CGA Update – 9-7-2023

ARTICLE I. PURPOSE AND INTENT~~, PURPOSE AND METHODS~~[1]

Section 1.1. The Margate Unified Land Development ~~Zoning~~ Code.

~~This appendix shall be known and cited as the "Margate Zoning Code". A code to regulate and restrict the erection, reconstruction, alteration, location and use of buildings, structures, land and water for any and all purposes; to regulate and restrict the size of buildings and other structures hereafter erected or altered, the size and dimensions of yards, courts, and other open spaces surrounding buildings; to regulate and restrict building lines and the per centage of plot that may be occupied and the density of population; and, for the said purposes, to divide the City of Margate as shown on the official zoning map in order to carry out these regulations, and for each such district to impose regulations and restrictions designating the kind or classes of industries, trades, residences or other purposes for which other structures or premises may be permitted, to be erected, altered or used; to provide for the regulation of conforming and non-conforming uses; and to prescribe penalties for the violation of the provisions of this ordinance.~~

The primary purpose of the Unified Land Development Code (ULDC) is the implementation of the City of Margate Comprehensive Plan, as adopted and amended pursuant to F.S. Ch. 163, Pt. II as may be amended from time to time. The City Commission of the City of Margate deems it necessary to adopt the ULDC for the following purposes:

1. Guiding and accomplishing coordinated and harmonious development in accordance with the existing and future needs of the city.

2. Protecting, promoting and improving the public health, safety, comfort, order, appearance, convenience and general welfare.

3. Conserving the value of land, buildings and resources, and protecting landowners from adverse impacts of adjoining developments.

4. Protecting the character and maintaining the stability of residential, business, industrial and public areas.

5. Promoting the orderly development of residential, business, industrial and public areas.

6. Achieving a single set of land development regulations that is as simple and user-friendly as possible but still able to achieve development regulation.

7. Directing and controlling, through the establishment of standards, the type, distribution and intensity of development.

8. Balancing the interest of the general public and that of individual property owners.

Section 1.2. City divided into districts.

In order to more effectively protect and promote the general welfare and to accomplish the aims and purposes of this appendix, the City of Margate is divided into districts of such number, shape, and area, and of such common unity of purpose, adaptability or use, that are deemed most suitable to provide for the best general use, and protect the common rights and interests of all by providing specific land development regulations

Section 1.3. Minimum requirements.

The zoning regulations and districts set forth in this appendix shall be considered the minimum requirements adopted for the promotion of health, safety, security, morals, comfort, prosperity and general welfare of the people of the City of Margate.

ARTICLE II. DEFINITIONS

Section 2.1. General.

For the purpose of the zoning ordinance certain terms used herein are herewith defined. ~~When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural and words in the plural number include the singular number. The word "shall" is always mandatory and not merely directory. The word "building" shall include the word "structure".~~ The following rules for the construction of language shall apply to the text of this Code:

1. The particular shall control the general. In case of any difference of meaning or implication between the text of this Code and any caption, illustration or summary table, the text shall control.
2. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural shall include the singular, unless the context clearly indicates the contrary.
4. A "building" or "structure" includes any part thereof.
5. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
6. Where a regulation involves two (2) or more items, conditions, provisions, or events connected to the conjunction, the conjunction shall be interpreted as follows:
    a. And indicates that all the connected items, conditions, provisions or events shall apply.
    b. Or indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
    c. Either...or indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
7. The word "includes" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind of character.
8. The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.
9. The word "land" shall include water surface and land under water.

Section 2.2. ~~Terms defined~~ Definitions.

Accessory building or structure: A subordinate building or structure on the same ~~plot~~lot with, or a part of, the main building which is ~~occupied by, or~~ devoted to~~,~~ an accessory use. Such building or structure shall comply with the following general requirements:

(a) Is located only in the side or rear yards of the principal building, and not within a side yard abutting a ~~right-of-way~~ street; and

(b) No accessory structure shall be located within a platted or recorded easement; and

(c) In no case shall an accessory structure be taller than the associate principal structure.

~~*Accessory dwelling unit:* An apartment not greater than six hundred (600) square feet sharing ownership and utility with a single-family residence.~~

Accessory use: A use that is naturally and customarily incidental to, subordinate to, and subservient to the principal use and is permitted on the subject lot after the principal structure is permitted. Such uses shall comply with the performance criteria set forth below:

(a) Is located on the same lot as the principal use; and

(b) Contributes to the comfort, convenience, or necessity of the principal use~~; and~~

~~(c) Does not exceed twenty-five (25) per cent of the gross floor area of the principal use; and~~

~~(c~~d) ~~Is operated and maintained under the same ownership as the permitted principal use.~~

Adult bookstore: Any establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined in section 35.1(A) of this appendix, or an establishment with a segment or section devoted to the sale or display of such material.

Adult family care home: A full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care, on a twenty-four-hour basis, for no more than five (5) disabled adults or frail elders who are not relatives. The following family-type living arrangements are not required to be licensed as an adult family-care home:

(a) An arrangement whereby the person who owns or rents the home provides room, board, and personal services for not more than two (2) adults who do not receive optional state supplementation under Section 409.212, F.S. as may be amended from time to time. The person who provides the housing, meals, and personal care must own or rent the home and reside therein.

(b) An arrangement whereby the person who owns or rents the home provides room, board, and personal services only to his or her relatives.

(c) An establishment that is licensed as an assisted living facility under Chapter 429, Florida Statutes as may be amended from time to time.

Adult ~~motion picture theatre~~Entertainment Establishment: Any enclosed building, or any area or section within any enclosed building, used for live entertainment or presenting material that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", as defined in Article XXXV~~section 35.1(A)~~ of this appendix, for observation by patrons therein.

Alley: An unnamed public thoroughfare or way, not more than twenty-two (22) feet in width and which normally provides a secondary means of access to abutting property, or allows access by commercial vehicles for

services and deliveries in the business district, and is not intended for general traffic circulation use by pedestrians or vehicles.

Alteration: "Alter" or "alteration" shall mean any change in size, shape, character, occupancy or use of a building or structure.

Apartment, efficiency: A dwelling unit in a multiple dwelling, consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities.

Assisted living facility: Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one (1) or more personal services for a period exceeding twenty-four (24) hours to one (1) or more adults who are not relatives of the owner or administrator.

Automobile storage: The ~~parking~~ placement of an inoperable or unregistered vehicle on a property, for more than twenty-four (24) hour~~s~~. It shall not include "parking" as defined in this section nor the storage of new or used vehicles for sale, service, rental.

Automobile wrecking: The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Bar ~~or saloon~~: Any place devoted primarily to the retailing and drinking of ~~malt, vinous or other~~any alcoholic beverage~~s~~, including any lounge, nightclub, tavern, or saloon, or any other place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises.

Bedroom: A room that can be used for sleeping , or~~that~~:

a. Any room with air conditioned space designated on building plan submittals as den, library, loft, office, study or other extra room will be considered to be a bedroom for the purpose of this Code.~~For site-built dwellings, has a minimum of seventy (70) square feet of conditioned space;~~

b~~. For manufactured homes, is constructed according to the standards of the United States Department of Housing and Urban Development and has a minimum of fifty (50) square feet of floor area;~~

~~c. Is located along an exterior wall;~~

~~d. Has a closet and a door or an entrance where a door could be reasonably installed; and~~

~~e. Has an emergency means of escape and rescue opening to the outside in accordance with the Florida Building Code.~~

Bike locker. An enclosure made of theft-resistant material, with a lockable door that opens the full width and height of the locker, designed for the storage of one bicycle and accessible only to the operator of the bicycle.

Body art studio: A use that involves the practice of tattooing and/or body piercing, and most frequently features custom fine art design and " by appointment" services only.

Brewpub. An establishment licensed by the Florida Division of Alcoholic Beverages and Tobacco to manufacture ales, beers, meads, hard ciders, or similar beverages for on premises consumption in conjunction with full course meals individually prepared on the premises.

Buffer: A physical barrier which effectively screens one parcel from an abutting parcel.

Building: Any structure, either temporary or permanent, which encloses space, ~~having~~ includes a roof, and is used or built for the shelter or protection~~enclosure~~ of persons, animals, chattels, or property of any kind. ~~This definition shall include tents, awnings, or vehicles situated on private property and serving in any way the function of a "building".~~

Building configuration: The form of a building, based on its massing, private frontage, and height.

Building disposition: The placement of a building on its lot.

Building type: A structure category determined by function, configuration, and frontage.

~~*Build-to line (BTL):* A line along which the front facade of a building is required to be located.~~

Bulk quantities: Quantity stored in any container, which quantity is to be removed for repackaging.

Bulk storage: Any storage or any material, which material is to be removed for repacking.

Canopy: An unenclosed, roof-like structure on a supporting frame, consisting of any material, extending from a building or free-standing.

Carports: A canopy that is attached to or abuts a principal structure and is open on at least ~~three~~ two (2) sides for the purpose of providing shelter for one (1) or more vehicles. ~~A private garage not completely enclosed by walls and doors, and shall comply with the requirements of accessory structures.~~

Change of occupancy: The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefor of a use of a different kind or class, as defined by the Florida Building Code. "Change of occupancy" is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

~~*Charitable organization:* Any person who is or holds herself or himself out to be established for any benevolent, educational, philanthropic, humane, scientific, artistic, patriotic, social welfare or advocacy, public health, environmental conservation, civic, or other eleemosynary purpose, or any person who in any manner employs a charitable appeal as the basis for any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation. It includes a chapter, branch, area office, or similar affiliate soliciting contributions within the State of Florida for a charitable organization, which has its principal place of business outside the state.~~

~~*Charitable purpose:* Any benevolent, philanthropic, patriotic, educational, humane, scientific, artistic, public health, social welfare or advocacy, environmental conservation, civic, or other eleemosynary objective.~~

~~*Charitable sales promotion:* An advertising or sales campaign conducted by a commercial co-venturer which represents that the purchase or use of goods or services offered by the commercial co-venturer are to benefit a charitable organization. The provision of advertising services to a charitable organization does not, in itself, constitute a charitable sales promotion.~~

Charter school: A tax-supported public school established by a charter, pursuant to F.S. 1002.33~~.~~ as may be amended from time to time.

Child care facility: An establishment in which custodial care is rendered to children unrelated to the operator, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit.

~~*City co-sponsored event:* Any event that is partially planned, organized and funded or otherwise supported by the city at the request of another person or entity.~~

~~*City-sponsored event:* An event that is solely or primarily planned, organized and funded by the city.~~

~~*Club, night:* A restaurant, dining room, bar or other similar establishment providing food or refreshments wherein floor shows or other forms of entertainment by persons [is] provided for guests after 11:00 p.m.~~

Club, private: Shall pertain to and include those associations and organizations of a civic, fraternal or social character, not operated or maintained for profit, and not consisting of residential facilities. The term "private club" shall not include casinos, night clubs, or other institutions operated as a business.

Commercial recreation: A facility providing activities or other recreational uses, either indoor or outdoor, operated as a business and open to the general public for a fee.

~~*Commercial co-venturer: Any person who, for profit, regularly and primarily is engaged in trade or commerce other than in connection with solicitation of contributions and who conducts a charitable sales promotion or a sponsor sales promotion.*~~

Commercial vehicles: Any bus, step van, truck, trailer, utility trailer, truck tractor, tow truck or wrecker, agricultural, construction or industrial equipment or any vehicles designed, intended or used for transportation of people, goods or things for profit, or any vehicle displaying commercial lettering. The terms shall include but shall not necessarily be limited to a pick-up truck with altered cargo box, or from which the cargo box has been removed. Any vehicle with tools, building materials, merchandise or outfitted with emergency flashing or rotating lights visible from the street or from abutting residential property shall be deemed a commercial vehicle. ~~Any vehicle designed, intended or used for transportation of people, goods or things other than private passenger vehicles and trailers for private non-profit transport of goods and boats.~~

Commissary. A commissary is a public food service establishment licensed by the Division of Hotels and Restaurants or permitted by the Department of Agriculture and Consumer Services that is utilized by a Mobile Food Dispensing Vehicle (MFDV) operator for the purpose of providing support services that are not available on an MFDV that is not self-sufficient. Support services include: obtaining potable water; disposing of wastewater and solid waste; cleaning and sanitizing utensils and equipment; storing food, single-service items and other supplies; and preparing food.

Community residential home: A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice or the Department of Children and Families or licensed Agency for Health Care Administration.

Community residential home, Type 1: A dwelling unit that provides a living environment for homes of six (6) or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use. Homes of six (6) or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multifamily zoning districts without approval by the City, provided that such homes are not located within a radius of one thousand (1,000) feet of another Type 1 home or within a radius of one thousand two hundred (1,200) feet of another Type 2 home. Such homes with six (6) or fewer residents are not required to comply with the notification provisions of Chapter 419, Florida Statutes as may be amended from time to time; provided that, before licensure, the sponsoring agency provides the City with the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the City in which the proposed site is to be located in order to show that there is not another Type 1 home within a radius of one thousand (1,000) feet and not another Type 2 home within a radius of one thousand two hundred (1,200) feet of the proposed home. At the time of home occupancy, the sponsoring agency must notify the City that the home is licensed by the licensing entity. For purposes of City land use and zoning determinations, this definition does not affect the legal nonconforming use status of any community residential home lawfully permitted and operating as of July 1, 2016.

Community residential home, Type 2: A dwelling unit meeting the definition of community residential home which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of residents. Type 2 homes shall not be located within one thousand (1,000) feet of another Type 1 home and within one thousand two hundred (1,200) feet of another Type 2 home. For purposes of City land use and zoning determinations, this definition does not affect the legal nonconforming use statu~~e~~s of any community residential home lawfully permitted and operating as of July 1, 2016.

Convenience store: The term "convenience store" means any place of business having four thousand (4,000) gross square feet or less of space that is engaged in the retail sale of groceries, which may include the sale of prepared foods, and/or gasoline and/or services, ~~and is regularly open for business at any time between the hours of 10:00 p.m. and 5:00 a.m. and is attended during such hours by one (1) or more employees~~. The term "convenience store" does not include restaurants.

~~No convenience store will be located within one thousand (1,000) feet of another such store, measured from front door to front door of said establishment by airline measurement route, within or without the corporate limits of the City of Margate.~~

Courtyard: Outdoor space that is confined by building walls, sometimes between multiple developments.

Courtyard building: A building that occupies the boundaries of its lot while internally defining one or more private patios.

Coverage: ~~That per centage of the plot area~~The area of a lot covered or occupied by buildings or ~~roofed portions of~~ structures. ~~Shuffleboard courts, swimming pools, barbecue pits, terraces and other appurtenances not roofed over shall not be included in computing "coverage".~~

Detoxification: A service involving subacute care that is provided on an inpatient or outpatient basis to assist individuals to withdraw from the physiological and psychological effects of substance abuse and who meet the placement criteria provided in Chapter ~~396~~397, Florida Statutes as may be amended from time to time.

Detoxification facility: A facility licensed to provide detoxification services under Chapter 397, Florida Statutes as may be amended from time to time.

~~*Drive-in restaurant or refreshment stand:* Any place or premises used for the sale, dispensing or serving of food, refreshments or beverages to patrons who enter the premises in automobiles and receive service in automobiles, or for consumption of food, refreshments or beverages in automobiles~~.

Dollar store. A store selling household goods that has two or more of the following characteristics: use of pricing information in its name such as "dollar," "ninety-nine," "cents," or "five;" selling personal care products labeled and originally marketed for sale in a different country than the United States; selling damaged or overstock products; or the majority of inventory is offered for sale for a price of less than ten dollars ($10.00) (2023 CPI) in or equivalent CPI in current year.

Driveway: A private surface-way which provides a primary means of access to off-street parking or loading spaces.

Dwelling: Any building, or part thereof, occupied in whole or in part, as the residence or living quarters of one (1) or more persons, permanently or temporarily, continuously or transiently.

Multiple unit dwelling: A ~~plot~~lot containing three (3) or more one-family dwelling units.

One-family dwelling unit: A ~~plot~~lot containing a dwelling unit occupied by one (1) family.

Two-family dwelling unit: A ~~plot~~lot containing two (2) one-family dwelling units.

~~*Dwelling unit: A space, area or portion of a building designed for and occupied by one (1) family as a dwelling, with cooking facilities for the exclusive use of such family.*~~

Dwelling unit - Any habitable room or group of habitable rooms located within a dwelling and forming a single habitable unit for occupation by only one (1) family with facilities used, or intended to be used, for living, sleeping, cooking, and eating, with or without sanitary facilities.

~~*Economic-base-expanding activity:* In the context of the City of Margate, economic-base-expanding uses include those which export goods and services outside of Margate so as to import additional capital for the support of local jobs and business expansion.~~

~~*Edgeyard building:* A building that occupies the center of its lot with setbacks on all sides.~~

Elevation: An architectural drawing that represents a structure as being projected geometrically on a vertical plane parallel to one of its sides.

Enforcing official: Shall mean the officers and employees of the department, bureau or agency of the City of Margate to whom the duty of enforcing the terms of this resolution is assigned under the resolution.

Entrance, principal: The main point of pedestrian access into a building.

Erected: The word "erected" includes built, constructed, reconstructed, moved upon or any physical operations on the premises required for building. Excavation, fill, drainage and the like shall be considered a part of erection.

~~*Established grade:* The average elevation of the public sidewalks around or abutting a plot, or in the absence of sidewalks, the average elevation of the public streets abutting the plot.~~

Family: For the purposes of this zoning ordinance, a family shall be defined as one (1) person, or a group of two (2) or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, or a group of no more than three (3) unrelated persons, occupying the whole or part of a dwelling as a separate housekeeping unit with a single set of culinary facilities within a dedicated space. The persons thus constituting a family may also include gratuitous guests and domestic servants. Any person under the age of eighteen (18) years whose legal custody has been awarded to the state department of health and rehabilitative services or to a child-placing agency licensed by the department, or who is otherwise considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this chapter. Nothing herein shall be construed to include any roomer or boarder as a member of a family. This definition shall not supersede state or federal regulations regarding families and/or the use of real property within a residential district for community residential facilities.

Family care facilities: A facility which provides residence, supervision, and support in a family setting to eight (8) or fewer unrelated individuals who are handicapped, aged, disabled, or in need of adult supervision.

~~*Filling station:* Any area of land, including structures or parts of structures thereon, that is used for the supply of gasoline or other fuels for motor vehicles at retail sale.~~

Floor area: Where a specified minimum "floor area" is required in the zoning ordinance for a dwelling, "floor area" shall mean the total gross area within the external perimeter of the exterior enclosing walls, including Florida rooms, sun rooms and utility rooms which are fully enclosed and directly accessible from the interior of the dwelling but excluding other utility rooms, unenclosed porches, terraces, breezeways, and carports or garages.

Frontage of a building: Shall mean the side or wall of a building approximately parallel and nearest to a street.

Frontage of property: Shall mean the ~~plot~~lot line which abuts a street or separates the ~~plot~~lot from a street.

Fully shielded: A fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane. This can be determined by a field test or visual assessment of an operating sample.

~~*Gallery:* A type of building frontage wherein the facade is aligned close to the frontage line with an attached cantilevered covering or a lightweight colonnade overlapping the sidewalk.~~

Garage~~, community~~: A building or part thereof, used for indoor parking of private automobiles.

Garage, repair: A building, or part thereof, where vehicles are received and a fee is paid for repairs to any part of the vehicle, but shall not include wholesale rebuilding of parts, and paint and body works.

Glare: Brightness in the field of view that is sufficiently greater than the amount to which the eye is adapted, causing annoyance, discomfort, or loss of visual performance and visibility.

Go-cart: A four-wheel vehicle, designed for a single rider, having a one or two (2) cylinder internal combustion engine.

Grade: The natural elevation of the ground, established relative to the required base floor elevation for the applicable coastal flood zone designated by the current Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRMs), or in the extreme cases of varied elevations within the same site, grade shall be established by the city building department.

Grade, finished: The finished elevation of a site after all fill, land balancing or site preparations have been completed. The finished grade shall be the elevation from which all structural heights are measured.

Green building: A building that emphasizes state-of-the-art strategies for sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality and is identified as meeting verifiable green building standards.

Greenway: An open-space corridor in largely natural conditions which may include trails for bicycles and pedestrians.

Hazardous substances: Any substance or material which, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health or safety of any person handling or using or otherwise dealing with such material or substance.

Height of building: The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Home occupation: Any use conducted entirely within a dwelling for financial gain ~~and carried on by persons residing in the dwelling unit~~, which use is clearly incidental and subordinate to the use of the dwelling for residential purposes and does not change the character thereof.

Horizontal mixed-use: A mix of uses where~~by~~ different uses are adjacent to each other within the same ~~plot~~lot or development. Nonresidential uses shall occupy a minimum of 15 percent, with such percentage calculated based upon the ratio of total gross ground floor area of all proposed buildings within the project. The nonresidential uses may consist of office or retail and service uses, or a combination thereof.

Hospital: A hospital licensed under Chapter 395, F.S., and Part II of Chapter 408, Florida Statutes as may be amended from time to time.

Hotel: A building, or part thereof, in which sleeping accommodations are offered to the public, with no cooking facilities for use by the occupants, and in which there may be a public dining room for the convenience of the guests. Access to the sleeping rooms shall be through an inside lobby or office.

Industrially-zoned property: Shall mean any land or water area whose zoning district classifications is M-1 or M-1A under this ordinance.

Inflammable liquid: Any liquid which under operating conditions gives off vapor which, when mixed with air, is combustible and explosive.

Impervious area: A surface area of land that does not allow for any penetration of water to the subsurface area.

Inoperative vehicle: Any wrecked or partially dismantled vehicle which is parked or stored for longer than forty-eight (48) hours without having all wheels mounted, or which is in a condition of substantial disrepair, or which is parked or stored without having all tires inflated. It shall also mean a vehicle which does not have affixed a current automobile license tag.

Junk yard: Place, structure or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, housewrecking yards and yards or place for storage or handling of salvaged house wrecking and structural steel materials. This definition shall not include pawnshops and establishments for the sale, purchase, or storage of usable second-hand cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods and appliances. Nor shall it apply to the processing of used, discarded or salvaged materials as part of manufacturing operations.

Kennel: The term kennel shall be construed to include any establishment for the raising, training, boarding or selling of dogs, cats, birds, mice, rats, or other small animals for hire or profit, or where more than four dogs or

cats are harbored or kept over four (4) months of age. "Kennel" shall not include any humane society, animal protection agency, veterinarian clinic, or hobby breeder. Kennel shall also include any person or establishment that intentionally or un-intentionally causes or allows the breeding or studding of a cat or dog of three (3) or more litters of dogs or cats per household or premises during a consecutive twelve-month period whether or not such animals were made available for sale, adoption or other placement.

Land platted: Any land recorded by plat in the Broward County circuit court clerk's office.

Land unplatted: Any land or part thereof, not recorded by plat in the Broward County circuit court clerk's office.

~~*Layer:* A range of depth of a lot within which certain elements are permitted.~~

Light manufacturing: Products from aluminum, brass, bronze, copper, steel or other metal or from cloth, canvas, leather, paper, rubber, shell, plastic, wood or other materials, such as electronic devices, food products, chewing gum, syrup, fruit juices, extracts, drugs or medicines, electrical fixtures, hardware and cutlery, musical instruments, and optical devices.

Light trespass: Light produced by a lighting fixture that illuminates a surface beyond the boundaries of the property on which it is located.

Limited access self-service storage facility: A multistoried self-service facility with limited access points from the exterior to interior halls that serve the individual bays.

Liner building: A building, usually shallow in depth, specifically designed to mask a parking lot, parking garage or blank wall from a frontage.

Live-work unit: A dwelling unit that is also the primary place of work, which place of work is located on the ground floor for the occupant of the unit.

~~*Lodging house:* A building, or part thereof, other than a motel or hotel, where sleeping accommodations are provided for hire more or less transiently without provisions for cooking by guests or for meals for guests.~~

Long-term care facility: A nursing home facility, assisted living facility, adult family-care home, or any other similar residential adult care facility that provides rehabilitative, restorative, and/or ongoing skilled nursing care to patients or residents in need of assistance with activities of daily living.

Lot: ~~A parcel or tract of land designated and identified as a single unit of area in a subdivision plat officially recorded in the Broward County circuit court clerk's office.~~ Land occupied or to be occupied by a building or use, and their accessory buildings and accessory use, together with such yards and open spaces as are required by this ordinance. A "lot" may consist of one (1) or more, or portions of a platted lot and/or unplatted land.

Lot, corner: A "corner lot" is a lot of which at least two (2) adjacent sides abut for their full length upon streets, provided that such two (2) sides intersect at an interior angle of not more than one hundred thirty-five (135) degrees. Where a lot is on a curve, if tangents through the intersections of the lot lines with the street lines make an interior angle of not more than one hundred thirty-five (135) degrees, such a lot is a "corner lot". In the case of a "corner lot" with a curved street line, the corner shall be considered to be that point on the street line nearest to the point of intersection of the tangents herein described.

Lot depth: The mean horizontal distance between the front and rear lot lines.

Lot, interior: A lot other than a corner lot.

Lot line, front: The line dividing a lot from a street or base building line, whichever will result in a lesser depth of lot. On a corner lot the shorter of the two (2) "front lot lines" as above defined shall be considered to be the "front lot line" for the purposes of determining required lot width and required front yard depth. On a corner lot where both "front lot lines" as above defined are equal length, both such lines shall be considered to be "front lot lines" for the purpose of determining required street yard depth.

On through lots both "front lot lines" as above defined shall be considered to be "front lot lines" for the purpose of determining required yards.

Lot line, rear: The lot line opposite and most distant from the front lot line. In the case of a triangular or gore-shaped wherein the two (2) side lot lines converge in the rear, the "rear lot line" shall be considered to be a line ten (10) feet in length within the lot parallel to and at the minimum distance from the front lot line.

Lot line, side: Any lot line other than a front or rear lot line. A "side lot line" separating a lot from a street is called a "side street lot line". A "side lot line" separating a lot from another lot or lots is called an "interior" or "side lot line."

Lot line, street or alley: A lot line separating the lot from a street or alley. *Lot, reversed corner:* A corner lot the side street line of which is substantially a continuation of the front lot line of first lot to its rear.

Lot, through: A lot abutting on two (2) streets, not at their intersection, if any which may be either a corner or interior lot.

Lot width: The horizontal distance between the side lot lines at the depth of the required front yard.

Machine: Any contrivance which serves to regulate the effect of a given force or to produce or change motion.

Medical office: An office providing services to the public by physicians, dentists, surgeons, chiropractors, osteopaths, physical therapists, nurses, acupuncturists, podiatrists, optometrists, psychiatrists, (who are also known as health care practitioners) or others who are duly licensed to practice their respective professions in the State of Florida, as well as others, including but not limited to technicians and assistants, who are acting under the supervision and control of a licensed health care practitioner.

Mixed- -use: Multiple functions within the same building through superimposition or adjacency, or in multiple buildings within the same ~~area~~ lot by adjacency.

Motel: A building or part thereof, in which sleeping, and/or living accommodations are offered to the public primarily on a short term or transient basis, with access to the individual units from the exterior of the building and parking facilities for use of guests near their quarters.

Nonconforming structure: A structure or portion thereof, existing at the effective date of this ordinance, or any amendment thereto; which was occupied, designed, erected, intended, or structurally altered for use not permitted at its location by the provisions of this ordinance for a new use, and/or which does not conform to all of the regulations applicable to the district in which it is located.

Nonconforming use: The use of a structure or premises, existing at the effective date of this ordinance, or any amendment thereto, for any purpose not permitted for a new use in the district in which it is located.

Nuisance lighting: Includes, but is not limited to glare, light trespass, and skyglow.

~~*Nursery school:* A place for the care and instruction of children.~~

Nursing home facility: Any licensed facility which provides nursing services as defined in Part I of Chapter 464, Florida Statutes as may be amended from time to time.

Occupied: The word "occupied" includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

Office: Premises available for the transaction of general business of a clerical or administrative nature, but specifically excluding entertainment, retail, wholesale, artisanal, warehousing, repair, and manufacturing uses.

Open space: An outdoor area dedicated for public use.

Ordinance: The zoning code of the City of Margate and any amendments thereto.

Package store: A business establishment licensed to sell liquor in containers for consumption off the premises, including, but not limited to, any business with a 3APS alcohol license.

Payday loans. A non-chartered financial institution that offers deferred deposit transaction services, check cashing services or loans for payment of a percentage fee. The term "non-chartered financial institution" shall include, but is not limited to deferred deposit transaction (payday loan) business that makes loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, or motor vehicle title lenders who offer short-term loan secured by the title to motor vehicles. This definition does not include non-profit financial institutions or retail sellers engaged primarily in the business of selling consumer goods to retail buyers, that cash checks or issue money orders as a service to its customers that is incidental to its main purpose or business.

Pain management clinic: Any clinic, facility, or office that is required to be registered with the Florida Department of Health pursuant to F.S. § 458.3265 or 459.0137, as ~~amended~~ may be amended from time to time.

Parking: The term "parking" shall mean the temporary, transient storage of private passenger ~~automobiles~~ vehicles used for personal transportation, while their operators are engaged in other activities. It shall not include storage of new or used ~~cars~~ vehicles for sale, service, rental, or any other purpose other than specified above. "Parking" as defined herein shall apply only to open-air storage of ~~automobiles~~vehicles.

Parking structure: A building containing two or more stories of parking facilities. Parking structures within the TOC boundary that are located on an established build-to line shall have liner buildings at the first story.

Passage: A pedestrian connector passing between buildings, providing shortcuts through long blocks and connecting rear parking areas to building frontages.

Path: A pedestrian way traversing a park or courtyard, with landscape matching the contiguous open space. Paths should connect directly with the urban sidewalk network.

Patio: An unenclosed, finished outdoor surface area, adjacent to or apart from a building, not containing accommodation for vehicles.

Pedestrian zone: An aesthetic buffer designed to help visually soften the hardscape of urban development while also providing for pedestrian travel and improved site connectivity.

Performance standards: Criteria for permitting and controlling various uses and activities within the City in order to limit negative impacts and maintain the character of the City of Margate in accordance with the goals and objectives of the comprehensive plan of the City of Margate.

Person: The word "person" includes association, firm, co-partnership, or corporation.

Personal care services: An establishment (not having as its primary function the sale of retail goods) primarily engaged in providing appearance care and/or beauty services to individual consumers such as beauty salons, ear piercing and spas.

Pervious area: A surface area of land that allows passage of air and water to the subsurface area,~~An adjective describing a type of surface or material which allows the penetration of water.~~ including, but not limited to grass, mulch, and stone~~. Pavers (excluding those specifically designed and constructed to be pervious) and l~~Limestone gravel and pavers are not considered as pervious surface. Pavers and turfblock that are designed to be pervious with an underground drainage system may be counted as 50% pervious.

Pet store or *pet shop*: A retail establishment open to the public and engaging in the business of offering for sale and/or selling animals at retail.

Place of Assembly: an establishment providing a place for persons to gather together for a common purpose in a meeting, recreational, religious or social facility. This definition shall include, but is not limited to auditoriums, private clubs and lodges, community centers, clubhouses, theaters, and places of worship or other facilities that are used for prayer and assembly by persons of similar beliefs.

Planter: The element of the public streetscape which accommodates street trees. Planters may be continuous or individual.

Plazas: Large outdoor spaces that extend the public realm from the street or sidewalk to the main entry of an adjacent building.

~~*Plot:* Land occupied or to be occupied by a building or use, and their accessory buildings and accessory use, together with such yards and open spaces as are required by this ordinance. A "plot" may consist of one (1) or more, or portions of a platted lot and/or unplatted land.~~

~~*Plot, corner:* A "corner plot" is a plot of which at least two (2) adjacent sides abut for their full length upon streets, provided that such two (2) sides intersect at an interior angle of not more than one hundred thirty-five (135) degrees. Where a plot is on a curve, if tangents through the intersections of the lot lines with the street lines make an interior angle of not more than one hundred thirty-five (135) degrees, such a plot is a "corner plot". In the case of a "corner plot" with a curved street line, the corner shall be considered to be that point on the street line nearest to the point of intersection of the tangents herein described.~~

~~*Plot depth:* The mean horizontal distance between the front and rear plot lines.~~

~~*Plot, interior:* A plot other than a corner plot.~~

~~*Plot, key:* The first plot~~lot ~~to the rear of a reversed corner plot~~lot ~~whether or not separated by an alley therefrom.~~

~~*Plot line, front:* The line dividing a plot from a street or base building line, whichever will result in a lesser depth of plot. On a corner plot the shorter of the two (2) "front plot lines" as above defined shall be considered to be the "front plot line" for the purposes of determining required plot width and required front yard depth. On a corner plot where both "front plot lines" as above defined are equal or within five (5) feet of the same length, both such lines shall be considered to be "front plot lines" for the purpose of determining required street yard depth.~~

~~On through lots both "front plot lines" as above defined shall be considered to be "front plot lines" for the purpose of determining required yards.~~

~~*Plot line, rear:* The plot line opposite and most distant from the front plot line. In the case of a triangular or gore-shaped wherein the two (2) side plot lines converge in the rear, the "rear plot line" shall be considered to be a line ten (10) feet in length within the plot parallel to and at the minimum distance from the front plot line.~~

~~*Plot line, side:* Any plot line other than a front or rear plot line. A "side plot line" separating a plot from a street is called a "side street plot line". A "side plot line" separating a plot from another plot or plots is called an "interior" or "side plot line."~~

~~*Plot line, street or alley:* A plot line separating the plot from a street or alley.~~

~~*Plot, reversed corner:* A corner plot the side street line of which is substantially a continuation of the front plot line of first plot to its rear.~~

~~*Plot, through:* A plot abutting on two (2) streets, not at their intersection, if any which may be either a corner or interior plot.~~

~~*Plot width:* The horizontal distance between the side plot lines at the depth of the required front yard.~~

Porch: A roofed-over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

Poultry: Any chickens, turkeys, ducks, geese, peafowl or guinea fowl.

Poultry market: A commercial establishment or place where live poultry or fowls are kept and prepared for sale, including killing or cleaning.

Principal building: ~~Syn~~. See Principal structure.

Principal structure: A structure, the use of which is the principal or primary use of the land. A principal structure may consist of a building or an unmanned or uninhabited structure such as a communication tower,

utility substation, parking facility or other similar construction. There may be more than one (1) principal structure on a parcel.

~~*Rearyard building:* A building that occupies the full frontage line, leaving the rear of the lot as the sole yard.~~

Recovery residence: A residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, that is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free and drug-free living environment. The number of unrelated residents and distance requirements set forth by Type 1 and Type 2 community residential homes shall apply to these facilities.

Recreational vehicle (RV): Any vehicle constructed so as to permit occupancy thereof as sleeping or living quarters, used as a conveyance on highways and streets, and propelled by its own motive power.

Recreational vehicle (RV) lot structure: A fully enclosed accessory structure located on an RV site within an approved RV park. This definition shall not include tiki huts, ~~chiki~~ chickee huts, or any other thatched roof structure.

Recreational vehicle (RV) park: A place set aside and offered by a person or public body, for either direct or indirect remuneration of the owners, lessor or operator of such place, for the parking and accommodation of five (5) or more recreational vehicles (as defined in F.S. § 320.01(1)(b)).

Recreational vehicle (RV) site: The lot within a recreational vehicle park delineated for individual recreational vehicle occupancy. The site typically includes a pad on which the recreational vehicle is parked, a driveway, utility connections and open space area. An RV site may also include a patio area, RV lot structure, and decorative features including, but not limited to, tables, lampposts and grills.

Redevelop: To demolish a principal building or structure of a site and construct a new principal building or structure; or to expand an existing principal building or structure 50% or more as defined as a substantial improvement by FEMA. ~~beyond twenty-five (25) per cent percent of the gross area or size.~~

Remodeling, redecorating or refinishing: Any change, removal, replacement, or addition to walls, floors, ceilings and roof surfaces or coverings which do not support any beam, ceiling, floor load, bearing partition, columns, exterior walls, stairways, roofs or other structural elements of a building or a structure.

Residentially zoned property: Any land or water area that has a residential zoning district classification. ~~of R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-3A, R-3U, PRC, PUD RVRP, or T-1.~~

Resource recovery facility. Any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse.

Restaurant: A building or room, not operated as a dining room in connection with a hotel, where food is prepared and served for pay for consumption on the premises.

Restaurant with automobile service: Any restaurant where provision is made on the premises for serving of food, refreshments, or beverages to customers in automobiles or for pick-up service via an automobile drive-thru.

Restaurant, take-out: A restaurant where provision is made solely for the selling, dispensing, or serving of food, refreshments, or beverages to customers for consumption in other than a completely enclosed building on the premises.

Retail: The selling of merchandise to end users, usually in small quantities and not intended for resale. Retail establishments shall have merchandise available for purchase for walk-in clientele, and shall have all sales transactions take place on site. Internet and other off-premises transactions shall not be considered retail, but may be permitted as an accessory use to retail.

Roof line: The overall ridge line of the structure which does not include cupolas, elevator towers, clock towers or other features that are permitted to exceed maximum height of the building. In the case of flat roofs, it is the uppermost line of the roof of a building.

Rooftop photovoltaic solar system: A system which uses one (1) or more photovoltaic panels installed on the surface of a roof, parallel to a sloped roof or surface- or rack-mounted on a flat roof, to convert sunlight into electricity.

Rowhouse: A single-family dwelling that shares a common wall with another of the same type and occupies the full frontage line. (Syn: Townhouse.)

School: Facilities of public or private, primary or secondary schools, vocational and technical schools and colleges and universities licensed by the Florida Department of Education. This shall not include home schools, nor day care centers.

Service contractors: These include air conditioning service and installation, carpet installers, glass and mirror installers, carpet cleaners, exterminators, lawn care companies, and other similar businesses performing work off-premises. This definition specifically excludes automotive and personal services.

~~*Setback:* The minimum distance between the street line, or base building line, and the front line or side line of the building or any projection thereof, excluding projections specifically permitted.~~

Setback: A space on a lot with a structure or use, open and unobstructed from the ground to the sky except by structural encroachments specifically permitted in this Code. "Setback" measurements shall be the minimum horizontal distances. "Setbacks" shall extend and be measured inward from the respective lot line.

Setback, front: A setback extending across the full width of the lot between the front lot line and the nearest line of the main use or main building on the lot.

Setback, rear: A setback extending across the full width of the lot between the rear lot line and the nearest line of the main building.

Setback, side: A setback extending from the front setback to the rear setback the depth of a lot, between the side lot line and the nearest line of any building or use of the lot. The width of a "side setback" shall be the shortest distance between the side lot line and the nearest use or building on the lot.

Setback, street side: A setback extending the depth of a lot, between the nearest line of any building or use of the lot and a side lot line that is adjacent to a right-of-way.

Shed: A permanent, simple roofed structure, typically made of wood or metal with four (4) sides enclosed, that is permanently affixed to the ground, meets all Florida Building Code regulations, is not equipped with plumbing, and is used for the primary purpose of additional storage space. ~~and shall comply with the requirements of accessory structures~~

Shopping center: A group of commercial predominately retail or service establishments planned, developed, managed, and operated as a unit and which utilize a common parking area.

Sidewalk: That portion of the street intended for use by pedestrians between the curbline, or the lateral lines of a roadway, and the adjacent property lines.

~~*Sideyard building:* A building that occupies one (1) side of the lot with a setback to the other side.~~

Skyglow: The adverse effect of brightening of the night sky due to man-made lighting.

Social Centers: A facility used as a place of meeting, recreation, or social activity and not operated for profit and in which neither alcoholic beverages or meals are normally dispensed or consumed.

Solid Waste. Refuse, garbage, or sludge that has been discarded, recycled or abandoned as a byproduct material that occurs as a result of processing or manufacturing. Does not include the primary products of a production process.

Solid waste disposal facility. Any facility, location, or installation used for incinerating, composting, chemical oxidizing, sanitary landfilling or other means of disposing, storing, or processing of solid wastes

Special exception use: A use that would generally not be appropriate in the zoning district, which may be authorized ~~by the planning and zoning board~~ if specific provisions and controls are applied, Special exception uses may be~~-~~ deemed appropriate to provide a complete distribution of ~~commercial~~ uses within the city, but because of their operational characteristics or area requirements need to be given individual consideration with respect to their location, access and relationship to adjacent properties and public rights-of-way, and the use ~~conformity~~ conforms with the city's goals, objectives and policies within the~~current and future redevelopment efforts~~ comprehensive plan.

Spot Zoning: A property or group of properties having specific zoning designations applied to them that differ from the zoning designations surrounding them.

~~*Stoop:* Frontage wherein the facade is aligned close to the frontage line with the lower story elevated at least eighteen (18) inches from the sidewalk to establish a sense of transition from public to private realm, and may be elevated sufficiently to secure privacy for the windows.~~

~~*Storage of vehicle(s):* The parking or keeping on real property of a vehicle(s) which does not have affixed a current automobile license tag immediately for more than five (5) calendar days, unless same is within a completely enclosed structure. Storage includes inoperative vehicles and abandoned vehicles parked for more than seventy-two (72) consecutive hours, or vehicles that have been repossessed or are otherwise awaiting shipping.~~

Story: A habitable level within a building.

Street: A public thoroughfare ~~twenty-two (22) feet or more in width~~ which affords principal means of access to abutting property.

~~*Street line:* Shall mean the right-of-way line of a street or the base building line, whichever will provide for a greater width of street.~~

Streetscape: The urban element that establishes the major part of the public realm. The streetscape is composed of roads (travel lanes for vehicles and bicycles, parking lanes for cars, urban greenways and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, decorative fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

~~*Streetscreen* or *streetwall:* A freestanding wall built along the frontage line, or coplanar with the facade, often for the purpose of masking a parking lot from the thoroughfare. Streetscreens should be between three and one-half (3½) and eight (8) feet in height and constructed of a material matching the adjacent building facade. The streetscreen may be a hedge or decorative fence. Streetscreens shall have openings no larger than is necessary to allow automobile and pedestrian access. In addition, all streetscreens over four (4) feet high should be thirty (30) per cent permeable or articulated to avoid blank walls.~~

Structural alteration: Any ~~charge~~change, except for repair or replacement, in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Structure: ~~Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.~~ Means anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable building which can be used for housing, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes driveways, roads, walkways, paths, fences, swimming pools, tennis courts, poles, pipelines, transmission lines, tracks, signs, cisterns, sewage treatment plants, sheds, docks, mooring area and other accessory construction.

Tattooing: Any method of placing permanent designs, letters, scrolls, figures or symbols upon or under the skin with ink or any other substance, by the aid of needles or any other instrument designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, including permanent and semi-permanent makeup such as microblading.

Tent: Any temporary, ~~structure or partial~~ enclosure, free-standing or attached to a structure, the roof of which and/or one-half or more of the sides, are of silk, cotton, canvas, fabric or a light material.

~~*Tourist camp or park:* Any plot~~lot ~~of ground upon which three (3) or more single-family camp cottages or tents are located or maintained for the accommodation of transients whether or not a charge is made.~~

~~*Tourist court:* A group of attached or detached dwellings which are provided primarily for transient guests, including auto courts, motels and motor lodges.~~

~~*Tourist home:* A building or part thereof, other than a motel or hotel, where sleeping accommodations are provided for transient guests, with or without meals, and which also serves as a residence of the operator.~~

Townhouse: ~~Syn. Rowhouse.~~ A single-family dwelling unit not exceeding three (3) stories in height constructed in a group of three (3) ~~two~~ or more attached units with property lines separating such units in which each unit extends from foundation to roof and with a yard or public way on not less than two (2) sides.

