

REQUESTED COMMISSION ACTION:

Consent
 Ordinance
 Resolution
 Consideration/ Discussion
 Presentation

SHORT TITLE

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 132 "PUBLIC PEACE AND SAFETY", BY AMENDING SECTION 132.27, "SPECIAL EVENTS ON PRIVATE PROPERTY; PERMIT REQUIRED," TO MODIFY TIME REQUIREMENTS FOR SAID EVENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

Staff is proposing an increase to the number of Special Events permitted for properties which are at least 7.5 acres. Properties which are at least 7.5 acres are permitted a maximum of 12 Special Events per fiscal year and each special event may last up to 96 hours (4 days) in duration. This duration reflects longer special events, such as carnivals or auto shows, which may set-up on a Thursday and run through Sunday. However larger parcels are requesting to host shorter (less than 12 hour duration), but more frequent special events, such as farmers' markets, art walks, or craft fairs. These events not only promote the property owner's businesses, but can be an important place-making component to the city. Due to the city's current regulations, a 7.5 acre parcel which hosts 12 four-day events can have 48 days of special events; but a 7.5 acre parcel which hosts 12 one-day events are only permitted 12 days of special events. For properties which are at least 7.5 acres only, Staff is recommending increasing the number of Special Events to a maximum of 52, one-day events. While this amendment would only equate to four extra days than which is currently permitted, it would allow larger property owners the flexibility to host both shorter and longer special events. Staff is also recommending that up to a maximum of four separate special events can be hosted consecutively, which would result in the current restriction on 96 hours maximum duration.

- (1) Origin of request for this action: Development Services Dept.
- (2) Primary staff contact: Robin M. Bird/ Karen Friedman *KBF* Ext. 7792
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	08/09/2015	Approval	Memo #15-405 <i>[Signature]</i>
City Attorney	09/03/2015	Approval	Memo #2015-1572 <i>[Signature]</i>
X City Manager	<i>[Signature]</i>		<i>[Signature]</i>

<u>Ordinance Workshop</u>	<u>Resolution</u>	<u>Consideration</u>
1 st Reading	1 st Reading	Results:
2 nd Reading		Results:



City Attorney's Communication #2015-1572

September 3, 2015

TO: Karen Friedman, AICP, Principal Planner

FROM: Mark E. Berman, City Attorney

RE: Ordinance Amending Section 132.27, "Special Events on Private Property; Permit Required"

As requested in your memorandum of August 26, 2015, Department of Development Services Memorandum No. 15-451, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 132, "PUBLIC PEACE AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 132.27, "SPECIAL EVENTS ON PRIVATE PROPERTY; PERMIT REQUIRED," TO MODIFY TIME REQUIREMENTS FOR SAID EVENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.


MARK E. BERMAN

/jrm
l:cor/dev-srv/2015-1572

Attachment

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 132, "PUBLIC PEACE AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 132.27, "SPECIAL EVENTS ON PRIVATE PROPERTY; PERMIT REQUIRED," TO MODIFY TIME REQUIREMENTS FOR SAID EVENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 132.27 entitled, "Special Events on Private Property; Permit Required," of Chapter 132, "Public Peace and Safety," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 132.27 SPECIAL EVENTS ON PRIVATE PROPERTY; PERMIT REQUIRED.

...

(B) Definitions. For the purpose of this section the following definitions shall apply.

(1) **OUTDOOR MUSICAL PERFORMANCE.** As defined in Section 132.26.

...

(3) **SPECIAL EVENT.** Any meeting, activity, gathering or group of persons, animals or vehicles or a combination thereof having a common purpose, common design or goal upon private property in which the meeting, activity, or gathering is of a temporary nature ~~not exceeding 96 hours in duration~~ and meets one or more of the following conditions:

...

(C) Number of Special events permitted.

(1) ~~Four special events~~ For properties that are less than 7.5 acres, the maximum number of special events shall not exceed four per fiscal year (October 1 through September 30) are permitted per property. Each special event shall not exceed 96 hours in duration.

(2) For properties that are a minimum of 7.5 acres, the maximum number of special events shall not exceed ~~42~~ 52 per fiscal year (October 1 through September 30). Each special event shall not exceed 24 hours in duration, except that up to four special events may be held consecutively for a maximum of 96 hours in duration.

...

SECTION 2. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2015.

PASSED SECOND READING this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
9/3/15
l:ord/ch132/2015-483



MEMORANDUM

Development Services

2015 AUG 11 10:26
OK
Dennis W. Beach
8-11-15

MEMORANDUM NO. 15-405

DATE: August 9, 2015

TO: Dennis W. Beach, City Manager

VIA: Robin M. Bird, Development Services Director *RB*

FROM: Karen Friedman, AICP, Principal Planner *UBF*

SUBJECT: Proposed Text Amendments to §132.27, Special Events on Private Property

Staff is proposing an increase to the number of Special Events permitted for properties which are at least 7.5 acres. Staff is seeking feedback to determine if this memo should be a discussion item on the September 9, 2015 City Commission agenda, or alternatively, if staff should proceed with requesting the ordinance from the City Attorney's office.

Below is a detailed explanation of staff's recommendation.

Currently properties which are at least 7.5 acres are permitted a maximum of 12 Special Events per fiscal year. Each special event may last up to 96 hours in duration (4 days). The 96 hour duration reflects special events, such as carnivals or auto shows, which typically necessitate set-up on a Thursday and run through a Sunday. Therefore, if a 7.5 acre parcel hosts 12 four-day events, they can have 48 days of special events. However if a 7.5 acre parcel hosts 12 one-day events, they would be only be permitted 12 days of special events. Hence the Code is unintentionally encouraging longer events and discouraging shorter events.

Staff has observed a trend in which larger parcels are wanting to host shorter, but more frequent special events. These special events, such as farmers' markets, art walks, or craft fairs, have a much shorter duration (less than 12 hours). These events not only promote the property owner's businesses, but can be an important place-making component to the city.

Staff is therefore recommending revising the city's regulations of special events for properties which are at least 7.5 acres. Specifically Staff is recommending increasing the number of Special Events to a maximum of 52, one-day events. This recommendation would only result in four extra days than which is currently permitted. However Staff believes this amended regulation would allow larger property owners the flexibility to host both shorter and longer special events. Staff is also recommending that up to a maximum of four separate special events can be hosted consecutively, which would result in the current restriction on 96 hours maximum duration.

Please contact me at ext 7792 with any comments or questions.