the event; and

B. That APPLICANT shall comply with staff comments of the Temporary Use Permit review.

SECTION 4: That all representations by the applicant are incorporated as part of the conditions for this Temporary Use Permit (TUP).

SECTION 5: That this Resolution shall become effective immediately upon its upon passage.

PASSED, ADOPTED AND APPROVED THIS _____ DAY OF _____, 2021.

ATTEST:

JOSEPH J. KAVANAGH, CMC
CITY CLERK

MAYOR ARLENE SCHWARTZ

RECORD OF VOTE

Caggiano	_____
Simone	_____
Ruzzano	_____
Arserio	_____
Schwartz	_____