Trailer: An open vehicular structure constructed for the storage or conveyance of boats, vehicles, swamp buggies, tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets propelled or drawn by other motive power. This definition shall include automobile trailers, trailer coaches and house trailers.

~~*Transition line:* A horizontal line spanning the full width of a facade, expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.~~

~~*Transit-oriented development (TOD):* Development that combines a pedestrian-friendly environment with retail or entertainment ground-floor uses, and located within one-quarter (1/4) mile sidewalk route to a transit station or transit stop. Specifically, a TOD provides continuous, shaded sidewalks with street furniture and minimal driveway interruptions, and nearly continuous shop frontage.~~

Transit station: A transit stop incorporated into a principal building which provides an air-conditioned seating area with electronic bus/LRT location information.

Transit stop: A designated location that allows a bus/LRT to stop and load or unload passengers.

Urban greenway: A multipurpose path accommodating bicycle and pedestrian traffic along major arterial roadways providing for a minimum clear zone from obstructions, and meeting or exceeding minimum landscaping requirements.

~~*Urban grid* or *modified grid:* Maximum block face of seven hundred (700) feet and maximum perimeter of two thousand (2,000) linear feet (approximately three (3) acres). A maximum block face of eight hundred (800) feet and a maximum perimeter of up to three thousand (3,000) allowed for blocks with parking structures. Rear alleys or mid-block alleys required where feasible. The average block face in the TOC district is five hundred (500) feet.~~

Use: Any purpose for which buildings or other structures or land may be arranged, designed, intended, maintained, or occupied; or any occupation, business, activity or operation carried on or intended to be carried on in a building or other structure or on land.~~The purpose for which land or a structure thereon is designed, arranged or intended, to be occupied or utilized, or for which it is occupied or maintained.~~

~~*Use, first permitted in "X" district:* A use which in the sequence of successively less restricted districts occurs as a permitted use for the first time in the "X" district.~~

~~*Use, nonresidential:* A use permitted in a specific residential zoning district, which is not residential in character, such as recreation or governmental buildings, cemetery, crematory, mausoleum, library, art gallery, museum, educational, recreational or social center, church nursery school, child care center, public, private, or parochial schools, hospital, sanitarium, convalescent home, orphanage, institution for the aged, indigent or infirm, community garage, private club, lodge, fraternity, sorority, philanthropic or eleemosynary institutions, medical or dental office or clinic, college or university.~~

Use of land: Includes use of water surface and land under water to the extent covered by zoning districts, and over which the City of Margate has jurisdiction.

Use, principal or main: The primary use of the ~~plot~~lot as distinguished from secondary or accessory uses. There may be more than one (1) "principal or main use" on a ~~plot~~lot.

~~*Use, residential:* A use for living and sleeping of persons not institutional in character, such as a one-family, two-family or multiple dwelling, rooming house, hotel, motel, tourist home, lodging house, boarding house, villas, bungalow courts.~~

Utilities: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity.

Variance: ~~A modification of, or deviation from, the regulation of the zoning ordinance which is authorized and approved by the board of adjustment after it finds that the literal application of the provision of the zoning ordinance would cause unnecessary hardship or practical difficulty in the use or development of a specific plot or building.~~

The procedure where the strict application of the provision of the zoning regulations relating to area, duration, height, setback or yard requirements may be modified in a particular instance when certain criteria based on substantial competent evidence are met. Variances relating to use, including separation requirements, are not included in this definition and are prohibited.

Vehicle: Any automobile, truck bus, boat or trailer, motorcycle, motor scooter or similar type vehicle, full track, half-track, recreational vehicle, swamp buggy or any apparatus self-propelled that is used for the transportation or any person or persons.

Vehicle dealership: An establishment primarily for the sale of new vehicles that include as incidental accessory uses, the sale of used vehicles, service and repair of vehicles, and sale of parts within a site area that includes:

(1) An enclosed showroom for merchandise;

(2) Outdoor display and storage of vehicle inventory;

(3) Service and repair facilities within a fully enclosed building; and

(4) Parts sales occurring within a fully enclosed building.

Vehicle fuel station: Any area of land, including structures or parts of structures thereon, that is used for the supply of gasoline or other fuels, including electricity, for motor vehicles at retail sale.

Vehicle sales agency: An establishment licensed to sell any of the following: New and/or used automobiles, commercial vehicles, truck, trailer, boats, motorcycles, and recreational vehicles. Automobile dealership, as defined in this section, may also be permitted under this use.

Vending machine: Any machine or container, manual or automated, and designed for the convenient storage and dispensing of merchandise for retail sale; including, but not limited to, soda vending machines, food vending machines, ice chests, video rental machines, and water dispensing/vending machines.

Vertical mixed-use: Means a project that includes one (1) or more buildings of at least two stories, with nonresidential uses occupying a minimum of 15 percent of the ground floor, with such percentage calculated based upon the ratio of total gross ground floor area of all proposed buildings within the project. The nonresidential uses may consist of office or retail and service uses, or a combination thereof. Residential uses shall occupy the remainder of the space within vertical mixed-use buildings.

Walkway cafe: A portion of a restaurant or eating establishment that is unenclosed, which is located outside of and adjacent to the principal building on a private sidewalk, and which provides a sit-down area for food and/or beverage consumption.

Waterway: A stream, canal or body of water, dedicated to public use, publicly owned, or used and available for public travel by boats, not including privately owned bodies of water or drainage ditches.

Wholesale: The selling of goods, products, or materials to retail, manufacturing, or repair establishments, usually in bulk quantities, and intended for resale, refinement, or use for repair.

~~*Yard:* A space on the same plot with a structure or use, open and unobstructed from the ground to the sky except by encroachments specifically permitted in the zoning ordinance. "Yard" measurements shall be the minimum horizontal distances. "Yards" shall extend and be measured inward from the respective plot line.~~

~~*Yard, corner:* In a single-family dwelling district, a corner yard shall be the area formed by the intersection of the front and street side property lines and the extensions of the front facade and the street side facade of the residence. In all other districts, a corner yard shall be the triangular area formed by the chord connecting thirty-five (35) feet from the intersection of right-of-way lines or tangent extensions thereof.~~

~~*Yard, front:* A yard extending across the full width of the plot between the front plot line and the nearest line of the main use or main building on the plot.~~

~~*Yard, rear:* A yard extending across the full width of the plot between the rear plot line and the nearest line of the main building.~~

~~*Yard, required:* Shall mean the minimum yard required by the zoning ordinance. Any yard space supplied in excess of the minimum amount specified shall not be deemed to be a "required yard".~~

~~*Yard, side:* A yard extending from the front yard to the rear yard, between the side plot line and the nearest line of any building or use of the plot. The width of a "side yard" shall be the shortest distance between the side plot line and the nearest use or building on the plot.~~

~~*Zoning board:* The "zoning board" of the City of Margate.~~

Zoning certificate: A document issued by the enforcing official authorizing buildings, structures or uses consistent with the terms of the zoning ordinance and for the purpose of carrying out and enforcing its provisions.

ARTICLE III. GENERAL PROVISIONS

Section 3.1. ~~Conflicting regulations~~ General rules of interpretation .

~~(A) Wherever any provision of this ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this ordinance shall govern.~~

~~(B) Wherever any provision of this ordinance conflicts with any other provision of this ordinance, the ordinance provision that imposes more stringent requirements, regulations, restrictions or limitations shall govern.~~

(A) Interpretation.

(1) In the interpretation and application of the ULDC all standards, criteria and requirements shall be liberally construed in favor of the purposes and goals of the City of Margate and deemed neither to limit nor repeal any other lawful regulatory powers of the city.

(2) Where this Code conflicts with or overlaps other regulations, whichever imposes the more stringent restrictions shall prevail.

(3) In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria or any other provision of this ULDC, the director of development services shall be responsible for interpretation. The director shall rely upon the policies adopted or amended in the comprehensive plan in making any such interpretation.

(B) Abrogation. This ULDC is not intended to repeal, abrogate or interfere with any existing easements, covenants or deed restrictions duly recorded in the public records of Broward County. The ULDC is not intended to repeal any lawful approval by official city action of any site plan planned unit development or subdivision.

Section 3.2. Scope.

No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered and maintained, and no existing use, new or change of use of any building, structure, or land or part thereof shall be made or continued, except in conformity with the provisions of this ordinance.

(Ord. No. 1500.00, § 3.2, 10-25-1967)

Section 3.3. Representations in granting of permits.

Any representation made before any city board, any administrative board, or the city commission in the application for a variance, special exception, conditional use or request for any other permit shall be deemed a condition of the granting of the permit. Should any representation be false or should said representation not be continued as represented, same shall be deemed a violation of the permit and a violation of this section.

Section 3.4. Reserved.

Section 3.5. Uncompleted structures.

No building or structure not completed in substantial conformity with places and specifications upon which the building permit for its construction was issued, shall be maintained, or be permitted to remain, unfinished for more than six (6) months after active construction operations have been suspended or abandoned.

(Ord. No. 1500.00, § 3.5, 10-25-1967)

Section 3.6. Time limit.

Where ~~the~~theB~~-~~board of ~~adjustmentsa~~Adjustments has approved or granted a special exception or variance pursuant to the terms of the zoning ordinance, such approval or grant shall become null and void unless a permit pursuant thereto is issued within ~~one hundred eighty (180) calendar days~~one year of the date of such action by the B~~b~~oard of A~~a~~djustment.

(Ord. No. 1500.00, § 3.6, 10-25-1967; Ord. No. 1500.207, § 1, 6-17-1981)

Section 3.7. Errors and violations.

(A) The issuance or granting of a permit or approval of plans and/or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this ordinance. No permit presuming to give the authority to violate or cancel the provisions of this ordinance shall be valid except insofar as the work or use which it authorizes is lawful.

(B) The issuance of a permit upon plans and specifications shall not prevent the enforcing officer from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of this ordinance, or any regulations of the City of Margate.

Section 3.8. Existing platted lots.

Where such conditions exist in present platted and recorded areas that strict conformance with ~~plot~~lot width, depth, or area or yard requirements cause unnecessary difficulty in the practical utilization of a corner or an interior ~~plot~~lot, the board of adjustment may make such alterations or deviations in the application of these requirements, as will in its judgments, permit the reasonable development and use of a specified ~~plot~~lot in such a manner as to carry out the spirit and purpose of this ordinance.

Section 3.9. Prohibited residences.

(A) No boat~~, or~~ vessel, automobile or other vehicle shall be used or maintained for sleeping or living purposes or as a place of residence within the city.

(B) No tent shall be erected, used or maintained for living quarters except for permitted camping or recreational activities.

(C) No trailer, camper, recreational vehicle ~~RV~~ or mobile home shall be used or maintained ~~for living quarters~~as a residence unless same are validly in or a part of any properly zoned ~~trailer~~ mobile home park or area designated for ~~camping or recreational activities~~such residential use, and only if such vehicle is permanently connected to local utilities.

It shall be determined that a camper, recreational vehicle, or trailer is being used as a residence if it is observed to have water, sewer, or electric services connected, slides extended, or stabilized.

~~However, Class A recreational vehicles may be utilized as living quarters on property where sales of lots are being promoted for a recreational vehicle park during the time that a comp plan or zoning is validly pending before the City Commission for said recreational vehicle park. No more than twenty (20) recreational vehicles may be parked on the property. No one vehicle may be parked for more than one (1) twenty-four-hour period.~~

(D) The city manager may, upon receipt of a written request, exempt trailers, campers or mobile homes utilized for habitation where it has been determined that same is necessary for the preservation of life, health or public safety, at the site of any single-family residence determined to be uninhabitable or in conjunction with any circus, carnival or temporary amusement center if said circus, carnival or temporary amusement center is properly permitted and the habitation to be utilized therein does not endanger the health or safety of the individuals residing therein. Only one (1) trailer, camper or mobile home shall be permitted on a single-family residential property, and must be located on the same property as that residence deemed uninhabitable. Such exemption shall be valid for a period not to exceed six (6) months. However, one (1) extension for an additional six (6) months may be sought via written request to the city manager. Upon approval of this exemption, all necessary permits shall be obtained from the Margate Building Department.

(E) *Temporary shelter exception.* Pursuant to F.S. 166.0335, following the declaration of a state of emergency issued by the Governor for a natural emergency as defined in F.S.252.34(8) as may be amended from time to time during which a permanent residential structure was damaged and rendered uninhabitable, one (1) temporary shelter may be installed on a residential property for up to 36 months after the date of the declaration or until a certificate of occupancy is issued on the permanent residential structure on the property, whichever occurs first, if all of the following circumstances apply:

(1) The resident makes a good faith effort to rebuild or renovate the damaged permanent residential structure, including, but not limited to, applying for a building permit, submitting a plan or design to the municipality, or obtaining a construction loan.

(2) The temporary shelter is connected to water and electric utilities and does not present a threat to health and human safety.

(3) The resident lives in the temporary structure.

(~~E~~F) These provisions shall not apply to recreational vehicles within areas zoned RVRP Recreational Vehicle Resort Park District.

Section 3.10. Abandoned vehicles.

(A) *Abandoned or inoperative vehicles; storage of vehicles; unlawful.* It is hereby declared unlawful and a nuisance to the general public to leave any abandoned or inoperative vehicle, as defined in Section 2.2 or 40.16 of the Zoning Code of the City of Margate, or any parts thereof, in the public streets, alleys, or rights-of-way or upon any private property. It is hereby prohibited for any owner or person in control of any vehicle or part thereof to leave same abandoned or inoperative upon the public streets, alleys, or rights-of-way or upon any other public or private property within the City of Margate, or for the owner or person in control of any such vehicle or the owner, occupant, tenant, lessee, person in control, or person in possession of any property to permit or suffer the same to be stored on any privately owned property, unless said vehicle is stored inside a completely enclosed structure or a designated storage area. Any such designated storage area shall be in a B-3, TOC-C, or M-1 district, and enclosed by a eight ~~seven~~(8) -foot concrete block wall stuccoed or precast concrete wall on any side visible from areas outside of the property where it is situated. No storage area or wall surrounding same shall be located in a required setback area.

(1) The above prohibition shall not apply to motor vehicles which are offered for sale in a lot or space specifically designated and zoned for the sale of new or used vehicles where adequate space has been provided for same and a Local Business Tax Receipt has been issued by the City of Margate.

(2) The above prohibition shall not apply to motor vehicles which are parked on private property zoned for vehicle repair while said vehicles are temporarily and actively being repaired by a business or concern which has been issued a Local Business Tax Receipt by the City of Margate provided they are in an area not visible from any roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways. ~~.~~

(B) *Removal; notice to owner.*

(1) Whenever a police officer or code enforcement officer of the City of Margate shall ascertain that an inoperative vehicle or an unlawfully stored vehicle, as provided in the zoning code, is present on public or private property, ~~he/she~~ they shall cause a notice to be placed upon or immediately adjacent to such vehicle. Such notice shall be substantially in the following form:

TO THE OWNER OR PERSON RESPONSIBLE: This vehicle located at (briefly describe location) is improperly stored and must be removed within five (5) ~~working~~ business days. You have the right to a hearing before the City Manager or ~~his~~ their designee for the purpose of showing cause why this vehicle should not be removed or disposed of. You must request a hearing not later than five (5) ~~working~~ business days from this date. If you do not request a hearing within such time or if you do not show good cause, the City will remove and dispose of the vehicle. You, as owner or the person responsible for the vehicle, will be liable for the cost of removal and disposition.

Dated this ___ day of _____, 20___. Signed (set forth name, title, address and telephone number of officer.)

(2) The City Manager or ~~his~~ their designee shall hold an informal hearing at the request of any person or entity claiming an interest in the posted vehicle within five (5) ~~working~~ business days following the request, or at such later date as the City Manager or ~~his~~ their designee shall determine, and where such request for a hearing has been received by the City within five (5) ~~working~~ business days following

the posting of notice, the vehicle shall not be removed by the City prior to the expiration of two (2) ~~working~~ business days immediately following the hearing if the vehicle is determined to be inoperative. The purpose of such hearing is to provide an opportunity for the owner, or person or entity responsible for the vehicle to demonstrate that, in fact, the subject vehicle is not inoperative or unlawfully stored. Failure to request a hearing or failure to attend a scheduled hearing shall constitute a waiver of the right to a hearing and consent to the removal and disposition of the vehicle as inoperative. If a hearing is waived or if it is determined at or following a hearing that the subject vehicle is an operative vehicle, following a two (2) day period as above provided, the vehicle shall be removed by the City as soon as practicable, and shall be destroyed or otherwise disposed of.

(3) Where a police officer or code enforcement officer of the City of Margate has cause to place a notice, as provided in subsection (A) above, on a vehicle and the vehicle has been removed and thereafter the vehicle reappears either as an inoperative vehicle or unlawfully stored vehicle within a three-month period, he/she shall cause a notice to be placed upon or immediately adjacent to such vehicle. Such notice shall be substantially in the following form:

TO THE OWNER OR PERSON RESPONSIBLE: This vehicle located at (briefly describe location) is improperly stored and must be removed within twelve (12) hours. You have the right to a hearing before the City M~~m~~anager or ~~his~~ their designee for the purpose of showing cause why this vehicle should not be removed or disposed of. You must request a hearing not later than twelve (12) hours from this date and time. If you do not request a hearing within such time or if you do not show good cause, the City will remove and dispose of the vehicle. You, as owner or the person responsible for the vehicle, will be liable for the cost of removal and disposition.

Dated this ___ day of _____, 20 ___. Signed (set forth name, title, address and telephone number of officer.)

The City Manager or ~~his~~ their designee shall hold an informal hearing at the request of any person or entity claiming an interest in the posted vehicle within two (2) ~~working~~ business days following the request, or at such later date as the City Manager or ~~his~~ their designee shall determine. The purpose of such hearing is to provide an opportunity for the owner, or person or entity responsible for the vehicle to demonstrate that, in fact, the subject vehicle is not inoperative or unlawfully stored. Failure to request a hearing or failure to attend a scheduled hearing shall constitute a waiver of the right to a hearing and consent to the removal and disposition of the vehicle as inoperative. If a hearing is waived or if it is determined at or following a hearing that the subject vehicle is an operative vehicle, the vehicle shall be removed by the City as soon as practicable, and shall be destroyed or otherwise disposed of.

(4) In respect to any vehicle removed and disposed of by the City, an administrative charge of ~~twenty-five dollars (~~$25.00~~)~~ shall be made, in addition to any cost actually incurred by the City, which charge shall be payable by the registered owner of the vehicle or any other person responsible for the vehicle. A bill shall be sent to such person's last known address by certified mail, return receipt requested, and any charge remaining unpaid after thirty (30) calendar days from receipt of the bill shall constitute a debt subject to collection by legal process. In addition, such unpaid charges shall constitute a lien against the private real property from which the vehicle was removed upon ten (10) calendar days' notice to the owner of said property to pay the bill for removal of the vehicle. The liens provided herein shall be prior to all other liens on such lands liened except for those for state, county, municipal or other governmental taxes. That upon an action for foreclosure, the City shall receive all costs including reasonable attorney's fees.

Interest from the date of removal shall be calculated and charged at the rate provided for in F.S. § 170.09, as amended.

Section 3.11. Subdivision resurvey required.

After [insert adoption date] ~~N~~no ~~When any lot~~lot, tract, or other parcel of land, however designated, which is part of a subdivision recorded in the official records of Broward County after May 30, 1955, and which has been approved by the ~~c~~City ~~c~~Commission of the City of Margate may be ~~, is~~ further subdivided or resubdivided without approval of a subdivision resurvey.~~for the purpose of development,~~ A development permit shall not be issued on any property that has been further subdivided or resubdivided without the City Commission's approval. In no instance shall approval be granted to a parcel that does not comply with all minimum Code requirements due to an unauthorized subdivision or resubdivision by sale or deed transfer of any type. ~~t~~The following requirements shall be met for the approval of a subdivision resurvey~~prior to the issuance of a development permit~~:

(1) A survey of the subject property, containing all of the applicable information required by Section 31-18 of this Code, shall be prepared by a registered engineer or surveyor.

(2) The proposed parcel(s) shall meet the requirements of Section 31-19(A) through (E) and Section 5.5 – Irregular lots, as may be applicable ~~and the minimum lot size required by the zoning district in which the parcel is located.~~ ~~of this Code as determined by the city commission~~.

(3) Any land within the parcel that is necessary to comply with the Margate trafficways plan shall be conveyed to the public by deed or grant of easement.

(4) The developer shall submit to the city clerk a performance bond for subdivision improvements and inspection fees as required by Section 16.3 of this appendix.

(5) The developer shall file a reproducible copy of the instrument with the city clerk with payment of filing fee of ~~one hundred dollars ($100.00)~~ as specified in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate and all recording fees.

~~(6) An Engineering Permit is required if new water and sanitary service connections will be provided.~~

The above requirements shall not apply in cases where part of one (1) single-family lot is added to another in order to increase a building site, provided no parcel remains which has less width or depth or contains less area than the minimum established for the district in which it is located.

Section 3.12. Double frontage.

Where a ~~plot~~lot is bounded on two (2) opposite sides by streets, front yards, when required, shall be provided on both streets and accessory buildings or structure shall not be located in either front yard. A setback on a one or two family residential property that faces a road right-of-way that is not entitled to legal access shall be considered the rear yard.

Section 3.13. Use of premises without buildings.

Where a ~~plot~~lot is to be occupied for a permitted use without buildings, the side yards and front yard required for such ~~plot~~lot shall be provided and maintained unless otherwise stipulated in this ordinance, except that side yards and rear yards shall not be required on ~~plot~~lots used for private garden purposes without buildings or structures nor on ~~plot~~lots used for public recreational areas.

Section 3.14. Construction of swimming pools, ~~fences,~~ walls, fences ~~and/or hedges~~.

~~The following shall govern with regard to the construction of fences, walls and/or hedges within the City of Margate:~~

(A) *Swimming Pools.* All swimming pools in all districts shall be constructed in accordance with the following regulations with the exception of any standards approved with a Planned Unit Development or in the Planned Residential Community District.

(1) Swimming pools enclosed only with oOpen mesh screening may be placed in a required side or rear yard subject to the limitations below, but shall not be placed in a required front or street side yard. A screen enclosure is permitted according to these regulations whether or not it is being used to screen a swimming pool.

(2) Any screen enclosure part of a pool which has a is covered by a roof or enclosed by side walls over five (5) feet in height shall be subject to the limitations on location of a building and shall not be placed in any required yard.

(3) Swimming pools shall not be located less than seven and one-half (7½) feet from any side and five (5) feet from rear plotlot line, measured from the pool structure, providing that no pool or pool enclosure shall be placed within a utility or drainage easement, or closer than five (5) feet to any waterway or seawall. canal retaining wall, or waterway if no such retaining wall exists.

(4) No swimming pool final inspection and approval shall be given by the building department unless there has been erected a safety barrier as hereinafter provided. No pool shall be filled with water unless a final inspection has been made and approved, except for testing purposes as may be approved by the building department.

(5)

(4) All pools shall be surrounded by a The safety barrierbarrier that shall take the form of one (1) of the following: A screened-in patio, or an approved wall or fence materiala wooden fence, a wire fence, a rock wall, a concrete block wall, or other suitable materials.

(6)(5) The safety barrier shall be erected either around the swimming pool or around the premises on which the swimming pool is erected, provided the minimum setbacks as required in this section are met. In either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area. Barriers on a frontage abutting a navigable waterway shall be in compliance with the Florida Building Code as may be amended periodically.

(7)(6) Gates shall will be equipped with a positive lock so that they shall automatically be in a closed and fastened position at all times, and said lock will be at a minimum height per the Florida Building Code as may be amended periodically.

(8)(7) Before any work is commenced, permits shall be secured for all swimming pools and for the safety barriers. Plans shall contain all details necessary to show compliance with the terms and conditions of this ordinance. No swimming pool permit shall be issued unless, simultaneously therewith, a permit is secured for the erection of the required safety barrier. If the premises are already enclosed, as hereinbefore provided, permit for the safety barrier shall not be required, if, upon inspection of the premises, the existing barrier and gates are proven to be satisfactory. All swimming pools in existence on the effective date of this section must conform to the provisions hereof within one (1) year.

(9)(8) It shall be the responsibility of the owner and/or occupant of the premises upon which the swimming pool has been constructed or is hereafter erected to install and maintain and keep in proper and safe condition with the safety barrier required and erected in accordance with this section.

(10) All wood, plastic or vinyl enclosures shall conform to the wind-code requirements of the Florida Building Code.

(11) Sheet metal of any kind is prohibited for use as an enclosure.

~~(12)~~(9) Swimming pools constructed above ground ~~in excess of forty-eight (48) inches in height~~ shall conform to all ordinances governing in-ground swimming pools.

~~(13) Swimming pools in ground exceeding eight thousand (8,000) gallons shall have a dry well and/or storm drain to be drained into if not located on or near a canal. .~~

(B) *Walls and fences.* All walls and fences shall be constructed in accordance with the following regulations with the exception of any standards or deviations approved with a Planned Unit Development or required by the Planned Residential Community (PRC) District development standards. For the purposes of this section any property containing a mixed-use (horizontal or vertical) shall follow the standards for nonresidential properties.

(1) *Permitted materials.* Aluminum, chain link, concrete block covered with stucco or pre-cast concrete, molded polyethylene composite, polyvinyl chloride (PVC), weather proofed wood, or other material deemed similar by the Development Services Director. Barbed, razor or similar type wire, broken glass, plywood and sheet metal are prohibited.

a. *Chain link exception.* Chain link or other similar style fences shall not be permitted within the Corridor, Gateway, and City Center zoning districts, except when used on a temporary basis to secure an active construction site.

c. *Finished side.* All fences shall have the finished side facing the outside of the property, with the exception that interior fences abutting properties where an existing fence or wall prevents the erection of the fence, in those cases the finished side may face in to the subject property.

d. *Gate operation.* Gates must operate entirely on the property in which they are installed unless there is an easement that allows access to the adjoining property. Gates are prohibited from operating on any right-of-way.

e. *Setback from a right-of-way or access easement.* When any property is developed after the date of the adoption of this Code, any perimeter fence or wall of a development shall be setback a minimum of five (5) feet from any adjacent right-of-way or access easement in an area that is under unified control and ownership. Lots within an existing residential subdivision are exempt from this requirement.

f. *Easements.*

i. When a wall or fence is proposed to be installed in a recorded utility easement the property owner shall provide a notarized affidavit acknowledging that the utility provider will not be responsible in any way for repairs to, or replacement of, any portion of it and that any removal and replacement of this construction necessary for the use of this easement will be done at the property owner's expense. Further understanding that the owner will assume full responsibility for any damage incurred to the utility facilities during the construction.

ii. When a wall or fence is proposed to be installed in a recorded drainage, canal or lake maintenance easement the property owner shall obtain written permission from the applicable easement holder to install the wall or fence.

h. *Subdivision or common development walls or fences.* All subdivision or common development walls and fences shall be constructed in a uniform design, material, pattern and color throughout the length of the same development.

i. Where one (1) or more lots or lots directly abut the public right-of-way, a uniform plan or design for a wall or fence shall be submitted at the time that a site plan is considered, and the area in which is it placed shall be under unified control and ownership.

ii. A subsequent development which abuts the same right-of-way which is unseparated by an intersecting street shall conform to the uniform plan for the wall or fence which had been previously submitted to the development review committee. No certificate of occupancy shall be issued prior to the completion of that portion of the wall or fence which has been approved for the lot where development is to take place.

- Aluminum picket with decorative concrete posts
- Concrete block with stucco
- Molded Polyethylene Composite
- Pre-cast concrete
- PVC
- A combination of the above

iii. Walls and solid fences for a common subdivision or development shall be provided where the backyard abuts the public right-of-way or access easement, setback a minimum of five (5) feet, and the area in which is it placed shall be under unified control and ownership. Walls and fences shall be constructed only where approved by the development review committee.

iv. Existing subdivisions where one (1) or more lots or lots directly abut the public right-of-way, only white PVC fencing may be installed along those lot lines that directly abut the public right-of-way.

-.i All walls and fences shall be maintained in a state of good repair, free of any breaks, discolorations and graffiti and in a safe condition. All wood fences shall have weatherproofing.

(2) *Locations.* All walls and fences shall only be installed in the following locations:

a. *Single-family attached and detached dwellings.*

i. May be installed along any side and rear lot line.

ii. *Front yards.* Prohibited in front yards. For the purposes of this section, the front yard of a home is considered to be the yard where the home has its primary entrance.

- On an irregularly shaped lot, a wall or fence may extend off the front corners of a house so that the wall or fence intersects with the side property line at a 90 degree angle, and in no instance shall it extend further than the wall of the house closest to the front property line.
- In the case of a corner lot, where the primary entrance is angled and faces both streets, the side of the home with the primary driveway shall be considered the front yard.

iii. *Front yard exception.* Walls or fences may be located in a front yard lots on a cul-de-sacs that terminate adjacent to roadways classified by Broward County Trafficways Plan Map as arterial roadways.

iv. *Knee walls or planters boxes exception.* Knee walls or planters boxes not to exceed two and one half (2 ½) feet in height may be constructed to encroach a maximum of five (5) feet in to a front setback.

b. *Multiple family dwellings.*

i. May be installed along any side and rear lot line.

ii. *Front yards.* May be installed with at least 90 percent see through visibility.

c. *Nonresidential properties.*

i. May be installed along any side and rear lot line.

d. *Outdoor recreational areas and parks.*

i. Within the setbacks allowed by the zoning district of the property.

ii. *Exceptions.* Any property owned or operated by the City of Margate or City of Margate CRA is exempt from these provisions.

(3). *Heights.* All walls and fences shall be measured from the grade of the property in which they are located and only installed to the following maximum height limits:

a. *Single-family attached and detached dwellings.*

i. Six (6) feet.

ii. *Nonresidential use exception.* A property developed with a permitted residential use may install a wall or fence to a height not to exceed eight (8) feet along any side or rear property line that is adjacent to or separated by a canal right-of-way less than 80 feet in width, or an alley from a nonresidential use.

b. *Multiple family dwellings.*

i. Four (4) feet in front yards.

ii. Six (6) feet all other allowed locations.

iii. *Nonresidential use exception.* A property developed with a permitted residential use may install a wall or fence to a height not to exceed eight (8) feet along any side or rear property line that is adjacent to or separated by a canal right-of-way less than 80 feet in width, or an alley from a nonresidential use.

c. *Nonresidential properties.*

i. Eight (8) feet.

ii. *Required walls.* When a nonresidential property is developed, redeveloped , or undergoes a substantial improvement as defined by FEMA regulations, that directly abuts or is separated by a canal right-of-way less than 80 feet in width, or an alley with a permitted residential use, concrete block covered with stucco or pre-cast concrete, eight (8) feet in height shall be installed along any side and/ or rear property line facing or abutting the residential use.

iii. C*onnectivity.* No fence or wall shall be erected within the Corridor, Gateway, and City Center district that isolates any property, or otherwise inhibits connectivity and the availability of shared parking, with the exception of residential-only developments.

(4) *Vacant land or abandoned developed properties.* Vacant land or abandoned developed properties may be secured with a fence constructed in the following manner along all property lines:

a. Split rail fence constructed out of wood or polyvinyl chloride (PVC)

i. White in color

ii. No more than three (3) horizontal members

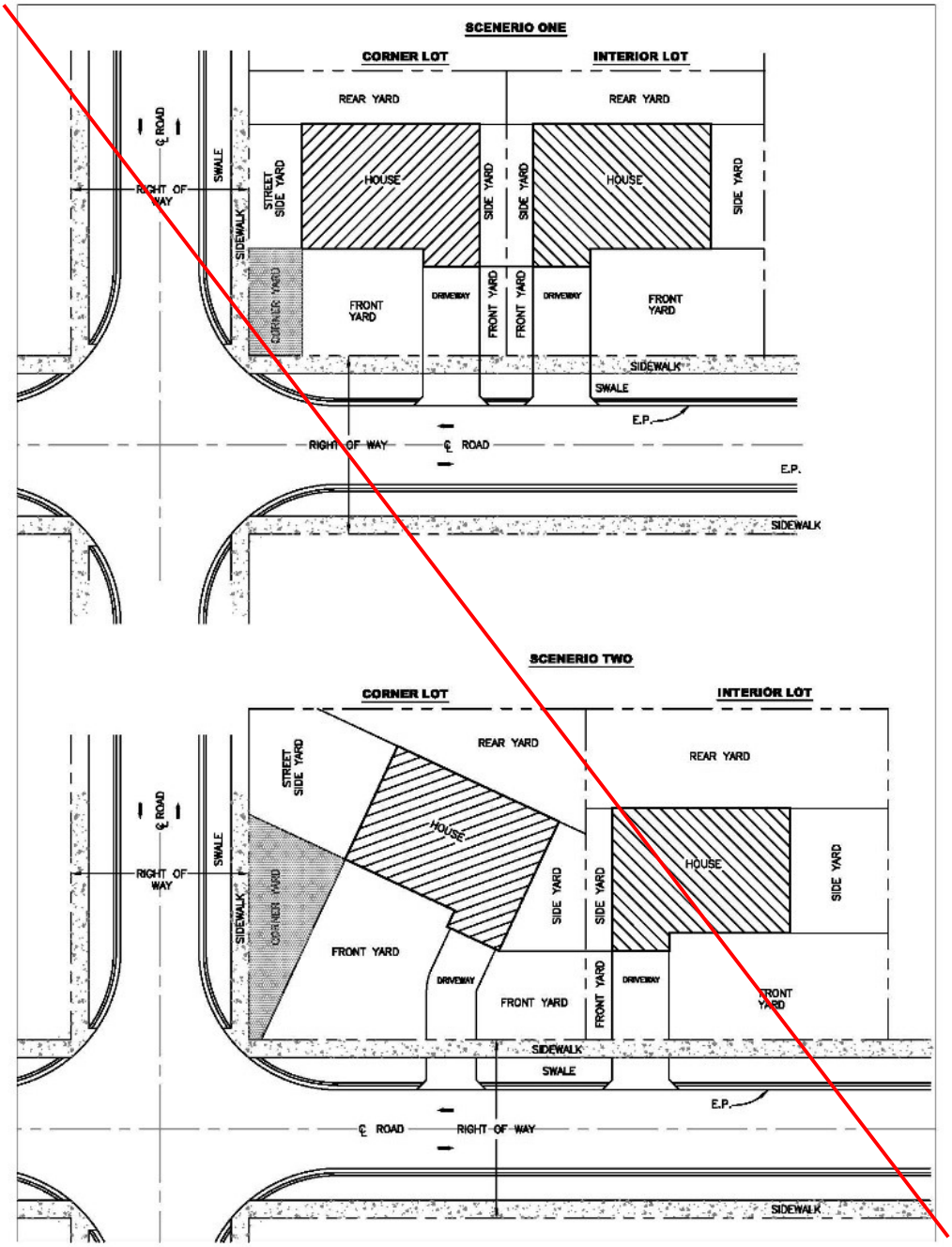
iii. No more than four (4) feet in height above ground level or the level of an existing berm.

b. At driveways, end posts or bollards shall be installed and connected with chain or wire provided any legal access to another property is not blocked.

i. Bollards are to be painted white or safety yellow

~~(14) (A) For all plots of one-family and two-family dwellings, no fences or walls shall be erected or maintained within any front and corner yards. For all plots of single-family detached dwellings and duplex detached dwellings, a fence may be erected and maintained as required by code along any side and rear plot lines or within the required yard setbacks to a height not exceeding six (6) feet. For corner lots defined per section 2.2 as having two front yards, the front yard abutting the rear yard shall be treated as a street side yard for the purposes of erecting a fence.~~

~~Figure 1:~~



~~(1) In side yards not at the corner and rear yards abutting nonresidential property or abutting a right-of-way greater than one hundred (100) feet in width, hedges may be maintained to a height not exceeding ten (10) feet above the established grade.~~

(C) *Hedges and / or shrubs.* Hedges and/or shrubs may be planted and maintained in the following manner unless otherwise prohibited by this Code:

(1) Not to exceed six (6) feet in height along any lot line that is not a front or corner yard.

a. Multiple family dwellings. Not to exceed four (4) feet in height in front yards and corner yards unless at least 90 percent opacity (see-through visibility) is provided.

b. Abutting nonresidential property or abutting a right-of-way greater than 100 feet in width exception. In side yards (not corner yards) and rear yards not to exceed 10 feet.

(2) Shall be placed no closer than two (2) feet within the lot line and shall be maintained no further than the lot line.

(3) *Easements.*

a. When a hedge or shrub is proposed to be installed in a recorded utility easement the property owner shall provide a notarized affidavit acknowledging that the utility provider will not be responsible in any way for repairs to, or replacement of, any portion of it and that any removal and replacement of this construction necessary for the use of this easement will be done at the property owner's expense. Further understanding that the owner will assume full responsibility for any damage incurred to the utility facilities during the construction.

b. When a hedge or a shrub is proposed to be installed in a recorded drainage, canal or lake maintenance easement the property owner shall obtain permission from the applicable provider to install the wall or fence.

~~(B) For all plots of single-family detached dwellings and duplex detached dwellings, hedges and/or shrubs may be planted and maintained along any plot line or within the required yard setbacks to a height not exceeding six (6) feet above the established grade except as follows:~~

~~(1) In side yards not at the corner and rear yards abutting nonresidential property or abutting a right-of-way greater than one hundred (100) feet in width, hedges may be maintained to a height not exceeding ten (10) feet above the established grade.~~

~~(15) For all plots of multiple dwellings, fences, walls and hedges in front and corner yards shall not exceed a height of four (4) feet above the established grade. Any such structure or planting shall provide at least ninety (90) per cent see-through visibility. In side and rear yards, fences, walls and hedges may be erected and maintained to a height not exceeding six (6) feet above the established grade. In yards abutting nonresidential property or abutting a right-of-way greater than one hundred (100) feet in width, hedges may be maintained to a height not exceeding nine (9) feet above the established grade.~~

~~(16) In commercial, mixed use, and industrial districts, no fence or wall shall be erected or maintained in any front yard, except when used on a temporary basis to secure an active construction site. Otherwise, fences and walls may be erected to a height not exceeding seven (7) feet above the established grade. Where nonresidential property directly abuts a residential parcel, only decorative masonry walls shall be permitted on the nonresidential parcel along the common property line. Chain link or other similar style fences shall not be permitted within any TOC zoning district, except when used on a temporary basis to secure an active construction site. No fence or wall shall be erected within any TOC zoning district that isolates any property, or otherwise inhibits connectivity and the availability of shared parking, with the exception of residential-only developments.~~

~~(17) Fences and walls shall be erected up to the plot line. Hedges shall be placed no closer than two (2) feet within the plot line and shall be maintained no further than the plot line. Construction or planting of fences, walls or hedges within any easement of record shall be permitted only when written permission is granted by the applicable departments and/or utility companies. All fences and walls~~

shall be installed so that the structural side of the fence or wall shall face or be visible from the owner's side. Barbed, razor or similar type wire and broken glass is prohibited in all zoning districts.

(18) All walls, fences, barriers, or barricades constructed pursuant to this ordinance or presently existing shall be maintained by the owner of the property in which said walls, fences, barriers or barricades are situate. Walls, fences, barriers or barricades shall be maintained in a state of repair, free of any breaks, discolorations and graffiti and in a safe condition.

(19) All subdivision or common development walls, fences, barriers or barricades shall be constructed in a uniform design, material, pattern and color throughout the length of the same development. Where one (1) or more lots or plots directly abut the public right-of-way, a uniform plan or design for a wall, fence, barrier or barricade shall be submitted at the time that a site plan for the lot or plot is considered.

A subsequent development which abuts the same right-of-way which is unseparated by an intersecting street shall conform to the uniform plan for the wall, fence, barrier or barricade which had been previously submitted to the development review committee. No certificate of occupancy shall be issued prior to the completion of that portion of the wall, fence, barrier or barricade which has been approved for the lot or plot where development is to take place.

The only types of walls, fences, barriers or barricades which may be approved by the development review committee for the above referenced development shall include:

a. A wood fence;

b. A stuccoed wall; or

c. A combination of the above.

Walls, fences, barriers or barricade for a common subdivision or development shall be provided where the backyard abuts the public right-of-way. Walls, fences, barriers or barricades for yards shall be constructed only where approved by the development review committee.

(20) Notwithstanding the above requirements, pursuant to section 31-19, the planning and zoning board may require fences and walls for screening purposes of a height, location and type as may be necessary on new subdivisions and resubdivisions of existing ones.

Section 3.15. Reserved.

Section 3.16. Nuisance.

No person, firm or corporation shall maintain or continue to allow and maintain in any district provided in this ordinance anything which shall in any way be offensive or obnoxious by reason of the emission of odors, gases, dust, smoke, vibration, glare, or noise (including the barking or howling of dogs, or any noise or odors emanating from any animal). Nor shall anything be constructed or maintained that would in any way constitute an eyesore or nuisance to adjacent property owners or residents or the general community and any such conditions allowed to be maintained or constructed are hereby declared a nuisance to the general public.

Section 3.17. Storage on residential property.

No land which is zoned in a residential district shall be used for the storage of any equipment, machines, equipment or machine parts, building materials or construction equipment except when incidental to constructive operations for which a building permit is in effect. However, debris resulting from preparing the ground for building and/or building construction shall be removed and disposed of each week.

Section 3.18. ~~Filling~~ Vehicle fuel stations~~, location regulations and construction requirements; penalty for violation.~~

~~(A) Distances. No plot or [of] ground shall be used for a filling station which is within one thousand (1,000) feet, by direct or airline measurement, of any other plot presently occupied as a filling station.~~

~~(B) *Location of Fuel Pumps.* Fuel pumps at filling stations shall not be located closer than seventeen (17) feet from any street right-of-way line and not less than twelve (12) feet from any property line; except that no fuel pump shall be located within sixty (60) feet of any residentially zoned property.~~

~~(C) *Driveways.* There shall be no more than two (2) driveways for entrance and exit to any filling station for each one hundred (100) feet or major fraction thereof of frontage on any street. Said driveway shall not exceed forty-two (42) feet in width on the said lands, and there shall be a minimum of ten (10) feet of landscaped area between driveways. No driveway shall be located less than ten (10) feet from any property line. No driveway to a filling station shall connect to a local or collector street with a right-of-way width of sixty (60) feet or less.~~

~~(D) *Vehicles Operation.* No public street, alley or sidewalk shall be used for the storage or parking of motor vehicles in connection with the activities of a filling station or repair facility. Short-term off-street parking of a private motor vehicle by owners or operators of a filling station or repair facility shall be permitted.~~

~~(E) *Lighting Fixtures.* Lighting fixtures for illumination of filling stations shall be designed and arranged in order to prevent a direct glare in and upon any residential property.~~

~~(F) *Protective Wall.* There shall be a masonry wall or masonry fence of good quality and decorative design which shall effectively screen against direct view on all property lines of any land area occupied or used as a filling station. Such wall or fence shall be no less than three (3) feet six (6) inches in height, and no more than five (5) feet, and shall be continuous; except that on an alley there may be an opening of three (3) feet kept closed by a substantial gate. Walls or fences shall not be required where the abutting property is not residentially zoned; provided, however, that the proper waste receptacles are maintained, concealing refuse and rubbish from public view.~~

~~(G) *Conditional Use.* Reserved.~~

~~(H) *Penalty for Violation.* Upon conviction of a violation of the provisions of this section, such violator may be fined not to exceed five hundred dollars ($500.00) or imprisonment not to exceed ninety (90) calendar days, or both such fine and imprisonment. Each day that a violation of this section is permitted to exist shall constitute a separate offense.~~

(A) *Purpose.* The following regulations shall apply to facilities which dispense automobile fuel, contain vehicle charging stations, oil, or lubricants to the general public. These regulations are supplemental and in addition to other requirements of the applicable zoning district. In the case of a conflict, the regulations contained herein shall apply.

