

ORDINANCE NO. 2532

AN ORDINANCE PERTAINING TO THE SUBJECT OF ZONING; AMENDING THE CITY CODE REGULATIONS RELATING TO AMUSEMENTS; AMENDING THE CITY'S REGULATIONS FOR CARNIVALS, BAZAARS, AND FESTIVALS; REVISING THE SPECIAL RULES FOR SHOPPING CENTERS; PROVIDING OTHER MISCELLANEOUS CLARIFYING AMENDMENTS TO THE CITY CODE TO IMPLEMENT THE FORGOING; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANTATION, FLORIDA, THAT:

SECTION 1: The title of Section 27-659 of the Code of Ordinance of the City of Plantation is amended as follows:

**"Sec. 27-659. Amusements, Carnivals, Bazaars, Festivals, Fairs, Shopping Center Special Events, and Exhibitions."**

SECTION 2: Part II of Section 27-659 of the Code of Ordinances of the City of Plantation is hereby amended to read as follows:

**"Sec. 27-659. Amusements, Carnivals, Bazaars, Festivals, Fairs, Shopping Center Special Events, and Exhibitions.**

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II. MISCELLANEOUS

(a) Carnivals, bazaars, festivals, fairs, etc.

(i) Carnivals are defined as commercial enterprises where the revenue realized flows to private owners or operators as intended profit and where such enterprises have as any part of their operation sideshows, games of chance, hawkers, barkers, rides, games, and refreshments operated by vendors the majority of whom are nonresident, transitory and employees of such commercial enterprise. In the past, such privately owned profit-oriented transitory operations have adversely affected and proven detrimental to the health, welfare and safety of the citizens of the city. Carnivals are hereby declared to be prohibited in the City and are declared to be public nuisances.

(ii) Bazaars, fairs, and festivals. This paragraph (ii) regulates bazaars, fairs, or festivals of a non-commercial nature on private property that is not zoned with a residential zoning classification (as such bazaars, fairs, and festivals are not allowed on property that enjoys a residential zoning classification). It is the stated intent of the city to permit local educational, charitable, recreational or religious organizations consisting largely of resident citizens of the city to be permitted to conduct noise controlled, low intensity, locally sponsored and operated social or charitable events which are open to the public, and where all profit realized from such events (herein called bazaars, fairs or festivals) is to be channeled into local religious, charitable, educational, or recreational usage of direct benefit and impact to the citizens of Plantation. Each site principally devoted to religious, charitable, educational, or recreational use shall be limited to five (5) permits during the January 1 through December 31 calendar year for such events where any portion of the event is to be located outside of buildings. Bazaars, fairs, or festivals shall be permitted to have noise-controlled entertainment. "Noise controlled" shall mean that no "excessive, unreasonable, or offensive sound" as defined in Chapter 16 of this Code is generated by the entertainment, and that all amplified noise generated by the entertainment shall be capable (by use of a switch, button, knob, remote control, or other device) of having loudness (volume) reduced upon being requested to do so by the Police Department. Entertainment shall be limited to music, dancing, small stage performances or contests, games, booths, exhibits, amusement devices, and food and refreshments as are permitted by the city after obtaining prior approval of same (and of the intended beneficiary of the profit realized therefrom if other than a Plantation house of worship, or a charitable or educational program having a direct substantial impact on the citizens of Plantation). No rides shall be permitted. No locally sponsored and operated fair, festival, or bazaar will be permitted without obtaining event approval in advance from the Administration, and the Administration may attach such conditions and safeguards, including dates and times of operation, as it deems necessary and advisable to the granting of such approval, given due consideration to the advice of the public safety departments and zoning division. Approved activities may be wholly outdoors. The Administration may reduce applicable fees for charitable or religious organizations that apply to bazaar, fair, or festival temporary activities licenses, provided such reductions are consistent with documented, similar waivers of the City Council. In the event an applicant does not agree with the action of the Administration, the applicant may ask the City Council to conduct a discretionary review of the matter.

