

Meeting Date: October 27, 2009

Agenda Item 18  
Memorandum No. 09-389

REQUESTED COMMISSION ACTION:

Consent       Ordinance       Resolution       Consideration/  
Discussion       Presentation


SHORT TITLE AN ORDINANCE 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 PROCEDURES, REQUIREMENTS AND FEES FOR SPECIAL EVENTS.

**Summary of Purpose and Why:**

The proposed amendment clarifies wording of the current ordinance and coordinates it with other provisions by limiting the number of special events to two (2) per fiscal year per property. For properties that are a minimum of 7.5 acres the number of special events will be increased to 12 per fiscal year. There is no restriction to the number of events if the events are conducted for a civic, philanthropic, education, religious or similar purpose. The proposal also relocates the fee paid for a special event from Chapter 132 "Public Peace and Safety," to Appendix A of Chapter 157, "Development of Land," which is the central location for similar fees. The \$25.00 special event fee will not be increased per City Commission direction

- (1) Origin of request for this action: Development Services Department
- (2) Primary staff contact: Ed Snyder / Robin M. Bird Ext. 5554
- (3) Expiration of contract, if applicable: \_\_\_\_\_
- (4) Fiscal impact and source of funding: None

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER
<u>Development Services</u>	<u>10/8/09</u>	<u>Approval</u>	

- Advisory Board      Economic Development Committee letter dated Oct. 15, 2009
  - Planning Director
  - Public Works Director
  - Interim City Manager
- 

**ACTION TAKEN BY COMMISSION:**

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

**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 PROCEDURES, REQUIREMENTS AND FEES FOR SPECIAL 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.**

(A) It shall be unlawful for any person or entity of any kind or nature whatsoever to sponsor, give, or participate in the giving of a special event in the city unless a permit for the special event has first been obtained from the City Manager. For the purposes of this section, a **SPECIAL EVENT** shall be defined as 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 would not be authorized pursuant to the existing zoning regulations and is of a temporary nature not exceeding 72 hours in duration and is limited to two such events per property per fiscal year (October 1 through September 30). For properties that are a minimum of 7.5 acres, the maximum number of special events shall not exceed 12 per fiscal year. For the

purpose of this section, "property" shall be defined as any contiguous lots, plots, portions, parcels or tracts of land under the same ownership upon which a special event is held. Special events being conducted for civic, philanthropic, educational, religious purposes or for such similar purpose which in the determination of the City Manager would be to the public benefit, are not limited to two events per fiscal year and may be unless otherwise extended up to 30 days by the Commission for good cause shown upon recommendation of the City Manager and is being conducted for civic, philanthropic, educational, religious purposes or for such similar purpose which in the determination of the City Manager would be to the public benefit. Any person or entity seeking issuance of a permit hereunder shall file an application with the City Manager. The application shall state the following:

...

(B) The City Manager shall issue a permit hereunder when he finds the following:

...

(7) The applicant ~~shall deposit with~~ has paid to the city a \$25 special event application fee as set forth in Chapter 157, Appendix A: Fee Schedule, to cover the cost of processing the application.

...

**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 \_\_\_\_\_, 2009.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**LAMAR FISHER, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**MARY L. CHAMBERS, CITY CLERK**

MEB/jrm  
10/7/09  
l:ord/ch132/2010-07

**POMPANO BEACH  
ECONOMIC  
DEVELOPMENT  
COUNCIL**

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A public private partnership  
between the City of Pompano  
Beach and the business  
community to promote  
economic development.

October 15, 2009

Mr. Robin M. Bird  
Development Services Director  
City of Pompano Beach  
100 W. Atlantic Blvd.  
Pompano Beach, FL 33060

Dear Mr. Bird:

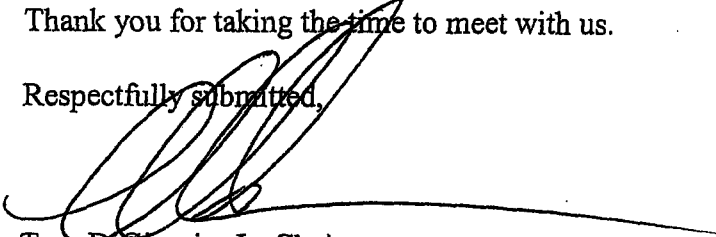
The following is the Motion that was approved unanimously at the meeting of October 5, 2009, supporting the ordinance changes that you proposed to our Council.

**MOTION** was made by Frank Furman and seconded by Roy Rogers that the Economic Development Council recommends approval of the ordinance changes regarding the tent and Special Event fees.

All voted in favor of the above motion.

Thank you for taking the time to meet with us.

Respectfully submitted,



Tom DiGiorgio, Jr. Chair  
Pompano Beach Economic Development Council



**CITY OF POMPANO BEACH  
DEPARTMENT OF DEVELOPMENT SERVICES**



Date: 10/5/09

To: Economic Development Council

Via: Robin Bird, Director of Development Services; Ed Snyder, Principal Planner

From: Christopher J. Clemens, Planner *(JC)*

Re: Revised Special Events Ordinance(s)

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For your review, you have the following proposed Ordinance amendments regarding Special Events.

The first involves the Business Tax Receipt (BTR) requirements. Currently, each individual vendor is required to secure a BTR to operate their business in the city. The proposed Ordinance would only apply the tax to the event coordinator, while retaining the \$25 Special Events application fee for processing.

The second involves limits on the number of times per year Special Events can be held per property type.

Summary of agreed upon amendments to the Zoning Code regarding Special Events.

1. Code section 113.39 –
  - a. Event Coordinators will be charged \$52.09 per day.
  - b. No individual vendor fees.
  - c. Businesses which already have a Business Tax Receipt with the City are exempt from these charges; however, they still need to obtain a Special Events application which charges \$25 for processing.
  
2. Code section 132.27 –
  - a. Properties are limited to two (2) events per year.
  - b. Properties of 7.5 acres or greater are limited to 12 events per year.
  - c. Religious, philanthropic and civic properties do not have limits on the number of special events they can conduct per year.

The Development Services Department is seeking the Economic Development Councils support with the proposed amendments.