(B) *Distance separation*. All minimum separation distances shall be measured in the shortest airline distance between nearest property lines.

(1) No vehicle fuel station shall be located within 1,000 feet of any other vehicle fuel station.

(2) No vehicle fuel station shall be located within 100 feet of any residential use.

(C) *Size of lot*.

(1) Minimum width: 100 feet.

(2) Minimum depth: 125 feet.

(D) *Location of fuel dispensers, canopies and other structures*.

(1) Distance from right-of-way for fuel dispenser: Minimum of 35 feet.

(2) Fuel dispenser distance from property line: Minimum of 15 feet.

(3) Fuel dispenser distance from property access point: Minimum of 50 feet.

(4) Distance from right-of-way for canopies: Minimum of 25 feet

(5) All fuel dispensers shall be covered by a canopy.

(6) All fuel dispensers shall have hoses long enough to dispense on either side of a vehicle.

(E) *Building site coverage, pavement and green space.*

(1) Minimum of 25 percent landscaped or pervious area.

(2) Along a road right-of-way: A landscaped strip at least 25 feet in depth.

(3) All impervious area, not used as building foundation, shall be concrete. Asphalt shall not be permitted.

(4) Pavement markings in thermoplastic shall be provided to direct the flow of vehicles throughout the site.

(F) *Access.*

(1) No driveway to a vehicle fueling station may connect to a local road unless the property has both ingress and egress access to an arterial or collector roadway as shown on the Broward County Trafficways Plan.

(2) Maximum width of curbcut: 36 feet.

(3) Minimum width of aisle: 24 feet.

(G) *Lighting.* All lights and lighting shall be so designed and arranged as to not cause a direct glare onto an adjacent right-of-way or property.

(H) *Storage of flammable liquids.*

(1) All gasoline, benzene, diesel fuel, naphtha or other volatile flammable liquids stores incidental to the operation of a service station, shall be kept in underground tanks.

(2) All vents associated with the storage of flammable liquids shall be screened.

(I) *Outdoor display.* No outdoor stacking of any product other than propane is permitted.

Section 3.19. Self-service storage.

(A) Where any structure or site was lawfully developed for the use of self-service storage, said use may continue as originally permitted, subject to the limitations of Article XXXI of this Code (Appendix), and the following:

(1) Self-service storage shall not be a part of any structure devoted to any other permitted use; and

(2) Individual storage units or private postal boxes in a self-service storage shall not be considered a premises for the purpose of assigning a legal address in order to obtain a local business tax receipt to do business.

Section 3.20. Sheds, storage buildings, and temporary storage containers in residential areas.

(a) *Sheds and storage buildings.*

(1) Twenty-four-inch side and rear setbacks. Structures shall not be permitted in any front or street side yard, or recorded easement.

(2) All single-family and duplex residential ~~plot~~lots shall be limited to two (2) sheds and/or storage buildings per unit not to exceed a cumulative maximum size of ~~one hundred forty-four (~~144~~)~~ square feet per unit.

(3) All multi-family residential developments shall be limited to two (2) sheds and/or storage buildings not to exceed a cumulative maximum size of 800 square feet, and no single shed and/or storage building shall exceed a dimension of 40 feet in length and 10 feet in width.

~~(3)~~(4) Not to exceed eight and one-half (8½) feet in height.

~~(4)~~(5) All sheds require a building permit from the Margate Building Department and shall be subject to the requirements of the most recently adopted version of the Florida Building Code at the time of permitting.

~~(5) Sheds and storage buildings are considered as accessory structures.~~

(b) *Temporary storage containers.* The following regulations are applicable to temporary storage containers:

(1) Shall only be permitted in front yards, on a paved driveway, permitted by the ~~Margate Building~~ Department of Building and Code Services. Any vehicle(s) normally parked at a residence which may become displaced due to a permitted temporary storage container shall find another means to be lawfully parked.

(2) Shall not be placed on any portion of any street, sidewalk, or swale.

(3) Single-family detached dwellings, duplex dwellings, villas, and townhouses shall be limited to a maximum of one (1) temporary storage container at a given residence at any time.

(4) In order to be granted a permit, residents who live within a homeowner's association or condo association must submit written approval of the portable storage container from their association.

(5) The temporary storage container must be removed within ~~seventy-two (~~72~~)~~ hours of ~~BCEOC~~ Department of Building and Code Services having declared the threat of landfall of a hurricane or immediately upon the issuance of a flood warning notification.

(6) The temporary storage container is permitted twice a year only and shall remain a maximum of ~~fifteen (~~15~~)~~ calendar days per application.

Section 3.21. Home occupations.

(A) Home occupations, where permitted, shall be subject to following conditions and use standards:

(1) ~~Only a legal resident of the subject dwelling of a home occupation shall be permitted to be an owner or employee of said home occupation.~~ The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two (2) employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.

(2) Any home occupation shall be incidental and subordinate to the use of the dwelling for residential purposes, and shall not change the character of the dwelling.

(3) The home occupation shall not occupy more than ~~twenty-five (~~25~~) per cent~~ percent of the floor area of the dwelling.

(4) There shall be no advertising display.

(5) There shall be no outdoor storage or display of any materials, products, or equipment associated with the home occupation.

(6) The home occupation shall not involve the use of any accessory building or yard space, or activity outside of the main building not normally associated with a residential use.

(7) There shall not be conducted on the premises the business of selling stock of merchandise, supplies, or products, however orders previously made by telephone, internet, or at a sales party may be filled on the premises. That is, the direct sale of products off display shelves or racks is not allowed.

(8) ~~The home occupation shall not generate or attract more than three (3) vehicular or pedestrian trips per day to the subject dwelling.~~ The need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted.

(9) The home occupation shall not cause any external effect, such as increased noise, excessive lighting, or offensive odor, which is incompatible with the characteristics of a residential zone.

(10) Cottage food operations, as defined in F.S. §~~-~~500.03, are permitted as a valid home occupation when operated in accordance with F.S. §~~-~~500.80 and the preceding provisions.

(11) As viewed from the street, the use of the residential property shall be consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood.

Section 3.22. Alcoholic beverages.

(I) *Definitions.*

(A) The terms, words and phrases used in this chapter shall be defined as those words, terms and phrases are defined in the alcoholic beverage law of the State of Florida, known as Chapters 561, 562, 563, 564, 565, 567 and 568, Florida Statutes, as ~~amended~~ may be amended from time to time.

(B) The term "license" as used in this chapter shall be defined as the city approval as is required by the rules and regulations of the state beverage department.

(II) *State beverage law adopted by reference; enforcement authority of city police.*

(A) The provisions of Chapters 561, 562, 563, 564, 565, 567, and 568, Florida Statutes as may be amended from time to time, relating to alcoholic beverages, except those sections thereof which are by their nature inapplicable to municipalities, are hereby adopted as a part of this Code as fully as if set forth herein in full.

(B) The city police department shall be charged with the duty of enforcing the provisions hereof and shall be vested with such power and authority as necessary in enforcing the beverage laws of the city and state in carrying out their duties hereunder.

(III) *Public consumption, possession, prohibited.*

(A) (1) It shall be unlawful for any person to drink or consume alcoholic beverages, or have in his/her possession any open container containing alcoholic beverages, including liquor, beer, or wine, in any commercial establishment as defined by state law, on any public street, in any public park, in any public or quasi-public parking lot, or in any other public place, unless such place is licensed by the State of Florida for the sale of alcoholic beverages.

(2) For temporary City or Community Redevelopment Agency events, temporary uses, or outdoor promotional events approved by the City Commission or Development Services Department in accordance with the criteria contained in Section 3.24, outdoor sales and/or consumption of alcoholic beverages shall be permitted where:

(a) The sale and/or consumption of alcoholic beverages in a designated outdoor area is approved by the City Commission or the Development Services Department; and

(b) A license from the State of Florida for such temporary event has been obtained.

(3) This section shall not be construed to permit drinking or consumption of any of the beverages listed herein in public parking lots or in any other public place wherein adjacent stores may be licensed by the City for the sale of alcoholic beverages.

(B) For this section, the definition of quasi-public shall be that private property where a private owner permits the general and common use of a street or way by the public such as parking lots, shopping centers, and those areas where the public is deemed to be invited. Quasi-public shall also include those portions of private property which are parking lots, streets, or common areas of apartment buildings, condominiums, mobile home parks, and like organizations, where the private owner or organization in control of said areas has requested from the City in writing that this section be enforced.

(C) Those outdoor portions of any established golf course of which access is limited to only patrons who have paid the appropriate admission fees shall be considered private property and therefore exempt from the prohibitions of this section. The sale and consumption of alcoholic beverages shall be permitted in these areas upon approval of the City Commission.

(IV) *Exemption of vendors, etc., from city alcoholic beverage license tax.* All vendors, distributors, manufacturers, [and] exporters of alcoholic beverages, as well as clubs and caterers, shall be exempt from the payment of a City alcoholic beverage license tax; provided, this exemption shall not affect the levy of any Local Business Tax Receipt or other City license authorized by state law.

(V) *Authority of administration.* The Director of Development Services, or designee, is hereby authorized and directed to execute approvals for applicants for various types of beverage licenses pursuant to the provisions of this section.

(VI) *Reserved.*

(VII) *Reserved.*

(VIII) *Distance restrictions.* The Cc~~c~~ity does not require a minimum separation from establishments licensed to sell or serve alcohol.

(IX) *Reserved.*

(X) *Persons to whom sale prohibited.* No person licensed under the provisions of this section or of state law shall give, sell, deliver, serve or permit to be served any alcoholic beverages or liquors, including wines or beers, as follows:

(1) To any person less than ~~twenty-one (~~21~~)~~ years of age, actually or apparently.

(2) To any person who is intoxicated.

(XI) *Hours.*

(A) *Generally.* No vendor of alcoholic beverages shall sell or offer for sale or deliver or serve or permit to be consumed upon the premises of such vendor any alcoholic beverage of any kind regardless of alcoholic content during the hours specified herein.

(1) *Sales or services for on-premises consumption:* The sale or serving of alcoholic beverages for consumption on the premises shall be unlawful between the hours of 2:00 a.m. and 8:00 a.m. Monday through Saturday, and between the hours of 2:00 a.m. and 11:00 a.m. on Sundays, unless a special permit for extended hours has been issued by the City.

(a) As an exception to the above limitations of hours, the sale or serving of alcoholic beverages for consumption on the premises shall be permitted between 2:00 a.m. and 4:00 a.m. on the following specified dates of any given year without the need of acquiring a special permit for extended hours permit:

(i) January 1.

(ii) March 18.

(iii) May 6.

(iv) July 5.

(v) December 25.

(vi) December 26.

(b) No person, vendor or distributor of any place of business licensed under the provisions of this section or by the State of Florida, or any employee thereof, shall permit any person who is not a proprietor, licensed vendor or employee thereof to remain on the licensed premises beyond the legally authorized closing hour; provided however, if said premises are divided so that the portion of said premises where alcoholic beverages are kept, stored or dispensed is segregated by partition and locked doors after the legal hour, then such prohibition shall not apply.

(2) *Sales for off-premises consumption:* The sale of alcoholic beverages for consumption off the premises, including delivery service, shall be unlawful between the hours of 12:00 midnight and 7:00 a.m., seven days a week.

(B) *Special permits for extended hours.* The privilege to sell, serve or permit the consumption of alcoholic beverages at any commercial establishment between the hours of 2:00 a.m. and 4:00 a.m. is hereby declared to be a privilege subject to termination by the City Manager, and no person may reasonably rely on the continuance of said privilege. Any establishment which has not been granted or been approved for renewal of an extended hours permit by the City Manager may not operate beyond the hours provided in subsection (A) above. Any person or business entity which sells or serves alcoholic beverages for consumption on the premises may apply for a special permit for extended hours.

Presumption. The presence of any alcoholic beverage not within an unopened container, along with individuals who are not employees, within an establishment serving alcoholic beverages after closing hour shall be presumed the unlawful sale or service of alcoholic beverages after permitted hours.

(1) *Vendors.* A special permit granted to a vendor of alcoholic beverages shall permit said vendor to sell, serve and allow consumption of alcoholic beverages on the premises.

The hours of sale of alcoholic beverages consumed or served on the premises where a state liquor license for consumption on the premises has been approved, if a special permit pursuant to this section has been approved, are as follows:

(a) Tier 1 Special permit for extended hours for weekends only:

(i) From 2:00 a.m. until 4:00 a.m. on Saturday and Sunday;

(b) Tier 2 Special permit for extended hours seven (7) days a week:

(i) From 2:00 a.m. until 4:00 a.m., Monday through Sunday;

Extended hours shall not be permitted for sale at retail as package goods or for any other reason than consumption on the premises.

(C) *Approval process and criteria for special permit for extended hours permit.* The following criteria for granting, applying and renewing a special permit for extended hours:

(1) *Criteria for granting.* Each special permit for extended hours shall expire on September 30 of each year or upon the change in ownership or location of any permitted establishment. All applications shall be filed with the Development Services Department, on forms provided by same.

All applications for transfer of ownership or location shall be deemed initial applications. However, applications for transfer of ownership or locations shall be automatically approved for a temporary period of ~~thirty-five (~~35~~)~~ days from the date of either the initial opening of an establishment serving alcoholic beverages or date transfer of ownership or location occurs.

At the end of the ~~thirty-five (~~35~~)~~ days proceeding, establishments shall be prohibited from serving alcoholic beverages except by permission of the City Manager pursuant to subsections (XI)(B).

The City Manager may grant or deny such special permits for extended hours.

The criteria which the City Manager shall consider in making a decision whether to grant or deny a special permit for extended hours to an applicant shall be as follows:

(a) The amount of parking demands created by the establishment being considered, especially with regard to the adverse impact on adjacent residential areas or any illegal or hazardous parking.

(b) The amount and degree of law and code enforcement activities being generated by the establishment being considered, both inside and outside the location, with emphasis on vandalism, noise, vehicular use by patrons and illegal activity of any kind by employees (including municipal violations), patrons and others associated with the establishment during and immediately after the hours of operation.

(c) The adverse effect, if any, that the establishment will have on the neighboring properties, especially with respect to the effects of noise, parking, glare from headlights or exterior lighting on neighborhood residential properties.

(d) That an establishment be wholly enclosed, soundproofed and air conditioned, and any windows, doors or other openings kept closed except for normal and emergency ingress and egress, in order that noise and music emanating therefrom will not disturb the peace and quiet of the neighborhood.

(i) As an exception to this criteria, approved walkway cafes are not required to be fully enclosed.

(e) Those criteria specified in the City Code.

(f) Conformance with property maintenance standards and municipal codes directly related to the establishment requesting extended hours.

(2) *Applications.* Any person, vendor or place of business which has been regularly licensed by the State of Florida to sell and dispense alcoholic beverages may apply for a special permit for extended hours. Any person, vendor or place of business desiring a special permit for extended hours shall file with the Development Services Department an electronic or printed application forms provided by the City. Such application, among other things, shall state the location where such business is to be conducted; the name of the applicant together with the names of the individuals operating a business under their own or under a trade name; the names of all the officers or members of the firms engaged in any such business; the names of all individuals or business entities owning five (5) ~~per cent~~percent or more of the assets of a business (excluding publicly owned corporations); the type of business license issued by the State of Florida and the number thereof. The applicant shall also furnish such other information as may be deemed reasonable by the City and shall pay the application fee, established by resolution of the City Commission. No application may be deemed completed until the requirements of this paragraph are met.

The Police Department shall review and forward each completed application to the City Manager with a recommendation based on the criteria provided above. The City Manager may require, as a condition of the privilege of extending hours of operation, compliance with any reasonable conditions deemed by the City Manager to be necessary to mitigate or eliminate the adverse effects of such extended hours. These conditions may include, without being limited to, provision by the owner or operator of the premises to provide at ~~his~~ their expense additional off-street parking, security personnel, off-duty police personnel, screening and buffering from nearby properties. The City Manager may also require a cash bond in an amount ~~he/she~~they deem~~s~~ appropriate. The maximum bond amount that can be levied shall be established by resolution of the City Commission. No bond as provided herein will be forfeited unless the City Manager has determined that the conditions which have been required have not been performed.

The granting of a special permit to a particular licensee has been and continues to be a privilege subject to modification or termination by the City Manager each year at renewal time, and no person may reasonably rely on a continuation of that privilege.

The licensee shall be deemed the owner of an establishment for which application has been made and any transfer of ownership or location shall necessitate a new application to be made pursuant to this section. Should an establishment owned by an entity transfer five (5) ~~per cent~~percent or more of its assets, said transfer shall be deemed to be a transfer of ownership, pursuant to this section.

(3) *Renewals.* The renewal of any special permit shall be determined by the City Manager in the manner specified in subsection (2) above. Applications shall be received by July 15 of each year. Completed applications for renewal which are not received by the Development Services Department by July 15 of each year shall be subject to a late fee, established by resolution of the City Commission.

If prior to renewal time the city administration determines that any licensee has either violated a condition of renewal or is operating in a manner harmful to the public health, safety or welfare based upon the criteria specified in subsection (2) above, the City Manager may revoke the special permit issued. Written notice of the charges against the licensee shall be sent to the special permit holder. The permit holder shall have not more than 30 calendar days to send a written response those charges.

After consideration of the matter and allowing the licensee to respond to charges, the City Manager may revoke, modify or condition the special permit. The criteria to be used by the City Manager in such matters shall be the criteria specified in subsection (2) above. Should the license

or privilege be revoked, conditioned or modified, the licensee may seek review of such action, after three (3) months, before the City Manager. The City Manager may then modify or refuse to modify his/her action. Only one (1) such review shall be given within a twelve-month period.

No person, vendor or distributor of any place of business licensed under the provisions of this section or by the State of Florida, or any employee thereof, shall permit any person who is not a proprietor, licensed vendor or employee thereof to remain on the licensed premises beyond the legally authorized closing hour; provided however, if said premises are divided so that the portion of said premises where alcoholic beverages are kept, stored or dispensed is segregated by partition and locked doors after the legal hour, then such prohibition shall not apply.

(XII) *Reserved.*

(XIII) *Violations declared, prohibited; penalty.* It shall be unlawful for any person, firm or corporation to violate any of the provisions of this section or the state beverage laws incorporated herein; and said violation is declared to be a misdemeanor of the second degree, punishable as otherwise provided in the Florida Statutes.

(XIV) *Right of commission to recommend revocation and suspension of state licenses to state beverage department.* The City Commission retains the right to recommend to the state beverage department the revocation or suspension of any license upon cause appearing to the violation by any licensee of any of the laws of the State of Florida or of the United States or of any of the provisions of this section or ordinances of the City or of his maintaining a nuisance or unsanitary premises, disorderly conduct on the premises where such beverage business is conducted, or permitting loud and boisterous noises to be made or loud and disturbing music to be played on said premises.

(XV) *Exceptions to section provisions.* The following exceptions are made from the terms of this section or subsections as referred to:

(1) Vendors holding licenses for off-premises sales of beer or malt beverages, wine, fortified wine or beverages made of fresh fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added, including all sparkling wines, champagnes, combinations of the aforesaid beverages, vermouths and like products, shall not be subject to the distance restrictions contained in subsection (VIII) of this section.

The exemption from distance regulations granted by this subsection shall not, however, permit the issuance of alcoholic beverage licenses to those persons or places or establishments excepted, where said establishment is located in a zoning district as defined in the zoning classification ordinances of the city, unless said establishment qualifies as a previously existing nonconforming use in that district.

(XVI) *[Bottle clubs].*Bottle clubs, as defined in Florida Statute 561.01 as may be amended from time to time, are prohibited within the City of Margate.

(XVII) *Prohibition of minors.*

(1) Definitions.

Establishment whose primary business is the sale and consumption of alcoholic beverages: A business where consumption of alcoholic beverages on the premises is permitted and where the sale of alcoholic beverages amounts to fifty (50) ~~per cent~~percent or more of the gross receipts of the business in any given month.

Adult: An individual over the age of ~~twenty-one (~~21~~)~~ years.

Minor: An individual under the age of ~~twenty-one (~~21~~)~~ years.

(2) Minors unaccompanied by an adult are prohibited from entering establishments whose primary business is the sale and consumption of alcoholic beverages.

(3) In establishments whose primary business is not for the sale and consumption of alcoholic beverages, but where an area has been set aside or separated for the sale of alcoholic beverages, minors are prohibited from entering said area unless accompanied by an adult.

(XVIII) *Nuisance abatement related to establishments serving alcoholic beverages.*

(1) Any place or premises serving alcoholic beverages pursuant to this chapter [appendix] may be declared to be a public nuisance, and such nuisance may be abated pursuant to the procedures provided in this section. The violations constituting a nuisance are as follows:

(a) On more than two (2) occasions within a six-month period as a site of a violation of F.S. § 796.07;

(b) On more than two (2) occasions within a six-month period as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;

(c) On one (1) occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one (1) occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;

(d) By a criminal street gang for the purpose of conducting a pattern of criminal street gang activity as defined by [F.S.] § 874.03; or

(e) On more than two (2) occasions within a six-month period as the site of a violation of F.S. § 812.019 relating to dealing in stolen property.

(2) An administrative board composed of the City Commission is hereby empowered to hear complaints regarding nuisances described in subsection (1). The administration of the City may bring a complaint before the City Commission after giving not less than three (3) calendar days' written notice of such complaint to the owner of the place or premises at ~~his or her~~their last known address. After the hearing, in which the Commission may consider any evidence, including evidence of the general reputation of the place or premises, and at which the owner of the premises or place shall have an opportunity to present evidence in his or her defense, the Commission may declare the place or premises to be a public nuisance as described in subsection (1).

(3) If the City Commission declares the place or premises to be a public nuisance, it may enter an order requiring the owner of such place or premises to adopt such procedures as may be appropriate under the circumstances to abate any such nuisance, or it may enter an order immediately prohibiting:

(a) The maintaining of the nuisance;

(b) The operating or maintaining of the place or premises, including the closure of the place or premises; or any part thereof; or

(c) The conduct, operation or maintenance of any business or activity on the premises which is conductive to such nuisance.

(4) An order entered under subsection (3) shall expire after one (1) year or at such earlier time as is stated in the order.

(5) An order entered under subsection (3) may be enforced pursuant to the procedure contained in F.S. § 120.69. However, no other section of F.S. chapter 120 shall be applicable.

(6) The C~~c~~ity may bring a complaint under F.S. § 60.05 seeking temporary and permanent injunctive relief against any nuisance described in subsection (1).

(7) As used in this subsection (XVIII), the term "controlled substance" includes any substance sold in lieu of a controlled substance in violation of F.S. § 817.563, or any imitation controlled substance defined in F.S. § 817.564.

(8) The City Commission, upon a hearing and appropriate finding, may provide:

(a) For imposition of a fine on the establishment or place declared a nuisance, not to exceed ~~two hundred fifty dollars (~~$250.00~~)~~ per day;

(b) Reasonable costs, including reasonable attorney's fees associated with investigations and hearings for public nuisances;

(c) Continuing jurisdiction for a period of one (1) year over any place or premises that has been declared to be a public nuisance;

(d) Fines for recurring violations may be made up to and including ~~five hundred dollars (~~$500.00~~)~~ per day.

Orders of the Commission pursuant to this section shall be reduced to writing. The City Clerk, upon the order of the City Commission, shall record a certified copy of the order of the City Commission with the public records of Broward County. Recorded orders on public nuisances shall become liens against the real property that is subject to the order. Upon order of the City Commission, the lien may be foreclosed subject to a lien with recoverable costs including reasonable attorneys' fees associated with the recording of orders and foreclosure.

Section 3.23. Wireless communications facilities.

3.23.1. *Intent.* The goals of this article [section] are to:

1. Minimize the impacts of wireless communication facilities on surrounding land uses by establishing standards for location, structural integrity, and compatibility;
2. Avoid potential injury to persons and properties from tower failure and debris hazards through structural standards and setback requirements;
3. Preserve the scenic and visual character of the geographic area by encouraging the location, design and architectural treatment of wireless communication facilities to avoid the disruption of the natural and built environment, and to ensure harmony and compatibility with surrounding land use patterns;
4. Facilitate the provision of wireless communication services to residents, businesses, and visitors;
5. Provide a uniform and comprehensive framework for evaluating proposals for wireless communication facilities;
6. Encourage builders and tenants of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
7. Encourage the location and collocation of telecommunication equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional antenna support structures;
8. Accommodate the growing need and demand for telecommunication services;
9. Encourage coordination between suppliers and providers of telecommunication services;
10. Establish predictable and balanced codes governing the construction and location of wireless communications facilities, within the confines of permissible local regulations;
11. Establish review procedures to ensure that applications for wireless communications facilities are reviewed and acted upon within a reasonable period of time and in accordance with F.S. § 365.172;
12. Respond to the policies embodied in the Telecommunications Act of 1996, if applicable, in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services;
13. Encourage the use of public lands, buildings, and structures as locations for wireless communications infrastructure demonstrating concealed technologies and revenue generating methodologies;

3.23.2. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned: Any tower without any mounted transmitting and/or receiving antennas in continued use for a period of ~~one hundred eighty (~~180~~)~~ days or more.

Alternative structure: A structure that is not primarily constructed for the purpose of supporting antennas but on which one (1) or more antennas may be mounted. Alternative structures include, but are not limited to, buildings, water tanks, light stanchions, billboards, church steeples and electric power transmission towers.

Amateur radio tower: Any tower used for amateur radio transmissions consistent with the "Complete FCC U.S. Amateur Part 97 Rules and Regulations" for amateur radio facilities.

Ancillary structure: For the purposes of this section, any form of development associated with a wireless communications facility, including, but not limited to: foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.

Antenna: Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including, but not limited to: telephonic, radio or television communications. Types of elements include, but are not limited to: omnidirectional (whip) antennas, sectionalized (panel) antennas, multi- or single-bay (FM and TV), yagi, or parabolic (dish) antennas.

Antenna array: A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna element: Any antenna or antenna array.

ASR: The antenna structure registration number as required by the FAA and FCC.

Antenna support facility: A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Antenna support structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than ~~twenty (~~20~~)~~ feet. Types of support structures include the following: guy, lattice and monopole structures.

Base station: The electronic equipment utilized by the telecommunication provider(s) for the transmission and reception of radio signals.

Breakpoint technology: The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five (5) per cent more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

Collocation: The practice of installing and operating multiple wireless service providers, and/or radio common carrier licensees on the same antenna support structure or attached wireless communication facility using different and separate antenna, feed lines and radio frequency generating equipment.

Combined antenna: An antenna or an antenna array designed and utilized to provide services for more than one (1) wireless provider, or a single wireless provider utilizing more than one (1) frequency band or spectrum, for the same or similar type of services.

Concealed: A tower, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building (s) and uses on a site. There are two (2) types of concealed facilities: (1) antenna attachments and (2) freestanding.

1. Examples of concealed attached facilities include, but are not limited to, the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure.

2. Freestanding concealed towers usually have a secondary, obvious function which may be, but is not limited to, the following: church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree.

DRC: The City of Margate Development Review Committee.

Equipment compound: The fenced area surrounding the ground-based communication facility including the areas inside or under the following: an antenna support structure's framework and ancillary structures such as equipment necessary to operate the antenna on the tower that is above the base flood elevation including: cabinets, shelters, pedestals, and other similar structures.

Equipment cabinet: Any structure above the base flood elevation including cabinets, shelters, pedestals, and other similar structures. Equipment cabinets are used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

Extraordinary conditions: Subsequent to a hurricane, flood, or other natural hazard or subsequent to a defective finding on a previous inspection.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

Feed lines: Cables used as the interconnecting media between the transmission and/or receiving base station and the antenna.

Flagpole concealed facility: A concealed facility which has a federal, state or local jurisdiction flag attached to it as part of the concealment efforts.

Flush-mounted: Any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

Guyed tower: A style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Geographic search ring: An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

Handoff candidate: A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless communications facility.

Lattice structure: A tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross-bracing, and metal crossed diagonal strips or rods to support antennas.

Least visually obtrusive profile: The design of a telecommunication facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.

Wireless master plan: A plan developed for the City of Margate by the city's telecommunications consultant intended to enforce the planning and zoning issues of the city while complying with all applicable laws, rules, and mandates of all governing bodies.

Microcell facility: A wireless communications facility consisting of an antenna (as defined above) and related equipment which is located either on a tower or affixed to a structure in some fashion for the provision of wireless services.

Microwave dish antenna: A dish-like antenna used to link wireless service sites together by wireless transmission of voice or data.

Mitigation: A modification of an existing antenna support structure to increase the height or to improve its integrity, by replacing or removing one (1) or several antenna support structure(s) located in proximity to a proposed new antenna support structure in order to encourage compliance with this section or improve aesthetics or functionality of the overall wireless network.

Monopole structure: A style of freestanding antenna support structure consisting of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

Monopole tower: A tower consisting of a single pole or spire self-supported by a permanent foundation, constructed without guy wires and ground anchors.

Nonconcealed: A wireless communication facility that is readily identifiable as such and can be either freestanding or attached.

Panel antenna: A grouping of antennas designed for signal gain.

Personal wireless service: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

Public safety communications equipment: All communications equipment utilized by a public entity for the purpose of ensuring the safety of the citizens of the city and operating within the frequency range of 150 MHz, 450 MHz, 700 MHz and 1,000 MHz and any future spectrum allocations at the direction of the FCC.

Radio frequency emissions: Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna support structure, building, or other vertical projection.

Replacement: The removal of an existing tower for purposes of erecting a new tower of nearly equal dimensions usually for the purposes of improving structural integrity.

Roofline: The overall ridge line of the structure which does not include cupolas, elevator towers, clock towers or other features that are permitted to exceed the maximum height of the building.

Satellite earth station: A single or group of parabolic (or dish) antennas mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

Self-support lattice tower: A tapered structure broad at the base and more narrow at the top consisting of cross-members and diagonal bracing and without guyed support.

Structure: Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground, including advertising signs.

Tower: Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of a tower or towers, an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure.

Tower base: The foundation, usually concrete, on which the tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular line from the geometric center of the tower.

Tower height: The vertical distance measured from the grade line to the highest point of the tower, including any antenna, lighting, lightning protection or other equipment affixed thereto.

Tower site: The land area that contains, or will contain, a proposed tower, support structures and other related buildings and improvements.

Waiver: A modification of the terms of this section where, owing to conditions peculiar to the property, a literal enforcement of this section would result in an unnecessary hardship. A waiver shall be reviewed and issued by the city commission.

Wireless broadband facility: A subtype of wireless communications facility that is an unstaffed location for the wireless transmission and/or reception of broadband data services exclusively, usually consisting of a tower, an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure.

Wireless communications facility: A staffed or unstaffed location for the wireless transmission and/or reception of voice/data services, including new, mitigated, or existing towers, antenna support structures, public antenna support structures, replacement antenna support structures, collocation on existing antenna support structures, attached wireless communications facilities, concealed wireless communication facilities, and nonconcealed wireless communication facilities. Antenna support structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than ~~twenty (~~20~~)~~ feet. Types of support structures include, but are not limited to, guyed, lattice, monopole, and other similar type towers, utility distribution poles, and water tanks.

Whip antenna: A cylindrical antenna that transmits and/or receives signals in ~~three hundred sixty (~~360~~)~~ degrees.

3.23.3. *Tower siting in certain zoning districts.* Freestanding towers shall be located in the following order of hierarchy:

(1) City-owned property.

(2) Utilities U-1 district.

(3) Light industrial M-1 district.

(4) Industrial park M-1A district.

(5) Liberal business B-3 district.

(6) Community business B-2 district.

(7) ~~Transit oriented corridor TOC-C c~~Corridor.

(8) ~~Transit oriented corridor TOC-G g~~Gateway.

(9) Recreational S-1 district.

(10) Open space S-2 district.

(11) Community facility CF-1 district.

(12) ~~Transit oriented corridor TOC-CC c~~City ~~c~~Center.

(13) Conservation CON district.

City-owned property shall take preference over privately owned property. If the proposed site is other than city-owned property, the applicant shall provide an affidavit stating that there is a demonstrated need for the placement of the facility at that location and that there is not a technically suitable location available to accommodate the need on city-owned property.

(a) *City-owned property.* Freestanding towers shall be deemed a permitted use on any city-owned property in accordance with an executed lease agreement acceptable to the city. The city shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein.

The city may, as appropriate, to protect its property and the public interest establish additional requirements beyond the minimum requirements of a permit for city-owned property. Setback

and distance requirements in Appendix A of the City of Margate Code may be, modified to the extent necessary to provide for the public interest as determined by the city commission. This provision further does not preclude the city from issuing a letter of interest for the purposes of leasing sites on designated city property for the construction and installation of wireless communications facilities. For designated city-owned property, the city will encourage the installation of wireless communications facilities which have a minimal impact on the surrounding areas and are consistent with the development of the affected area.

(b) *[Freestanding towers as permitted use.]* Freestanding towers shall be deemed a permitted use in light industrial M-1 and industrial park M-1A districts subject to DRC approval meeting the requirements of the minimum standards for development of towers as specified in this ordinance.

(c) *[Freestanding towers—Conditional.]* Freestanding towers shall be deemed conditional within the following zoning districts:

Recreational S-1 district;

Open space S-2 district;

Liberal business B-3 district;

Community business B-2 district;

Community facility CF-1 district;

~~Transit oriented corridor TOC-C c~~Corridor;

~~Transit oriented corridor TOC-G g~~Gateway;

~~Transit oriented corridor TOC-C c~~City ~~c~~Center.

Each conditional use pursuant to paragraph (c) above shall be reviewed by the DRC and approval of the city commission obtained to determine if said conditional use is appropriate in the area where same is to be placed, based upon the criteria set forth herein including, but not limited to, the aesthetics of the proposed facility in conjunction with its surrounding physical environment. The city commission shall make specific written findings of fact regarding the approval or denial of the conditional use.

(d) Towers as part of existing utility poles shall be permitted as a conditional use pursuant to paragraph (c) in the Florida Power and Light easement, used for major electric transmission that traverses the city in a north-south corridor approximately ~~two hundred eighty-five (~~285~~)~~ feet wide. Said area is parallel to and east of Rock Island Road. No freestanding towers constructed exclusively as a wireless communications facility shall be permitted other than as provided in paragraphs (a), (b), and (c). No additional rights other than provided herein shall be deemed created by this designation.

(e) *Prohibitions.* The location of a new tower on a property other than those specified on (a), (b), (c) or (d) shall be prohibited, except as may be granted a waiver by the city commission due to unnecessary hardship or extenuating circumstances, and after consideration of the aesthetics of the proposed facility in connection with its surrounding physical environment; in particular, the applicant must demonstrate:

1. That special conditions and circumstances exist which, if there is a literal and strict enforcement of the provisions of this section 3.23, would constitute a hardship or practical difficulty in the use of the property involved; and

2. Granting of the waiver will not be contrary to the public interest or the general purpose sought to be accomplished by this section 3.23. The city commission shall make specific

written findings of fact regarding the circumstances and conditions constituting said hardship or circumstances prior to granting or denying such waiver.

(f) *Time limit on project completion.* Once a wireless communications facility is approved by the city a building permit shall be obtained within six (6) months.

3.23.4. *Minimum standards for development of new towers.* All new towers must meet the following minimum standards:

(a) *Tower types.* To minimize adverse visual impacts, tower types shall be selected based upon the following hierarchy:

(1) Concealed monopole;

(2) Monopole;

(3) Self-support/lattice tower;

(4) Guyed tower.

The applicant shall be required to demonstrate, in a technical manner acceptable to the city commission, why each choice in the hierarchy cannot be used for the particular application in order to justify the selection of a tower type lower in the hierarchy.

(b) *[Site development plan.]* Prior to the issuance of a building, electrical, engineering or a construction permit, a site development plan shall be presented to the DRC. Each application for a proposed tower shall include all requirements for site development plan approval as required in other sections of the City Code. To help ensure compatibility with surrounding land uses, each application for a proposed new tower shall include the following information:

1. A report and supporting technical data demonstrating that all antenna attachments and collocations including all potentially useable utility distribution towers and other elevated structures within the proposed service area, and alternative antenna configurations have been examined, and found unacceptable. The report shall include reasons existing facilities such as utility distribution and other elevated structures are not acceptable alternatives to a new freestanding tower. The report regarding the adequacy of alternative existing facilities or the mitigation of existing facilities to meet the applicant's need or the needs of service providers indicating that no existing wireless communications facility could accommodate the applicant's proposed facility shall consist of any of the following:

a. No existing wireless communications facility located within the geographic area meet the applicant's engineering requirements, and why.

b. Existing wireless communications facilities are not of sufficient height to meet the applicant's engineering requirements, and cannot be increased in height.

c. Existing wireless communications facilities do not have sufficient structural integrity to support the applicant's proposed telecommunications facilities and related equipment, and the existing facility cannot be sufficiently improved.

d. Other limiting factors that render existing wireless communications facilities unsuitable.

2. Technical data included in the report shall include certification by a radio frequency engineer qualified to practice before the Federal Communications Commission or other qualified professional, which qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed tower, and accompanying maps and calculations demonstrating the need for the proposed tower.

3. A map showing the designated search ring along with the exact location of the proposed wireless communications facility on a City of Margate zoning map.

4. A radio frequency propagation ~~plot~~lot indicating the coverage of existing wireless communications sites, coverage prediction, and design radius, together with a certification from the applicant's radio frequency (RF) engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as a concealed facility, attached facility, replacement facility, collocation, or new antenna support structure. NOTE: These documents are needed to justify a facility and to determine if the proposed location is the only or best one (1) in the designated geographic area of the proposed facility.

5. An affidavit by a radio frequency engineer demonstrating compliance with subsection 3.23.3 (siting alternatives hierarchy). If a lower ranking alternative is proposed the affidavit must address why higher ranked options are not technically feasible, practical or justified given the location of the proposed wireless communications facility.

6. One (1) original and two (2) paper copies plus one (1) digital copy in pdf format of a survey of the property completed by a registered professional surveyor, licensed in the State of Florida showing all existing uses, structures, and improvements.

7. Three (3) sets (~~twenty-four-~~24 inch x ~~thirty-six-~~ 36 inch) of site plans, one (1) of which must be signed and sealed by a Florida registered Professional Engineer, plus one (1) digital copy in pdf format including antenna support structure elevations, landscape plans, maximum height of the proposed tower and antenna, including individual measurement of the tower base, the antenna support structure and lightning rod, structural designs that take into account the latest edition of the FBC, and preliminary grading plans, which may be included on site plans or separately submitted in equal quantities. The site plan shall identify adjacent land owners, land uses, height of principal building, size of lots, and existing zoning and land use designation.

8. The site plan shall include deed book, and page and map book and page reference; name of project; scale, north arrow, vicinity map, zoning, watershed classification—per~~-~~cent coverage of lot to be impervious surface (if located in a designated watershed area; also delineate the location and classification of all major public or private streets and rights-of-way, driveways, public parking areas, pedestrian ways, trails and bikeways within ~~five hundred (~~500~~)~~ feet of property boundary, including zoning district boundaries, on a ~~twenty-four-~~ 24 inch × ~~thirty-six-~~36 inch sheet.

9. Proof that a property and/or antenna support structure owner's agent has appropriate authorization to act upon the owner's behalf (if applicable). A signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards regarding interference to other radio services. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the proposed wireless communications facility complies with FCC standards.

10. A stamped or sealed structural analysis of the proposed antenna support structure prepared by a registered professional engineer licensed by the State of Florida indicating the proposed and future loading capacity of the antenna support structure is compliant with EIA/TIA 222G (as amended).

11. The applicant shall provide a statement as to the potential visual and aesthetic impacts of the proposed tower and equipment on all adjacent residential zoning districts.

12. All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this ordinance.

13. A written statement by a registered professional engineer licensed by the State of Florida specifying the design structural failure modes of the proposed facility.

14. The applicant shall demonstrate that the following notice was mailed (via certified mail) to all other wireless service providers licensed to provide service within the city as indicated on the list of wireless service providers provided by the city:

"Pursuant to the requirements of Section 3.23, Appendix A, City of Margate Zoning Ordinance, we are hereby providing you with notice of our intent to meet with the City Staff in a pre-application conference to discuss the location of a freestanding wireless communications facility that would be located at _____ (physical address, latitude and longitude (NAD-83)). In general, we plan to construct a support structure of _____ feet in height for the purpose of providing _____ (type of wireless service). Please inform City staff if you have any desire for placing additional wireless facilities or equipment within 2 miles of our proposed facility. Please provide us with this information within twenty (20) business days after the date of this letter. Your cooperation is sincerely appreciated. Sincerely, (pre-application applicant, wireless provider)"

15. Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.

16. Prior to issuance of a building permit, proof of FAA compliance with subpart C of the Federal Aviation Regulations, part 77, and "Objects Affecting Navigable Airspace," if applicable.

17. A line of sight analysis which shall include the following information:

    a. An identification of significant existing natural and manmade features adjacent to the proposed tower location, to indicate those features that will provide buffering for adjacent properties and public rights-of-way;

    b. An identification of specific points, measured ~~two thousand (~~2,000~~)~~ feet north of the proposed tower, ~~one thousand (~~1,000~~)~~ feet south of the proposed tower, and ~~five hundred (~~500~~)~~ feet east and west of the proposed tower from which the line of sight analysis is presented or the closest accessible public property from each of the above delineated points;

    c. A graphic illustration of the visual impact of the proposed tower, at a scale that does not exceed five (5) degrees of horizontal distance, presented from specific points identified within the line of sight analysis;

(c) *[Collocation.]* No new tower shall be built, constructed or erected in the city unless such tower is capable of accommodating, at a future date, additional wireless communications facilities owned by other persons and the tower owners agree to comply with subsection 3.23.N., existing towers. All new towers shall be designed and built to accommodate multiple users; at a minimum, monopole towers shall be able to accommodate two (2) users and at a minimum, self-support/lattice or guyed towers shall be able to accommodate three (3) users. As wireless technology advances, applicants may be required to construct facilities utilizing advancing technologies including, but not limited to, combined antennas when determined necessary for health, safety, welfare aesthetics, and compatible with providers technical, capacity and coverage requirements. The applicant shall state in any application for permit that it will, as a condition of issuance of the permit, accommodate antenna facilities of other providers, on a nondiscriminatory basis on terms which are reasonable in the industry unless the applicant can affirmatively demonstrate, based on verifiable objective data, why it cannot do so. Refusal to continually comply with this obligation shall be a violation of this section and shall be grounds for revoking applicant's permit.

(d) *[Written statement required.]* In order to facilitate the regulation, placement, and construction of an antenna, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of an antenna, antenna array or applicant for a new wireless communications facility or a collocation (in additional to the requirements of subsection 3.23.N.) shall agree in a written statement to the following:

1. Compliance with "good engineering practices" as defined by the FCC in its rules and regulations.

2. Compliance with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).

3. In the case of an application for collocated wireless communications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the city's public safety communications equipment and will implement appropriate technical measures, as described in antenna element replacements, to attempt to prevent such interference.

4. Whenever the city has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one (1) or more antenna arrays, the following steps shall be taken:

    a. The city shall provide notification to all wireless service providers operating in the city of possible interference with the public safety communications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the city and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Best Practices Guide," released by the FCC in February 2001, including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time.

    b. If any equipment owner fails to cooperate with the city in complying with the owner's obligations under this section or if the FCC makes a determination of radio frequency interference with the city public safety communications equipment, the owner who failed to cooperate and/or the owner of the equipment which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the city for all costs associated with ascertaining and resolving the interference, including, but not limited to, any engineering studies obtained by the city to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the "Best Practices Guide" within ~~twenty-four (~~24~~)~~ hours of city's notification.