(iii) Special Regulations for Shopping Centers. This paragraph (iii) regulates limited special events of a commercial nature in shopping centers. The Administration may permit shopping centers to: (i) host outdoor sidewalk arts and crafts shows or exhibits; or (ii) conduct seasonal or special events with noise controlled entertainment being limited to movies, music, dancing, small stage performances, and food and refreshments as are permitted by the city after obtaining prior approval of same [(i) and (ii) collectively referenced as "limited special events"]. "Noise controlled" shall mean that no "excessive, unreasonable, or offensive sound" as defined in Chapter 16 of this Code is generated by the entertainment, and that all amplified noise generated by the entertainment shall be capable (by use of a switch, button, knob, remote control, or other device) of having loudness (volume) reduced upon being requested to do so by the Police Department. The limited special event must be sponsored by the shopping center or by not-for-profit guilds or organizations, fraternal groups, or civic associations. The Manager of the

Shopping Center shall make the application required for the Administration's review. The Administration must determine that each special event promotes the hosting shopping center and directly benefits such center's businesses and merchants, that such special event does not include rides, amusements devices, or other sideshow components, and that such limited special event has such security personnel, parking requirements, hours of operation and be located on-site and arranged as deemed appropriate so as to minimize any adverse effect of noise, traffic or lights upon residential communities in the vicinity of such permitted event. The Administration may attach such conditions and safeguards, including times of operation, as it deems necessary and advisable to the granting of such approval, given due consideration to the advice of the public safety departments and zoning division. The Administration may also reduce applicable fees for temporary activities licenses, provided such reductions are consistent with documented, similar waivers of the City Council. In the event an applicant does not agree with the action of the Administration, the applicant may ask the City Council to conduct a discretionary review of the matter. Shopping centers shall be limited to the following cumulative maximum number of permits for each calendar year (January through December), which maximum shall be applicable to all permits, regardless of whether issued for events described in paragraph (ii) above, or this paragraph (iii), or a combination of both paragraphs:

X = Size of Shopping Center (in net square feet of site area)	Maximum Number of Permits (per Calendar Year)
$9,000 \leq X < 300,000$	3
$300,000 \leq X < 600,000$	4
$600,000 \leq X \leq 900,000$	5
$X > 900,000$	6

By way of example, a Shopping Center having One Million Net Square Feet of Site Area can have two (2) bazaars under paragraph (ii), and four (4) limited special events under paragraph (iii) before the maximum of six (6) is reached; alternatively, such Center may have six (6) bazaars under paragraph (ii), or six (6) limited special events under paragraph (iii), before the maximum is reached.

"Net Square feet of site area" shall be the surface area of the parcel of real property on which the shopping center is located, exclusive of public rights of way.

This paragraph applies only to the described outdoor activities and shall not operate to restrict shopping centers from hosting similar limited special events which are totally enclosed indoors.

(b) Dance halls; boxing and wrestling exhibitions.

The city shall have the power to regulate, license, and/or suppress the use, operation and/or maintenance of any dancing hall, dancing academy. Boxing, mixed-martial arts or wrestling exhibitions are prohibited."

SECTION 3: Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 4: This Ordinance shall take effect immediately upon passage on second reading by the City Council and signature by the Mayor.

PASSED ON FIRST READING by the City Council this 27 day of May, 2015.

PASSED AND ADOPTED ON SECOND READING by the City Council this 8th day of July, 2015.

SIGNED by the Mayor this 9th day of July, 2015.

  
MAYOR

ATTEST:

  
CITY CLERK

RECORD ENTRY:

REQUESTED BY: \_\_\_\_\_ APPROVED \_\_\_\_\_ DATE \_\_\_\_\_  
SPONSORED BY: DPZED FOR ECON. DEV.  
DEPT. OK: \_\_\_\_\_  
ADMIN. OK: \_\_\_\_\_  
ATTY. OK: \_\_\_\_\_

I HEREBY CERTIFY that the Original of the foregoing signed Ordinance was received by the Office of the City Clerk and entered into the Public Record this 16 day of July, 2015.

  
Susan Slattery, City Clerk

9003-92021: [1261,v3]