



# Town of Cutler Bay

Town Hall  
10720 Caribbean Blvd  
Cutler Bay, FL 33189

## Memorandum

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**File #:** Item # 2020-113, **Version:** 1

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## MEMORANDUM

**To:** Honorable Mayor and Members of the Town Council

**From:** Rafael G. Casals, ICMA-CM, CFM, Town Manager

**Date:** June 17, 2020

**Re:** Amending Sec. 3-169. - Special Events Related to Special Event Permit Procedures and Special Events Benefitting Not-For-Profit Organizations  
*(First Reading)*

### REQUEST

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-169, "SPECIAL EVENTS," OF THE TOWN CODE OF ORDINANCES RELATING TO SPECIAL EVENT PERMIT PROCEDURES AND SPECIAL EVENTS FOR NOT-FOR-PROFIT ORGANIZATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

### BACKGROUND AND ANALYSIS

Not-for profit and charitable organizations often hold special events such as, fairs and carnivals, in order to raise money for their respective causes. On December 19, 2007, the Town Council of the Town of Cutler Bay (the "Town") authorized the Community Development Department (the "Department") to waive the fee for reviewing a charitable or not-for-profit organization's special event in accordance with the Town Code of Ordinances via Resolution No. 07-62. Moreover, the Department is required to continue to charge a fee for review of a special event where: (1) a vendor operates on a site not owned by a not-for-profit or charitable organization for a profit; or (2) a vendor operates on a charitable or not-for profit organization's site for profit and is not participating in a charitable or fund raising activity being conducted by the not for profit organization as a part of the special event permit.

Currently, the Town issues permits to property owners that wish to host special events in the Town that provide the community with activities, live music, food trucks, tents, inflatables, or similar attractions. Pursuant to Section 3-169 of the Town Code, after hosting three special events within a year, applicants are required to obtain Town Council approval to host additional special events.

I recommend that the Town Council amend Section 3-169 of the Town Code to allow applicants to host up to four (4) additional special events that benefit not-for-profit organizations designated as charitable organizations

under Section 501(c)(3) of the Internal Revenue Service Code without requiring special event permit approval by the Town Council.

Under Article XI. - Supplemental Standards Section 3-169 - Special Events, the following amendments are proposed (Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words):

Section 3-169. Special Events.

(a) *Application.* Any property owner who desires to have a special event shall apply for a permit; ~~including any applicable fee,~~ with the department on a form provided by the town and pay any applicable fees. The director shall transmit the application to the police department, building official, and public works director for review and approval. The director or the town council, as applicable, may approve, approve with conditions, or deny the application ~~except as otherwise provided within this section.~~ Town council approval of a special event permit application will be required if the applicant seeks to conduct an additional special event and:

(1) the applicant has applied for and received three (3) special event permits within a calendar year;  
or

(2) the applicant has applied for and received four (4) special event permits within a calendar year to host special events benefitting not-for-profit organizations designated as charitable organizations under Section 501(c)(3) of the Internal Revenue Service Code.

(b) *Permit conditions.* The director may impose conditions on an event permit as is necessary to protect the public health, safety, and welfare and minimize impact to adjacent uses. Conditions ~~which~~ that may be imposed ~~may~~ include, but are not limited to:

- (1) Yard, setback, open space, and visibility triangle limitations;
- (2) Temporary fences, walls, or other screening;
- (3) Signage;
- (4) Vehicular and pedestrian ingress and egress;
- (5) Property maintenance during and after the course of the activity;
- (6) Control of illumination, noise, odor, vibration, or other nuisances;
- (7) Hours of operation; and
- (8) Exterior lighting.

(c) ~~General~~Permit *criteria.* The following criteria shall be used by the director or the town council to review

the an application for a special event permit:

- (1) Whether ~~The event must be~~ is compatible with the surrounding land uses;
- (2) Whether ~~If the event is not sponsored by the property owner will be hosted on the applicant's property, or if not, whether then permission from the property owner will be~~ is provided in writing;
- (3) Whether the ~~The event must have~~ applicant has provided a plan to accommodate the expected number of vehicles at the event in an ~~efficient~~ a manner that is efficient and will not result in a ~~parking problem~~ lack of parking for the surrounding area, and ~~If if off-site parking is to~~ will be utilized, whether permission ~~must be in writing~~ from the owner of the property to be utilized is provided in writing;
- (4) Whether ~~The applicant's has not requested a special event permit application on the same property more than three times within a calendar year, unless~~ requires ~~approved~~ by the town council; and
- (5) Whether ~~The event must not~~ endangers the public health or safety of the citizens or businesses of the town.

(d) *Termination.* At the end of the time period for which the special event permit was issued, the special event shall be discontinued and all temporary structures and signs shall be removed within 24 hours. Failure to comply with this requirement shall be a violation of this code.

(e) *Violations.* The director may revoke ~~the a~~ a special event permit or discontinue the use if the conditions imposed ~~on~~ by the special event permit are violated.

- (1) *Revocation of permit.* The director may revoke ~~an a~~ a special event permit at any time upon the failure of the owner or applicant of the use covered by the permit to observe all requirements of the special event permit, this section, and other relevant provisions of law, including failure to obtain appropriate business licenses. Notice of such revocation shall be given in writing by the director to the owner or operator of the use, by hand delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this code.
- (2) *Enforcement of permit.* The director may discontinue a use special event if the conditions imposed on the permit are violated, and such violation(s) creates an environment where the health, safety and welfare of the residents are compromised.

## **RECOMMENDATION**

It is recommended that the Town Council adopt at First Reading the proposed amendments to Chapter 3 Land Development Regulations; more specifically, Sec. 3-169. - Special Events to allow applicants to host up to four (4) additional special events that benefit not-for-profit organizations designated as charitable organizations

without requiring special event permit approval by the Town Council.