(e) *Access.* A parcel of land upon which a tower is located must provide access during normal business hours to at least one (1) paved vehicular parking space on site.

(f) *[Compliance with radio frequency emission standards.]* Each application for a wireless communications facility may be required to include a statement that there is no objection from other federal or state agencies that may regulate wireless communications facility siting, design and construction. All proposed wireless communication facilities shall comply with current radio frequency emissions standards of the FCC, or other legally regulating body.

(g) *[Waiver of requirements.]* Requirements in this section may be waived where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the city and in the best interest of wireless communication service to the community.

(h) *Notice of public notification.* Notice of an application for a conditional use permit shall be sent via certified mail to all property owners within a ~~one-hundred-~~100 foot radius of the affected property. The applicant shall pay ~~a fee of two hundred fifty dollars ($250.00) as well as~~ all of the cost~~s associated with ~~of~~~~ the certified mailing.

3.23.5. *Height/setbacks and related location requirements.*

(a) The height of a tower shall not exceed ~~one hundred fifty (~~150~~)~~ feet not including nonstructural lightning rods and required safety lightning. Tower height shall be measured from the crown of the road of the nearest public street.

(b) Towers shall at a minimum conform with the setback established for the underlying zoning district; the minimum setback from water, sewer, fiber, and storm-water facilities shall be 10 feet. ~~.~~

(c) Monopole, lattice or guyed towers shall not be permitted within two hundred (200) feet of any residential district or use.

(d) Monopole, lattice or guyed towers shall not be located within ~~seven hundred fifty (~~750~~)~~ feet of any existing monopole, lattice or guyed tower.

(e) All buildings and other structures to be located on the same property as a tower shall conform with the setbacks established for the underlying zoning district.

(f) The minimum tower separation distance shall be calculated and applied irrespective of city jurisdictional boundaries.

(g) The provisions of this section may be waived where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the city or compliance with other regulations, and in the best interest of wireless communication service to the community provided that the proposed tower utilizes "breakpoint" technology at a height on the tower which is acceptable to the city.

3.23.6. *Buffering.*

(a) An eight-foot-high fence or wall, as measured from the finished grade of the site, shall be required around the base of any tower and may be required around any accessory buildings or structures. In no case will barbed wire or razor wire fencing be permitted. Access to the tower shall be through a locked gate.

(b) Landscaping, consistent with the requirements of chapter 23 of the City Code, shall be installed around the entire perimeter of any fence or wall. Additional landscaping may be required around the perimeter of a fence or wall and around any or all anchors or supports if deemed necessary to buffer adjacent properties. The city may require landscaping in excess of the requirements of the City Code in order to enhance compatibility with adjacent properties.

(c) Landscaping consistent with perimeter and on-site requirements of chapter 23 of the City Code shall be installed around any accessory buildings or structures.

3.23.7. *High voltage, "no trespassing" and other warning signs.*

(a) If high voltage is necessary for the operation of the wireless communications facility or any accessory structures, "HIGH VOLTAGE—DANGER" warning signs shall be permanently attached to the fence or wall and shall be placed no more than ~~forty (~~40~~)~~ feet apart.

(b) "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than ~~forty (~~40~~)~~ feet apart.

(c) The letters for the "HIGH VOLTAGE—DANGER" and "NO TRESPASSING" warning signs shall be at least six (6) inches in height. The two (2) warning signs may be combined into one (1) sign. The warning signs shall be installed at least five (5) feet above the finished grade of the fence.

(d) The warning signs may be attached to freestanding poles if the content of the signs may be obstructed by landscaping.

(e) Signs noting ASR number (if required) shall be attached to the tower structure in compliance with federal regulation.

3.23.8. *Equipment storage.* Mobile or immobile equipment not used in direct support of a wireless communications facility shall not be stored or parked on the site of the wireless communications facility, unless repairs to the facility are being made. Portable emergency generators may be temporarily located at a wireless communications facility in the event of a power outage but must be removed upon resumption of power. Portable "crank-up" or otherwise mobile wireless communications facilities may not be located at a wireless communications facility.

3.23.9. *Removal of abandoned or unused facilities.* All abandoned or unused wireless communications facilities shall be removed by the tower owner/operator within ~~ninety (~~90~~)~~ days of the cessation of use. A tower shall be considered abandoned if use has been discontinued for ~~one hundred eighty (~~180~~)~~ consecutive days. Towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision where superseded by the requirements of other county, state or federal regulatory agencies.

3.23.10. *Signs and advertising.* The use of any portion of a tower for signs or advertising purposes, including company name, banners, streamers, etc., shall be strictly prohibited.

3.23.11. *Ancillary structures.* All ancillary structures shall meet all building design standards as listed in this Code and in accordance with the provisions of the South Florida Building Code, latest Broward County Edition. All accessory buildings or structures shall require a building permit.

Accessory structures shall be designed to resemble the basic design of the principal use or be designed to resemble the neighborhood's basic building design. In no case will metal exteriors be allowed for ancillary buildings.

3.23.12. ~~*Colors*~~ *Aesthetic design*. Except where superseded by the requirements of other county, state, or federal regulatory agencies possessing jurisdiction over wireless communications facilities, towers shall be painted or constructed in neutral colors, and may include other decorative features designed to blend into the surrounding environment ~~and consistent with the adopted nonresidential color palette~~.

3.23.13. *Inspection report required.*

(a) Wireless communication facility owners shall submit a report to the Department of Development Services certifying structural and electrical integrity once every two (2) years.

(b) Inspections shall be conducted by an engineer licensed to practice in the State of Florida. Based upon the results of an inspection, the Director of the Department of Development Services may require repair or removal of a wireless communication facility.

(c) The city may conduct periodic inspections with the cost of such inspection paid by the owner of the wireless communications facility to ensure structural and electrical integrity. The owner of the wireless communication facility may be required by the city to have more frequent inspections if there is evidence that the wireless communications facility has a safety problem or is exposed to extraordinary conditions.

3.23.14. *Existing towers.*

(a) All wireless communications facilities that existed on July 2, 1997, (the effective date of this section) which did not meet the requirements of this section shall be considered legally nonconforming under this section and allowed to continue their legal usage as they existed at that time, with the exception of federal regulations relating to the health and safety of exposure levels as defined by the Occupational Safety and Health Act as amended and radio frequency (RF) exposure levels as defined by FCC regulations. Any modification of a legal nonconforming wireless communications facility (except as set forth in subsection (b) below) must be made by submittal of information required by subsection 3.23.4 and review and approval of the DRC. Further review and approval of the city commission is not required. New construction other than routine maintenance on an existing wireless communications facility shall comply with the requirements of this section.

(b) Notwithstanding the provisions of subsection (a) above, new or replacement antennas that do not cause an increase in the height or width of a tower or increase the size of the equipment compound may be placed on existing wireless communications facilities with sufficient loading capacity without review and approval of the DRC, but after review and approval by the director of development services, upon submittal of the following information:

1. A description of the proposed modifications to the antenna, including modifications to antenna element design, type and number, as well as changes in the number and/or size of any feed lines, from the base of the equipment cabinet to such antenna elements.

2. A signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards relating to interference to other radio services. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement or additional antenna(s) complies with FCC standards relating to human exposure to RF energy.

3. A stamped or sealed structural analysis of the existing structure prepared by a registered professional engineer licensed by the State of Florida indicating that the existing antenna support structure as well as all existing and proposed appurtenances meets Florida Building Code (FBC) requirements (including wind loading) for the antenna support structure.

4. Any replacement or addition that otherwise would be processed under this subsection (b) but which increases the height or width of the subject tower or increases the size of the applicable equipment compound shall require review in accordance with subsection 3.23.14(a) above.

(c) Any owner upon whose parcel of land a tower is located, which contains additional capacity for installation or collocation of wireless communications facilities, shall allow other persons to install or collocate wireless communications facilities (including, but not limited to, wireless broadband facilities) on such a tower subject to reasonable terms and conditions negotiated between the parties.

(d) An existing tower may be modified to accommodate collocation of additional wireless communications facilities as follows:

1. Application for a development permit shall be made to the DRC which shall have the authority to issue a development permit without further approval by the city commission.

2. The total height of the modified tower and wireless communications facilities attached thereto shall not exceed the premodification height approved for that location.

3. A tower that is being rebuilt to accommodate the collocation of additional wireless communications facilities may be moved on site subject to the setback requirements of the zoning district where the tower is located.

4. The tower that is relocated on site shall continue to be measured from the original tower location for the purpose of calculating the separation distances between towers as provided herein.

5. Additional antennas, communication dishes and similar receiving or transmission devices to an existing facility proposed for attachment to an existing tower, shall require review and approval by the director of development services as set forth in subsection (b) above. The application for approval to install additional antennas shall include all of the requirements specified in subsection (b) above. A visual impact analysis shall be included as part of the application for approval to install one (1) or more additional devices to an existing tower. Applicants must still meet all requirements of subsection (b) above, prior to construction.

3.23.15. *Permit fees, application and inspection fees required.*

(a) *Permit required.* No construction shall be started until a permit to construct has been granted by the city building department. At the time of filing the construction drawings and documents referred to herein, the developer or owner or applicant shall provide a detailed cost analysis of the cost of construction of the wireless communications facilities covered by this section. The applicant, developer, or owner shall pay the City of Margate permit fees in accordance with chapter 9, article II, Fees, section 9-21, Schedule of permit fees, of the City Code.

(b) *Application fee required.* ~~*A filing fee in the amount of four thousand dollars ($4,000.00) shall be submitted to the DRC for any application made pursuant to this section 3.23. In addition, a biennial inspection fee of one thousand dollars ($1,000.00) is due the city at the time of inspection.*~~

A filing fee in the amount as specified in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate, shall be submitted to the DRC for any application made pursuant to this section 3.23. In addition, a biennial inspection fee as specified in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate, is due the city at the time of inspection.

3.23.16. *Maintenance.*

(a) Providers shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

(b) Providers shall install and maintain towers, wireless communications facilities, wires, cables, fixtures and other equipment in compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations, and in such manner that will not interfere with the use of other property.

(c) All towers, wireless communications facilities and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person. Owners with flagpole concealed facilities shall, as part of maintenance required herein, repair or replace flags which comprise part of the concealment technology not less than every six (6) months and more often when such flags show visible signs of damage or wear. Failure to undertake such maintenance as required herein and by applicable federal law shall result in citation(s) of noncompliance.

(d) All maintenance or construction on a tower, wireless communications facilities or antenna support structure shall be performed as provided by law.

(e) All towers shall maintain compliance with current radio frequency emissions standards of the FCC.

(f) In the event any portion of the use of the tower is discontinued by any provider, that provider shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued.

3.23.17. *Antennas not located on towers.*

(a) *[Conditional uses.]* Concealed and nonconcealed rooftop or building-mounted antennas not exceeding twenty (20) feet above roofline and not exceeding ten (10) feet above maximum height of applicable zoning district shall be permitted as a conditional use only as an accessory use in the following districts:

1. City-owned property.
2. Light industrial M-1 district.
3. Industrial park M-1A district.
4. Liberal business B-3 district.
5. Community business district B-2 district.
6. ~~Transit oriented corridor TOC-C c~~Corridor district.

7. ~~Transit oriented corridor TOC-G g~~Gateway district.
8. Recreational S-1 district.
9. Open space S-2 district.
10. Community facility CF-2 district.
11. Community facility CF-1 district.
12. ~~Transit oriented corridor TOC-CC c~~City center district.

The city commission shall make specific written findings of fact regarding the approval or denial of the conditional use.

(b) *[City-owned property preferred location.]* City-owned property shall take preference over privately owned property. If the proposed site is other than city-owned property, the applicant shall provide an affidavit stating that there is a demonstrated need for the placement of the facility at that location and that there is not a technically suitable location available to accommodate the need.

1. Concealed and nonconcealed rooftop or building-mounted antennas shall be deemed a permitted use on any city-owned alternative structures in accordance with an executed lease agreement acceptable to the city. The city shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein. The city may, as appropriate, to protect its property and the public interest, establish additional requirements beyond the minimum requirements of a permit for city-owned alternative structures property. Setback and distance requirements in Appendix A of the City of Margate Code may be, modified to the extent necessary to provide for the public interest as determined by the city commission. This provision further does not preclude the city from issuing a letter of interest for the purposes of leasing sites on designated city property for the construction and installation of telecommunications facilities. For designated city-owned alternative structures, the city will encourage the installation of wireless communications facilities which have a minimal impact on the surrounding areas and are consistent with the development of the affected area.

(c) *Minimum standards.* Buildings or rooftop antennas shall be subject to the following standards:

1. No commercial advertising shall be allowed on an antenna;
2. No signals, lights, or illumination shall be permitted on an antenna, unless required by the FCC or the FAA;
3. Any related unmanned equipment building shall not contain more than ~~seven hundred fifty (~~750~~)~~ square feet of gross floor area or be more than ~~twelve (~~12~~)~~ feet in height;
4. If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than ~~twenty-five (~~25~~)~~ per-cent of the roof area;
5. Each application shall contain a rendering or photograph of the antenna including, but not limited to, colors and screening devices. This shall be subject to administrative approval for consistency with the definition of concealed facility;
6. Antennas shall only be permitted on buildings which are at least two (2) stories in height;
7. Antennas may not exceed more than ten (10) feet above the highest point of a roof. Concealed antennas attached to but not above rooftop structures shall be exempt from this provision;
8. Antennas and related equipment buildings shall be located or screened to minimize the visual impact of the antenna upon adjacent properties and shall be of the material or color which matches the exterior of the building or structure upon which it is situated;

9. When located on building facade, building-mounted antennas shall be painted and texturized to match the existing building;

10. Requirements in this section may be waived where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the city and in the best interest of telecommunication service to the community. Applications entitled to the streamlined processes described in F.S. § 365.172(12) shall satisfy the requirements of subsection 3.23.24.

(d) *Antenna types.* To minimize adverse visual impacts, antenna types shall be selected based upon the following hierarchy:

1. Panel;

2. Dish;

3. Whip.

If a nonconcealed antenna(s) is proposed, the applicant shall be required to demonstrate why each choice in the hierarchy cannot be used for the particular application in order to justify the selection of an antenna type lower in the hierarchy. This does not preclude a combination of the various types of antennas.

(e) *Antenna dimensions.* A statement shall be submitted, prepared by a professional registered engineer licensed to practice in the State of Florida, and competent to evaluate suitability of antennas types, to certify the need for required dimensions.

(f) *Aircraft hazard.* Prior to the issuance of a building permit, the application shall provide evidence that the wireless communications towers or antennas are in compliance with (FAA) regulations. Where an antenna will not exceed the highest point of the existing structure upon which it is mounted, such evidence shall not be required.

3.23.18. *Shared use of towers.*

(a) Notwithstanding any other provision of this article, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of facilities on existing or new towers shall be encouraged by:

1. Only issuing permits to approved shared facilities at locations where it appears there may be more demand for towers than the property can reasonably accommodate; or

2. Giving preference to approved shared facilities over other facilities in authorizing use at particular locations.

3. Participation in the wireless master plan as set forth in subsection 3.23.20 hereinbelow.

(b) No development approval to develop, build, construct, or erect a tower pursuant to this section shall be granted to any person on the basis that it is economically unfeasible for such person to collocate or install its wireless communications facilities on a tower or antenna support structure owned by another person.

(c) Collocation of wireless communications antennas by more than one (1) provider on existing or new towers shall take precedence over the construction of new single-use towers. Accordingly, each application for a tower shall include the following:

1. A written evaluation of the feasibility of sharing a tower, if appropriate towers are available. The evaluation shall analyze one (1) or more of the following factors:

a. Structural capacity of the towers;

b. Radio frequency interference;

c. Geographical search area requirements;

d. Mechanical or electrical incompatibility;

e. Inability or ability to locate equipment on the tower or towers;

f. Availability of towers for collocation;

g. Any restrictions or limitations of the FCC that would preclude the shared use of the tower;

h. Additional information requested by the city.

2. The city may deny an application if an available collocation is feasible and the application is not for such collocation.

3. For any tower approved for shared use, the owner of the tower shall provide notice of the location of the tower.

4. Requirements in this section may be waived where it is determined that based upon site, location, or facility, such waiver is in the best interest of the health, safety, welfare, or aesthetics of the city and in the best interest of wireless communication service to the community.

(d) Applications under this subsection that are entitled to the streamlined processes described in F.S. § 365.172(12) shall meet all of the requirements set forth in subsection 3.23.24.

3.23.19. *Satellite earth station (SES).*

(a) *[Compliance standards.]* Satellite earth stations which are larger than one (1) meter (39.37 inches), intended to receive signals from orbiting or geo-stationary satellites and other sources, or to link wireless service sites together by wireless transmission of voice or data shall comply with the following provisions.

~~(b)~~ (1) *Single- and two-family residential standards.*

1. Rooftop SESs are prohibited.

2. An SES shall be considered an accessory structure; however, an SES shall be permitted within five (5) feet of a side and/or rear property line.

3. No SES shall be permitted within any front, corner, or street side yards. For lots having more than one (1) street yard, an SES shall be located in a side yard which does not abut a public or private right-of-way.

4. No SES shall exceed ~~fifteen (~~15~~)~~ feet in height. No dish shall exceed ten (10) feet in diameter.

5. Any SES located in a rear yard is hereby required to provide a visual screen from neighboring properties and any adjacent rights-of-way. Said screen may take the form of a dense hedge that meets the planting requirements of subsection 23-5(A)(3), or an opaque fence made of wood or vinyl, or a masonry wall.

6. There shall be no more than one (1) antenna as described in paragraph (1) on any single- and two-family ~~plot~~lot.

~~(c)~~ (2) *Nonresidential and multifamily standards.*

1. All SESs shall be ground-mounted and located in the rear yard so as not to be visible from any public right-of-way.

2. An SES may not be located in the rear yard if the rear lot line abuts a public right-of-way, lands zoned residential or S-1.

3. All SES equipment permitted by this section is hereby required to provide a visual screen from neighboring properties and any adjacent rights-of-way. Said screen may take the form of a dense

hedge that meets the planting requirements of subsection 23-5(A)(3), or an opaque fence made of wood or vinyl, or a masonry wall. Said screen material shall be planted or installed within ten (10) feet of the SES.

4. No SES shall exceed ~~twenty (~~20~~)~~ feet in height measured from grade. No dish shall exceed ~~fifteen (~~15~~)~~ feet in diameter.

5. Nonresidential SES's may be considered for roof installation provided that application is made to the DRC as a conditional use and same shall be grated or denied by the city commission of the City of Margate. Roof-mounted SES's must be screened by parapets that appear to be an integral part of the building so that not more than ~~twenty-five (~~25~~)~~ per-cent of the antenna height is visible from grade level of adjacent property and adjacent public or private rights-of-way. The city commission shall make specific written findings of fact regarding the approval or denial of the conditional use.

6. All SES's shall not be light reflective. Dish antennas shall not have any sign copy on them nor shall they be illuminated.

7. Each person wishing to place SESs in nonresidential and multifamily zoned property shall make application to the DRC as a conditional use and same shall be granted or denied by the city commission of the City of Margate.

8. There shall be no more than one (1) antenna as described in paragraph (a) on any ~~plot~~lot. However, where business is licensed by the city as a dealer of electronic equipment [such business] may have two (2) antennas as described in paragraph (a) for their ~~plot~~lot.

3.23.20. *Wireless master plan.*

(a) The city has developed and adopted a wireless master plan ("plan"). Except as specifically provided herein, the terms of this ordinance, and the requirements established thereby, shall be applicable to all antenna support facilities to be developed or collocated on city-owned sites.

(b) If an applicant requests a permit to develop a site on city-owned property, the permit granted hereunder shall not become effective until the applicant and the city have executed a written agreement or lease setting forth the particular terms and provisions under which the permit to occupy and use the public lands of the jurisdiction will be granted.

(c) No permit granted under this section shall convey any exclusive right, privilege, permit, or franchise to occupy or use the publicly owned sites of the jurisdiction for delivery of wireless communications services or any other purpose.

(d) No permit granted under this section shall convey any right, title or interest in the public lands, but shall be deemed a permit only to use and occupy the public lands for the limited purposes and term stated in the agreement between the lessor and lessee. Further, no permit shall be construed as a conveyance of a title interest in the property.

3.23.21. *Payment to the City of Margate for towers and antennas.* All monies received for the leasing of property of the City of Margate for telecommunication towers and antennas shall be deposited in the parks and recreation trust fund as provided for in subsection 29-30.E.(4) of the Margate City Code.

3.23.22. *Wireless broadband facilities.*

(a) *[Location hierarchy.]* Wireless broadband facilities ("WBF") shall be located in the same order of hierarchy provided in subsection 3.23.3. City-owned property shall take preference over privately owned property. If the proposed site is other than city-owned property, the applicant shall provide an affidavit stating that there is a demonstrated need for the placement of the facility at that location and that there is not a technically suitable location available to accommodate the need on city-owned property.

(b) *City-owned property.* Freestanding WBF shall be deemed a permitted use on any city-owned property in accordance with an executed lease agreement acceptable to the city. The city shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein. The city may, as appropriate, to protect its property and the public interest establish additional requirements beyond the minimum requirements of a permit for city-owned property. Setback and distance requirements in Appendix A of the City of Margate Code may be modified to the extent necessary to provide for the public interest as determined by the city commission. This provision further does not preclude the city from issuing a letter of interest for the purposes of leasing sites on designated city property for the construction and installation of WBF. For designated city-owned property, the city will encourage the installation of WBF which have a minimal impact on the surrounding areas and are consistent with the development of the affected area.

(c) *[Permitted use.]* Wireless broadband facilities shall be deemed a permitted use in light industrial M-1 and industrial park M-1A districts subject to DRC approval meeting the requirements of the minimum standards for development of WBF as specified in this section.

(d) *[Conditional use.]* Wireless broadband facilities shall be deemed conditional within the following zoning districts:

Recreational S-1 district;

Open space S-2 district;

Liberal business B-3 district;

Community business B-2 district;

Community facility CF-1 district;

Community facility CF-2 district;

~~Transit oriented corridor TOC-C c~~Corridor;

~~Transit oriented corridor TOC-G g~~Gateway;

~~Transit oriented corridor TOC-CC c~~City ~~c~~Center.

Each conditional use pursuant to this paragraph (d) shall be reviewed by the DRC and approval of the city commission obtained to determine if said conditional use is appropriate in the area where same is to be placed, based upon the criteria set forth herein. The city commission shall make specific written findings of fact regarding the approval or denial of the conditional use.

(e) *[As part of existing utility poles.]* WBF as part of existing utility poles shall be permitted as a conditional use pursuant to paragraph (d) in the Florida Power and Light easement used for major electric transmission that traverses the city in a north-south corridor approximately ~~two hundred eighty-five (~~285~~)~~ feet wide. Said area is parallel to and east of Rock Island Road. No freestanding towers constructed exclusively as a wireless broadband facility shall be permitted other than as provided in paragraphs (b) , (c) , and (d). No additional rights other than provided herein shall be deemed created by this designation. The city commission shall make specific written findings of fact regarding the approval or denial of the conditional use.

(f) *Prohibitions.* The location of a new WBF on a property other than those specified on (b), (c), (d) or (e) shall be prohibited, except as may be granted a waiver by the city commission due to unnecessary hardship or extenuating circumstances.

(g) *[Application requirements.]* Each application for a proposed WBF shall include all requirements for site development plan approval as required in other sections of the City Code. To help ensure compatibility with surrounding land uses, each application for a proposed new tower shall also include the information required by subsection 3.23.4(b) above.

3.23.23. *Exempt facilities.* The following items are exempt from the provisions of this ordinance; notwithstanding any other provisions:

(a) Amateur radio towers less than ~~seventy-five (~~75~~)~~ feet in height;

(b) Any tower less than ~~thirty-five (~~35~~)~~ feet in height; or

(c) Wireless communications towers existing or permitted prior to the adoption of this section shall be allowed to continue to operate provided they meet the requirements set forth in Ordinance No. 1500.453 et seq. at the time of final inspection, or shall be required to be brought into current standards upon the final inspection of any modifications, additions or upgrades.

(d) Satellite earth stations that are one (1) meter (39.37 inches) or less in diameter in all residential districts and two (2) meters or less in all other zoning districts.

(e) A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the city designee; except that such facility must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this division beyond the duration of the state of emergency.

(f) A government-owned wireless communications facility erected for the exclusive purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.

(g) A temporary, commercial wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the city and approved by the city; except that such facility must comply with all federal and state requirements. The wireless communications facility may be exempt from the provisions of this division up to three (3) months after the duration of the state of emergency.

(h) A temporary, commercial wireless communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the city, except that such facility must comply with all federal and state requirements. Said wireless communications facility may be exempt from the provisions of this division up to one (1) week after the duration of the special event.

3.23.24. *Streamlined process.*

(a) Applications entitled to the streamlined processes described in F.S. § 365.172(12), shall meet all the following requirements: When applicable, the applicant shall submit an affidavit stating that the application is entitled to the streamed processes and identifying the specific statutory basis for such entitlement.

(b) A collocation application entitled to streamlined processing shall be reviewed by the city within ~~forty-five (~~45~~)~~ business days of a completed submission, (or within some other mutually agreed upon timeframe). The city shall notify an applicant within ~~twenty (~~20~~)~~ business days of initial submission if there are any deficiencies relating to the application materials, otherwise the initial submission shall be deemed complete.

(c) Approval or denial of the application shall be administratively determined by city staff without the necessity of a public hearing, shall be in writing and shall be postmarked to the applicant by the forty-fifth business day from the date of receipt. Denials shall identify the deficiencies in the application which, if cured, would make the application complete.

(d) Upon resubmitting of the revised site plan and paperwork the city shall follow the process identified in (a) and (b) above until all deficiencies identified are deemed cured.

(e) If the city does not respond in writing to the applicant within the specified timeframe detailed above, then the application shall be deemed approved.

Section 3.24. Temporary use permits.

(A) *Permit required:* All outdoor temporary uses which are provided in this section shall be ~~conducted or~~ set up or erected only after obtaining a Temporary Use Permit (TUP) and all necessary building permits. The TUP shall not commence until all necessary inspections are approved. This section shall not override and shall not be a substitute for any other section of this Code which requires another type of permit, certificate, or approval.

(B) *Review and approval:* An application for a TUP shall be submitted and reviewed in conformance with the procedures contained in this section. Notice and public hearing requirements shall not apply to TUPs. The payment of an application fee, established by the City Commission, shall be included with the application for a TUP. All tax-exempt organizations that qualify under Section 501 of the Internal Revenue Code are exempt from payment of the fee, except for those with 501c4 tax exempt status. TUP applications shall be reviewed and approved by the Development Services Department or the City Commission, as provided for in subsections (1) and (2) below, who may impose reasonable conditions upon the TUP.

(1) *Administrative approval:* The establishment of the following uses shall require a TUP issued by the Development Services Department, with review from other City departments as necessary.

(a) Temporary sales offices and model homes established for the express purpose of marketing a real estate development project with final site plan and Broward County Plat approval. The model homes and sales offices shall be located on contiguous parcels or lots and limited to the property that is being marketed for sales.

(b) Seasonal sales lots offering products such as ~~Christmas~~ holiday or seasonal trees, pumpkins, or flowers; provided, however, that no TUP shall be issued for sales within public rights-of-way or for more than ~~forty-five~~ 45 days, unless the City Commission grants an extension. Firework and sparkler sales shall be subject to approval from the ~~Department of Environmental and Engineering Services,~~ Development Services Department, ~~Building~~ Department of Building and Code Services, and Margate Fire Rescue Department ~~and Police Department approval.~~

(c) The City Commission may grant an extension of time for any TUP by application submitted to the Development Services Department subject to payment of double the fee for the initial application as specified on the fee schedule.

(~~c~~e) Walkway or parking lot sales by businesses having a City-issued Local Business Tax Receipt, with all such activities located within the property of those businesses and not in any right-of-way.

~~(d) Mobile food truck sales by properly licensed and inspected businesses as part of a special event or in conjunction with a business having a City-issued Local Business Tax Receipt on the same property.~~

(~~e~~f) Farmers' markets.

(~~f~~g) Community garage sales.

(gh) Promotional events for businesses and community facilities having a City-issued Local Business Tax Receipt, which anticipate having fewer than 500 attendees at any given time. All such activities shall be located within the property of those businesses and community facilities and not in any right-of-way.

(~~h~~i) Block parties in residential areas with an anticipated attendance greater than 75 people but fewer than 500 people. Block parties in residential areas with an anticipated attendance of 75 people or fewer are not required to apply for a TUP, but must notify the Police Department seven calendar days in advance.

(~~i~~j) Political, religious, or social gatherings which anticipate having fewer than 500 attendees at any given time.

(2) *City Commission approval:* Applications for the following types of TUPs shall be transmitted to the Development Services Department for review and input by various City departments. Subsequent to administrative review, the Development Services Department shall schedule the application for review by the City Commission. The City Commission may approve the application by resolution and may impose reasonable conditions as necessary to ensure public safety and welfare:

(a) Carnivals, fairs, and circuses.

(b) Promotional events for businesses and community facilities which anticipate having 500 or more attendees at any given time.

(c) Fireworks displays and shows.

(d) Other temporary uses or structures which in the opinion of the Development Services Department may require City Commission review.

(e) Block parties in residential areas with an anticipated attendance of 500 or more people.

(f) Political, religious, or social gatherings which anticipate having 500 or more attendees at any given time.

(C) *Maximum time limit:* A maximum time limit shall be established for all TUPs based on the minimum amount of time needed to conduct the permitted activity.

(1) TUPs related to real estate development projects shall not be maintained longer than the time necessary to complete the construction of the project (issuance of the final certificate of occupancy).

(2) Seasonal sales shall be limited to 45~~30 consecutive~~ calendar days.

(3) Walkway or parking lot sales shall be limited to seven ~~consecutive~~ calendar days.

(4) TUPs for all other events shall not be maintained longer than a total of 21 ~~consecutive~~ calendar days, such that an event may utilize up to three calendar days for set-up prior to the commencement of an event, up to 15 calendar days to hold the event, and up to three calendar days after the close of an event for tear down and clean-up.

(5) As an exception to the above, the Development Services Department may grant an extension to a TUP of not more than seven consecutive calendar days for unforeseen circumstances, such as natural disturbances, but not including economic hardships.

(6) All events approved by TUP shall close by 10:00 p.m., unless approved for a later time by the City Commission.

(D) *Revocation of permits:* Any temporary use or structure which becomes a nuisance violates the conditions of the permit, endangers the public health or safety or is in violation of this Code shall be immediately subject to revocation by the City Manager.

(E) *Exemptions:* A TUP will not be required for:

(1) Any use or structure that is part of a construction project by or for the City; however, a building permit shall be required.

(2) Any outdoor event organized, operated, and funded either by the City or CRA that is held upon any City or CRA owned land.

(3) All tax-exempt organizations that qualify under Section 501 of the Internal Revenue Code are exempt from payment of the fee, except for those with 501c4 tax exempt status.

(~~d~~4) A temporary use permit shall not be required for a person or entity having a facilities rental agreement with the Department of Parks and Recreation for a specific purpose.

(F) *General criteria and limitations:*

(1) The temporary use must be compatible with the surrounding land uses.

(2) Parking: A parking problem must not be created. If off-site parking is to be utilized, permission must be in writing from the subject property owner who must demonstrate that the parking requirement of the temporary use does not cause the loss of legally required parking spaces for the site, and provides ADA accessible parking.

(3) Amount of TUPs: Each property shall be limited to four temporary use permits within a calendar year. An applicant may not conduct two or more events consecutively at one time. An applicant may not receive a TUP on the same property more than once per 30-day time period.

(4) Applicants for a TUP requiring administrative approval per Section 3.24(B)(1) shall file an application with the Development Services Department at least 30 calendar days prior to said event, together with an application fee. Any applicant applying for a TUP requiring City Commission approval per Section 3.24(B)(2) shall submit an application with the Development Services Department at least 90 calendar days prior to such event. The applicant, at a minimum, must submit the following with the application:

(a) A notarized affidavit from the owner of the land where the event is to be held which grants permission for the event;

(b) A detailed description of the event, including dates, hours of operation, provision of water and/or electric service, access to restrooms, and the provision of security;

(c) A site plan providing detailed information about the site and the surrounding area(s) to be impacted, including a diagram of the event set-up, cooking areas, tents, vendors, seating areas, shows, parking areas, restroom facilities, garbage collection, and where any other activities are to take place;

(d) A hold harmless agreement indemnifying the City of any liability;

(e) Proof of insurance, including a certificate that names the City of Margate as additional insured; and

(f) Temporary Use Permit ~~A~~application ~~F~~fees~~:~~

~~i. TUPs which require City Commission approval: $250.00~~

~~ii. All others: $75.00~~

shall be provided upon submission of a complete application as specified in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate.

(5) Additional information related to and including, but not limited to, signage, parking, traffic circulation, building and fire prevention regulations, appropriate food vendor or catering licenses from the Florida Department of Business and Professional Regulations, where applicable, shall be provided to ensure that the Margate Code of Ordinances is implemented properly for temporary uses.

Section 3.25. Burden of proof.

Unless otherwise specifically provided for in this Code, the applicant or appellee for any conditional use permit, variance, special exception, appeal, waiver, land use plan amendment or other ~~quasi-judicial~~ determination shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the ~~city~~ C~~c~~ity C~~c~~ommission in any quasi-judicial matter before the ~~city~~ C~~c~~ity C~~c~~ommission or any B~~b~~oard or C~~c~~ommittee of the C~~c~~ity.

(Ord. No. 1500.454, § 1, 9-17-1997)

Section 3.26. Margate Community Redevelopment Plan.

Within the Margate Community Redevelopment Agency special district, ~~In~~ consideration of any rezoning, variance, waiver, special exception, conditional use, land use plan amendment or other ~~quasi-judicial~~ determination affecting zoning, the goals and objectives of the Margate Community Redevelopment Plan shall also be c~~onsidered~~ met.

(Ord. No. 1500.462, § 1, 2-17-1999)

Section 3.27. ~~[~~Quasi-judicial determinations.~~]~~

(a) For all rezonings, variances, waivers, special exceptions, conditional uses, or other quasi-judicial determinations affecting zoning, or any quasi-judicial matter related to the Margate Comprehensive Plan, the applicant shall attend the scheduled quasi-judicial determination or be represented during same.

(b) Failure to comply with subsection (a) may be grounds for denial for the above quasi-judicial determination.

(c) The above statement shall be provided to each applicant for every quasi-judicial determination upon notice of the scheduled quasi-judicial hearing.

(Ord. No. 1500.502, § 1, 11-30-2004)

Section 3.28. Emergencies—Temporary exceptions.

This section shall apply during any emergency ~~ea~~affecting ~~a~~affecting the health, safety and welfare of the citizens of the City of Margate, as declared by the President of the United States, the Governor of the State of Florida, the Broward County Commission or its designee, or the City Commission of the City of Margate, or any other lawful authority, as determined by the City Manager or Acting City Manager of the City of Margate.

(1) During the existence of any declared emergency, the City Manager or Acting City Manager may grant temporary exceptions for nonconforming use of buildings or lands from the Zoning Code of the City of Margate upon a written finding of the following:

   (a) A temporary exception is deemed in the best interest of the health, safety and welfare of the citizens of the City of Margate; and

   (b) A temporary exception is necessitated by the declared emergency.

   Any exception granted by the City Manager may be revoked by resolution of the City Commission. Any exception granted pursuant to this subsection may continue only for such time as the emergency condition declared legally exists.

(2) During the existence of any declared emergency, or within six (6) months subsequent to any declared emergency, the City Commission of the City of Margate may grant temporary exceptions for nonconforming use of buildings or lands from the Zoning Code of the City of Margate upon a finding of the following:

   (a) A temporary exception is deemed in the best interest of the health, safety and welfare of the citizens of the City of Margate; and

   (b) A temporary exception is necessitated by the declared emergency.

(3) The temporary exceptions granted pursuant to subsection (2) of this section may continue for such time as provided in the determination of the City Commission, up to ~~one hundred eighty (~~180~~)~~ calendar days from the declared emergency. A temporary exception may be renewed for an additional ~~one hundred eighty (~~180~~)~~ calendar days upon findings as provided in subsections (2)(a) and (b) above. In no

event may a temporary exception continue in excess of ~~three hundred sixty (~~360~~)~~ days from the date that an emergency has been declared.

(4) No person who is granted an exception pursuant to this section shall have the right to the continuation of said exception in excess of the duration of the time specifically provided for in this section. No property right, vested right, or estoppel is created pursuant to this section as any exception created herein is based only upon necessity created by a declared emergency, and is subject to termination by the City Commission and the terms of this section.

Section 3.29. Rooftop photovoltaic solar systems.

(A) *Intent.* The provisions contained herein are intended to promote the health, safety, and general welfare of the citizens by removing barriers to the installation of alternative energy systems and encourage the installation of rooftop photovoltaic solar systems [pursuant to the U.S. Department of Energy Rooftop Solar Challenge Agreement Number DE-EE0005701 ("Go SOLAR - Broward Rooftop Solar Challenge") on buildings and structures within municipal limits. The provisions and exceptions contained herein are limited to web based applications for pre-approved rooftop photovoltaic solar system installations that utilize the Go SOLAR Broward Rooftop Solar Challenge permitting process.]

(B) *Permitted accessory equipment.* Rooftop photovoltaic solar systems shall be deemed permitted accessory equipment to structures in all zoning districts. Nothing contained in this appendix, including design standards or guidelines included or referenced herein, shall be deemed to prohibit the installation of rooftop photovoltaic solar systems as accessory equipment to conforming and nonconforming building, including buildings containing nonconforming uses.

(C) *Permits.* Prior to the issuance of a permit, the property owner(s) must acknowledge, as part of the permit application, that:

(1) If the property is located in a homeowner's association, condominium association, or otherwise subject to restrictive covenants, the property may be subject to additional regulations or requirements despite the issuance of a permit by the city, provided those same regulations or requirements do not infringe upon a property owner's rights as provided for in F.S. § 163.04; and

(2) The issuing of said permit for a rooftop photovoltaic solar system does not create in the property owner(s), its, his, her, or their successors and assigns in title, or create in the property itself a right to remain free of shadows and/or obstructions to solar energy caused by development adjoining on other property or the growth of any trees or vegetation on other property or the right to prohibit the development on or growth of any trees or vegetation on another property.

(D) *Tree maintenance and removal.* To the extent that the city has discretion regarding the removal or relocation of trees, solar access shall be a factor taken into consideration when determining whether and where trees may be removed or relocated. Tree pruning, relocation, or removal shall be conducted in accordance with the provisions of Chapter 23 of the Margate Code of Ordinances.

(E) *Maintenance.* The rooftop photovoltaic solar system shall be properly maintained and be kept free from hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare.

Section 3.30. Reasonable accommodation procedures.

(A~~1~~) This section implements the policy of the City of Margate for processing of requests for reasonable accommodation to its ordinances, rules, policies, and procedures for persons with disabilities as provided by the F~~f~~ederal Fair Housing Amendments Act (42 USC 3601 et seq.) (FHA) and ~~titlet~~Title II of the Americans with Disabilities Act (42 USC 12131 et seq.) (ADA).

(1) For purposes of this section, a "disabled" individual or person is an individual that qualifies as disabled and/or handicapped under the FHA and/or ADA~~.~~ ("Applicant"). Any person who is disabled (or qualifying entities) may request a reasonable accommodation with respect to the City's land use or zoning laws, rules, policies, practices and/or procedures as provided by the FHA and the ADA pursuant to the procedures set out in this section.

(~~2~~B) A request by an A~~a~~pplicant for reasonable accommodation under this section shall be made in writing by completion of a reasonable accommodation request form, which form is maintained by (and shall be submitted to) the Development Services Department.

(1) The reasonable accommodation form shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request. The reasonable accommodation request form shall be substantially in the form set forth in subsection (10), below.

(~~3~~C) Should the information provided by the ~~disabled individual~~Applicant to the City include medical information or records, including records indicating the medical condition, diagnosis or medical history of ~~the disabled individual~~Applicant, such individual may, at the time of submitting such medical information, request that the City, to the extent allowed by law, treat such medical information as confidential information of the ~~disabled individual~~Applicant.

(1) The City shall thereafter endeavor to provide written notice to the ~~disabled individual,~~Applicant and/or their representative, of any request received by the City for disclosure of the medical information or documentation which the ~~disabled individual~~Applicant has previously requested be treated as confidential by the City.

(2) The City will cooperate with the ~~disabled individual~~Applicant, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the City shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses (whether by retention of outside counsel or allocation of internal resources) in connection therewith, and may comply with any judicial order without prior notice to the ~~disabled individual~~Applicant.

(~~4~~D) The ~~city C~~city C~~c~~ity M~~m~~anager, or ~~his/her~~their designee, shall have the authority to consider and act on requests for reasonable accommodation, after notice and public hearing to receive comments, input and information from the public (provided, however, the ~~city C~~city C~~c~~ity M~~m~~anager or designee, shall not be required to render their decision at said public hearing).

(1) When a reasonable accommodation request form has been completed and submitted to the Development Services Department, it will be referred to the ~~city C~~city C~~c~~ity M~~m~~anager, or designee, for review and consideration.

(2) The ~~city C~~city C~~c~~ity M~~m~~anager, or designee, shall issue a written determination within ~~forty-five (~~45~~)~~ calendar days of the date of receipt of a completed application and may, in accordance with federal law,

(~~1~~i) grant the accommodation request,

(~~2~~ii) grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request, or

(~~3~~iii) deny the request, in accordance with federal law.

(iv) ~~A~~ny amendment made to the application shall result in a new 45 day review time period.

(v) Any such denial shall be in writing and shall state the grounds therefore.

(vi) All written determinations shall give notice of the right to appeal.

(E) The notice of determination shall be sent to the requesting party (i.e. ~~he~~ the Applicant~~disabled individual~~ or ~~his/her~~their representative) by certified mail, return receipt requested.

(1) If reasonably necessary to reach a determination on the request for reasonable accommodation, the ~~city~~ Ccity Mmanager, or designee, may, prior to the end of said 45 ~~forty-five~~ day period, request additional information from the ~~requesting party~~Applicant, specifying in sufficient detail what information is required.

(i) The ~~requesting party~~Applicant shall have ~~fifteen (~~15~~)~~ calendar days after the date of the request for additional information to provide the requested information.

(ii) In the event ~~a request for~~ any additional information is ~~made~~ provided, the ~~forty-five~~ 45-day period to issue a written determination shall no longer be applicable, and the ~~city~~ Ccity Mmanager, or designee, shall issue a written determination within ~~thirty (~~30~~)~~ calendar days after receipt of the additional information.

(iii) If the requesting party fails to provide the requested additional information within said ~~fifteen~~15-day period, the ~~city~~ Ccity Mmanager, or designee, shall issue a written notice advising that the ~~requesting party~~Applicant had failed to timely submit the additional information and therefore the request for reasonable accommodation shall be deemed abandoned and/or withdrawn and no further action by the City with regard to said reasonable accommodation request shall be required.

(~~5~~F) In determining whether the reasonable accommodation request shall be granted or denied, ~~the requesting party~~Applicant shall be required to establish that they are protected under the FHA and/or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA and/or ADA.

