

City of Hallandale Beach Planning and Zoning Board Agenda Cover Memo

Meeting Date:	<i>February 26, 2013</i>	Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance	Other
				X	
Applicant:	<i>City of Hallandale Beach</i>	Public Hearing: <i>(Enter X in box)</i>		Yes	No
				X	
Project Name :	<i>Temporary Use Ordinance</i>	Advertising Requirement: <i>(Enter X in box)</i>		Yes	No
				X	
Planning District:	<i>Entire Municipality</i>	Quasi-Judicial: <i>(Enter X in box)</i>		Yes	No
					X
Project Number :	<i>Application #13-06-TC</i>	Strategic Plan Priority Area: <i>(Enter X in box)</i>			
		Cohesive Visual Appeal <input type="checkbox"/> Civil & Respectful Government <input checked="" type="checkbox"/> Create Local Jobs <input type="checkbox"/> Economic Development <input type="checkbox"/> Improve City Infrastructures <input type="checkbox"/> Improve Safety, Security & Comfort of Residents <input checked="" type="checkbox"/> Operational Excellence <input type="checkbox"/> Quality of Life <input checked="" type="checkbox"/> Vibrant Destination <input type="checkbox"/>			
Sponsor Name:	Althea Jefferson, AICP, Planning & Zoning Manager	Prepared by:	Vanessa Leroy, Associate Planner		

Short Title:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, REPEALING CHAPTER 32, ZONING AND LAND DEVELOPMENT CODE, DIVISION 20, "TEMPORARY USES" AND RE-CREATING DIVISION 20, "TEMPORARY USES"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Background

At a special meeting on July 19, 2011, during a discussion regarding Temporary Uses, the City Commission requested the collaboration of Police, Fire and Development Services Departments to agree on policies regarding late application fees for temporary use permits submitted by large venues, such as Gulfstream Park.

In January 2013, the City Manager's (CM) office hosted a meeting with staff reviewers of Special Event applications. This meeting was held to discuss "lessons learned" from the Martin Luther King, Jr. Day Parade. During this meeting, staff determined that the application process was confusing for residents when additional permits are required along with the Temporary Use (TU) permit. Staff also determined that an expedited review for recurring events could save time internally and externally. In addition, Police, Fire, Parks, and other reviewing departments wished to see better clarification on the definition of special events. To make this process easier, the CM's office suggested that staff make revisions to the application, establish new standard operating procedures (SOPs), and consider possible updates to the code of ordinances.

Why Action is Necessary

Pursuant to Chapter 2-231 of the City's Code of Ordinances, the Planning and Zoning Board shall review and make advisory recommendations to the City Commission with regard to the Zoning and Land Development Code Amendments.

Current Situation

Currently, the code defines temporary uses as an assortment of uses of land temporary in nature which vary in type, degree and length of time. This definition is ambiguous and will benefit with better clarity. In addition, the current provisions of Division 20, Temporary Uses, are silent on issues such as concerts ending after midnight. The code does not specifically address the frequency of temporary use permits other than sidewalk sales, which are currently permitted once a year. The application submittal requirement and deadlines are insufficient and may result in delays during the application review process. Also, violations of the conditions of temporary use permits are currently penalized by the revocation of the permit; however, penalties for events held without a permit, are not specified.

Analysis

Staff researched special event review processes conducted by other local governments, including the City of Miramar, Deerfield Beach and West Palm Beach and found that a detailed application form with enforced prerequisites were instrumental to an efficient process. Additionally, the specific definitions of temporary uses and special events, and clear outlines of application processes facilitated a well-organized and timely review of temporary use permit applications.

Currently, the code presents an ambiguous definition of temporary uses. Application # 17-13-TC related to this ordinance, proposes definitions for temporary use and special events in Chapter 32-8, Definitions of the Code of Ordinances. The definitions are as follows:

Special event means any meeting, activity, gathering or group of persons, animals or vehicles, or a combination thereof, having a common purpose, design or goal upon any public or private facility, street, sidewalk, alley, park or other place or building, indoors or outdoors, where the special event sustainability modifies the approved occupancy or capacity of a facility or inhibits the usual flow of pedestrian or vehicular traffic or which occupies any public area or building and preempts use by the general public.

Temporary use, means a use that is established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time. Temporary uses shall include special events.

Temporary structure means a feature, device, container, equipment or vehicle without a permanent foundation or footing and which is removed when the designated time period, activity or use for which temporary structure in question has ceased.

Based upon recommendations from other staff reviewers, an annual permit for temporary uses is proposed, where the convenience fee for this expedited review is paid in lieu of separate application fees for each event occurrence. The annual permit fee application process is proposed in the amendment, and a corresponding fee was adopted last year.

The attached ordinance (Exhibit 1) proposes to repeal and recreate Division 20 of the Code of Ordinances. In summary, the proposed draft ordinance:

1. Identifies temporary uses, which include special events, sales and promotional events. (Sec. 32-702)
2. Introduces annual temporary use permits. The events shall be the same every time, must reoccur at least four (4) times within a year and are only allowed in Planned Local Activity Center (PLAC), Commercial Recreational Active (CR-A), Community Facility (CF) and Fashion Art & Design Overlay Zoning Districts. (Sec. 32-702(b))
3. Specifies requirements for special event application and process. (Sec. 32-703)
4. Provides deadlines for special events application submission. All temporary use application must be submitted 45 days prior to the event unless requiring city commission approval, for which the deadline is 60 days prior to the event (Sec.

32-703), or outdoor sales, which are considered late when submitted less than 30 days prior to the event (Sec. 32-709(b)).

5. Requires comprehensive general liability insurance and indemnification statement for events held on City property. (Sec. 32-704)
6. Requires City Commission approval for all concerts ending after midnight. (Sec. 32-707(b))
7. Other than outdoor sales, annual permits and properties zoned CF, PLAC, CR-A and Fashion Art & Design Overlay Districts, limits a maximum of four (4) special events held in one location per fiscal year. (Sec. 32-708(a))
8. Increases the frequency of sidewalk sales from once to twice a year. (Sec. 32-708(c))
9. Establishes penalties and progressive penalty fees for events held without permits and events violating the terms and conditions of the temporary use permits. Requires property owners to pay outstanding penalty fees, rather than the event host. (Sec. 32-709)
10. Establishes an appeal process for applicants or property owners aggrieved by decisions of the City Manager. (Sec. 32-709 (e))

The proposed ordinance provides clarification in the Zoning and Land Development Code. Staff recommends the Planning and Zoning Board forward the proposed ordinance to the City Commission with a recommendation for adoption.

Proposed Action:

Move that the Planning and Zoning Board:

- recommend the City Commission **ADOPT** the proposed ordinance; or,
- recommend the City Commission **ADOPT** the proposed ordinance with changes, as proposed by the Board.
- recommend the City Commission **NOT ADOPT** the proposed ordinance.

Attachment(s):

Exhibit 1- Proposed Ordinance