



Legislation Text

File #: ID 2019-409, **Version:** 1

TO: Chair and Members of the Board

FROM: Jeffrey L. Oris, Executive Director

DATE: August 20, 2019

APPROVING A TEMPORARY USE AGREEMENT WITH THE MARGATE-COCONUT CREEK KIWANIS CLUB FOR THE SALE OF CHRISTMAS TREES AND RELATED ITEMS

BACKGROUND: John Francis, President, Margate-Coconut Creek Kiwanis is requesting authorization to use the MCRA owned property located at 1423 North State Road 7 for the sale of Christmas trees and related items. Mr. Francis is requesting use of the property from November 22, 2019 through December 27, 2019. The property would be used as follows:

- November 22 thru November 24: 3 days for set-up
- November 25 thru December 24: Sales of Christmas trees and related items (30 days)
- December 25 thru December 27: 3 days for breakdown

The event will operate from 9:00 a.m. to 11:00 p.m. every day.

It is important to note that City Code Section 3.24 makes a distinction between seasonal sales and TUP's for all other events, the latter having set-up and tear down days.

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

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

(2) **Seasonal sales shall be limited to 30 consecutive calendar days.**

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

(4) **TUPs for all other events shall not be maintained longer than 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.**

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

(6) All events approved by TUP **shall close by 10:00 p.m.,** unless approved for a later time by the City Commission.

In addition to the use of the property, the Margate-Coconut Creek Kiwanis is requesting a waiver of the \$2,500 event fee (fee for sales per MCRA Event Policy).

This same event was held on this property last year (2018) with any issues. Mr. Francis worked with the adjacent property owner for driveway access off of State Road 7 and will do so again this year.

The MCRA Event Policy states that the use of the MCRA property shall be restricted to sponsors who have a business, non-profit organization or religious institution in the City of Margate. Further and according to the policy, the MCRA Board may grant a reduction or waiver of fees upon written request by the sponsor and based upon the following considerations:

- The event is for one day only
- The event is sponsored by an entity other than a for-profit business, provides a specific community benefit, and is consistent with the MCRA's economic development and revitalization goals.
- The sponsoring organization demonstrates that paying the fee would create a hardship and detract from the objective of the event.

Hart-T-Tree Farms, the tree vendor, will also provide proof of liability insurance and hold harmless agreements, in addition to those provided by the Kiwanis.

RECOMMENDATION: For discussion and Board action. If MCRA Board wishes to grant use of the property for 36 days (30 for sales + 6 days' set-up/breakdown), the item will need to go before the City Commission for approval since Code limits seasonal sales to 30 consecutive calendar days.

FISCAL IMPACT: Waiver of the event fee of 2,500 for sales

CONTACT PERSON: Jeffrey L. Oris, Executive Director, CEcD