(1) Although the definition of disability is subject to judicial interpretation, for purposes of this ordinance the disabled individual must show:

(i) a physical or mental impairment which substantially limits one or more major life activities; or

(ii) a record of having such impairment; or

(iii) that they are regarded as having such impairment.

(2) Next, the requesting party will have to demonstrate that the proposed accommodations being sought are reasonable and necessary to afford handicapped/disabled persons equal opportunity to use and enjoy housing. The foregoing (as interpreted by the courts) shall be the basis for a decision upon a reasonable accommodation request made by the ~~city~~ Ccity Mmanager, or designee, or by the ~~city~~ Ccity Ccommission in the event of an appeal.

(~~6~~G) Within ~~thirty (~~30~~)~~ calendar days after the ~~city~~ Ccity Mmanager's, or designee's, determination on a reasonable accommodation request is mailed to the requesting party, such applicant may appeal the decision.

(1) -All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be to the ~~city~~ Ccity Ccommission who shall, after public notice and a public hearing, render a determination as soon as reasonably practicable, but in no event later than ~~sixty (~~60~~)~~ calendar days after an appeal has been filed.

(~~7~~H) There shall be no fee imposed by the City in connection with a request for reasonable accommodation under this section or an appeal of a determination on such request to the City Commission, and the City shall have no obligation to pay a ~~requesting party's~~Applicant's (or an appealing party's, as applicable) attorneys' fees or costs in connection with the request, or an appeal.

(~~8~~I) While a application for reasonable accommodation, or appeal of a determination of same, is pending before the City, the City will not enforce the subject zoning ordinance, rules, policies, and procedures against the Applicant.

(~~9~~J) The following general provisions shall be applicable:

(~~a~~1) The City shall display a notice in the City's public notice bulletin board (and shall maintain copies available for review in the Development Services Department, the Building Department, and the City Clerk's Office), advising the public that disabled individuals (and qualifying entities) may request reasonable accommodation as provided herein.

(~~b~~2) ~~A~~An ~~disabled individual~~ Applicant may apply for a reasonable accommodation on ~~his/her~~their own behalf or may be represented at all stages of the reasonable accommodation process by a person designated by the ~~disabled individual~~Applicant.

(~~c~~3) The City shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with ~~a~~an Applicant's ~~disabled person's~~ request for reasonable accommodation, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal, and appearing at a hearing, etc., to ensure the process is accessible.

(~~10~~K) Contents of a Reasonable Accommodation Request Form:

1. Name of Applicant: _____

   Telephone Number: _____
2. Address: _____
3. Address of housing or other location at which accommodation is requested:
4. Describe qualifying disability or handicap:
5. Describe the accommodation and the specific regulation(s) and/or procedure(s) from which accommodation is sought:
6. Reasons the reasonable accommodation may be necessary for the individual with disabilities to use and enjoy housing or other service:
7. Name, address and telephone number of representative, if applicable.
8. Other information:
9. Signature of ~~Disabled Individual~~Applicant or Representative, if applicable, or Qualifying Entity:

   _____ Date: _____

Section 3.31. Roof materials for residential zoning districts.

(A) Intent. The provisions contained herein are intended to maintain and improve property values and the appearance of properties through the installation of quality roofing materials.

(B) Scope. This Section shall be applicable to all residential zoning districts or developments. ~~including R-1A, R-1B, R-2, R-3, R-3A, PRC, PUD, and RVRP.~~

(C) Minimum standards for roof materials.

a. New construction.

i. Asphalt shingle, and polyurethane foam on sloped roofs over any finished roofing material are not permitted.

ii. Roofs shall be constructed of solar roof tile, cement tile, clay tile, metal, wood shingle, or other non-asphaltic-based roof material.

iii. Single-family attached, semi-attached, and duplex dwellings - Roofing material shall be of the same profile, material, and color hue so as to function as a singular and integrated structure.

iv. Roofs of multifamily apartments and condominiums will be reviewed for coordination with the overall building design.

b. Existing construction.

i. Replacement of existing roofs shall be of the current material or higher quality material (such as from shingle to clay tile or from 3-tab shingles to architectural shingles).

ii. All replacement roof material shall be of the same profile, material, and color hue as the rest of the roof.

iii. Single-family attached, semi-attached, and duplex dwellings - Roofing material shall be of the same profile, material, and color hue so as to function as a singular and integrated structure.

iv. Exceptions to this subsection shall only be allowed with an Engineer's Letter stating it is not structurally possible for all or portions of an existing roof to utilize a particular roof material.

ARTICLE XXXI. NONCONFORMING USE AND STRUCTURES

Section 31.1. ~~Existing uses.~~ Purpose.

~~Any lawful use of land or structure existing at the effective date of this zoning code, or amendments thereto, and which by its terms has become a nonconforming use, is hereby declared not to be in violation at the effective date of this zoning code, or amendments thereto. Such a nonconforming use shall be subject to all the provisions of this article pertaining to its continuance, change and discontinuance.~~

It is the purpose of this article to provide for the regulations of nonconforming uses and structures which existed lawfully (whether by special exception, variance, or otherwise) on the effective date of passage or amendment of this Code and which fail to conform to any of the applicable regulations contained herein. Nonconforming uses are deemed to be: incompatible with and detrimental to permitted uses and structures in the zones in which they are located; the cause of disruption of the comprehensive land use patterns of the city; an inhibition of present and future development of nearby properties; conferring upon their owners and users an absolute franchise and hence a position of unfair advantage. A rigid control on expansion and the eventual elimination or reduction to conformity, as expeditiously as is reasonable, of nonconforming uses or structures is declared to be as much a subject of health, safety and welfare as is the prevention of the establishment of new uses that would violate the provisions of this Code.

Section 31.2. Nonconforming use—Extensions.

The nonconforming use of a building or structure may not be extended through any part of a building or structure not so used at the effective date of this zoning code, or amendments thereto. No nonconforming use shall be extended to occupy any land outside the building or structure, nor any additional building or structure on the same ~~plot~~lot, not used for such nonconforming use at the effective date of this zoning code, or amendments thereto. The nonconforming use of land shall not be extended to any additional land not so used at the effective date of this zoning code, or amendments thereto.

Section 31.3. Same—Repair, alteration, enlargement.

(A) No structure utilized for a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, unless the use is changed to one which complies with the provisions of this zoning code, or amendments thereto. Repairs, maintenance and improvement may be carried out in any one (1) year in an amount not to exceed ~~twenty-five (~~25~~) per cent~~percent of the assessed value as determined by the Broward County Property Appraiser of the structure for that year. However, such work shall not increase the cubical content of the building or structure, nor the floor area devoted to the nonconforming use, nor increase the number of dwelling units. Nothing in this article shall prevent compliance with applicable laws or resolutions relative to the safety and sanitation of a building or structure occupied by a nonconforming use.

(B) Except as otherwise provided in this Code, a building or structure which was lawfully constructed prior to the effective date of this chapter, as amended, but which does not conform to the current requirements of this Code, such as, but not limited to, minimum yards, maximum building height, minimum floor area or maximum lot coverage, shall not be considered in conflict with this chapter provided that the use of such building or structure remains otherwise lawful, provided that:

(1) No such building or structure shall be enlarged upon or altered in any way that increases a nonconformity. Such building or structure or portion thereof may be altered to decrease its nonconformity except as may be hereafter provided. Such nonconforming buildings or structures shall not be used as a basis for adding other buildings, structures or uses prohibited elsewhere in the same district.

(2) Should such building or structure be destroyed by any means to an extent of more than 50 percent of its assessed value at the time of destruction, as determined by the Broward County Property Appraiser, it shall not be reconstructed except in conformity with the provisions of this Code.

(3) Should such structure or building be moved for any reason for any distance whatever, it shall thereafter conform to the property development regulations for the district in which it is located after it is moved.

Section 31.4. Reconstruction after catastrophe.

If any nonconforming structure, or building in which there is a nonconforming use, is damaged by fire, flood, explosion, collapse, wind, war, or other catastrophe to such extent that the cost of rebuilding, repair and reconstruction will exceed ~~seventy-five (75) per cent~~ ~~fifty~~ (50) percent of the value of the building or structure as determined by the Broward County Property Appraiser for that year, it shall not be again used or reconstructed except in full conformity with the regulations of the district in which it is located.

Section 31.5. Change of nonconforming use.

(A) In any residential district, a nonconforming use in a nonconforming building or structure shall be changed only to a conforming use.

(B) In any residential district, a nonconforming use in a nonconforming building or structure shall be changed only to a use permitted in the particular residential district involved, except as provided in paragraph (C) below.

(C) There may be a change of tenancy, ownership or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use except as may be permitted by this zoning code, or amendments thereto.

(D) In a nonresidential district, a nonconforming use in a nonconforming structure may not be replaced, except with a conforming use.

(E) Any change of a nonconforming use of land shall be to a conforming use.

Section 31.6. Discontinuance or abandonment of a nonconforming use.

(A) If for any reason a nonconforming use of land or portion thereof ceases or is discontinued for a period of more than ~~one hundred eighty (~~180~~)~~ calendar days, the land shall not thereafter be used for a nonconforming use, except for agriculture uses.

(B) If for any reason the nonconforming use of a building or structure, or any portion of a building or structure ceases or is discontinued for a period of ~~one hundred eighty (~~180~~)~~ calendar days or more, the said building or structure shall not thereafter be used for a nonconforming use.

(C) Any part or portion of a building, structure or land occupied by a nonconforming use, which use is abandoned for ~~one hundred eighty (~~180~~)~~ calendar days or more, shall not again be occupied or used for a nonconforming use.

(D) Any part of a building, structure or land occupied by a nonconforming use which is changed to or occupied by a conforming use shall not thereafter be used or occupied by a nonconforming use.

Section 31.7. Discontinuance or abandonment of variances or waivers.

(A) If for any reason a variance or waiver as to the use of land or any portion thereof does not commence, is not undertaken, ceases, is discontinued, or is abandoned for a period of more ~~one hundred eighty (~~180~~)~~ calendar days, the land or portion thereof shall not thereafter be used for said variance or waiver unless specifically outlined unless the contrary is specifically provided in the variance or waiver, or unless same has been considered anew and granted, pursuant to the Code of the City of Margate.

(B) If for any reason a variance or waiver as to the use of a building or structure or any portion thereof does not commence, is not undertaken, ceases, is discontinued, or is abandoned for a period of more ~~one hundred eighty (~~180~~)~~ calendar days, the building or structure or any portion thereof shall not thereafter be used for said variance or waiver unless specifically outlined unless the contrary is specifically provided in the variance or unless same has been considered anew and granted, pursuant to the Code of the C~~e~~ity.

~~Section 31.8. Nonconformity other than use.~~

~~The foregoing provisions of this article are intended to apply only to nonconforming uses, and are not intended to apply to buildings and structures, and their plots, existing at the effective date of this zoning code, or amendments thereto which do not meet the regulations of this zoning code, or amendments thereto for height, yards, plot size, plot area, coverage, separation or other similar dimensional requirements or limitations. Any~~

~~additions, extensions or alterations to such existing buildings or structures shall comply with all applicable provisions of this zoning code, or amendments thereto.~~

Section 31.9. Illegal use.

The casual, temporary or illegal use of land or a building or structure shall not be sufficient to establish the existence of a nonconforming use or to create any right in the continuance of such a use.

Section 31.10. District or regulation change.

The foregoing provisions of this article shall ~~also~~ apply to buildings, structures, land, premises or use which hereafter become nonconforming due to a change or a reclassification of district or become nonconforming due to a change in district regulations. Where a period of time is specified in this article for the removal or discontinuance of nonconforming buildings, structures or uses, said period shall be computed from the effective date of such reclassification or change of regulations.

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ARTICLE V. ZONING DISTRICTS

Section 5.1. Classes and symbols.

The City of Margate is hereby divided into the following zoning districts:

(1) CF-1: Community Facility.

(2) R-1, R-1A, R-1B, R-1C and R-1D: One-Family Dwelling.

(3) R-2: Two-Family Dwelling.

(4) R-3: Low-Density Multiple Dwelling.

(5) R-3A: Multiple Dwelling.

(6) PRC: Planned Residential Community.

(7) PUD: Planned Unit Development.

(8) RVRP: Recreational Vehicle Resort Park.

(9) B-1: Neighborhood Business.

(10) B-2: ~~Limited~~ Community Business.

(B-2A) B-2A: Limited Business.

(11) B-3: Liberal Business.

(12) ~~TOC-~~C: Corridor.

(13) ~~TOC-~~G: Gateway.

(14) ~~TOC-~~CC: City Center.

(15) M-1: Light Industrial.

(16) M-1A: Industrial Park.

(17) CON: Conservation.

(R-3U) R-3U: Row House.

(18) U-1: Utilities.

(19) S-1: Recreational.

(20) S-2: Open Space.

(T-1) T-1: Mobile Home.

(SRDR) Supplemental Residential Development Regulations.

(ASMB) Places of Assembly.

(SR) Supplemental Regulations.

(SCH) Public or Private Elementary, Middle, or High School.

(Ord. No. 1500.00, § 6.1, 10-25-1967; Ord. No. 1500.46, § 1, 12-23-1970; Ord. No. 1500.47, § 1, 12-23-1970; Ord. No. 1500.59, § 1, 8-11-1971; Ord. No. 1500.79, § 1, 12-13-1972; Ord. No. 1500.80, § 1, 12-13-1972; Ord. No. 1500.91, § 1, 7-1-1973; Ord. No. 1500.126, §§ 1, 2, 1-18-1978; Ord. No. 1500.146, § 1, 9-20-1978; Ord. No. 1500.163, § 1, 3-7-1979; Ord. No. 1500-546, § 7, 10-15-2008; Ord. No. 2017-1500.625, § 2, 2-1-2017)

Editor's note(s)—At the direction of the city, subsection (11) of § 5.1, which included an M-2 medium industrial zoning district in the classification schedule of zoning districts, has been deleted from said schedule inasmuch as the city has provided no substantive provisions for said zoning district classification.

Section 5.2. Zoning district map adopted.

The areas assigned to the districts referred to in the preceding section, the designation of same, and the boundaries of said districts are shown upon the zoning map on file in the office of the building inspector of the City of Margate and said zoning map and the districts thereon are hereby adopted and established as fully and to the same effect as though set out in length herein. Said zoning map shall be considered a part of this ordinance and shall be identified by the signatures of the president of the city council and the city clerk of the City of Margate, together with the number of this ordinance and its effective date. Each district designated on the zoning map shall be subject to the regulations set forth herein unless otherwise shown, the district boundaries are street lines, alley lines or the subdividing or boundary lines of recorded plats, or the extension thereof, and where the districts designated on maps accompanying and made a part of this ordinance are approximately bounded by street lines, alley lines or the subdividing or boundary lines of recorded plats, such lines or the extensions thereof shall be considered to be district boundaries.

(Ord. No. 1500.00, § 6.2, 10-25-1967)

Section 5.3. Regulation of unzoned property.

No permits for the development or use of a property shall hereafter be issued from the city unless said development or use is located on a lot with an approved zoning designation from the city.

(Ord. No. 1500.00, § 6.3, 10-25-1967; Ord. No. 1500.44, § 1, 11-4-1970; Ord. No. 1500-546, § 8, 10-15-2008)

~~Section 5.4. Change of zoning.~~

~~(A) The owner of any property within the City of Margate may request a change of zoning on said property by filing such request with the planning and zoning board in writing, stating the reasons for the requested change and shall include the sum of two hundred fifty dollars ($250.00) to defray all costs of advertising, administrative and other costs of the hearings.~~

~~(Ord. No. 1500.00, § 6.5, 10-25-1967; Ord. No. 1500.112, § 1, 11-12-1975; Ord. No. 1500.236, § 1, 6-15-1983)~~

~~(B) Upon filing a petition for rezoning, the administration may accept from the petitioner an affidavit of ownership on approved form in lieu of a certificate of ownership.~~

~~(Ord. No. 1500.00, § 6.4, 10-25-~~

~~1967; Ord. No. 1500.112, §§ 1, 2, 11-12-1975~~

Section 5.5. Irregular lots.

The lot requirements as prescribed in this ordinance for each classification are stated as they apply to regular lots. It is recognized that lots of irregular shape will occur in the platting of areas. Such irregular lots shall contain the minimum area specified for the applicable zoning district and any building erected thereon must conform to all specified front, side and rear setbacks.

(Ord. No. 1500.00, § 6.5, 10-25-1967)

Section 5.6. Special setback ~~yard~~ requirements.

All required setbacks ~~yards when~~ from an abutting ~~a~~ waterway, canal or body of water shall be measured from the horizontal natural water line of said waterway, canal or body of water. The horizontal natural waterline is the mean horizontal or vertical level reached by water, visible as a line on a boat, beach dock or bank.

(Ord. No. 1500.00, § 6.6, 10-25-1967)

[Section 5.7. Campers, travel trailers in T-1 districts.]

(a) It is hereby prohibited for any persons presently having property previously zoned T-1 in the City of Margate to permit or allow therein any campers or other trailers on an over night or other temporary basis. It shall be construed to be a violation of this ordinance where any camper or travel trailer connects itself to utilities or dumping stations for any period of time without having removed from said camper or travel trailer all means of mobile locomotion.

(b) It is hereby declared to be the legislative intent that the city council of the City of Margate shall not permit and deems it not in the best interests of the citizens of the City of Margate to permit the opening or use of T-1 zoned areas for open camp grounds or temporary or transient use of T-1 zoned property by travel trailers for any purposes other than permanent tie down.

(c) These provisions shall not apply to areas zoned RVRP Recreational Vehicle Resort Park district

(Ord. No. 1500.114, §§ 1, 2, 1-21-1976; Ord. No. 1500.51, § 5, 8-19-2009)

Editor's note(s)—Ord. No. 1500.114, adopted Jan. 21, 1976, amended App. A, but did not specify manner of inclusion. At the editor's discretion, therefore, §§ 1, 2 of Ord. No. 1500.114 have been included as § 5.7.

ARTICLE VI. PRC: PLANNED RESIDENTIAL COMMUNITY~~, PRC~~ DISTRICT[1]

Section 6.1. Purpose of district.

This district may be applied to parcels that have been designated residential by the Margate Future Land Use Element. It is applicable to land under single ownership and places an emphasis on overall planning and design as a prerequisite for site plan approval. The city intends this district to result in the reduction of land development costs, energy consumption, and maintenance demands per dwelling unit without compromising individual unit

[1]Editor's note(s)—Ord. No. 1500.332, § 1, adopted July 13, 1988, repealed App. A, Art. V, §§ 5.1—5.12, pertaining to Limited Agricultural A-1 District, and enacted new provisions designated as Art. V, §§ 5.1—5.9, to read as herein set out [as current Art. VI, §§ 6.1—6.9]. Former Art. V derived from Ord. No. 1500.00, §§ 7.1—7.11, adopted Oct. 25, 1967.

privacy of property value. It encourages the creation of common recreation areas and amenities. Within all PRC developments, a condominium or homeowner's association must be created and made responsible for the perpetual control and maintenance of common elements, architectural features, fences, accessory structures, and landscaping.

(Ord. No. 1500.332, § 1, 7-13-1988)

Section 6.2. Application of this article.

The following regulations shall apply in all PRC districts, subject to the specific criteria contained in the approved site development plan or as otherwise specified.

(Ord. No. 1500.332, § 1, 7-13-1988)

Section 6.3. Uses permitted.

No building or structure, or part thereof, shall be erected, altered, or used, or land used, in whole or in part, for other than one (1) or more of the following uses:

(1) One-family detached dwellings, each located so that one (1) side abuts a side ~~plot~~ lot line. The walls of adjoining units shall not abut.

(2) Recreational facilities, only if constructed as an accessory use to the surrounding residential area.

(3) Multiple-family dwellings subject to the requirements of the R-3 Zoning District, except as otherwise provided herein.

(4) Uses and structures which are accessory, service-oriented, or incidental to the principal uses may be permitted. These may include accessory amenity structures such as clubhouses, meeting rooms, pool houses or other structures.

(Ord. No. 1500.332, § 1, 7-13-1988)

Section 6.5. Size of ~~plot~~ lot.

Every detached one-family dwelling unit which is erected, placed, or structurally altered shall provide a site or ~~plot~~ lot of not less than ~~forty-five (~~45~~)~~ feet in width and ~~ninety (~~90~~)~~ feet in depth and ~~four thousand five hundred (~~4,500~~)~~ square feet in area.

(Ord. No. 1500.332, § 1, 7-13-1988)

Section 6.5. Height limitation.

No building or structure, or part thereof, shall be erected or structurally altered in excess of the following height:

(1) For one-family detached dwellings, two (2) stories or ~~thirty (~~30~~)~~ feet.

(2) For recreational buildings, two (2) stories or ~~thirty-five (~~35~~)~~ feet.

(Ord. No. 1500.332, § 1, 7-13-1988)

Section 6.6. Minimum required ~~yards~~ setbacks for one-family dwellings.

(1) *Front ~~yard~~ setback.* Every ~~plot~~ lot shall provide a front ~~yard~~ setback of not less than ~~fifteen (~~15~~)~~ feet in depth as measured from a right-of-way or roadway easement line. However, front entry garages must provide at least twenty (20) feet between the garage and a right-of-way or roadway easement line.

(2) *Side ~~yards.~~ setbacks* The side ~~yards~~ setbacks may be zero (0) on one (1) side of the ~~plot~~ lot provided that:

(a) The ~~plot~~ lot contiguous to that side ~~yard~~ setback is held under the same ownership at the time of construction; and

(b) The opposite side ~~yard~~ setback is not less than ten (10) feet, it being the intent of this district to provide for a minimum of ten (10) feet between one-family dwellings. This ~~yard~~ setback shall be perpetually maintained free of encroachments other than in-ground swimming pools (subject to ~~a five (5) foot setback~~ all regulations of Article III, Sec. 3.14 of Appendix AA), air conditioners, patios and appurtenance, fences, and landscaping; and

(c) Except for units whose zero ~~yard~~ setback directly abuts common open space, the wall located at the zero side ~~yard~~ setback shall not have any openings; and

(d) The zero side ~~yard~~ setback does not abut a public or private street without an intervening side ~~yard~~ setback of at least ten (10) feet in depth; and

(e) Except for a maximum ~~twenty-four (~~24~~)~~ inch roof overhang, no portion of the dwelling or architectural features project over any property line; and

~~(f) Protection between structures meets the requirements of the South Florida Building Code; and~~

(g) A four (4) foot maintenance easement is provided adjacent and parallel to the zero side wall allowing for the maintenance of that wall; and

(h) Storm gutters are required to ensure ~~S~~stormwater runoff from roofs does not spill directly onto the adjoining lot.

(3) *Rear ~~yard~~ setback.* Every ~~plot~~ lot shall have a rear ~~yard~~ setback of not less than ~~fifteen (~~15~~)~~ feet in depth. However, for a one-story structure the rear ~~yard~~ setback may be reduced to ten (10) feet in depth for no more than ~~fifty (~~50~~) per cent~~ percent of the lot width. When a lot has double frontage, the rear ~~yard~~ setback abutting a street shall not be less than twenty (20) feet in depth.

(Ord. No. 1500.332, § 1, 7-13-1988)

Section 6.7. Site plan required.

Prior to the issuance of a building permit within a PRC zoning district, an overall site development plan shall be approved by the development review committee. Said development plan shall specify and clearly delineate the location, relationship, design, and usage of all existing and proposed buildings and structures, public and private roads, utility and drainage areas, parking areas, landscaped open spaces, sidewalks, and lighting standards. Illustrative floor plans and elevations of proposed structures shall be submitted with the site plan. The committee shall consider all site plans pursuant to the criteria of Section 31-35 of the City Code and the provisions of this section.

(Ord. No. 1500.332, § 1, 7-13-1988)

Section 6.8. Unified control required.

Following site development plan approval, the developer shall submit documentation evidencing unified control of the subject property and the creation of a legally constituted maintenance association having responsibility for the perpetual care of common areas, recreational facilities, and architectural control. Membership in this association shall be mandatory for all property owners and successors in title to any land and improvements within the subject development, except for that which has been dedicated to the public. The city attorney shall approve said documents as meeting the requirements of this section prior to the issuance of the first certificate of occupancy.

(Ord. No. 1500.332, § 1, 7-13-1988)

Section 6.9. Development standards.

Every site development plan shall meet or exceed the following design standards in addition to all other applicable zoning and subdivision regulations:

(1) *Street design.* Private streets may serve developments within this district. The design of streets shall meet the criteria of Section 31-19 of the City Code. The design and cross-section shall be approved by the city engineer. Streets shall be illuminated to an average intensity of at least one (1) footcandle per square foot. At no point shall the intensity of illumination fall below one-half (½) footcandle.

(2) *Parking.* Every single-family dwelling unit shall provide a fully enclosed garage, attached to the main structure, and finished in an architecturally compatible manner with the particular house. Each such dwelling shall provide a double wide driveway of not less than ~~sixteen (~~16~~)~~ feet in width and 0 feet in depth. Multiple-family dwellings shall meet or exceed the parking requirements set forth in Section 35.3 of this Zoning Code.

~~Landscaping. Every single-family plot shall contain at least two (2) shade trees in the front yard of a designated community street tree and shall provide at least one (1) shade tree in the rear yard. Multiple dwellings shall contain at least two (2) shade trees per dwelling unit in addition to the required perimeter landscaping abutting a right-of-way. All unpaved common areas shall contain at least one (1) tree for each five hundred (500) square feet of area. The pruning, trimming, removal, or replanting of, or mitigation to, a tree on residential property shall be in accordance with Section 23-20 of the City of Margate Code of Ordinances.~~

(4) *Fences.* Except when constructed as an integral part of the main structure, no fences or walls shall be permitted within the front or street side ~~yard~~ setback of any residence. Where the rear of any lot abuts a trafficway, a buffer consisting of masonry and wood or metal rail and post, together with landscaping shall be provided along the full length of said perimeter which shall be in an area under unified control and ownership. This buffer must effectively protect the abutting residences from traffic noise and light, and shall be compatible with the landscaping and architecture of the subject development and surrounding residential areas.

(5) *Screen enclosures.* No screen enclosure shall be permitted within the front ~~yard~~ setback of any single-family ~~plot~~ lot. Any screen enclosure ~~which has a solid roof or one (1) or more solid wall~~ shall be subject to the ~~yard~~ setback requirements of Section 6.6. ~~A screen enclosure which has a screen roof and walls may be located no closer than five (5) feet to a rear or zero side plot line and four (4) feet to the opposite side plot line.~~

(6) *Staggered setbacks.* The use of varying setback distances for adjoining lots is recommended to provide visual relief.

(7) *Roof material.* The roof of all main structures shall be standing seam metal, barrel tile, S tile, ~~or~~ cement tile, or other decorative material.

(8) *Minimum parcel size.* All PRC districts shall contain at least five (5) contiguous acres.

(Ord. No. 1500.332, § 1, 7-13-1988; Ord. No. 2019-1500.648, § 2, 11-20-2019)

ARTICLE VII. C:~~TRANSIT ORIENTED~~ CORRIDOR ~~—CORRIDOR (TOC-C)~~ DISTRICT[2]

Section 7.1. Application of article.

This article is intended for all lands designated as ~~Transit Oriented Corridor~~ Activity Center on the Margate Future Land Use Map. The regulations of this article shall apply to the following ~~in all TOC~~ zoning districts.

~~TOC-~~C: ~~Transit Oriented Corridor—~~ Corridor;

~~TOC-~~G, : ~~Transit Oriented Corridor—~~Gateway;

~~TOC-~~CC, : ~~Transit Oriented Corridor—~~City Center.

After the effective date of this article, the building design and site design standards and any and all other land use and development requirements, standards, regulations, or other provisions set forth in this article shall apply to all new development and redevelopment within these districts.

After the effective date of this article, the building design and site design standards and any and all other land use and development requirements, standards, regulations, or other provisions set forth in this article shall apply to all new development and redevelopment within ~~the TOC district. No permits for the development or redevelopment of a property designated as Transit Oriented Corridor on the Margate Future Land Use Map and designated as one (1) of the three (3) TOC zoning districts on the Regulating Plan Map provided herein shall hereafter be issued from the city until said properties have officially changed zoning designation on the City of Margate Zoning Map to one (1) of the three (3) applicable TOC zoning districts as identified on the Regulating Plan Map~~ these districts.

(Ord. No. 1500.560, § 1, 7-7-2010)

Section 7.2. Purpose and general description.

The ~~Transit Oriented~~ Corridor, Gateway, and City Center districts are specifically created to implement and encourage the redevelopment of lands designated as ~~Transit Oriented~~ Corridor, Activity Center on the future land use plan map of the City of Margate Comprehensive Plan. These ~~TOC~~ districts generally include right-of-way and private properties abutting or proximate to the State Road 7/U.S. 441 corridor and comprising approximately ~~one thousand one hundred eighty-four (~~1,184~~)~~ acres. This area is designated on the City of Margate Future Land Use

[2]Editor's note(s)—Ord. No. 1500.560, adopted July 7, 2010, amended [the previous] art. VI in its entirety and enacted the provisions set out herein [in the current arts. VII, VIII, and IX.] The former art. VI, titled Estate E-1 District, derived from Ord. No. 1500.00, adopted Oct. 25, 1967; Ord. No. 1500.80, adopted Dec. 13, 1972; and Ord. No. 1500.546, adopted Oct. 15, 2008.

The maps and illustrations referenced in this article are on file and available for inspection in the office of the city clerk.

Map (FLUM) and the Broward County Land Use Plan Map (BCLUPM) as ~~Transit Oriented Corridor (TOC)~~ Activity Center.

This article provides general guidance and specific standards necessary to promote the goals, objectives and policies contained within the future land use element and is designed to maximize the development potential of the State Road 7/U.S. 441 corridor, foster a mix [of] land uses, promote shopfronts and commercial uses at street level, accommodate wide pedestrian-friendly and multimodal sidewalks, encourage upper story office uses, and provide on-site parking facilities in the rear ~~yard~~ setback and accesses when possible through rear alleys or side streets.

The city encourages development and redevelopment projects that contribute to the following objectives:

1. Promoting well-planned development and redevelopment;
2. Encouraging the reduction of impacts on adjacent neighborhoods through building placement and sensitivity of building design and green building standards;
3. Encouraging infill and redevelopment with an emphasis on pedestrian orientation, increased mobility and integration of transit and bicycle systems that provide alternatives to the automobile and promote a sustainable environment;
4. Encouraging a closer relationship between primary building entrances, the public sidewalk, and pedestrians with entrances to building shopfronts, workplace and housing oriented directly to the public street;
5. Providing opportunities for a range of housing types and price levels to accommodate diverse ages and incomes;
6. Planning transportation corridors in coordination with land use and coordinating the intensity of development proximate to mass transit and encouraging a sustainable environment;
7. Encouraging development that is pedestrian-oriented with a variety of uses including mixed-use development;
8. Providing that ordinary activities of daily living may occur within walking distance of most dwellings, allowing independence to those who do not drive;
9. Providing for interconnected networks of tree-lined or shaded roads to be designed and created incrementally to improve pedestrian access to transit and to disperse and reduce the length of automobile trips;
10. Creating an interconnected rear alleyway system;
11. Promoting the small scale of newly formed blocks with public open spaces to serve corridor residents, workers and visitors for increasing social gathering, active and passive recreation, and visual amenities;
12. Promoting appropriate building densities and land uses be provided within walking distance of transit stops;
13. Creating a range of open space including parks, squares, and playgrounds and positioning buildings to front streets and open spaces;
14. Encouraging buildings, streetscapes and landscaping to contribute to creating community living spaces;
15. Promoting a street environment and building orientation that emphasize comfort, safety, and distinctive identity, with the provision of urban greenways along major corridor roadways containing a variety of shopfronts that provide a high level of transparency at the sidewalk level;
16. Maximizing the development potential for the ~~TOC district~~ Corridor, Gateway, and City Center districts;

~~17. Providing form-based guidelines for change to promote a harmonious and orderly evolution of the TOC district redevelopment area; and~~

18. Encouraging energy efficiency through building design and site development.

(Ord. No. 1500.560, § 2, 7-7-2010; Ord. No. 2018-1500.645, § 2, 9-5-2018)

Section 7.3. ~~TOC-C~~ Corridor permitted uses.

(A) ~~[~~*Permitted uses.*~~]~~ No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than any of the uses specified below. All minimum separation distances shall be measured in the shortest airline distance between nearest property lines unless otherwise specified.

Accessory uses and structures to a permitted use.

Adult day care center.

Art gallery.

~~Art studio.~~

Artisans, studio or workshop. A workshop or studio of an artist, sculptor, photographer, jeweler, potter, craftsperson, furniture maker, cabinet maker, or other artist or artisan primarily used for on-site production of unique custom goods.

Automatic teller machine (outdoor).

Bakery, retail (wholesale permitted provided the storage area is less than 4,500 sq. ft.)

Banks and other financial institutions, not including Payday Loans. ~~Subject to requirements of Section 33.11 of this Code.~~

Bars, and taverns.

Body art studios, subject to the following limitations:

(a) No body art studio shall be located within ~~one thousand (~~1,000~~)~~ feet from any other body art studio; and

(b) No body art studio shall be located within ~~one thousand (~~1,000~~)~~ feet from any academic school for minors or child ~~day~~ care facility; and

(c) Body art studios shall be required to have a separate room for the purpose of tattooing and piercing. Each room shall be limited to one (1) customer chair and shall be apart from the waiting room. The rooms shall not be visible to the general public.

Bowling Alley

Bottled gas. (Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district or use).

Brewery, distillery or winery. Permitted if the use does not exceed 15,000 square feet in floor area and includes a tasting room and only includes manufacturing of goods to be sold primarily on-site and to the general public as retail sales.

Business office, no stock or storage.

Carpet cleaning. (Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district).

Caterers.

Check cashing including Payday Loans. (Not permitted within 1,000~~one thousand~~ feet ~~(1,000)~~ of like use, Dollar Store, Pawn Shop, or Secondhand and/or used merchandise, retail.)

Child care facility ~~center~~. Same shall contain a contiguous outdoor fenced or walled-in play area located away from vehicular traffic and providing no less than ~~thirty (~~30 percent~~) per cent~~ shade coverage. The outdoor play area shall be covered in turf, mulch, sand or other nonhazardous pervious materials. The outdoor play area shall not be credited toward open space requirements. ~~Subject to requirements of Section 33.11 of this Code.~~

~~Church, synagogue, and similar congregations of other religion and denominations, subject to the following:~~

~~(a) That same shall not exceed seven thousand (7,000) square feet in gross area; and~~

~~(b) That bingo and other similar games of chance are operated only as an accessory use; and~~

~~(c) There shall be no academic parochial school on the subject site; and~~

~~(d) That a safe and adequate pedestrian circulation system has been provided.~~

Clubs—Civic, noncommercial ~~(Less than three thousand (3,000) square feet).~~

Commercial recreation (indoor).

~~Community residential home, Type 2 as defined in Section 2.2.~~

Dental laboratory.

Dollar store. (Not permitted within 1,000 of like use, Check cashing including Payday Loans, Pawn Shop, or Secondhand and/or used merchandise, retail.)

Dry cleaning establishment subject to the following limitations and requirements:

~~(a) Service shall be rendered directly to customers who shall bring in and take away articles to be cleaned; and~~

~~(b) The establishment shall not provide vehicle pickup or delivery service; and~~

(a~~c~~) Ventilation shall direct exhaust away from residential districts and uses; and

(b~~d~~) Not more than ten (10) individual cleaning units shall be used in any establishment, and the total combined rated capacity shall not exceed ~~eighty (~~80~~)~~ pounds; and

~~(e) Subject to requirements of Section 33.11 of this Code.~~

Fire station.

Funeral home.

~~Glass tinting.~~

Groceries, retail.

Gun shop and gun ranges (indoors and soundproofed).

Health studio or club, gymnasium.

Janitorial service.

Jewelry, watch, and electronic repairs.

Landscaping and plant nursery.

Laundries, coin-operated (may only be open for operation from 7:00 a.m. to 11:00 p.m.).

Locksmith.

~~Long-term care facility.~~

Mail-plus service.

Massage services, permitted as accessory use only within an approved medical office or physical therapy office.

Medical office. Not including correctional or mental, nor institutions for care of drug or liquor patients.

Merchant, retail.

Municipal buildings, parks, playgrounds.

Museum.

Music, instruction (indoors and soundproofed only).

Nightclubs, teen clubs, catering halls or dance halls, with an occupant load of less than ~~two hundred fifty (~~250~~)~~ persons. ~~Subject to limitations of section 33.11 of this Code.~~

Package store. ~~Subject to requirements of section 33.11 of this Code.~~

Personal care services, except massage.

Pet grooming (soundproofed only).

Pet shop, subject to restrictions set forth in chapter 6 of the Margate Code of Ordinances.

Pharmacy, subject to the following limitations:

(1) No more than ten (10) percent of all prescription medication dispensed shall be from the list of Schedule II controlled substances provided in F.S. § 893.03.

(2) No less than 50 percent of floor area shall be used for retail display and transactions. Photography studio and developing. ~~Subject to requirements of section 33.11 of this Code.~~

Picture framing.

Place of Assembly, subject to the requirements of Article NEW NUMBER of this Code. Printing, photocopying, blueprinting shop with no more than 25 employees. ~~subject to the following:~~

~~(a) Maximum sheet press of twenty-five and one-half (25.5) inches.~~

~~(b) The equipment shall be limited to photocopy, diazo process or similar type print machines, facsimile and offset duplicator machines.~~

~~(c) There shall be a maximum gross floor area of five thousand (5,000) square feet of gross floor area per establishment.~~

Professional office.

Recording studio (indoors and soundproofed only).

Rental business. (Not vehicular).

Restaurant. ~~Subject to requirements of section 33.11 of this Code.~~

School of instruction, non-academic~~. Subject to requirements of section 33.11 of this Code.~~

Secondhand and/or used merchandise, retail. Not permitted within 1,000 feet of like use, Check cashing including Payday Loans, Pawn Shop, or Dollar Store.

Shoe repair shop.

Small appliance repair. Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district.

Substation for utilities.

Swimming pool equipment and chemicals, retail, subject to the following conditions and limitations:

(a) All swimming pool supplies, including prepackaged chemicals, except bulk quantities of sodium hypochlorite, shall be dispensed strictly through retail sales and shall be stored and sold within a completely enclosed structure.

(b) No wholesale or bulk nonpackaged storage or sale of calcium hypochlorite or muriatic acid shall be permitted. Muriatic acid shall be sold only if prepackaged.

(c) Chemical storage area not permitted within ~~one hundred (1~~00~~)~~ feet of any residential district.

Tailor shop, seamstress.

Television, radio and movie studios (no towers).

Theater, indoor. ~~Subject to requirements of section 33.11 of this Code.~~

Utilities, ~~public~~ facility offices.

Vehicle dealership, new, subject to the following limitations and requirements:

(a) Minimum size of three (3) acres of contiguous land.

Vending machine (outdoor), permitted as an accessory use to a permitted use and subject to the ~~following~~ limitations contained in Section X. Vending machine (outdoor).

~~(a) Only one (1) vending machine shall be permitted outdoors per building; and~~

~~(b) All vending machines must be located on a paved surface; and~~

~~(c) No vending machine shall obstruct any pedestrian means of travel nor reduce any walkway to less than four (4) feet in width, nor shall any vending machine be permitted within any parking space, drive aisle, or alley; and~~

~~(d) All products offered for sale shall be completely enclosed within an approved vending machine and packaged for individual retail sale; and~~

~~(e) The content of vending machines shall be limited to products that are naturally and customarily associated with the type of business utilizing the vending machine; and~~

~~(f) No tobacco, vaporizers, synthetic nicotine substances or alcohol products shall be permitted to be sold from a vending machine; and~~

~~(g) Only the product or service offered via the vending machine shall be permitted to be advertised on the vending machine; and~~

~~(h) The maximum size of an outdoor vending machine shall be twenty-four (24) thirty (30) square feet in area, and no taller than six and one-half (6½) feet in height.~~

~~(i) All outdoor vending machines must be permitted by the Margate Building Department prior to installation. All outdoor vending machines must have a permanent power source that has been professionally installed and independently permitted by the Margate Building Department must be plugged in to a power source. Connection of vending machine to power source via extension cord(s) is strictly prohibited; and~~

~~(j) Prior to issuing a permit for an outdoor vending machine, a letter of authorization from the property owner must be submitted with the permit application.~~

~~Vinyl graphics.~~

Walkway cafes less than ~~one thousand (~~1,000~~)~~ square feet in area; permitted subject to the ~~criteria and~~ limitations contained in Article SR: Supplemental Regulations ~~subsection 22.3(A)~~ of this Code.

(B) *Special exception uses*. Special exception uses may be deemed appropriate to provide a complete distribution of ~~commercial~~ uses within the City, but because of their operational characteristics or area requirements need to be given individual consideration with respect to their location, access and relationship to adjacent properties and public rights-of-way, and conformity with the City's current and future redevelopment efforts.

(1) The following uses are authorized upon a finding by the City Commission that a special exception to the article is warranted, pursuant to the procedure and criteria set forth in Chapter 31, Section 31-54 of the Margate Code of Ordinances.

(a) Amusement arcade centers in accordance with all provisions of Article XXXVI of the Margate Zoning Code and F.S. Chapter 849.

(b) Animal clinics, pet hospitals, subject to the following limitations:

1. Adequate soundproofing in any area where animals are contained or treated; and

2. All boarding activities shall be ancillary to the primary use; [and]

3. Subject to restrictions set forth in chapter 6 of the Margate Code of Ordinances.

(c) Auction gallery for art goods, jewelry, rugs, furniture, and other similar items.

~~(d) Automobile detailing, washing and polishing. Subject to requirements of section 33.11 of this Code.~~

(e) Automobile tires, new. Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district or use.

~~(f) Bowling alley. Subject to requirements of section 33.11 of this Code.~~

(g) Car wash, including automated tunnels, brushless, detailing, hand washing, and polishing. ~~rack.~~ Not permitted within ~~one thousand (~~1,000~~)~~ feet of any other car wash ~~rack~~. Not permitted within one hundred ~~(~~100~~)~~ feet of any residential district or use. All washing requires a water containment and reclamation system.

(h) Commercial recreation (outdoor).

(i) Drive through facilities (with a permitted use). ~~Subject to requirements of section 33.11.~~

(j) Vehicle fueling ~~Gasoline service~~ station. Subject to requirements and limitations of section 3.18 of this Code. ~~Fuel pumps not permitted within sixty (60) feet of any residential district or use.~~

(k) Hotels ~~and motels~~, subject to the following conditions and limitations:

1. Any outdoor recreation areas including swimming pools shall be located at least ~~twenty-five (~~25~~)~~ feet from the ~~plot~~ lot line of any adjacent residentially zoned property; and

2. The minimum floor area of rental sleeping room in a motel or hotel, which includes all areas to be individually rented by a customer, shall be ~~three hundred (~~300~~)~~ square feet.

(l) Laundries, coin operated (extended hours of operation).

(m) Limousine or taxi service (three (3) or fewer vehicles; proof of adequate parking facilities shall be demonstrated).

(n) Night clubs, teen clubs, catering halls or dance halls, with an occupancy greater than 250. ~~Subject to limitations of section 33.11 of this Code.~~

(o) Massage services.

(p) Outside sales, display, service, and/or storage. Outside sales, display, service, and/or storage with a permitted use are authorized upon a finding by the city commission that a special exception to this article is warranted. In addition, all areas not completely enclosed which are used for the storage or processing of raw materials must be effectively screened from view of the adjoining streets and parcels through the use of durable fence, wall or hedge, or combination thereof.

(q) Pain management clinic, subject to limitations and requirements of Article XXX of this Code.

(r) Public or private elementary, middle, or high school, subject to Article SR: Supplemental Regulations. ~~the following:~~

~~1. Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways. Access to schools shall not be from roadways classified by Broward County Metropolitan Organization's Broward County Highway Functional Classifications map as arterial roadways.~~

~~2. School must be located in freestanding single use structure(s), located on a parcel no smaller than the minimum size required by the School Board of Broward County for public schools. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C). School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.~~

~~4. In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Development Services Department at least nine months before the start of the school year. This time requirement cannot be waived or reduced.~~

(s) Residential, including ~~one-family detached dwellings, two-family dwellings, or~~ multiple-family dwellings, including horizontal and vertical mixed use~~, subject to requirements of the PRC zoning district and limitations provided in Sections 9.9 and 9.10 of this Code.~~ There shall be no residential structures with frontages on State Road 7.

(t) Restaurants with curb or automobile service. Such approval shall also be subject to the following restrictions:

1. Subject property shall be located a minimum of ~~seven hundred fifty (~~750~~)~~ feet from one-family dwelling districts; such distance shall be measured from front door of the establishment to the single-family property line; and

2. ~~All applicable City codes and regulations must be complied with as of the time of application.~~

(u) Theater, outdoor. ~~Subject to requirements of section 33.11 of this Code.~~

(v) Vehicle sales agency (new and / or used vehicles). Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district or use.

(w) Vehicle rental business.

(x) Walkway cafes greater than ~~one thousand (~~1,000~~)~~ square feet in area, subject to the ~~criteria and~~ limitations in Article SR: Supplemental Regulations ~~section 22.3(B)~~ of this Code.

(C) *Lands previously zoned Business Special.*

(1) Lands located within the ~~TOC-C~~ Corridor district that were previously zoned Business Special may utilize all uses currently permitted in the Business Special district as provided in Ordinance 1500.505 and Ordinance 1500.575, until such a time that said properties have been redeveloped or rebuilt after catastrophe under ~~TOC-C~~ Corridor district regulations.

(2) After redevelopment occurs, as described above, this special extension of rights shall expire.

Section 7.X. Specific design standards.

(A) Development and design standards for types of streets, buildings, heights, building design, site design, access, mixes of uses and other development components are all those that apply in Sec. 9.7.

(Ord. No. 1500.560, § 10, 7-7-2010; Ord. No. 1500.567, § 8, 11-3-2010; Ord. No. 1500.569, § 1, 11-3-2010; Ord. No. 1500.573, § 1, 6-15-2011; Ord. No. 1500.578, § 2, 9-7-2011; Ord. No. 1500.579, § 1, 11-2-2011; Ord. No. 1500.585, § 1, 4-4-2012; Ord. No. 1500.592, § 1, 12-5-2012; Ord. No. 1500.603, § 9, 10-2-2013 ; Ord. No. 1500.604, § 1, 11-6-2013 ; Ord. No. 2016-1500.623, § 2, 11-2-2016 ; Ord. No. 2017-1500.626, § 2, 2-15-2017 ; Ord. No. 2017-1500.628, § 2, 2-1-2017 ; Ord. No. 2017-1500.631, § 7, 5-17-2017 ; Ord. No. 2017-14, § 13, 8-23-2017 ; Ord. No. 2017-1500.633, § 4, 8-23-2017 ; Ord. No. 2017-1500.634, § 4, 9-6-2017 ; Ord. No. 2017-1500.637, § 1, 11-1-2017 ; Ord. No. 2017-1500.638, § 2, 11-1-2017 ; Ord. No. 2018-1, § 1, 3-7-2018 ; Ord. No. 2018-1500.645, § 3, 9-5-2018 ; Ord. No. 2019-1500.649, § 3, 12-11-2019)

ARTICLE VIII. G: ~~TRANSIT ORIENTED CORRIDOR—~~GATEWAY ~~(TOC-G)~~ DISTRICT[3]

Sections 8.1—8.3. Reserved.

Section 8.4. ~~TOC-G~~ Gateway permitted uses.

(A) *~~[~~Permitted uses~~]~~.* No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than any of the uses specified below. All minimum separation distances shall be measured in the shortest airline distance between nearest property lines unless otherwise specified.

Accessory uses and structures to a permitted use.

Adult day care center.

Art gallery.

[3]Editor's note(s)—The former art. VI of this zoning appendix was divided into three articles during a republication in 2014. This article VIII, § 8.4, previously was numbered § 6.4. For clarity, §§ 8.1—8.8 have been added as reserved sections and § 6.4 has been renumbered as § 8.4 at the discretion of the editor.

The maps and illustrations referenced in this article are on file and available for inspection in the office of the city clerk.

Artisans, studio or workshop. A workshop or studio of an artist, sculptor, photographer, jeweler, potter, craftsperson, furniture maker, cabinet maker, or other artist or artisan primarily used for on-site production of unique custom goods.

~~Art studio.~~

Automatic teller machine (outdoor).

Banks and other financial institutions, not including Payday Loans. Subject to requirements of section 33.11.

Bars and taverns.

~~Body art studios, subject to the following limitations:~~

~~(a) No body art studio shall be located within one thousand (1,000) feet from any other body art studio.~~

~~(b) No body art studio shall be located within one thousand (1,000) feet from any academic school for minors or day care.~~

~~(c) Body art studios shall be required to have a separate room for the purpose of tattooing and piercing. Each room shall be limited to one (1) customer chair and shall be apart from the waiting room. The rooms shall not be visible to the general public.~~

Bowling alley.

Brewery, distillery or winery. Permitted if the use does not exceed 15,000 square feet in floor area and includes a tasting room and only includes manufacturing of goods to be sold primarily on-site and to the general public as retail sales.

Business office, no stock or storage.

Caterers.

Child care ~~center~~ facility. Same shall contain a contiguous outdoor fenced or walled-in play area located away from vehicular traffic and providing no less than ~~thirty (~~30~~) per cent~~ percent-shade coverage. The outdoor play area shall be covered in turf, mulch, sand or other nonhazardous pervious materials. The outdoor play area shall not be credited toward open space requirements. Subject to requirements of section 33.11.

~~Church, synagogue, and similar congregations of other religion and denominations, are subject to the following:~~

~~(a) That same shall not exceed seven thousand (7,000) square feet in gross area; and~~

~~(b) That bingo and other similar games of chance are operated only as an accessory use; and~~

~~(c) There shall be no academic parochial school on the subject site; and~~

~~(d) That a safe and adequate pedestrian circulation system has been provided.~~

Clubs—Civic, noncommercial ~~(less than three thousand (3,000) square feet).~~

Commercial recreation (indoor).

Dental laboratory.

Dollar store. (Not permitted within 1,000 feet of a like use, Check Cashing or Payday loans, or Secondhand and/or used merchandise, or Pawn Shop.)

Dry cleaning establishment subject to the following limitations and requirements:

~~(a) Service shall be rendered directly to customers who shall bring in and take away articles to be cleaned; and~~

~~(b) The establishment shall not provide vehicle pickup or delivery service; and~~

(c) Ventilation shall direct exhaust away from residential districts and uses; and

(d) Not more than ten (10) individual cleaning units shall be used in any establishment, and the total combined rated capacity shall not exceed ~~eighty (~~80~~)~~ pounds; and

~~(e) Subject to requirements of section 33.11 of this Code.~~

Fire station.

Groceries, retail.

Health studio or club, gymnasium.

Janitorial service.

Jewelry, watch, and electronic repairs.

Locksmith.

Mail-plus service.

Massage services, permitted as accessory use only within an approved medical office or physical therapy office.

Medical office. Not including correctional or mental, nor institutions for care of drug or liquor patients.

Merchant, retail.

Municipal buildings, parks, playgrounds.

Museum.

Music, instruction (indoors and soundproofed only).

Nightclubs, teen clubs, catering halls or dance halls, with an occupant load of less than ~~two hundred fifty (~~250~~)~~ persons. ~~Subject to limitations of section 33.11 of this Code.~~

Package store. ~~Subject to requirements of section 33.11 of this Code.~~

Personal care services, except massage.

Pet grooming (soundproofed only).

Pet shop, subject to restrictions set forth in chapter 6 of the Margate Code of Ordinances.

Pharmacy, subject to the following limitations:

(1) No more than ten (10) percent of all prescription medication dispensed shall be from the list of Schedule II controlled substances provided in F.S. §893.03.

(2) No less than 50 percent of floor area shall be used for retail display and transactions.

Photography studio and developing. ~~Subject to requirements of section 33.11.~~

Picture framing.

Place of Assembly, subject to the requirements of Article SR: Supplemental Regulations of this Code.

Professional office.

Recording studio (indoors and soundproofed only).

Rental business. (Not vehicular).

Restaurant. ~~Subject to requirements of section 33.11 of this Code.~~

School of instruction, non-academic.

Secondhand and/or used merchandise, retail; subject to the following limitations:

(a) Not permitted within ~~one thousand (~~1,000~~)~~ feet from any other secondhand dealer selling like merchandise; and

(b) Not permitted within ~~one thousand (~~1,000~~)~~ feet of any pawn shop; ~~and~~

(c) Not permitted within 1,000 feet of a Check Cashing or Payday loans, or Dollar Store; and

(d) No consignment.

Substation for utilities.

Tailor shop, seamstress.

Television, radio and movie studios (no towers).

Theater, indoor. ~~Subject to requirements of Section 33.11.~~

Vehicle dealership, new, subject to the following limitations and requirements:

(a) Minimum size of three (3) acres of contiguous land.

Vending machine (outdoor), permitted as an accessory use to a permitted use and subject to the ~~following~~ limitations contained in Section NEW. Vending machine (outdoor).

~~(a) Only one (1) vending machine shall be permitted outdoors per building; and~~

~~(b) All vending machines must be located on a paved surface; and~~

~~(c) No vending machine shall obstruct any pedestrian means of travel nor reduce any walkway to less than four (4) feet in width, nor shall any vending machine be permitted within any parking space, drive aisle, or alley; and~~

~~(d) All products offered for sale shall be completely enclosed within an approved vending machine and packaged for individual retail sale; and~~

~~(e) The content of vending machines shall be limited to products that are naturally and customarily associated with the type of business utilizing the vending machine; and~~

~~(f) No tobacco, or alcohol products shall be permitted to be sold from a vending machine; and~~

~~(g) Only the product or service offered via the vending machine shall be permitted to be advertised on the vending machine; and~~

~~(h) The maximum size of an outdoor vending machine shall be twenty-four (24) square feet in area, and no taller than six and one-half (6½) feet in height.~~

~~(i) All outdoor vending machines must be permitted by the Margate Building Department prior to installation. All outdoor vending machines must have a permanent power source that has been professionally installed and independently permitted by the Margate Building Department. Connection of vending machine to power source via extension cord(s) is strictly prohibited; and~~

~~(j) Prior to issuing a permit for an outdoor vending machine, a letter of authorization from the property owner must be submitted with the permit application.~~

Walkway cafes less than ~~one thousand (~~1,000~~)~~ square feet in area; permitted subject to ~~the criteria and~~ limitations contained in Article SR: Supplemental Regulations ~~subsection 22.3(A)~~ of this Code.

(B) *Special exception uses*. Special exception uses may be deemed appropriate to provide a complete distribution of ~~commercial~~ uses with the City, but because of their operational characteristics or area requirements need to be given individual consideration with respect to their location, access and relationship to adjacent properties and public rights-of-way, and conformity with the City's current and future redevelopment efforts.

(1) The following uses are authorized upon a finding by the City Commission that a special exception to the article is warranted, pursuant to the procedure and criteria set forth in Chapter 31, Section 31-54 of the Margate Code of Ordinances.

(a) Amusement arcade centers in accordance with all provisions of Article XXXVI of the Margate Zoning Code and Chapter 849 of the Florida Statutes as may be amended from time to time.

(b) Animal clinics, pet hospitals, subject to the following limitations:

1. Adequate soundproofing in any area where animals are contained or treated; and

2. All boarding activities shall be ancillary to the primary use; [and]

3. Subject to restrictions set forth in chapter 6 of the Margate Code of Ordinances.

(c) Automobile detailing, washing and polishing. ~~Subject to requirements of section 33.11 this Code.~~ Not permitted within 1,000 feet of the same use or a car wash. Not permitted within 100 feet of any residential district or use. All washing requires a water containment and reclamation system.

~~(d) Bowling alley. Subject to requirements of section 33.11 of this Code.~~

(e) Commercial recreation (outdoor).

(f) Drive through facilities (with a permitted use).

(g) Vehicle fueling ~~Gasoline service~~ station. Subject to requirements and limitations ~~Not permitted within one thousand (1,000) feet~~ of ~~any other gasoline service station. Pumps must be no less than sixty (60) [feet] from any residential district or use. See~~ section 3.18 of this Code.

(h) Hotels ~~and motels,~~ subject to the following conditions and limitations:

1. Any outdoor recreation areas including swimming pools shall be located at least ~~twenty-five (~~25~~)~~ feet from the ~~plot~~ lot line of any adjacent residentially zoned property; and

2. The minimum floor area of rental sleeping room in a motel or hotel, which includes all areas to be individually rented by a customer, shall be ~~three hundred (~~300~~)~~ square feet.

(i) Massage services.

(j) Night clubs, teen clubs, catering halls or dance halls, with an occupancy greater than ~~two hundred fifty (250). Subject to limitations of section 33.11 of this Code.~~

(k) Outside sales, display and/or service. Outside sales, display and/or service with a permitted use are authorized upon a finding by the city commission that a special exception to this article is warranted.

(l) Public or private elementary, middle, or high school, subject to Article SR: Supplemental Regulations. ~~the following:~~

~~1. Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways. Access to schools shall not be from roadways classified by Broward County Metropolitan~~

~~Organization's Broward County Highway Functional Classifications map as arterial roadways.~~

~~2. School must be located in freestanding single use structure(s), located on a parcel no small than the minimum size required by the School Board of Broward County for public schools. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C).~~

~~3. School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.~~

~~4. In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Development Services Department at least nine months before the start of the school year. This time requirement cannot be waived or reduced.~~

(m) Residential~~, including one-family detached dwellings, two-family dwellings, or~~ multiple-family dwellings, including horizontal and vertical mixed use~~, subject to requirements of the PRC zoning district and limitations provided in Sections 9.9 and 9.10 of this Code~~. There shall be no residential structures with direct frontage on State Road 7.

(n) Theater, outdoor. ~~Subject to requirements of section 33.11 of this Code.~~

(o) Walkway cafes greater than ~~one thousand (~~1,000~~)~~ square feet in area, subject to the ~~criteria and~~ limitations in Article SR: Supplemental Regulations ~~section 22.3(B)~~ of this Code.

Section 8.X. Specific design standards.

(A) Development and design standards for types of streets, buildings, heights, building design, site design, access, mixes of uses and other development components are those that apply in Sec. 9.7.

(Ord. No. 1500-546, § 1, 10-15-2008; Ord. No. 1500.560, § 12, 7-7-2010; Ord. No. 1500.567, § 9, 11-3-2010; Ord. No. 1500.569, § 2, 11-3-2010; Ord. No. 1500.573, § 2, 6-15-2011; Ord. No. 1500.579, § 2, 11-2-2011; Ord. No. 1500.603, § 10, 10-2-2013 ; Ord. No. 1500.604, § 2, 11-6-2013 ; Ord. No. 2016-1500.623, § 3, 11-2-2016 ; Ord. No. 2017-1500.628, § 3, 2-1-2017 ; Ord. No. 2017-1500.626, § 3, 2-15-2017 ; Ord. No. 2017-14, § 14, 8-23-2017 ; Ord. No. 2017-1500.633, § 5, 8-23-2017 ; Ord. No. 2017-1500.634, § 5, 9-6-2017 ; Ord. No. 2017-1500.637, § 2, 11-1-2017 ; Ord. No. 2018-1, § 1, 3-7-2018 ; Ord. No. 2018-1500.643, § 1, 5-2-2018 ; Ord. No. 2018-1500.645, § 4, 9-5-2018 ; Ord. No. 2019-1500.649, § 4, 12-11-2019)

ARTICLE IX. CC: ~~TRANSIT ORIENTED CORRIDOR—~~CITY CENTER ~~(TOC-CC)~~ DISTRICT[4]

[4]Editor's note(s)—Ord. No. 1500.560, adopted July 7, 2010, amended prior article VII (currently article IX) in its entirety to read as herein set out. Former article VII (article IX) derived from Ord. No. 1500-546, adopted Oct. 15, 2008).

Note(s)—The former art. VII of this zoning appendix was divided into three articles during a republication in 2014. This article IX, §§ 9.5—9.15, previously was numbered §§ 6.5—6.15. For clarity, §§ 9.1—9.4 have been added as reserved sections and §§ 6.5—6.15 have been renumbered as §§ 9.5—9.15 at the discretion of the editor.

The maps and illustrations referenced in this article are on file and available for inspection in the office of the city clerk.

Sections 9.1—9.4. Reserved.

Section 9.5. ~~TOC-CC~~ City Center permitted uses.

(A) ~~[~~*Permitted uses*~~]~~. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than any of the uses specified below. All minimum separation distances shall be measured in the shortest airline distance between nearest property lines unless otherwise specified.

Accessory uses and structures to a permitted use.

Art gallery.

~~Art studio.~~

Artisans, studio or workshop. A workshop or studio of an artist, sculptor, photographer, jeweler, potter, craftsperson, furniture maker, cabinet maker, or other artist or artisan primarily used for on-site production of unique custom goods.

Automatic teller machine (outdoor).

Banks and other financial institutions. ~~Subject to requirements of section 33.11.~~

Bars and taverns.

Brewery, distillery or winery. Permitted if the use does not exceed 15,000 square feet in floor area and includes a tasting room and only includes manufacturing of goods to be sold primarily on-site and to the general public as retail sales.

Business office, no stock or storage~~, not permitted on ground floor~~.

Child care ~~center~~ facility, permitted on secondary streets only. Same shall contain a contiguous outdoor fenced or walled-in play area located away from vehicular traffic and providing no less than thirty (30) per cent percent shade coverage. The outdoor play area shall be covered in turf, mulch, sand or other non-hazardous pervious materials. The outdoor play area shall not be credited toward open space requirements. Subject to requirements of section 33.11 of this Code.

Clubs—Civic, noncommercial ~~(less than three thousand (3,000) square feet).~~

Dry cleaning establishment subject to the following limitations and requirements:

~~(a) Service shall be rendered directly to customers who shall bring in and take away articles to be cleaned; and~~

~~(b) The establishment shall not provide vehicle pickup or delivery service; and~~

(c) Ventilation shall direct exhaust away from residential districts and uses; and

(d) Not more than ten (10) individual cleaning units shall be used in any establishment, and the total combined rated capacity shall not exceed ~~eighty (~~80~~)~~ pounds; and

~~(e) Subject to requirements of section 33.11 of this Code.~~

Fire station.

Groceries, retail.

Health studio or club, gymnasium.

~~Janitorial service, not permitted on ground floor.~~

Jewelry, watch, and electronic repairs.

Locksmith~~, not permitted on ground floor.~~

Mail-plus service.

Massage services, permitted as accessory use only within an approved medical office or physical therapy office.

~~Medical office. Not including correctional or mental, nor institutions for care of drug or liquor patients. Permitted on secondary streets only.~~

Merchant, retail.

Municipal buildings, parks, playgrounds.

Museum.

Music, instruction (indoors and soundproofed only).

Package store. ~~Subject to requirements of section 33.11 of this Code.~~

Personal care services, except massage.

Pet grooming (soundproofed only).

Pharmacy, subject to the following limitations:

(1) No more than ten (10) percent of all prescription medication dispensed shall be from the list of Schedule II controlled substances provided in F.S. § 893.03.

(2) No less than 50 percent of floor area shall be used for retail display and transactions.

~~.~~

Photography studio and developing. ~~Subject to requirements of section 33.11 of this Code. Not permitted on ground floor~~.

Place of Assembly, subject the requirements of Article SR: Supplemental Regulations of this Code.

Professional office~~. Not permitted on ground floor.~~

~~Rental business. (Not vehicular).~~

Restaurant. ~~Subject to requirements of section 33.11 of this Code.~~

~~School of instruction, non-academic.~~

~~Secondhand and/or used merchandise, retail; subject to the following limitations:~~

~~(a) Not permitted within one thousand (1,000) feet from any other secondhand dealer selling like merchandise; and~~

~~(b) Not permitted within one thousand (1,000) feet of any pawn shop; and~~

~~(c) No consignment.~~

~~Substation for utilities.~~

Tailor shop, seamstress.

Theater, indoor. ~~Subject to requirements of section 33.11 of this Code.~~

Vending machine (outdoor), permitted as an accessory use to a permitted use and subject to ~~the following~~ limitations contained in Article SR: Supplemental Regulations, Vending machine (outdoor).

~~(a) Only one (1) vending machine shall be permitted outdoors per building; and~~

~~(b) All vending machines must be located on a paved surface; and~~

~~(c) No vending machine shall obstruct any pedestrian means of travel nor reduce any walkway to less than four (4) feet in width, nor shall any vending machine be permitted within any parking space, drive aisle, or alley; and~~

~~(d) All products offered for sale shall be completely enclosed within an approved vending machine and packaged for individual retail sale; and~~

~~(e) The content of vending machines shall be limited to products that are naturally and customarily associated with the type of business utilizing the vending machine; and~~

~~(f) No tobacco or alcohol products shall be permitted to be sold from a vending machine; and~~

~~(g) Only the product or service offered via the vending machine shall be permitted to be advertised on the vending machine; and~~

~~(h) The maximum size of an outdoor vending machine shall be twenty-four (24) square feet in area, and no taller than six and one-half (6½) feet in height.~~

~~(i) All outdoor vending machines must be permitted by the Margate Building Department prior to installation. All outdoor vending machines must have a permanent power source that has been professionally installed and independently permitted by the Margate Building Department. Connection of vending machine to power source via extension cord(s) is strictly prohibited; and~~

~~(j) Prior to issuing a permit for an outdoor vending machine, a letter of authorization from the property owner must be submitted with the permit application.~~

Walkway cafes less than ~~one thousand (~~1,000~~)~~ square feet in area; permitted subject to the criteria and limitations in Article SR: Supplemental Regulations, Walkway cafes, of this Code ~~contained in subsection 22.3(A) of this Code~~.

(B) *Special exception uses*. Special exception uses may be deemed appropriate to provide a complete distribution of commercial uses within the City, but because of their operational characteristics or area requirements need to be given individual consideration with respect to their location, access and relationship to adjacent properties and public rights-of-way, and conformity with the City's current and future redevelopment efforts.

(1) The following uses are authorized upon a finding by the City Commission that a special exception to the article is warranted, pursuant to the procedure and criteria set forth in Chapter 31, Section 31-54 of the Margate Code of Ordinances.

(a) Amusement arcade centers in accordance with all provisions of Article XXXVI of the Margate Zoning Code and Chapter 849 of the Florida Statutes as may be amended from time to time.

~~(b) Church, synagogue, and similar congregations of other religion and denominations, subject to the following:~~

~~1. That same shall not be permitted in any first-floor occupancy; and~~

~~2. That same shall only be permitted with an occupancy load of less than two hundred fifty (250) persons; and~~

~~3. That bingo and other similar games of chance are operated only as an accessory use; and~~

~~4. There shall be no academic parochial school on the subject site; and~~

~~5. That a safe and adequate pedestrian circulation system has been provided.~~

~~(c)~~ Commercial recreation (indoor).

~~(d) Drive through facilities (with a permitted use).~~

(c~~e~~) ~~Hotels and motels, subject to the following conditions and limitations:~~

1. Any outdoor recreation areas including swimming pools shall be located at least ~~twenty-five (~~25~~)~~ feet from the ~~plot~~ lot line of any adjacent residentially zoned property; and
2. The minimum floor area of rental sleeping room in a ~~motel or~~ hotel, which includes all areas to be individually rented by a customer, shall be ~~three hundred (~~300~~)~~ square feet.

(d~~f~~) Massage services.

(e~~g~~) Nightclubs, teen clubs, catering halls or dance halls~~, with an occupant load of less than two hundred fifty (250) persons. Not permitted in any first floor occupancy. Minimum separation of one thousand (1,000) feet to nearest church, school, or adult bookstore/theater. Subject to limitations of section 33.11 of this Code.~~

(f~~h~~) Outside sales, display and/or service. Outside sales, display and/or service with a permitted use are authorized upon a finding by the city commission that a special exception to this article is warranted.

(h~~i~~) ~~Public or private elementary, middle, or high school, subject to the following:~~

~~1. Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways. Access to schools shall not be from roadways classified by Broward County Metropolitan Organization's Broward County Highway Functional Classifications map as arterial roadways.~~

~~2. School must be located in freestanding single use structure(s), located on a parcel no smaller than the minimum size required by the School Board of Broward County for public schools. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C).~~

~~3. School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.~~

~~4. In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Development Services Department at least nine months before the start of the school year. This time requirement cannot be waived or reduced.~~

(~~i~~j) Residential, ~~including one-family detached dwellings, two-family dwellings, and~~ multiple-family dwellings, including vertical and horizontal mixed use~~, subject to limitations provided in Sections 9.9 and 9.10 of this Code~~.

(i~~k~~) Theater, outdoor. ~~Subject to requirements of section 33.11 of this Code.~~

(j~~l~~) Walkway cafes greater than ~~one thousand (~~1,000~~)~~ square feet in area, subject to the ~~criteria and~~ limitations in Article SR: Supplemental Regulations ~~section 22.3(B)~~ of this Code.

(C) *Lands previously zoned M-1 Light Industrial District.*

(1) Lands located within the ~~TOC-CC~~ City Center District that were previously zoned M-1 Light Industrial and developed under M-1 Light Industrial regulations may utilize all uses currently permitted in the M-1 Light Industrial district until such a time that the approximately seventeen-acre parcel of land located at 1000 North State Road 7 (Parcel A of "MARGATE THIRD ADDITION", according to the plat thereof, as recorded in Plat Book 44, Page 48 of the public records of Broward County, Florida) has been fully developed under ~~TOC-CC~~ City Center District regulations.

(2) After the above mentioned development occurs, this special extension of rights shall expire, and all lands located within the ~~TOC-CC~~ City Center District ~~district~~ that were previously zoned M-1 Light Industrial shall be considered legally non-conforming until such time as those lands have been redeveloped under ~~TOC-CC~~ City Center District regulations. While in legally nonconforming status, said lands shall comply with all provisions of Article XXXI [NEW] of the Margate Zoning Code.

(Ord. No. 1500.560, § 13, 7-7-2010; Ord. No. 1500.565, § 1, 11-3-2010; Ord. No. 1500.567, § 10, 11-3-2010; Ord. No. 1500.569, § 3, 11-3-2010; Ord. No. 1500.573, § 3, 6-15-2011; Ord. No. 1500.579, § 3, 11-2-2011; Ord. No. 1500.604, § 3, 11-6-2013 ; Ord. No. 2017-1500.628, § 4, 2-1-2017 ; Ord. No. 2017-1500.626, § 4, 2-15-2017 ; Ord. No. 2017-14, § 15, 8-23-2017 ; Ord. No. 2017-1500.633, § 6, 8-23-2017 ; Ord. No. 2017-1500.634, § 6, 9-6-2017 ; Ord. No. 2017-1500.637, § 5, 11-1-2017 ; Ord. No. 2018-1, § 1, 3-7-2018 ; Ord. No. 2018-1500.643, § 2, 5-2-2018 ; Ord. No. 2018-1500.645, § 5, 9-5-2018 ; Ord. No. 2019-1500.649, § 5, 12-11-2019)

Section 9.6. Uses prohibited.

(A) Any use not specifically listed in section 9.3 is prohibited in ~~TOC-C~~ Corridor ~~districts~~ District.

(B) Any use not specifically listed in section 9.4 is prohibited in ~~TOC-G~~ Gateway ~~districts~~ District.

(C) Any use not specifically listed in section 9.5 is prohibited in ~~TOC-CC~~ City Center ~~districts~~ District.

(D) Pain management clinics, as defined in section 2.2, are prohibited in ~~TOC-G~~ Gateway and ~~TOC-CC~~ City Center ~~districts~~ District.

(Ord. No. 1500.560, § 14, 7-7-2010; Ord. No. 1500-563, § 1, 9-1-2010; Ord. No. 1500.578, § 3, 9-7-2011)

Section 9.7. Specific design standards.

(A) *Intent.* This article illustrates the types of streets, buildings, heights, and mixes of uses that create the desired "form" presented in the master plan and Corridor, Gateway, and City Center Districts.~~all TOC districts.~~ Guidelines for building design, site design, access, and other development components are transect-based with a corresponding regulating plan that prescribes the appropriate land uses, and project and site design principles relating to the appropriate form for the pedestrian orientation, streetscape, and public realm in the subject area.

In general, development ~~along the corridor~~ is able to maximize developable heights and developable volume by positioning buildings at the back of the public sidewalk. Parcels with less than ~~two hundred~~ (200~~)~~ feet of lot depth will also find increased flexibility in achieving greater developable height and building volume while maintaining or increasing separation from adjacent residential properties located to the rear.

A minimum height of two (2) enclosed floors of active use is required for all new development and redevelopment in the ~~TOC-CC~~ City Center ~~districts~~ District.

(B) *Building placement.* The building placement regulations contained in this article assume the implementation of a ~~one hundred fifty (~~150~~)~~ foot minimum trafficways reservation width for parcels fronting the State Road 7 corridor and ~~one hundred seventy-five~~ (175~~)~~ minimum trafficways reservation at the intersection of State Road 7 and Atlantic Boulevard as described in appendix 2, Broward County Trafficways Map Series.

(C) *Setbacks along street frontages.* The building placement regulations contained in this article assume the implementation of sidewalk improvements and associated adjustments to the State Road 7 corridor right-of-way widths and related back-of-sidewalk locations as described in subsection (O) "Streets and blocks" and Appendix 2, Broward County Trafficways Map Series Placement of future buildings is encouraged to reflect either:

(1) Location of back of sidewalk following street reconstruction, or

(2) If street reconstruction has not yet taken place, approved city plans for sidewalk reconstruction that relocate the back of sidewalk.

~~For the purposes of this article front setback is defined as the minimum permitted distance from the back-of-sidewalk line along a primary street to the primary building facade. The primary frontage setback shall maintain a minimum of eighteen (18) feet, measured from the curb along; along roads classified as an arterial roadway by the Broward Metropolitan Planning Organization's Federal Functional Classification Map; and sixteen (16) feet for all other roadways.~~

(X) *Front setback*. The minimum required distance from the back-of-sidewalk line along a primary street to the primary building façade.

Minimum primary frontage setbacks for roads classified by the Broward Metropolitan Planning Organization's Federal Functional Classification are:

- Arterial roadway: ~~eighteen (~~18~~)~~ feet.
- All other roadways: ~~sixteen (~~16~~)~~ feet.

(~~D~~) ~~*Secondary frontage setback.* For the purposes of this article the side street setback is defined as the minimum required distance from the right-of-way line back of curb along the side street to the side street building facade. The secondary frontage setback shall maintain a minimum of eighteen (18) feet, measured from the curb along; along roads classified as an arterial roadway by the Broward Metropolitan Planning Organization's Federal Functional Classification Map; and sixteen (16) feet for all other roadways where an urban greenway is required.~~

(D) *Secondary frontage setback.* The minimum required distance from the right-of-way line back of curb along the side street to the side street building facade.

Minimum secondary frontage setbacks are:

- Arterial roadway: ~~eighteen (~~18~~)~~ feet.
- All other roadways where an urban greenway is required: ~~sixteen (~~16~~)~~ feet.

(E) *Side ~~yard~~ setback.* For the purposes of this article side ~~yard~~ setback is defined as the required minimum distance from the side property line to the primary building. There is no minimum side ~~yard~~ setback between buildings or minimum space between buildings.

(F) *Rear setback.* Rear setback is defined as the required minimum distance from the rear property line to the nearest building. The creation and maintenance of a new and interconnected rear alleyway system is a major goal of this section. Rear setbacks must be maintained to accommodate rear alleyway creation and provide separation between nonresidential uses in the Corridor, Gateway, and City Center Districts ~~TOC~~ and residential uses outside of the Corridor, Gateway, and City Center Districts ~~TOC. The minimum rear setback shall be thirty-eight (38)~~ feet when new development abuts a residential district or use.

(G) *Alleyway setback.* Alleyway setback is defined as the required minimum distance from the alleyway edge of pavement to any building. The minimum alleyway setback shall be ~~twelve (~~12~~)~~ feet . The minimum paved

width of a one-way alley in the Corridor, Gateway, and City Center Districts ~~TOC~~ shall be ten (10) feet, the minimum width of a two-way alley in the Corridor, Gateway, and City Center Districts ~~TOC~~ shall be ~~eighteen (~~18~~)~~ feet. Portions of an alley which serve parking spaces shall meet minimum dimensions provided in Article XXXI [NEW] of this Code.

~~(H) *Frontage build-out.* Frontage coverage is defined as the percentage of the length of the frontage coverage zone that is occupied by the front facade(s) of the primary building(s). In the TOC-C and TOC-G districts a minimum frontage buildout of seventy (70) per cent is encouraged. In the TOC-CC districts a minimum frontage buildout of eighty (80) per cent is encouraged. In order to connect the public sidewalk with courtyards and parking lots in the interior or at the rear of a parcel, development may incorporate a passage between buildings designed in a manner consistent with the pedestrian zone, described in Section 23-8 of this Code not less than sixteen (16) feet.~~

~~(I) *Build-to-corner.* Developers are encouraged to build-to the corner of the parcel at the intersection of two (2) primary streets. The build-to-corner location is defined by the front and side setback lines. No visual obstructions are permitted within the corner of an intersection measured thirty-five (35) feet from the intersecting rights-of-way for a height of twenty (20) feet. The use of tower elements at these locations is encouraged.~~

~~(I) *Build-to-corner.* Standards:~~

~~1. Development shall be built to the corner of the parcel at an intersection of two (2) primary streets. The build-to-corner location is defined by the front and side setback lines.~~

~~2. No visual obstructions are permitted within the corner of an intersection measured thirty-five (35) feet from the intersecting rights-of-way for a height of twenty (20) feet.~~

~~3. The use of vertical architectural elements at these locations is encouraged.~~

(J) *Space between buildings.* There is no minimum space between buildings on the same parcel, except for the provision of pedestrian zones.

(K) *Reserved.*

~~(L) *Height limits.* A minimum height of two (2) enclosed floors of active use is required for all new development and redevelopment in the TOC-CC City Center district. No building or structure shall be erected or altered to exceed four (4) floors and sixty-six (66) feet in the TOC-C Corridor districts. No building or structure shall be erected or altered to exceed six (6) floors and ninety-four (94) feet in height in TOC-G Gateway districts, provided that no more than seventy-five (75) per cent of any building elevation exceeding one hundred fifty (150) feet in length may exceed four (4) stories and sixty-six (66) feet. No building or structure shall be erected or altered to exceed eight (8) floors and one hundred twenty-two (122) feet in height in the TOC-CC City Center district. Rooftop antennas and elevator shafts are not counted in these height limitations. Rooftop mechanical equipment must be placed in enclosures or screened.~~

(L) *Height limits.* Standards:

1. Corridor District.
    a. Maximum height of two (2) enclosed floors of active use is required for all new development and redevelopment in the TOC-CC City Center district.
2. Gateway District.
    a. Maximum height of six (6) floors not to exceed 94 feet.
    b. Buildings with more than 150 feet roadway frontage are limited such that:

i. Not more than 75 percent of the building may exceed four (4) floors not to exceed 66 feet.

ii. This massing limitation shall not apply to buildings that are setback at least 75 feet from a right-of-way.

iii. This massing limitation shall not apply to buildings that have 150 feet or less of roadway frontage.

3. City Center District.

a. Minimum of two (2) floors of active use for all new development and redevelopment.

b. Maximum of eight (8) floors not to exceed 122 feet.

~~(M) *Frontage types.* For the purposes of this article private frontage is defined as the area extending from a building facade in combination with the private open space that spans between the building and to the public right-of-way or back of sidewalk line. There shall be no residential frontages directly on State Road 7.~~

(N) ~~*Plot*~~ *Lot size.* The minimum ~~plot~~ lot size, excluding public rights-of-way, shall be ~~ten thousand (~~10,000~~)~~ square feet with a minimum of ~~one hundred (~~100~~)~~ feet of street frontage.

(O) *Streets and blocks.*

1. The maximum primary block face is ~~seven hundred (~~700~~)~~ feet and total block perimeter is ~~two thousand one hundred~~ (2,100) feet. New development and redeveloped sites are encouraged to share connections to roadways and provide rear alley connections.

~~2. Urban greenways consist of a landscape buffer and broad multi-modal path lying between travel lanes of adjacent roadways and buildings within the TOC, and are intended to replace existing sidewalks. Urban greenways may be required to be wider than the minimum requirement if any right-of-way reservation dedications, or roadway, utility, or other easements have been previously granted. Urban greenways along all roads classified as an arterial roadway by the Broward Metropolitan Planning Organization's Federal Functional Classification Map roads are required to maintain a minimum width of eighteen (18) feet. Urban greenways along all other roads, except for rear alleys and connections, are required to maintain a minimum width of sixteen (16) feet. Beginning from the curb or edge of travel lanes, a landscape buffer shall be provided within the urban greenway which meets the minimum design criteria of Section 23-6(B)(2) of this Code. Behind the landscape buffer, a multi-modal paved path of at least ten (10) feet in width shall be provided within urban greenways built along arterial roadways. Urban greenways built along all other roads shall provide a multi-modal path of at least eight (8) feet in width behind the landscape buffer and within the urban greenway. The paved multi-modal path shall be made of a uniform material, and concrete paths shall not have seams or joints running the length of the path. No obstructions, temporary or permanent, are allowed within the minimum required width of the multi-modal path. Multi-modal paths and landscape buffers wider than the above described minimums are also encouraged. A public access easement shall be dedicated and recorded for any portion of an urban greenway located on privately owned property.~~

~~3. Up to fifty (50) percent of the length of the required landscape buffer within an urban greenway on a local street owned by the City of Margate or a private entity may be utilized for parallel on-street parking if approved by the Department of Environmental and Engineering Services, provided that one (1) tree is planted every three (3) parking spaces. Said tree shall meet the meet the minimum requirements described in Chapter 23 of this Code. The minimum width of the paved multi-modal path shall not be reduced to accommodate on-street parking, and shall be elevated at least six (6) above the grade of the on-street parking.~~

2. Standards for urban greenways:

1. Shall consist of a landscape buffer and broad multi-modal path lying between travel lanes of adjacent roadways and buildings within the Corridor, Gateway, and City Center Districts;
2. Are intended to replace existing sidewalks;
3. May be required to be wider than the minimum requirement if any right-of-way reservation dedications, or roadway, utility, or other easements have been previously granted;
4. Shall maintain a minimum width of ~~eighteen (~~18) feet along all roads classified as an arterial roadway by the Broward Metropolitan Planning Organization's Federal Functional Classification Map;
5. Shall have a minimum width of 16 feet along all other roads, except for rear alleys and connections;
6. Beginning from the curb or edge of travel lanes, a landscape buffer shall be provided within the urban greenway which meets the minimum design criteria of Section 23-6(B)(2) of this Code. Behind the landscape buffer, a multi-modal paved path of at least ten (10) feet in width shall be provided within urban greenways built along arterial roadways.
7. When built along all other roads, shall provide a multi-modal path of at least eight (8) feet in width behind the landscape buffer and within the urban greenway. The paved multi-modal path shall be made of a uniform material, and concrete paths shall not have seams or joints running the length of the path. No obstructions, temporary or permanent, are allowed within the minimum required width of the multi-modal path. Multi-modal paths and landscape buffers wider than the above described minimums are also encouraged. A public access easement shall be dedicated and recorded for any portion of an urban greenway located on privately owned property.
8. Up to 50 percent of the length of the required landscape buffer within an urban greenway on a local street owned by the City of Margate or a private entity may be utilized for parallel on-street parking if approved by the Department of Environmental and Engineering Services, provided that one (1) tree is planted every three (3) parking spaces. Said tree shall meet the meet the minimum requirements described in Chapter 23 of this Code. The minimum width of the paved multi-modal path shall not be reduced to accommodate on-street parking and shall be elevated at least six (6) above the grade of the on-street parking.

(Ord. No. 1500.560, § 17, 7-7-2010; Ord. No. 2015-1500.613, § 1, 4-15-2015 ; Ord. No. 2018-1500.645, § 6, 9-5-2018)

Section 9.8. Limitation on uses.

1. All activities or permitted uses, including sale, display, preparation and storage, shall be conducted entirely within a completely enclosed building unless otherwise specified in the Code. This prohibition shall not apply to the following:

~~a. Drive-through facilities approved as special exception uses, and subject to the criteria contained in Chapter 31, Section 31-54 of the Margate Code of Ordinances.~~

~~b. Loading zones.~~

~~c. Temporary outdoor promotional/sales events approved subject to the criteria contained in Sections 3.24, 3.24.1, and/or 22.13 of this Code.~~

d. Designated open space areas (see Illustration 10).

e. Fenced or walled in outdoor play areas for children as an accessory use that are contiguous to the primary use, and located away from vehicular traffic. Said outdoor play areas shall not be credited toward open space requirements.

f. Entrances, encroachments, and streetscape furnishings within six (6) feet of a build-to-line in an urban greenway (See Illustration 16).

g. Walkway cafes, where permitted and subject to the criteria contained in subsection 22.3(A) of the Margate Zoning Code.

2. No secondhand or used merchandise shall be offered for sale, displayed or stored, except where specifically permitted in Sections 7.3, 8.4 and 9.3 through 9.5 of this Code.

3. All products shall be sold at retail in connection with a permitted use.

4. Access to any drive-through via rear access drive is encouraged required. No more than two (2) drive-through lanes per user allowed on site of business.

5. All equipment and products stored incidental to a permitted use shall be located entirely within an enclosed building proper with the exception of propane or natural gas tanks which shall be completely screened from with a screening structure. No storage trailers allowed.

(Ord. No. 1500.560, § 18, 7-7-2010; Ord. No. 2017-14, § 16, 8-23-2017)

Section 9.9. Mixing of uses.

1. Horizontal The mixing of residential and nonresidential uses via separate buildings may be authorized in all TOC districts Corridor, Gateway, and City Center Districts by Special Exception, provided that residential uses are not facing nonresidential loading areas or dumpster enclosures.

2. Mixing of residential and nonresidential uses within the same building of at least four (4) stories in height may be authorized within the TOC-CC District by Special Exception, subject to functionally appropriate separation of the uses, including, but not limited to: separate stories; separate access; separation and buffering of residential units from loading areas and noisy nonresidential uses via one (1) or more intervening stories of office use, extra-thick concrete floors, soundproofing on ceilings, walls and sound-containing openings, operational standards and time limits, or other proven technique acceptable to the city. Furthermore, the following uses shall not be located within a building containing residential use:

a. Bars, taverns and nightclubs.

b. Body art studios.

c. Bottled gas.

d. Caterers and catering halls.

e. Check cashing.

f. Commercial recreation.

g. Gun shop.

h. Music instruction and dance instruction.

i. Dance halls.

j. Package store.

~~k. Pet grooming and pet shop.~~

~~l. Recording studio.~~

~~m. Pain management clinic.~~

2. Mixing of residential and nonresidential uses within the same building of at least four (4) stories in height may be authorized within the TOC-CC district Corridor, Gateway, and City Center Districts by Special Exception, subject to the following functionally appropriate separation of the uses, including, but not limited to:

   a. Separate stories.

   b. Separate access.

   c. Separation and buffering of residential units from loading areas and noisy nonresidential uses via any or all of the following:

      i. One (1) or more intervening stories of office use;

      ii. Extra-thick concrete floors;

      iii. Soundproofing ceilings, walls and sound-containing openings.

      iv. Operational standards and time limits.

      v. Or other proven technique acceptable to the city.

3. The following uses shall not be located within a building containing residential use:

   a. Bars, taverns and nightclubs.

   b. Body art studios.

   c. Bottled gas.

   d. Caterers and catering halls.

   e. Check cashing, Payday Loans.

   f. Commercial recreation.

   g. Gun shop.

   h. Music instruction and dance instruction.

   i. Dance halls.

   j. Package store.

   k. Pet grooming and pet shop.

   l. Recording studio.

   m. Pain management clinic.

(Ord. No. 1500.560, § 19, 7-7-2010; Ord. No. 2018-1500.645, § 7, 9-5-2018)

Section 9.10. Allocation of dwelling units.

(A) Within the ~~TOC~~ Activity Center land use designation, the city has a bank of ~~seven hundred ten (~~710~~)~~ dwelling units to allocate. Of the seven hundred ten (710) units, not more than ~~three hundred (~~300~~)~~ units shall be

utilized north of the city center, and not more than ~~three hundred (~~300~~)~~ units shall be utilized south of the city center.

The city planner shall maintain an inventory of available dwelling units to be used within the ~~TOC~~ Activity Center. ~~TOC~~ Activity Center dwelling units shall be allocated on a "first-come, first-served" basis; however, before any dwelling units may be allocated to a development or redevelopment site, the following criteria must be satisfied:

1. That there are a sufficient number of available dwelling units to allocate within the specified area of the ~~TOC~~ Activity Center.
2. The proposed development shall maintain a valid site plan approval from the development review committee.
3. A total of ~~fifteen (~~15 percent~~) per cent~~ of the ~~TOC~~ Activity Center residential units shall be provided as affordable housing. For the purposes of this policy, the term "affordable housing" shall include the meaning as defined by the Broward County Land Use Plan. New development and redevelopment shall at minimum provide a proportionate share of affordable housing until at least ~~fifteen (~~15 percent~~) per cent~~ of the total number of ~~TOC~~ Activity Center units have been reserved as affordable. Affordable housing shall be recorded on a covenant running with the land for a minimum of ~~fifteen (~~15~~)~~ years.
4. The proposed development shall demonstrate a high level of connectivity and access to adjacent properties and transit stops.
5. The proposed development shall demonstrate the residential use as a principal component of a mixed use development, or be located within ~~one thousand (~~1,000~~)~~ feet of supportive commercial, office, and other nonresidential uses.
6. The proposed development shall be designed to enhance and support pedestrian travel and the use of public transportation.
7. The proposed development shall demonstrate that the residential use will be both compatible and able to successfully integrate into the surrounding neighborhoods and developments. Demonstration shall be implemented through the incorporation of adequate buffers and effective site design.
8. The proposed development shall demonstrate adequate public plazas, urban open spaces, or green spaces that are accessible to the public.
9. That the developer shall begin construction of the proposed development within one (1) year of a successful petition for an allocation of dwelling units within the ~~TOC~~ Activity Center, and that construction of the proposed development shall be completed in no more than five (5) years.
    a. If construction of the proposed development has not started within one (1) year of a successful petition for an allocation of dwelling units, then any and all approvals for the allocation of dwelling units shall become null and void. A one-year waiting period, starting from the date of the nullification of approval, shall be required prior to any future petition for an allocation of dwelling units.
    b. If after five (5) years the project has started but has not been completed, the developer may petition the Development Services Department for an extension of the allocation of dwelling units. An extension may be granted, provided the following criteria have been satisfied:
        1. That certain extenuating circumstances created a genuine hardship that prevented completion of the development within the allotted time.
        2. That the developer can demonstrate the means and ability to complete construction.

3. That a lapse in active development permits have been no greater than six (6) months during the previous five-year period.

4. The proposed development has a valid site plan approval. Site plans may be resubmitted to the development review committee, if necessary.

5. That any extension of an allocation of ~~TOC~~ Activity Center dwelling units shall not exceed three (3) years. Only one (1) extension may be granted before an allocation expires.

(B) If a proposed development has not been completed within the allotted time (including extensions), then any and all approvals for the allocation of dwelling units shall become null and void. A one-year waiting period, starting from the date of the nullification of approval shall be required prior to any future petition for an allocation of dwelling units.

(C) If the development plans for a proposed development that has been allocated dwelling units are significantly modified, to the extent of changing the nature or intensity of the proposed development, then any and all approvals for the allocation of dwelling units shall become null and void. The applicant must then petition the City for the use of available dwelling units; however, no waiting period(s) shall be imposed for modifying development plans.

(Ord. No. 1500.560, § 20, 7-7-2010; Ord. No. 2018-1500.645, § 8, 9-5-2018)

Section 9.11. The Regulating Plan.

~~(A) The development regulations in this document are applied to properties within the Transit Oriented Corridor (TOC) as depicted on the Regulating Plan Map and the Official Zoning Map. The development standards and guidelines for all TOC district zones are contained in [this Article] IX. Development standards and guidelines pertain to building placement, height, frontage types, building types, use, parking, streets and blocks, and landscaping, signage and open space.~~

~~(B) To ensure that redevelopment activities are consistent with the intent of the Comprehensive Plan and Conceptual Master Plan are realized, a series of TOC District Zones are established as the basic organizing principle for the regulations contained in this article.~~

~~A District Zone is an area of cohesive physical character. District Zones are organized according to criteria that influence their future urban character. Regulations controlling building placement, building height, frontage and building types, use, parking and open space standards are organized by District Zone. The City of Margate TOC District and Regulating Plan is organized into three (3) distinct Districts:~~

~~Transit Oriented Corridor-Corridor (TOC-C)~~

~~Transit Oriented Corridor-Gateway (TOC-G)~~

~~Transit Oriented Corridor-City Center (TOC-CC)~~

~~(C) Parcels designated as Corridor typically front a primary road. Street-fronting uses are encouraged and will be supported by a redesign of the streetscape to create a highly walkable zone. Buildings are permitted up to four (4) stories, to a maximum of sixty-six (66) feet in height. A wide range of uses, buildings, and frontage types oriented to public streets is encouraged.~~

~~(D) Parcels designated as Gateway are located at significant entrances to the City where distinctive building elements and height to emphasize the corner, such as a corner tower, are encouraged. Buildings range from one (1) to six (6) stories, to a maximum of ninety-four (94) feet in height, provided that not more than seventy-five (75) per cent of any building elevation exceeding one hundred fifty (150) feet shall exceed four (4) stories and sixty-six (66) feet. Buildings exceeding four (4) stories and sixty-six (66) feet are subject to a~~

~~minimum setback of seventy-five (75) feet from roadways classified as arterial or collector by the Broward Metropolitan Planning Organization's Federal Functional Classification Map.~~

~~(D) Parcels designated as Gateway are located at significant entrances to the City. Distinctive building elements and~~

~~1. Emphasized height at corners and corner towers:~~

~~2. Variations in height and façade modulation:~~

~~a. Heights ranging from one (1) to six (6) stories, to a maximum of ninety-four (94) feet in height~~

~~b. Not more than seventy-five (75) per cent of any building elevation exceeding one hundred fifty (150) feet shall exceed four (4) stories and sixty-six (66) feet.~~

~~c. Buildings exceeding four (4) stories and sixty-six (66) feet are subject to a minimum setback of seventy-five (75) feet from roadways classified as arterial or collector by the Broward Metropolitan Planning Organization's Federal Functional Classification Map.~~

(A) Any property within the Activity Center Future Land Use Plan Map designation shall only be zoned according to the adopted Regulating Plan Map.

(Ord. No. 1500.560, § 48, 7-7-2010; Ord. No. 2015-1500.613, § 2, 4-15-2015 ; Ord. No. 2018-1500.645, § 9, 9-5-2018)

Section 9.12. Parking standards.

(A) *Regulation of parking.* This section contains development standards and design guidelines to ensure that parking throughout ~~the Regulating Plan Area~~ Corridor, Gateway, and City Center Districts is convenient and accessible, accommodates all land uses, and supports the Regulating Plan's intended goals, including:

1. Enable people to park once at a convenient location and to access a variety of commercial enterprises in pedestrian friendly environments by encouraging shared parking.
2. Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas.
3. Maximize on-street parking.
4. Encourage parking to be located to the rear of buildings.
5. Provide flexibility for redevelopment of small sites.

Parking shall be connected with the street by a driveway. New on-street parking spaces provided adjoining ground floor residential uses may be counted toward the minimum parking requirement for that property. Parking types are defined as either surface or structured.

(B) *Surface parking.*

1. *Open.* The location of surface parking lots to the rear of buildings is encouraged in order to showcase the buildings, provide more visual interest to passersby and provide superior visibility to businesses.

(C) *Parking structure.*

1. *Exposed.* An above-ground parking structure that is fully or partially exposed to the primary front street(s) on the ground level. Exposed parking structures shall not be located between the street and habitable buildings they serve. The parking structure may be exposed to the building's street frontage(s) on upper levels. Lights with the structure shall be recessed and shielded so they are not visible to any surrounding properties.

2. *Wrapped with liner use on ground level.* An above-ground parking structure where nonparking uses are integrated into the ground level of the building along the parcel's primary street frontage(s). Nonparking uses are encouraged to be integrated into the building along secondary street frontages, further hiding the parking structure from view. The parking structure may be exposed to the building's street frontage(s) on upper levels.

3. *Wrapped with liner use on all levels.* An above-ground parking structure where nonparking uses are integrated into the building along the parcel's front street frontage(s) on all levels of the building. Nonparking uses are encouraged to be integrated into the building along all street frontages, further hiding the parking structure from view.

(D) *Access.*

1. Access to parking facilities shall be provided from alleyways, rear roads, or side streets wherever possible. Parking facilities on adjoining lots are encouraged to share access points and driveways subject to a recorded covenant running with the affected uses.

2. The total width of parking access openings on the ground level of structured parking may not exceed (30 feet.

(E) *Parking calculations.*

1. Buildable density on a lot shall be determined by the sum of the actual parking calculated as that provided: ~~(1) within the lot (2) along the parking lane corresponding to the lot frontage, and (3) by purchase or lease from a civic parking reserve within a standard pedestrian shed of a quarter (¼) mile or one thousand three hundred twenty (1,320) feet of the development site, if available.~~

   (i) Within the lot

   (ii) Along the parking lane corresponding to the lot frontage, and

2. Lots immediately adjacent to, or within 400 linea~~l~~r feet (on the same side of a roadway) of a designated Broward County Transit stop, Margate Circulator, or other mass transit stop, shall be eligible for a parking credit. ~~A standard transit stop shall provide a credit of two (2) per cent of required parking spaces, or no less than three (3) spaces. If the transit stop has a shelter from sun and rain, the transit stop shall provide a credit of five (5) per cent of required parking, or no less than seven (7) spaces. If a transit station no less than four hundred (400) square feet in area has been incorporated into the primary facade of a principal structure the transit station shall provide a credit of seven (7) per cent of required parking, or no less than ten (10) spaces.~~

   (i) A standard transit stop shall provide a credit of two (2) percent of required parking spaces, or no less than three (3) spaces.

   (ii) If the transit stop has a shelter from sun and rain, the transit stop shall provide a credit of five (5) percent of required parking, or no less than seven (7) spaces.

   (iii) If a transit station no less than 400 square feet in area has been incorporated into the primary facade of a principal structure the transit station shall provide a credit of seven (7) percent of required parking, or no less than ten (10) spaces.

~~3. In lieu of minimum parking requirements, the City may accept a one-time payment per each space of shared parking. The City Manager shall establish the amount of payment annually based on the approximate cost to build structured parking.~~

4. Minimum parking requirements are described in Article XXXI [NEW]II of this Code, unless specifically provided for below.

   Residential. Residential parking requirements shall be those provided in Section 33.3 of this Code, and subject to: ~~a two and one-half (2.5) per cent parking reduction for multiple-family dwelling units within developments containing at least fifty (50) dwelling units, and a five-percent reduction for multiple-family dwelling units within developments containing at least one hundred (100) dwelling units.~~

   (i) Required parking for residential use shall be located within 300 feet of the entrance(s) to the building it serves, and

   (ii) Two and one-half (2 1/2) percent parking reduction for multiple-family dwelling units within developments containing at least 50 dwelling units, and a

   (iii) Five (5)-percent reduction for multiple-family dwelling units within developments containing at least 100 dwelling units.

   Bicycle parking.

   1. For residential development, the developer must provide one (1) tenant bicycle parking rack or bicycle locker (i.e. storage for one (1) bicycle) per three (3) units and one (1) visitor bicycle parking rack per 50 units.
   2. For retail development, the developer must provide one (1) bicycle parking rack or bicycle locker per 2,500 square feet of gross floor area.
   3. For office development, the developer must provide one (1) bicycle parking rack or bicycle locker per (2,000 square feet of gross floor area.
   4. All bicycle parking facilities are to be highly visible to intended users. Bicycle racks provided at designated transit stops shall not count towards meeting the bicycle parking requirements, unless said transit stop is located wholly on the site to be developed or redeveloped. The bicycle parking facilities, including the bicycle, shall not encroach on any area in the public right-of-way intended for use by pedestrians, shall not occupy space on a multi-use or shared pathway, nor shall they encroach on any required fire egress.

(Ord. No. 1500.560, § 49, 7-7-2010; Ord. No. 2018-1500.645, § 10, 9-5-2018; Ord. No. 2020-1500.650, § 1, 1-29-2020)

Section 9.13. Reserved.

Editor's note(s)—Ord. No. 1500.589, § 3, adopted July 3, 2012, repealed the former section 10.13 in its entirety, which pertained to landscaping and derived from Ord. No. 1500.560, § 50, adopted July 7, 2010.

Section 9.14. Reserved.

Editor's note(s)—Sec. 20 of Ord. No. 2015-1500.615, adopted July 1, 2015 , deleted § 9.14, which pertained to signage, and derived from Ord. No. 1500.560, adopted July 7, 2010; and Ord. No. 1500.583, adopted March 7, 2012.

Section 9.15. Open space and computation.

(A) The Margate Comprehensive Plan requires an additional 12 acres of open space to be provided in the Corridor, Gateway, and City Center District. This goal will be accomplished by the following open space standards and computations:

1. For lots of less than three (3) acres, the provision of urban greenways or front sidewalks and street trees shall satisfy open space requirements.

2. Lots of three (3) acres or more shall provide a minimum of three (3) percent of gross acreage of the development as open space in addition to the urban greenway. Each open space area shall be subject to the following:

   (a) At least 30 percent of the area shall be shaded by trees or decorative shade structures; and

   (b) Shall provide a paved pedestrian connection to the public sidewalk that is at least six (6) feet wide, and further shall remain accessible to the general public; and

   (c) Shall provide pedestrian amenities such as benches, waste cans, public art, fountains, etc.; and

   (d) Shall be located away from dumpster enclosures, loading zones, and other incompatible uses; and

   (e) Shall be one (1) contiguous area.

(Ord. No. 1500.560, § 52, 7-7-2010; Ord. No. 2018-1500.645, § 11, 9-5-2018)

Editor's note(s)—Ord. No. 1500.560, § 53, adopted July 7, 2010, deleted Appendix 1: TOC Master List of Uses, which derived from Ord. No. 1500.553, § 3, adopted Feb. 3, 2010.

ARTICLE XI. CF:1[5]COMMUNITY FACILITY DISTRICT

Section 11.1. Application of article.

The following regulations of this article shall apply in all community facility districts.

(Ord. No. 1500.163, § 1, 3-7-1979)

Section 11.2. Purpose of district.

The community facility district is intended to provide for the orderly development of those educational, cultural, religious, health care, recreational, and governmental facilities required to meet the needs of the community in which they are located.

(Ord. No. 1500.163, § 1, 3-7-1979)

Section 11.3. Permitted uses.

(A) No building or structure, or part thereof, shall be erected, altered, or used, or land or water used in whole or in part, for other than one of the following:

~~(1) Houses of worship and schools on the same plot. Such use shall be located on a plot having at least forty thousand (40,000) square feet and at least two hundred (200) feet of street frontage. Private academic schools, including VPK, may be permitted as an accessory use when located on the same plot as an existing house of worship.~~

[5]Editor's note(s)—Ord. No. 1500.578, § 3, adopted Sept. 7, 2011, amended the title of [former] Art. VI½ to read as herein set out [as Art. XI]. The former title read Community Facility Districts.

(1) Place of Assembly, subject the requirements of Article SR: Supplemental Regulations of this Code.

(2) Hospitals, detoxification facilities, pain management clinics, and long-term care facilities not including correctional or mental institutions, nor veterinary hospitals. Such use shall be located on a ~~lot~~ plot having at least 40,000 square feet, at least 200 feet of street frontage, and shall only be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways.

(3) Municipal buildings, fire stations, libraries, public offices, parks, playgrounds, reservations, parking.

(4) Medical office, subject to the following limitation(s):

(a) Not including correctional or mental, nor institutions for care of drug or liquor patients. May have a magnetic resonance imaging (MRI) unit as an accessory.

(~~4~~5) Accessory structure or use which is clearly incidental or subordinate to the principal use and which use is located on the same ~~plot~~ lot.

(B) Special exception uses. Special exception uses may be deemed appropriate to provide a complete distribution of uses within the City, but because of their operational characteristics or area requirements need to be given individual consideration with respect to their location, access and relationship to adjacent properties and public rights-of-way, and conformity with the City's current and future redevelopment efforts.

(1) The following uses are authorized upon a finding by the City Commission that a special exception to the article is warranted. The City Commission shall consider all applications for special exception approval pursuant to the procedures and criteria set forth in Chapter 31, Section 31-54 of the Margate Code of Ordinances.

(a) Public or private elementary, middle, or high school, subject to ~~the following~~ Article SR: Supplemental Regulations.

~~1. Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways. Access to schools shall not be from roadways classified by Broward County Metropolitan Organization's Broward County Highway Functional Classifications map as arterial roadways.~~

~~2.School must be located in freestanding single use structure(s), located on a parcel no small than the minimum size required by the School Board of Broward County for public schools. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C).~~

~~3.School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.4.In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Development Services Department at least nine (9) months before the start of the school year. This time requirement cannot be waived or reduced.~~

(b) Public or private postsecondary educational facilities, including vocational schools. Any associated residence shall be ancillary to the permitted use, and permitted only for full-time students of the post-secondary educational facility and any staff required to preserve the safety and welfare of resident students.

(c) Pain Management Clinics that are located on roadways classified by the Broward County Trafficways Plan as arterial or collector roadways subject to Article XXX.

(Ord. No. 1500.163, § 1, 3-7-1979; Ord. No. 1500.208, § 1, 6-17-1981; Ord. No. 1500.4050, § 1, 1-8-1997; Ord. No. 1500.552, § 1, 8-19-2009; Ord. No. 1500-598, § 1, 6-5-2013; Ord. No. 2017-1500.626, § 1, 2-15-2017 ; Ord. No. 2017-1500.631, § 8, 5-17-2017 ; Ord. No. 2017-14, § 13, 8-23-2017 ; Ord. No. 2018-1, § 1, 3-7-2018)

Section 11.4. Height.

(A) *Limitations.*

1. No building or structure, or part thereof, shall be erected or altered to a height exceeding four (4) stories, or 50 feet.

(B) *Exceptions.*

1. A steeple or tower on a ~~church~~ Place of Assembly may extend to height of 65 feet.
2. Hospitals with more than 200 beds for overnight patient treatment, located on a campus of at least 20 acres may be a maximum height of 122 feet.
3. Any property owned or operated by the City of Margate or City of Margate CRA.

(Ord. No. 1500.163, § 1, 3-7-1979; Ord. No. 2017-1500.627, § 1, 2-1-2017)

Section 11.5. Lot coverage.

The combined ground area occupied by all buildings and structures shall not exceed the following:

Height of Building	Maximum Lot Coverage (~~per cent~~ percent)
One story	30
Two stories	30
Three stories	30
Four stories	25

(A) *Exceptions.*

~~As an exception to the above limitations, h~~

1. Hospitals with more than 200 beds for overnight patient treatment, located on a campus of at least 20 acres~~, are exempt from~~ may have a maximum lot coverage ~~limitations~~ of 35 percent.

2. Any property owned or operated by the City of Margate or City of Margate CRA.

(Ord. No. 1500.163, § 1, 3-7-1979; Ord. No. 2017-1500.627, § 2, 2-1-2017)

Section 11.6. Setbacks.

(a) There shall be a front ~~yard~~ setback of not less than ~~thirty-five (~~35~~)~~ feet.

(b) There shall be side ~~yard~~ setback of not less than ~~twenty-five (~~25~~)~~ feet.

(c) There shall be a rear ~~yard~~ setback of not less than ~~twenty-five (~~25~~)~~ feet.

(d) There shall be a -street side ~~yard~~ setback of ~~twenty-five (~~25~~)~~ feet except where a greater setback is required under another provision of this Code.

(e) Side and rear ~~yard~~ setback shall be increased by five (5) feet for each story above the second story.

(f) No building or roofed structure shall be located within ~~forty (~~40~~)~~ feet of any residentially zoned property, nor shall any parking areas be located within 20 feet of any residentially zoned property.

(g) *Exception.* Any property owned or operated by the City of Margate or City of Margate CRA.

(Ord. No. 1500.163, § 1, 3-7-1979)

Section 11.7. Uses prohibited.

~~(A) Pain management clinics, as defined in Section 2.2.~~

(A) Any use not specifically listed in Section 11.3 is prohibited.

(Ord. No. 1500-563, § 2, 9-1-2010; Ord. No. 1500.578, § 4, 9-7-2011)

ARTICLE XII. CON: CONSERVATION DISTRICT [6]

Section 12.1. Application of article.

The following regulations shall apply in all CON districts.

(Ord. No. 2017-1500.625, § 3, 2-1-2017)

Section 12.2. Purpose of district.

The conservation district is intended to provide for the continuing conservation of the natural resources located within the district. The uses within this district shall be consistent with, but may be more restrictive than those permitted in the conservation areas of the land use plan. This zoning district shall be applied to land designated conservation on the City's Future Land Use Map.

(Ord. No. 2017-1500.625, § 3, 2-1-2017)

Section 12.3. Permitted uses.

(A) *Permitted uses specified.* No building or structure, or part thereof, shall be erected, altered, or used, or land or water used in whole or in part, for other than one of the following:

[6]Editor's note(s)—Section 3 of Ord. No. 2017-1500.625, adopted Feb. 1, 2017 , amended Art. XII in its entirety to read as herein set out. Former Art. XII pertained to the Community Facility CF-2 District, consisted of §§ 12.1—12.7, and derived from Ord. No. 1500.208, adopted June 17, 1981; Ord. No. 1500.450, adopted Jan. 8, 1997; and Ord. No. 1500.578, adopted Sept. 7, 2011.

Passive outdoor recreational uses such as wildlife sanctuaries and feeding stations, nature centers and trails, outdoor research stations and walkways.

Structures used for flood control, drainage and stormwater storage.

Uses which do not impair the natural environment or disturb the natural ecosystem of the area and which are not in conflict with applicable water management and wildlife protection policies of local, state and federal agencies.

Waterways.

(Ord. No. 2017-1500.625, § 3, 2-1-2017)

ARTICLE XIII. U-1: UTILITIES DISTRICT

Section 13.1. Application of article.

The following regulations shall apply in all U-1 districts.

(Ord. No. 2017-1500.625, § 4, 2-1-2017)

Section 13.2. Purpose of district.

The utilities U-1 district is intended to provide for all utility uses. The uses within this district shall be consistent with, but may be more restrictive than those permitted in the utilities land use plan designation areas. This zoning district may be applied to land designated utilities on the City's Future Land Use Map.

(Ord. No. 2017-1500.625, § 4, 2-1-2017)

Section 13.3. Permitted uses.

(A) *Permitted uses specified.* No building or structure, or part thereof, shall be erected, altered, or used, or land or water used in whole or in part, for other than one of the following:

Communication facilities, subject to requirements of section 3.23 of this Code.

Electrical utility substations.

Telecommunications transmission facilities, subject to requirements of section 3.23 of this Code.

Water and wastewater plants.

Wellfields.

Uses accessory to any of the above uses when located on the same lot.

(B) *Special exception uses.* The following uses are authorized upon a finding by the City Commission that a special exception to the article is warranted, pursuant to the procedure and criteria set forth in section~~s 22.9 through 22.12~~ 31-54 of this Code.

Power plants.

Solid waste disposal facility.

Waste transfer station.

(C) *Prohibited uses.*

Landfills.

Resource recovery facility.

Solid waste disposal facility.

(Ord. No. 2017-1500.625, § 4, 2-1-2017)

Section 13.4. Minimum lot area and width.

(A) Every ~~plot~~ lot upon which a structure is hereafter erected shall have a minimum lot size of 10,000 square feet in area and a lot width of not less than 100 feet.

(B) *Exception.* Any property owned or operated by the City of Margate or City of Margate CRA.

(Ord. No. 2017-1500.625, § 4, 2-1-2017)

Section 13.5. Maximum height.

(A) No building or structure, or part thereof shall be erected to a height exceeding seven (7) stories or 80 feet, whichever is less.

(B) *Exception.* Any property owned or operated by the City of Margate or City of Margate CRA.

(Ord. No. 2017-1500.625, § 4, 2-1-2017)

Section 13.6. Setbacks.

Every ~~plot~~ lot upon which a structure is hereafter erected shall have minimum setbacks as follows:

(A) 25 feet from all property lines.

(B) No parking areas shall be located within ten (10) feet of any residentially zoned property

(C) *Exception.* Any property owned or operated by the City of Margate or City of Margate CRA.

(Ord. No. 2017-1500.625, § 4, 2-1-2017)

ARTICLE XIV. - ~~ONE-FAMILY DWELLING R-1A TO R-1B DISTRICTS~~

R-1, R-1A, ~~TO~~ R-1B, R-1C, and R-1D: ONE-FAMILY DWELLING DISTRICTS

Section 14.1. ~~Application of article~~ Purpose, Intent and Applicability.

~~The following regulations of this article shall apply in all R-1A and R-1B districts.~~

(A) *Purpose.* The purpose of this Article is to:

(1) Provide regulations for the construction and improvement of detached single family dwellings in the R-1, R-1A, R-1B, R-1C, and R-1D District; and

(2) Restore the development standards in the Code for the Districts that were repealed so that property owners may easily obtain them.

(B) *Intent.* The intent of this Article is to implement the allowed uses for properties with a residential Future Land Use Plan Map designation and to provide development standards that allow property owners to have reasonable use of and enjoyment of their properties.

(C) *Applicability.* These regulations apply to R-1, R-1A, R-1B, R-1C, and R-1D Districts.

(1) *Repealed Districts.* The R-1, R-1C, and R-1D Districts were repealed and no property owner may apply for a rezoning to any of them. These developed properties are considered legal conforming uses and may be reconstructed and improved according to these standards, and may be reconstructed with them in the event of destruction.

(2) *Uses.* Whenever the permitted uses of these Districts are referred to in this Code, R-1 shall be used only for the reference to the permitted uses.

(3) *Developed properties.*

(i) The development standards contained within this Article apply to all properties developed before the adoption of this Code.

(ii) All properties developed according to these regulations are considered legal conforming uses and may be reconstructed and improved according to these standards, and may be reconstructed with them in the event of destruction or undergoes a substantial change pursuant to FEMA regulations.

(iii) Any residential property that is redeveloped or undergoes a substantial change pursuant to FEMA regulations may voluntarily use the regulations contained in Section NEW Single family dwelling to redevelop the property.

(4) New development. Any residential property developed after the adoption of this Code shall only be developed according the standards in Section NEW Single family dwelling.

~~(Ord. No. 1500.00, 10-25-1967; Ord. No. 1500.80, § 1, 12-13-1972)~~

Section 14.2. Permitted uses.

(A) No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one (1) of the following uses:

(1) Single-family detached dwellings.

(2) Recreation buildings and facilities, playgrounds, play fields, parks, beaches, owned and operated by the city.

(3) Recreational and social centers, not operated for profit and constructed as an integral part of the surrounding residential neighborhood.

~~(4) Church, synagogue, or other religious institution and parochial school incidental to the above on the same premises. Such use shall be located on a plot having at least forty thousand (40,000) square feet of plot area and having at least two hundred (200) feet of street frontage. Except for a rectory, parish house or similar individual dwelling, no residential use shall be permitted on the site. The coverage of all roofed structures shall not exceed twenty-five (25) per cent of the plot area. No building or roofed structure shall be located within forty (40) feet of any other residentially zoned property. No parking area shall be located within ten (10) feet of any plot line.~~

(4) Public or private elementary, middle or high school, subject to Article SR: Supplemental Regulations.

(5) Place of Assembly, subject to the requirements of Article SR: Supplemental Regulations of this Code.

(~~5~~6) Sewage or water treating, pumping and storage plants to serve the surrounding residential area. Such plants shall conform to the following requirements:

(i) The ~~plot~~ lot shall be not less than 200 feet in width and 40,000 square feet in area, and as large as necessary to provide required setback areas.

(ii) No building or structure shall be located nearer to any other residentially zoned property or any street line than a distance equal to the height of such building or structure.

(iii) No water pumping or treatment facility shall be located nearer than ~~thirty-five (~~35~~)~~ feet to any street line or nearer than ~~fifty (~~50~~)~~ to any other residentially zoned property.

(iv) All ~~plots~~ lots shall have a landscaped setback area at least ~~thirty-five (~~35~~)~~ in width or depth adjacent to all ~~plot~~ lot lines separating the subject ~~plot~~ lot from other residentially zoned property. The landscaped setback area shall not be used for any building, structure, fence, wall, parking, storage or other use except that a fence not over six (6) feet in height may be erected in any such setback area at least ~~thirty-five (~~35~~)~~ feet from any street line. The landscaped setback area shall be planted with grass, shrubbery and trees, and no part shall be paved or surfaced except for minimum driveways and walkways for access. ~~All landscaping shall be maintained in a healthy, growing condition, properly trimmed and watered. The pruning, trimming, removal, or replanting of, or mitigation to, a tree on residential property shall be in accordance with Section 23-20 of the City of Margate Code of Ordinances.~~

(v) All machinery, equipment and mechanical or electrical facilities shall be visually screened so designed and operated as to minimize noise effects upon surrounding residential properties.

(vi) ~~Plots~~ Lots shall not be used for business, storage or service purposes for a franchised area.

(~~6~~7) Sewage lift or pumping stations, containing no treatment facilities, shall be subject to the following requirements:

(i) Where the station is of the underground type, all parts of which are at least three (3) feet below grade except for an access tube not over five (5) feet in maximum horizontal dimension extending not over three (3) feet above grade, and meters and switches on a post extending not over five (5) feet above grade, such access tube and meter or switch post may be located within a utility easement.

(ii) Where the station is wholly or partially above grade, there shall be a ~~yard~~ setback at least ~~thirty-(~~30~~)~~ feet in depth adjacent to all residentially zoned property, ~~All yards~~ and plot area shall be landscaped with grass, shrubbery screened according to the requirements for the perimeter wall and ~~trees which shall be kept in~~ landscape requirements for when a ~~healthy, growing condition, properly watered and trimmed~~ nonresidential property abuts a residential use pursuant to the Code.

(~~7~~8) Transformer substation subject to the following requirements:

(i) The ~~plot~~ lot shall be provided with setbacks not less than ~~thirty-(~~30~~)~~ feet in depth or width adjacent to all street lines and lot lines of other residentially zoned property and a ~~yard~~ setback at least ~~twenty-five (~~25~~)~~ feet in depth adjacent to a rear ~~plot~~ lot line.

The ~~yards~~ setbacks required under this paragraph shall be fully landscaped with grass, shrubbery and trees, and shall not be used for any fence, wall, building or structure, except that a fence not

over six (6) feet in height may be erected at least ~~thirty (~~30~~)~~ feet from any street line. Minimum driveways or walkways necessary for access may cross required yards.

~~All landscaped areas shall be maintained in a healthy, growing condition, properly watered and trimmed.~~

(~~8~~9) Uses accessory and clearly incidental to any of the above uses when located on the same ~~plot~~ lot and not involving the conduct of any business, trade, occupation or profession.

(~~9~~10) Home occupations as defined in section 2.2, excluding retail sales allowed by this Code.

(~~10~~11) Community residential home, Type 1 as defined in Section 2.2.

(~~11~~12) Recovery residence, as defined in Section 2.2.

(Ord. No. 1500.00, § 9.1, 10-25-1967; Ord. No. 75-27, §§ 1, 2, 11-12-1975; Ord. No. 1500.270, § 2, 10-17-1984; Ord. No. 1500.450, § 1, 1-8-1997; Ord. No. 2017-1500.631, § 2, 5-17-2017 ; Ord. No. 2019-1500.648, § 3, 11-20-2019)

(Ord. No. 1500.00, § 9.2, 10-25-1967; Ord. No. 1500.80, § 1, 12-13-1972)

(Ord. No. 1500.00, § 9.3, 10-25-1967)

(Ord. No. 1500.00, § 9.4, 10-25-1967)

(Ord. No. 1500.00, § 9.5, 10-25-1967)

(Ord. No. 1500.00, § 9.6, 10-25-1967; Ord. No. 1500.80, § 1, 12-13-1972)

(Ord. No. 1500.00, § 9.7, 10-25-1967)

(Ord. No. 1500.00, § 9.8, 10-25-1967; Ord. No. 1500.80, § 1, 12-13-1972)

~~Section 14.3. Size of plot.~~

~~(A) Every plot upon which a residential structure is hereafter erected shall not be less in size than the following:~~

~~(1) R-1A district: Plot width of one hundred (100) feet and plot area of ten thousand (10,000) square feet.~~

~~(2) R-1B district: Plot width of seventy-five (75) feet and plot area of seven thousand five hundred (7,500) square feet.~~

~~(B) Provided, however, that in areas subdivided prior to the effective date of this zoning ordinance, a plot consisting of a lot of record may be utilized for a one-family dwelling.~~

~~(C) Every plot upon which a permitted non-residential structure or use is erected or placed shall be not less than one hundred (100) feet in width and ten thousand (10,000) square feet in area.~~

~~(Ord. No. 1500.00, § 9.2, 10-25-1967; Ord. No. 1500.80, § 1, 12-13-1972)~~

Section 14.4. Plot coverage.

The combined area occupied by all principal and accessory buildings shall not exceed forty per cent (40%) of the area of the plot.

(Ord. No. 1500.00, § 9.3, 10-25-1967)

Section 14.5. Height.

No building or structure, or part thereof, shall be erected or altered to a height exceeding thirty-five (35) feet, except that a steeple or tower on a church may extend to a height of fifty (50) feet.

(Ord. No. 1500.00, § 9.4, 10-25-1967)

Section 14.6. Front yards.

(A) Residential uses. Every plot used for a one-family dwelling shall have a front yard not less than twenty-five (25) feet in depth.

(B) Non-residential uses. Every plot utilized for a non-residential building, structure or use, shall have a front yard not less than thirty (30) feet in depth.

(Ord. No. 1500.00, § 9.5, 10-25-1967)

Section 14.7. Side yards.

(A) Residential uses. Every plot used for a one-family dwelling shall have a side yard on each side of which shall be at least ten (10) feet wide in R-1A and at least seven and one-half (7½) feet in R-1B district.

(B) Non-residential uses. Every plot utilized for a non-residential building, structure or use, except accessory buildings, structures or uses, shall have a side yard one (1) on each side, each of which shall be not less than twenty (20) feet in width with an increase of one (1) foot in width of each side yard for every two (2) feet in height of any building or structure in excess of twenty (20) feet.

(C) Corner plots. Upon corner plots there shall be a front yard as here before specified, and in addition thereto a side yard at least fifteen (15) feet in width on the side of the plot abutting on the side street.

(Ord. No. 1500.00, § 9.6, 10-25-1967; Ord. No. 1500.80, § 1, 12-13-1972)

Section 14.8. Rear yards.

(A) Residential uses. Every plot used for a one-family dwelling shall have a rear yard not less than fifteen (15) feet in depth.

(B) Non-residential uses. Every plot utilized for a non-residential building, structure or use, except accessory building, structure or uses, shall have a rear yard not less than twenty-five (25) feet in depth.

(Ord. No. 1500.00, § 9.7, 10-25-1967)

~~**Section 14.9. Minimum floor area.**~~

~~A one-family dwelling shall have a minimum floor area of one thousand five hundred (1,500) square feet in R-1A district and one thousand (1,000) square feet in R-1B district.~~

Section XX. Detached single family dwelling development standards.

District	Lot Size[1] (square feet)	Lot Width[1] (feet)	Height[2] (feet)	Front Setback[1] (feet)	Side Setback[1] (feet)	Street Side Setback[1] (feet)	Rear Setback[1] (feet)	Floor Area[1] (square feet)
R-1[3]	10,000	100	35	25	10	15	15	1,500
R-1[3]	7,500	75	35	25	7.5	15	15	1,000
R-1[3]	6,000	60	35	25	7.5	15	15	750
R-1[3]	3,600	45	35	20	5	10	10	600
R-1A	10,000	100	35	25	10	15	15	1,500
R-1B	7,500	75	35	25	7.5	15	15	1,000
R-1C	6,000	60	35	25	7.5	15	15	750
R-1D	3,600	45	35	20	5	10	10	600

Footnotes:

1. Minimum

2. Maximum

3. The dimensions of the property determine what standards apply.

Section XX. Lot Coverage for Residential and Nonresidential uses.

(A) The combined area occupied by all principal and accessory structures buildings shall not exceed 40 percent of the area of the lot.

Section XX. Nonresidential Structure or Use Minimum Lot Area.

(A) Every lot a permitted non-residential structure or use is erected or placed shall be a minimum 100 feet in width and 10,000 square feet in area.

Section XX. Nonresidential Structure Heights.

(A) Maximum Height. 35 feet.

(1) Exception. A steeple or tower on a Place of Assembly may extend to a height of 50 feet.

Section XX. Nonresidential Minimum Setbacks.

(A) Front. 35 feet.

(B) Side. 20 feet plus one (1) foot for every two (2) feet over 20 feet in height.

(1) Exception. Accessory buildings, structures or uses.

(C) Rear. 25 feet.

(1) Exception. Accessory buildings, structures or uses.

ARTICLE XV. R-2: TWO-FAMILY DWELLING ~~R-2~~ DISTRICT

Section 15.1. ~~Application~~ Purpose, Intent, and Applicability.

~~The following regulations of this article shall apply in all R-2 districts.~~

(A) Purpose. The purpose of these regulations is to provide for development standards for properties within the R-2 District and any other zoning district that allows the development with the standards contained herein.

(B) *Intent.* The intent of this Article is to implement the allowed uses for properties with the Future Land Use Plan Map designation of Residential Low (5 DU/AC) and greater.

(C) *Applicability.*

(1) *Developed properties.*

(i) The development standards contained within this Article apply to all properties developed before the adoption of this Code.

(ii) All properties developed according to these regulations are considered legal conforming uses and may be reconstructed and improved according to these standards, and may be reconstructed with them in the event of destruction or undergoes a substantial change pursuant to FEMA regulations.

(iii) Any residential property that is redeveloped or undergoes a substantial change pursuant to FEMA regulations may voluntarily use the regulations contained in Section NEW Duplex/two (2) family dwelling to redevelop the property.

(2) New development. Any residential property developed after the adoption of this Code shall only be developed according the standards in Section NEW Duplex/two (2) family dwelling.

(Ord. No. 1500.00, 10-25-1967)

Section 15.2. Uses permitted.

No building or structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than one (1) or more of the following uses:

(1) Any use permitted in the R-1 district, subject to requirements, limitations, and procedures contained therein.

~~(2) A plot containing a two-family dwelling unit.~~

~~(3) Community residential home, Type 1 as defined in Section 2.2.~~

~~(4) Recovery residence, as defined in Section 2.2.~~

(Ord. No. 1500.00, § 11.1, 10-25-1967; Ord. No. 1500.80, § 1, 12-13-1972; Ord. No. 1500.116, § 2, 7-21-1976; Ord. No. 1500.270, § 3, 10-17-1984; Ord. No. 1500.459, § 2, 9-16-1998; Ord. No. 2017-1500.631, § 3, 5-17-2017)

Section 15.3. Size of ~~plot~~ lot.

(A) *One-family dwellings.* ~~As provided for in the R-1B zoning district.~~ Lot width of 75 feet and lot area of 7,500 square feet.

(B) *Two-family dwellings.* Every lot upon which a two-family dwelling is hereafter erected shall be at least ~~eighty-five (~~85~~)~~ feet in width and contain at least ~~eight thousand five hundred (~~8,500~~)~~ square feet area. In areas platted prior to the effective date of this section, a ~~plot~~ lot consisting of a lot of record may be utilized for principal and accessory buildings and structural additions provided that same meet all other requirements of this district.

(C) *Nonresidential uses.* Every ~~plot~~ lot upon which a permitted nonresidential structure or use is erected or placed shall be not less than ~~one hundred (~~100~~)~~ feet in width and ~~ten thousand (~~10,000~~)~~ square feet in area.

(Ord. No. 1500.00, § 11.2, 10-25-1967; Ord. No. 1500.116, § 3, 7-21-1976; Ord. No. 1500.306, § 1, 12-17-1986)

Section 15.4. ~~Plot~~ Lot coverage.

The combined area occupied by all main and accessory buildings shall not exceed forty ~~(40) per cent~~ 60 percent of the area of the ~~plot~~ lot.

(Ord. No. 1500.00, § 11.3, 10-25-1967)

Section 15.5. Height.

No building or structure, or part thereof, shall be erected or altered to a height greater than ~~thirty-five (~~35~~)~~ feet, except that a steeple or tower on a church may extend to a height of ~~fifty (~~50~~)~~ feet.

(Ord. No. 1500.00, § 11.4, 10-25-1967)

Section 15.6. Front ~~yards~~ setbacks.

(A) *Residential uses.* Every ~~plot~~ lot used for dwelling purposes shall have a front ~~yard~~ setback not less than ~~twenty-five (~~25~~)~~ feet in depth.

(B) *Non-residential use.* Every ~~plot~~ lot whose principal use is non-residential shall have a front ~~yard~~ setback not less than ~~thirty (~~30~~)~~ feet in depth.

(Ord. No. 1500.00, § 11.5, 10-25-1967)

Section 15.7. Side ~~yards~~ setbacks.

(A) *Residential uses.* Every ~~plot~~ lot used for dwelling purposes shall have a side ~~yard~~ setback on each side, each of which shall not be less than seven and one-half (7½) feet in width.

(B) *Non-residential uses.* Every ~~plot~~ lot whose principal use is non-residential shall have side ~~yards~~ setbacks on each side, each of which shall be not less than ~~twenty (~~20~~)~~ feet in width, with an increase of one (1) foot in width of each side setback for each two (2) feet in height of structure in excess of ~~twenty (~~20~~)~~ feet.

(C) *Corner ~~plots~~ lots.* Upon corner ~~plots~~ lots there shall be a front ~~yard~~ setback as herebefore here before specified, and also a street side setback at least ~~fifteen (~~15~~)~~ feet in width on the side of the ~~plot~~ lot abutting on the side street.

(Ord. No. 1500.00, § 11.6, 10-25-1967)

Section 15.8. Rear ~~yards~~ setbacks.

(A) *Residential uses.* Every ~~plot~~ lot whose principal use is residential shall have a rear ~~yard~~ setback not less than 15 feet in depth.

(B) *Non-residential uses.* Every ~~plot~~ lot whose principal use is non-residential shall have a rear ~~yard~~ setback not less than ~~twenty five (~~25~~)~~ feet in depth.

(Ord. No. 1500.00, § 11.7, 10-25-1967)

Section 15.9. Minimum floor area.

The minimum floor area of a one-family dwelling shall be ~~one thousand (~~1,000~~)~~ square feet and the minimum floor area of a dwelling unit in a two-family dwelling shall be ~~seven hundred fifty (~~750~~)~~ square feet.

(Ord. No. 1500.00, § 11.8, 10-25-1967; Ord. No. 1500.252, § 1, 3-7-1984)

ARTICLE XVI. R-3: MULTIPLE DWELLING DISTRICT[7]

[7]Editor's note(s)—Section 1 of Ord. No. 1500.296, adopted April 29, 1986, amended Art. IX of App. A, Multiple Dwelling R-3 District, in its entirety to read as herein set out [as Art. XVI]. The substantive provisions of former Art. IX, §§ 9.1—9.12, were derived from the following ordinances:

;sz=0;

Ord. No.	Sec.	Date
1500.00	13.1—13.10	10-25-1967

1500.29	1	1-28-1970
1500.33	1	3-11-1970
1500.80	1	12-13-1972

;sz=0;

Ord. No.	Sec.	Date
1500.116	4—6	7-21-1976
1500.146	1	11- 1-1978
1500.270	4	10-17-1984
1500.252	2	3- 7-1984

Section 16.1. ~~Application~~ Purpose, Intent, and Applicability.

~~This zoning district is intended for parcels which have been designated as residential, with densities of between seven (7) and sixteen (16) dwelling units per acre, by the Future Land Use Element of the Margate Comprehensive Plan. The following regulations of this article shall apply in all R-3 districts.~~

(A) Purpose. The purpose of these regulations is to provide for development standards for properties within the R-3 District.

(B) *Intent.* The intent of this Article is to implement the allowed uses for properties with the Future Land Use Plan Map designations of between seven (7) and sixteen (16) dwelling units per acre.

(C) Applicability.

(1) Developed properties.

(i) The development standards contained within this Article apply to all properties developed before the adoption of this Code.

(ii) All properties developed according to these regulations are considered legal conforming uses and may be reconstructed and improved according to these standards, and may be reconstructed with them in the event of destruction or undergoes a substantial change pursuant to FEMA regulations.

(iii) Any residential property that is redeveloped or undergoes a substantial change pursuant to FEMA regulations may voluntarily use the regulations contained in Article SRDS: Supplemental Residential Development Standards

(2) New development. Any residential property developed after the adoption of this Code shall only be developed according the standards in Article SRDS: Supplemental Residential Development Standards.

(Ord. No. 1500.296, § 1, 4-29-1986)

Section 16.2. Uses permitted.

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one (1) or more of the following specified uses:

(A) *Permitted use specified:*

(1) All uses permitted in the R-2 district, subject to the limitations, requirements and procedures contained therein.

(2) A ~~plot~~ lot containing multiple unit dwelling(s).

(3) Community residential home, Type 2 as defined in Section 2.2.

(4) Recovery residence, as defined in Section 2.2.

(Ord. No. 1500.296, § 1, 4-29-1986; Ord. No. 1500.459, § 3, 9-16-1998; Ord. No. 2017-1500.631, § 4, 5-17-2017)

Section 16.3. Size of ~~plot~~ lot or site required.

Every building erected or structurally altered shall provide a site or ~~plot~~ lot or not less than the following size:

(A) For a one-family dwelling, ~~seven thousand five hundred (~~7,500~~)~~ square feet in area and ~~seventy five (~~75~~)~~ feet in width.

(B) For a two-family dwelling, ~~eight thousand five hundred (~~8,500~~)~~ square feet in area and ~~eighty five (~~85~~)~~ feet in width.

(C) For multiple dwellings ~~and special exception uses~~, wherein any structure thereon does not exceed the height of ~~twenty five (~~25~~)~~ feet, ~~one hundred (~~100~~)~~ feet in width and ~~one hundred (~~100~~)~~ feet in depth and ~~ten thousand (~~10,000~~)~~ feet square feet in area. When any structure thereon exceeds the height of ~~twenty five (~~25~~)~~ feet, then the required site shall contain a minimum of ~~two hundred (~~200~~)~~ feet of street frontage and one (1) acre in area.

(Ord. No. 1500.296, § 1, 4-29-1985; Ord. No. 1500.306, § 2, 12-17-1986)

Section 16.4. Site coverage.

Within the perimeter of a developed site containing four (4) or more dwelling units, excluding those areas located below the design water elevation, the maximum combined area occupied by all main and accessory structures shall be ~~thirty (~~30~~)~~ ~~per cent~~ percent of the site.

(Ord. No. 1500.296, § 1, 4-29-1986)

Section 16.5. Building height limits.

(A) One- and two-family dwellings shall not exceed ~~thirty five (~~35~~)~~ feet in height.

(B) Buildings for all other permitted uses shall not exceed four (4) stories or ~~fifty (~~50~~)~~ feet in height.

(Ord. No. 1500.296, § 1, 4-29-1986)

Section 16.6. ~~Yards and s~~ Setbacks.

(A) *One-Family Dwellings.* As provided for in the R-1B zoning district.

(B) *Two-Family Dwellings.* As provided for in the R-2 zoning district.

(C) *Multiple Dwellings:*

(1) *Street setback.* No building or structure shall be located less than 25 feet from a street right-of-way that is less than 80 feet in width. No building or structure shall be located less than 35 feet from a street right-of-way that is 80 feet in width or wider, with the exception of Holiday Springs Boulevard.

(2) *Front ~~yard~~ setback.* Every lot shall have a front setback of not less than 25 feet in depth or a depth equal to the height of the building, whichever is greater.

a. *Dumpsters and Garbage Containers.* Front setbacks or street setbacks shall not be used for storage of dumpsters or other garbage or trash containers.

(3) *Side ~~yard~~ setback.* Every ~~plot~~ lot shall have side ~~yards~~ setbacks of at least 15 feet or one-half the height of the building, whichever is greater.

(4) *Rear ~~yard~~ setback*. Every ~~plot~~ lot shall have a rear setback of not less than 20 feet in depth plus one (1) additional foot for each two (2) feet in building height, or portion thereof, over 25 feet.

(Ord. No. 1500.296, § 1, 4-29-1986; Ord. No. 2017-1500.639, § 3, 11-1-2017)

Section 16.7. Defining required ~~yards~~ setbacks.

(A) For purposes of determining the ~~yards~~ setbacks required in Section 16.6, the front of a multiple dwelling is defined as any side or facade of the building which contains a door, other than a sliding glass door which opens to a patio or terrace, that is used for ingress and egress to one or more dwelling units. There can be more than one front as used herein. The rear of a multiple dwelling shall be that side which is most nearly opposite the front as defined above. The side of a multiple dwelling shall be any side or facade not defined as a front or rear. See Table Y (which follows this section) for a graphic illustration.

(B) The required ~~yards~~ setbacks of any building may not overlap those of any other building. Therefore, buildings placed side-to-side shall have at least a ~~thirty~~ 30 foot separation; buildings placed rear-to-rear shall have at least a ~~forty~~ 40 foot separation; and so forth.

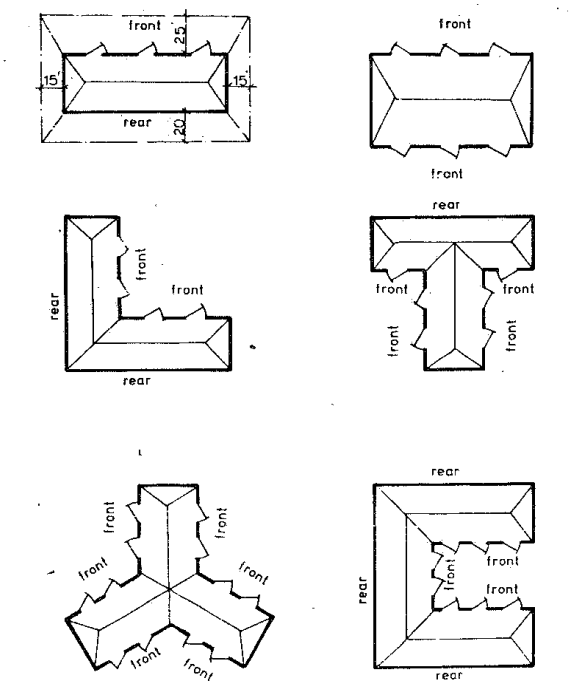
(C) Buildings may be connected, side wall to side wall, so as to form a larger single building. This interconnection shall be accomplished by means of open walkways, common roofline, or open connecting stairways. However, the total perimeter length of any building (the sum of all fronts, sides and rears at first floor level) shall not exceed ~~seven hundred (~~700~~)~~ feet.

(Ord. No. 1500.296, § 1, 4-29-1986)

TABLE Y

Determination of ~~yards~~ setbacks in multiple-family developments. Use building type, or combinations thereof, which most closely approximate the proposed development.

TYPE YARD CONFIGURATION



Section 16.8. Minimum separation from vehicular use areas.

All vehicular use areas (as defined in Section 23-2 of the City Code) shall be separated from any multiple dwelling by at least a ~~ten (~~10~~)~~ foot unpaved area. Said areas may only contain sidewalks, landscaping, patios, air conditioners, lights and mailboxes.

(Ord. No. 1500.296, § 1, 4-29-1986)

Section 16.9. Use of setback area of any ~~yards~~ setbacks abutting a street right-of-way for multiple dwellings.

If the ~~plot~~ lot is separated by a street from a one- or two-family district, the landscaped area shall be increased to ten (10) feet. Within said landscaped area no paving shall be permitted except for permissible driveways and walkways leading to a structure on the premises. Said landscaped area shall be bermed and contain trees and hedges as provided for in Section 23-6 of the City Code.

(Ord. No. 1500.296, § 1, 4-29-1986)

Section 16.10. Minimum floor area for residential usage.

(A) The minimum floor area for a one-family dwelling, exclusive of porches, terraces, carports and attached garages, shall be ~~one thousand (~~1,000~~)~~ square feet.

(B) The minimum floor area of each dwelling unit in a two-family dwelling, exclusive of porches, terraces, carports, and attached garages, shall be ~~seven hundred ninety (~~790~~)~~ square feet.

~~(C) The minimum floor area of a unit without cooking facilities in a group care facility shall contain at least one hundred ten (110) square feet of floor space for rooms intended for occupancy by one (1) person; and shall contain at least ninety (90) square feet per occupant for rooms intended for occupancy by two (2) or more persons. The required area does not include bathrooms, closets or other similar appurtenances.~~

(Ord. No. 1500.296, § 1, 4-29-1986; Ord. No. 1500.307, § 1, 12-17-1986)

Section 16.11. Maintenance of common areas.

Within a multiple-family site, all land and improvements (except that which has been dedicated for public use) which are located outside of the exterior walls of structures, including, but not limited to, landscaping, paving, drainage, recreational facilities and lighting, shall be under the control of a single ownership, condominium association or homeowner's association. The owner or association shall be responsible for the maintenance of all improvements as well as the common portions of individual buildings. The association shall establish rules and regulations governing improvements made to the exterior of all buildings.

(Ord. No. 1500.296, § 1, 4-29-1986)

ARTICLE XVII. R-3A: MULTIPLE DWELLING ~~R-3A~~ DISTRICT[8]

Section 17.1. Application of article.

This zoning district is intended for those parcels which have been designated as residential, with a density no greater than ~~sixteen (16)~~ 25 dwelling units per acre, by the Future Land Use Element of the Margate Comprehensive Plan.

The following regulations of this article shall apply in all R-3A districts.

(Ord. No. 1500.297, § 1, 4-29-1986)

Section 17.2. Uses permitted.

No building or structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than one (1) or more of the following specified uses: Any use permitted in an ~~R-1A, R-1B,~~ R-1, R-2, or R-3 district, subject to the limitations, requirements and procedure specified for such district.

(Ord. No. 1500.297, § 1, 4-29-1986)

Section 17.3. Size of ~~plot~~ lot.

Every building erected or structurally altered shall provide a site or lot of not less than the following size:

---

[8]Editor's note(s)—Section 1 of Ord. No. 1500.297, enacted April 29, 1986, amended App. A, Art. X, Multiple Dwelling R-3A District, in its entirety to read as herein set out [as Art. XVII]. The substantive provisions of former Art. X, §§ 10.1—10.12, were derived from the following ordinances:

;sz=0;

Ord. No.	Sec.	Date
1500.32	1	3-11-1970
1500.80	1	12-13-1972

;sz=0;

Ord. No.	Sec.	Date
1500.266	1	10- 3-1984
1500.270	5	10-17-1984

(A) For a one-family dwelling, ~~seven thousand five hundred (~~7,500~~)~~ square feet in area and ~~seventy five (~~75~~)~~ feet in width.

(B) For a two-family dwelling, ~~eight thousand five hundred (~~8,500~~)~~ square feet in area and ~~eighty five (~~85~~)~~ feet in width.

(C) For multiple dwellings wherein any structure thereon does not exceed the height of ~~twenty five (~~25~~)~~ feet; ~~one hundred (~~100~~)~~ feet in width and ~~one hundred (~~100~~)~~ feet in depth and 10,000 square feet in area. When any structure thereon exceeds the height of ~~twenty five (~~25~~)~~ feet, then the required site shall contain a minimum of ~~two hundred (~~200~~)~~ feet of street frontage and one (1) acre in area.

(Ord. No. 1500.297, § 1, 4-29-1986; Ord. No. 1500.306, § 3, 12-17-1986)

Section 17.4. Site coverage.

Within the perimeter of a developed site (as defined in Section 26-2 [of the Margate Code]) containing ~~four (4)~~ three (3) or more dwelling units, excluding those areas located below the design water elevation, the maximum combined area occupied by all main and accessory structures shall be ~~thirty-seven and one-half (~~37½~~)~~ ~~per cent~~ percent of the site.

(Ord. No. 1500.297, § 1, 4-29-1986)

Section 17.5. Building height limits.

(A) One- and two-family dwellings shall not exceed ~~thirty five (~~35~~)~~ feet in height.

(B) Buildings for all other permitted uses shall not exceed six (6) stories or ~~sixty (~~60~~)~~ feet in height.

(Ord. No. 1500.297, § 1, 4-29-1986)

Section 17.6. ~~Yards and s~~ Setbacks.

(A) *One-Family Dwellings.* As provided for in the R-1B zoning district.

(B) *Two-Family Dwellings.* As provided for in the R-2 zoning district.

(C) *Multiple Dwellings:*

(1) *Street setback.* No building or structure shall be located less than 25 feet from a street right-of-way that is less than 80 feet in width. No building or structure shall be located less than 35 feet from a street right-of-way that is 80 feet in width or wider, with the exception of Holiday Springs Boulevard.

(2) *Front setback.* Every lot shall have a front setback of not less than 25 feet in depth or a depth equal to the height of the building, whichever is greater.

(3) *Side setbacks.* Every lot shall have side setbacks of at least 15 feet or one-half the height of the building, whichever is greater.

(4) *Rear setback.* Every lot shall have a rear setback of not less than 20 feet in depth plus one (1) additional foot for each two (2) feet in building height, or portion thereof, over 25 feet.

(D) *Accessory Buildings.* No accessory buildings shall be located in any required street setback.

(E) *Dumpsters and Garbage Containers.* Front setbacks or street setbacks shall not be used for storage of dumpsters or other garbage or trash containers.

(Ord. No. 1500.297, § 1, 4-29-1986; Ord. No. 2017-1500.639, § 4, 11-1-2017)

Section 17.7. Defining required ~~yards~~ setbacks; maximum building length; building separation.

(A) For purposes of determining the ~~yards~~ setbacks required in Section 17.6 (C)(2)—(4), the front of a multiple dwelling is defined as any facade of the building which contains a door, other than a sliding glass or screen door which opens to a patio or terrace, that is used for ingress and egress to one (1) or more dwelling units. There can be more than one (1) front as used herein. The rear of a multiple dwelling shall be that facade which is most nearly opposite the front as defined above. The side of a multiple dwelling shall be any length or facade not defined as a front or rear. See Table Y following Section 16.7 for a graphic illustration.

(B) The required ~~yards~~ setbacks of any building may not overlap those of any other building. Therefore, buildings placed side-to-side shall have at least a thirty-foot separation; buildings placed rear-to-rear shall have at least a forty-foot separation; and so forth.

(C) Buildings may be connected, side wall to side wall, so as to form a larger single building. This interconnection shall be accomplished by means of open walkways, common roofline or open connecting stairways. However, the total perimeter length of any building (the sum of all fronts, sides and rears at first floor level) shall not exceed ~~seven hundred fifty (~~750~~)~~.

(Ord. No. 1500.297, § 1, 4-29-1986)

Section 17.8. Minimum separation from vehicular use areas.

All vehicular use areas (as defined in Section 23-2 of the City Code) shall be separated from any multiple dwelling by at least a ten (10) foot-wide buffer area. Said areas may only contain sidewalks, landscaping, patios, air conditioners, lights or mailboxes.

(Ord. No. 1500.297, § 1, 4-29-1986)

Section 17.9. Minimum floor area for residential usage.

(A) The minimum floor area for a one-family dwelling, exclusive of porches, terraces, carports and attached garages, shall be ~~one thousand (~~1,000~~)~~ square feet.

(B) The minimum floor area of each dwelling unit in a two-family dwelling, exclusive of porches, terraces, carports, and attached garages, shall be ~~seven hundred ninety (~~790~~)~~ square feet.

~~(C) The minimum floor area of a unit without cooking facilities in a group care facility shall contain at least one hundred ten (110) square feet of floor space for rooms intended for occupancy by one (1) person and shall contain at least ninety (90) square feet per occupant for rooms intended for occupancy by two (2) or more persons. The required area does not include bathrooms, closets or other similar appurtenances.~~

(Ord. No. 1500.297, § 1, 4-29-1986; Ord. No. 1500.307, § 2, 12-17-1986)

Section 17.10. Maintenance of common areas.

Within a multiple-family site, all land and improvements (except that which has been dedicated for public use), which are located outside of the exterior walls of structures, including, but not limited to, landscaping,

paving, drainage and lighting, shall be under the control of a single ownership, condominium association or homeowner's association. The owner or association shall be responsible for the maintenance of all improvements as well as the common portions of individual buildings. The owner or association shall establish rules and regulations governing improvements made to the exterior of all buildings.

(Ord. No. 1500.297, § 1, 4-29-1986)

ARTICLE R-3U: ROW HOUSE DISTRICT

Section R-3U.1. Purpose and applicability.

(A) *Purpose.* The purpose of the R-3U District is to provide regulations for the construction of dwellings containing three (3) or more dwelling units, which are designed, arranged and constructed for the ownership of each dwelling unit and the land thereunder by separate and different owner.

(B) *Applicability*. The R-3U District was repealed by the City Commission. No property owner may apply for a rezoning to the R-3U District. These developed properties are considered legal conforming uses and may be improved and reconstructed according to these standards in the event of destruction.

Section R-3U.2. Uses permitted.

(A) No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following specified uses:

(B) Multiple dwellings which are designed, arranged and constructed for the ownership of each dwelling unit and the land thereunder by a separate and different owner.

(C) Uses accessory to any of the above when located on the same lot and not involving the conduct of any business, trade, occupation or profession other than a home occupation.

Section R-3U.3. Size of lot.

(A) Every lot upon which a residential structure is erected shall be not less than 75 feet in width and 7,500 square feet in area, provided that each dwelling unit of a multiple family dwelling may be located on a lot not less than 25 feet in width and 100 feet in depth, except that a portion of a common party wall separating two (2) such separate dwellings, units may be located on an adjoining lot.

Section R-3U.4. Lot coverage.

(A) The combined area covered by all main and accessory buildings and roofed structures shall not exceed 40 percent of the area of the lot.

(1) Section 14.5 Height.

(B) No building or structure, or part thereof, shall be erected or altered to a height exceeding four (4) stories or 50 feet.

Section R-3U.5. Front Setback.

(A) Every lot shall have a front setback not less than 25 feet in depth.

Section R-3U.6. Side setbacks.

(A) Every lot used for a multiple dwelling shall have a side setback on each side, each of which shall be at least 10 feet in width provided that where a multiple dwelling in the form of a row house is erected on three (3) or more platted lots with the dividing party walls between separated dwelling units centered on the common lot line between two (2) platted lots, a side setback shall not be required adjacent to and on either side of said common lot line.

(B) Side Setbacks Abutting - One Family Lot Lines.

(1) Every lot used for a multiple dwelling having a side setback abutting the lot line of one-family dwellings the said side setback shall be not less than 20 feet in width, which shall be increased by feet for each ten (10) feet, or major fraction thereof by which the height of the building exceeds 20 feet.

(C) Corner Lots.

(1) Upon corner lots shall be a front setback as herein before specified and also a side setback at least 15 feet in width on the side of the lot abutting on side street.

(D) Rear Setbacks.

(1) Every lot shall have a rear setback not less than 15 feet in depth.

Section R-3U.7. Minimum living area.

(A) The minimum living area of a dwelling unit in a multiple dwelling shall be 700 square feet.

Section R-3U.8. Off-street parking.

(A) Every building shall be provided with off-street parking facilities in accordance with the provisions of this Article for the use of occupants, employees or visitors.

(B) Open Parking Areas. Open parking areas for parking of private, self-propelled passenger vehicles, shall be arranged, maintained and used in accordance with the following:

(1) All front and side setbacks as above required, shall be planted and kept in lawn that is maintained so as to present a healthy, neat and orderly appearance. The required setback shall be kept free from refuse and debris. The parking facilities shall not be included as a portion of or as constituting the required setbacks.

(2) The parking area shall be provided and maintained with a stable asphalt cement surface and graded so as to prevent surface water accumulation.

(3) Each parking space required and provided pursuant to the provisions of this Article shall be not less than nine (9) feet in width and 18 feet in length. Each parking space shall be directly accessible from an adequate aisle or driveway leading to a street or alley. Access aisles and driveways shall be of sufficient

size to permit convenient maneuvering of cars, and each parking space shall be accessible without driving over or through any other parking space.

(C) Off-street parking required by this Article shall be provided and maintained on the basis of the following minimum requirements:

(1) Dwelling, multiple family: one and one quarter (1 ¼) parking spaces for each dwelling unit.

ARTICLE XVIII. RVRP DISTRICTS

Section 18.1. Intent and application of district.

This zoning district is intended for those parcels which have been designated as residential, with a density of ten (10) dwelling units per acre to ~~fourteen (~~14~~)~~ dwelling units per acre, in the future land use element of the Margate Comprehensive Plan. Development of a recreational vehicle resort park is subject to final site development plan review by the development review committee and approval by the city commission.

An RVRP is land under unified control, planned and developed as a whole in a single development operation or an approved programmed series of development operations for dwelling units and related uses and facilities.

An RVRP may include principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part.

An RVRP shall be developed according to comprehensive and detailed plans which include streets, utilities, lots, buildings, sites and the like, and site plans, floor plans and elevations for all buildings intended to be located, constructed, used, and related to one another, and detailed plans for buildings. An RVRP shall also include a program for full provision of maintenance and operation of such areas, improvements, facilities and services for common use by the occupants of the recreational vehicle resort park which shall not be provided, operated, or maintained at public expense.

The following regulations of this article shall apply in all RVRP districts.

(Ord. No. 1500.551, § 1, 8-19-2009)

Section 18.2. Unified control.

(A) All land included for the purpose of development within an RVRP district shall be under the control of the applicant (an individual, partnership or corporation, or group of individuals, partnerships, or corporations). The applicant shall present satisfactory legal documents to constitute evidence of the unified control of the entire area within the proposed RVRP via a condominium association established pursuant to F.S. chapter 718, which shall be certified by the city attorney. The applicant shall agree in the application for rezoning to the following:

(1) To proceed with the proposed development according to the provisions of these regulations and conditions attached to the rezoning of the land to RVRP;

(2) To provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the city for completion of the development according to the plans approved at the time of rezoning to RVRP and for continuing operation and maintenance of such areas, functions and facilities which are not proposed to be provided, operated or maintained at public expense;

(3) To bind their successors in title to any commitments made under the above. All agreements and evidence of unified control shall be examined by the city attorney, and no rezoning of land to RVRP classification shall be adopted without a certification by the city attorney that such agreements and evidence of unified control meet the requirements of these regulations.

(B) The developer shall administer common open space through a condominium association which shall conform to the following requirements:

(1) The developer shall establish by charter the condominium association prior to any sale;

(2) Membership in the condominium association shall be mandatory for all property owners within the recreational vehicle resort park, and said condominium association shall not discriminate in its members or shareholders;

(3) The condominium association shall manage all common open space and recreational and cultural facilities which are dedicated to the public, shall provide for the maintenance, administration and operation of said land and any other land within the recreational vehicle resort park not publicly or privately owned, and shall secure and show evidence of adequate liability insurance on the land.

(C) Every recreational vehicle park manager or operator shall maintain a register containing a record of all recreational vehicle occupants using the recreational vehicle park. Such register shall be available to any authorized person inspecting the park, and shall be preserved for one year from the date of listing herein. Such register shall contain the names and addresses of all recreational vehicle occupants stopping at the park and the make, model and license number of the motor vehicle and the recreational vehicle.

(Ord. No. 1500.551, § 1, 8-19-2009)

Section 18.3. Uses permitted.

(A) No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one of the following specified uses:

Recreational vehicle (RV) parks of no less than five (5) RV sites.

Recreational vehicle (RV) sites, within an RV park, for ownership or tenant usage, for nonpermanent residency.

Clubhouses, recreational buildings and facilities, and social centers.

Common storage areas for trailers and vehicles, for use by owners and tenants of the recreational vehicle resort park only.

Place of Assembly, subject to the requirements of Article SR: Supplemental Regulations of this Code.

Uses accessory and clearly incidental to any of the above uses.

(Ord. No. 1500.551, § 1, 8-19-2009)

Section 18.4. Uses prohibited.

(A) No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for any of the following specified uses:

Tents utilized for sleeping, camping, group camping, or building to be used as hostel or hotel is prohibited.

The conduct of any business or trade by any tenant or nonpermanent resident, other than selling or leasing RV sites.

(B) Where RV sites are being sold to individuals, the developer/owner of the lot(s) shall include in the title transfer document a covenant attesting to the fact that the lot cannot be used as a place of permanent occupancy.

(C) Any use not specifically listed in section 18.3.

(Ord. No. 1500.551, § 1, 8-19-2009; Ord. No. 2016-1500.622, § 1, 11-2-2016)

Section 18.5. Design standards.

(A) RV park standards:

(1) *Minimum park size:* ~~one hundred (~~100~~)~~ acres.

(2) *Reserved.*

(3) ~~*Yards*~~ *Setbacks:*

(a) No building or structure, except fences or walls as hereinafter provided for, shall be located within ~~fifteen (~~15~~)~~ feet of any property outside of the RVRP district

(b) No recreational vehicle site pad shall be located within ~~fifteen (~~15~~)~~ feet of the recreational vehicle park perimeter.

(4) *Density:* RV sites are subject to the density limitations set forth in the applicable land use category of the future land use element of the Margate Comprehensive Plan.

(B) Landscaping*:*

(1) All required landscape buffers and landscaped common areas are subject to the planting and maintenance requirements of chapter 23, Landscaping, and shall utilize the principles of Naturescape Broward, or a similar native landscape program acceptable to the city.

(2) Each RV park shall create and maintain a ten -(10) foot-wide unpaved perimeter buffer along the perimeter property line. This perimeter buffer shall provide a six -(6) foot-high unpierced decorative masonry wall, constructed in conformance to applicable building codes and painted on both sides. Said wall shall be located wholly on the RV park side of the perimeter property line and shall run its full length, except whereas provided for below. No decorative wall or fence shall be required on portions of an RV park perimeter that are contiguous to a body of water that provides a minimum of ~~eighty (~~80~~)~~ feet of separation from the nearest property on the opposite side of the body of water; except that a decorative aluminum fence may be installed in such areas.

(3) Trees shall be planted every ~~fifteen (~~15~~)~~ ~~lineal~~ linear feet of the perimeter, in a staggered pattern, within and throughout the entire length of the ten -(10) foot perimeter buffer. The tree species used shall be Category I (as provided for in chapter 23) and nondeciduous. The pruning, trimming, removal, or replanting of, or mitigation to, a tree on residential property shall be in accordance with Section 23-20 of the City of Margate Code of Ordinances.

(4) Each RV site shall be subject to the following minimum landscape requirements ~~provided in subsection 23-11(a).~~:

(1) Lawns shall be placed on all areas not covered by buildings, shrubs, ground cover landscape elements, walks or drives and shall extend to any abutting street pavement edge and the mean waterline of any abutting lake, canal or waterway. Required landscaping for RV sites within an

approved RV park may be planted in any area within the RV site that is appropriate to accommodate such landscaping.

(2) Lots 3,100 to 4,000 square feet. Two (2) Category 3 trees and one (1) Category 4 tree.

(3) Lots greater than 4,000 square feet. In addition to the above one (1) Category 4 tree for each additional 1,000 square feet of site area or fraction thereof.

(4) Lots 3,100 to 4,000 square feet. Six (6) shrubs.

(5) Lots greater than 4,000 square feet. In addition to the above one (1) shrub for each additional 1,000 square feet of site area or fraction thereof.

(C) RV site standards:

(1) *Minimum site size:* ~~Three thousand one hundred (~~3,100~~)~~ square feet.

(2) *Improvements:*

(a) RV sites shall be clearly defined and shall be exclusive of any space used for common areas, such as roadways, walkways, and recreation areas.

(b) All RV sites shall include a pad and driveway, and shall be paved with concrete or pavers, or as approved by the city, and be designed to provide runoff of surface water. The use of asphalt as a paving material for RV pads and driveways shall not be permitted unless specifically provided for on a temporary basis pursuant to a recorded agreement with the city. RV parking on any unpaved surface is strictly prohibited.

(c) Each RV site shall not exceed ~~sixty five (~~65~~)~~ percent ~~per cent~~ impervious area. The minimum ~~thirty five (~~35~~)~~ ~~per cent~~ percent pervious area(s) of each RV site shall contain the minimum landscaping requirements for the site and any remaining areas in the pervious area shall be covered in turf.

(3) *Separation:* ~~RV pads shall be located to maintain a ten-foot separation between recreational vehicles when slides, other living areas, or awnings of the RV are fully extended.~~ No RV pad shall be within five (5) feet of any RV site lot line.

(4) *Occupancy:* Occupancy of each RV site is limited to one (1) recreational vehicle, one (1) automobile or truck, one (1) motorcycle and one (1) golf cart, accommodating one (1) party. Permanent RV lot structures and decorative features are allowed, as permitted in the individual recreational vehicle site, and all such structures shall conform to the Florida Building Code and the Broward County Surface Water Management Division permit for the RVRP.

(5) *Parking:* Each site shall include adequate parking space for allowable vehicles. Any vehicles not accommodated within this parking space shall be stored offsite or within a screened storage ~~*yards*~~ *setbacks*.

(6) *Access:* Each site shall have direct access to a driveway or interior road.

(7) *Utilities:* Each site shall have direct connections to water, sewer, and electric service.

(8) *RV lot structure:* Each site may include an RV lot structure, subject to the following conditions:

(a) One (1) satellite dish or antenna may be attached to each RV lot structure in accordance with section 3.23.19.

(b) All RV lot structures shall be located on an approved RV pad.

(c) No RV lot structure shall be located within five (5) feet of an RV site lot line.

(d) The maximum height for any RV lot structure to be located on an RV site shall be ~~twenty five (~~25~~)~~ feet~~, measured from the finished floor elevation to the peak of the roof~~.

(e) RV lot structures may include interior improvements such as a bathroom with shower, washer and dryer, utility sink, work bench, golf cart charger, storage cabinets, lighting, air conditioning, general purpose electrical receptacles, kitchens, sleeping quarters and adequate space for the storage of a golf cart.

(9) *Decorative features:* Each site may include decorative features such as gazebos, tiki huts, decorative railings, walls, benches, patios, steps, decks, trellises, arbors, water fountains, ponds, waterfalls, bridges, planters and flower beds, fire pits, fireplaces, barbecues, outdoor kitchens and bars, outdoor lighting, outdoor living and entertainment areas, heaters, furniture, and additional landscaping improvements.

(a) All features must comply with individual lot setbacks as provided for in this article.

(b) No decorative feature shall be installed on any lot without first obtaining a permit from the Margate Building Department.

(c) All applications for decorative features proposed to be located off of the approved pad on a site must demonstrate compliance with the approved drainage permit for the RV Resort Park.

(d) *Decks.* Shall be permitted in drainage easements with a minimum of setback of five (5) feet from adjacent RV sites with approval from Broward County Surface Water Management Division, the RV Resort Park Condominium Association, and compliance with the Florida Building Code.

(e) *Viewing platforms.* Shall be permitted in canal maintenance easements, whether they are publicly or privately maintained, subject to the requirements of Section 11-20 of this Code with the exception that a minimum setback of five (5) feet from adjacent RV sites shall be required, with approval from Broward County Surface Water Management Division, the RV Resort Park Condominium Association and compliance with the Florida Building Code.

(f) *Decks.* Shall be permitted in drainage easements with a minimum of setback of five (5) feet from adjacent RV sites with approval from Broward County Surface Water Management Division, the RV Resort Park Condominium Association, and compliance with the Florida Building Code.

(g) *Viewing platforms.* Shall be permitted in canal maintenance easements, whether they are publicly or privately maintained, subject to the requirements of Section 11-20 of this Code with the exception that a minimum setback of five (5) feet from adjacent RV sites shall be required, with approval from Broward County Surface Water Management Division, the RV Resort Park Condominium Association and compliance with the Florida Building Code.

(D) *Underground utilities:*

(1) Within the recreational vehicle resort park, all utilities, including telephone, television cable, and electrical systems, shall be installed underground. Primary facilities providing service to the site may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer shall provide adequate landscaping with shrubs and plants to screen all utility facilities permitted above ground.

(Ord. No. 1500.551, § 1, 8-19-2009; Ord. No. 1500.555, § 1, 2-17-2010; Ord. No. 1500.564, § 1, 10-20-2010; Ord. No. 1500-586, § 1, 4-18-2012; Ord. No. 1500.600, § 1, 8-21-13 ; Ord. No. 1500.607, § 1, 6-4-2014 ; Ord. No. 2016-1500.622, § 2, 11-2-2016 ; Ord. No. 2019-1500.648, § 4, 11-20-2019)

ARTICLE XIX. PUD: PLANNED UNIT DEVELOPMENT[9]

Section 19.1. General.

These regulations prescribe rules and regulations governing the submission and approval of planned unit developments within the City of Margate, Florida.

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978)

Section 19.2. Intent and purpose.

It is intended that this district be utilized to permit great flexibility in the use and design of structures and land in situations where modification of specific provisions of this Code will not be contrary to the intent and purposes or inconsistent with the comprehensive plan upon which they are based, and will not be harmful to the neighborhood in which they occur.

Section 19.X. Applicability.

(A) Developed properties.

(1) The development standards contained within this Article apply to all properties developed before the adoption of this Code.

(2) All properties developed according to these regulations are considered legal conforming uses and may be reconstructed and improved according to these standards, and may be reconstructed with them in the event of destruction or undergoes a substantial change pursuant to FEMA regulations.

(3) Any residential subdivision that is redeveloped may voluntarily use the regulations contained in Article SRDS: Supplemental Residential Development Standards for the development of new residential dwellings.

(B) New Residential Development. Any residential dwellings developed within a PUD approved after the adoption of this Code shall only be developed according to the standards in Article SRDS: Supplemental Residential Development Standards.

Section 19.3. Definitions.

~~*[As used in this article:]*~~

~~*Building: Shall mean any roofed structure, open or including all floor area within supporting construction members.*~~

~~*Building enclosed: Shall mean a building completely enclosed on all sides.*~~

[9]Editor's note(s)—Ord. No. 1500.126, §§ 1, 2, adopted Jan. 18, 1978, amended Appendix A by adding provisions designated as Art. X½, §§ 10½—10½.20, [currently Art. XIX]; designations of subsections, subsubsections, etc., have been changed by the editor to conform to the form of Appendix A.

~~*Comprehensive plan: A composite of the written and graphical proposals recommending the physical, social, and economic development of the City of Margate, which has been adopted by the planning and zoning board and by the city commission, and may have been amended from time to time.*~~

~~*Developer: A person, or his agent, who is responsible for the planning, subsequent land improvement, and development of a parcel of land.*~~

Gross area: The total surface (land and water) area contained within the proposed PUD, including on-site streets and rights-of-way, but excluding previously dedicated rights-of-way.

Gross density: The density of a building site calculated by dividing the total number of dwelling units by the total acreage of the site without reduction of any nonresidential uses such as parks, waterways, shops, churches, schools, etc.

~~*Lot:* A tract or parcel of land identified as a single unit in a subdivision, and intended for transfer of ownership, use of improvements.~~

Master development plan: Shall mean the total site plan of a planned unit development drawn in conformity with the requirements of this section. Said development plan shall specify and clearly illustrate the location, relationship, design, nature and character of all primary and secondary uses, public and private easements, structures, parking area, public and private roads, and common open space.

Open space: A generally unobstructed parcel or area of land permanently dedicated or reserved for the use and enjoyment of owners and occupants of the land within the PUD. Required open space shall be of a pervious nature and shall not be used for private roadways open to vehicular circulation; off-street parking or loading berths, lakes, canals, and other features may be considered as required open spaces to the extent of the limitations contained herein at Section 19.11, "Open Space Requirement and Computation."

Phase: Shall mean a specified portion of a planned unit development that may be developed as an individual component and shall be in the final development plan, and [which is] specified within the development schedule.

~~*Planned unit development*. Shall mean an area of land developed as a single entity, or in approved stages in conformity with a site development plan by a developer or group of developers acting jointly, which is totally planned to provide for a variety of residential and compatible uses and common open space.~~

~~*Site development plan, conceptual*: An informal development plan, indicating existing site features, including existing roadways, proposed land use areas, proposed interior vehicular circulation systems, and the surrounding community development.~~

~~*Site development plan, preliminary*: A tentative development plan, to scale and dimensioned, which may be submitted prior to submission of final plans.~~

~~*Site development plan, final*: A complete and exact plan which shall be submitted and approved prior to filing for a building permit.~~

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978)

Section 19.4. ~~[~~"Planned unit development" defined~~.]~~.

A "planned unit development" shall be defined as follows:

A PUD is land under unified control, planned and developed as a whole in a single development operation or an approved programmed series of development operations for dwelling units and related uses and facilities.

A PUD may include principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part.

A PUD shall be developed according to comprehensive and detailed plans which include streets, utilities, lots, building sites and the like, and site plans, floor plans and elevations for all buildings intended to be located, constructed, used, and related to one another, and detailed plans for other uses and improvements on the land related to the buildings; and a PUD shall include a program for full provision [of] maintenance and operation of such areas, improvements, facilities and services for common use by the occupants of the planned unit development which will not necessarily be provided, operated or maintained at public expense.

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978)

Section 19.5. Unified control.

All land included for purpose of development within a PUD district shall be under the control of the applicant (an individual, partnership or corporation, or group of individuals, partnerships, or corporations). The applicant shall present satisfactory legal documents to constitute evidence of the unified control of the entire area within the proposed PUD, which shall be certified by the city attorney. Applicant shall agree in the application for rezoning to the following:

To proceed with the proposed development according to the provisions of these regulations and conditions attached to the rezoning of the land to PUD;

To provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the city for completion of the development according to the plans approved at the time of rezoning to PUD and for continuing operation and maintenance of such areas, functions and facilities which are not proposed to be provided, operated or maintained at public expense; and

To bind their successors in title to any commitments made under the above. All agreements and evidence of unified control shall be examined by the city attorney, and no rezoning of land to PUD classification shall be adopted without a certification by the city attorney that such agreements and evidence of unified control meet the requirements of these regulations.

If the developer elects to administer common open space through an association or nonprofit corporation, said organization shall conform to the following requirements:

The developer shall establish by charter the association or nonprofit corporation prior to any sale;

Membership in the association or nonprofit corporation shall be mandatory for all property owners within the planned unit development, and said association or corporation shall not discriminate in its members or shareholders;

The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities which are not dedicated to the public, shall provide for the maintenance, administration and operation of said land and any other land within the planned unit development not publicly or privately owned, and shall secure and show evidence of adequate liability insurance on the land.

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978)

Section 19.6. Uses permitted and nonresidential development standards.

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one (1) or more of the following uses:

(1) All uses permitted in ~~any of~~ the R-1 residential districts of the zoning regulations, i.e., ~~A-1, E-1,~~ R-1, R-2, R-3.

(2) All uses permitted ~~in Article XXI of Appendix A to~~ and the ~~Code~~ development standards in the "B-1: Neighborhood Business ~~B-1~~ District."

(3) All uses permitted and the development standards in the S-1 district.

~~(4) Zero lot line residential; provided, that the building facades on the lot lines have no openings.~~

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978; Ord. No. 1500.145, § 1, 9-20-1978; Ord. No. 1500.259, § 1, 7-25-1984)

Section 19.7. General requirements and special regulations.

(A) *Minimum size:* All planned unit developments shall contain a minimum of ten (10) acres of contiguous land~~, unless the planning and zoning board finds that a tract which contains less than ten (10) acres, but not less than two and one-half (2½) acres, is suitable as a PUD by virtue of some unusual conditions, in which case this minimum may be waived by the city commission upon the recommendation of the board~~.

(B) *Maximum area limitations:* Pursuant to more specific requirements and regulations as hereinafter prescribed, the following ~~per centages~~ percentages express the maximum land area of the planned unit development that the special land use may occupy:

Commercial: Two (2) ~~per cent~~ percent of gross area.

Governmental services: Five (5) ~~per cent~~ percent of gross area. (Said land shall be dedicated to the City of Margate.)

(C) *Minimum area limitations:* Planned unit developments shall contain areas at least equal to the following:

Open space: ~~thirty five (~~35~~)~~ ~~per cent~~ percent pervious of gross area.

(D) *Maximum density:* The maximum gross density of residential dwelling units per acre permitted within any proposed PUD shall not exceed the combined density recommendations of the Broward County and/or Margate comprehensive land use plan over the area where a particular PUD is proposed. For the purpose of density calculations, nonresidential land uses recommended by the plan shall be considered as "low-density residential."

For example, consider a proposed PUD of ~~fifty (~~50~~)~~ acres. The recommended land uses of the comprehensive plan are:

	Acres		Dwelling Units per Acre	Number of Dwelling Units
Low-density residential	30	×	3.9	117
Medium-density residential	10	×	15.9	159
Commercial	10	×	3.9	39
		Total Units		315

(E) *Minimum lot area, distance between structures, frontage and setbacks:* No minimum lot size shall be required within a planned unit development district. No minimum distance between structures shall be required within a planned unit development district.

Each dwelling unit or other permitted use shall have access to a public street, either directly or indirectly, via a private approach road, pedestrian way, court or other area dedicated by common easement guaranteeing access. Permitted uses are not necessarily required to front on a dedicated road. The city shall be allowed access on privately owned roadways, easements and common open space to ensure the police and fire protection of the

area, to meet emergency needs, to conduct city services, and to generally ensure the health and safety of the residents of the planned unit development.

There are no required *setbacks* ~~*or yards*~~ except the following:

There shall be a *setback* ~~*or yard*~~ of not less than ~~twenty five (~~25~~)~~ feet in depth abutting all public road rights-of-way within or abutting a planned unit development district.

There shall be a peripheral setback from boundary lines of the PUD of not less than ~~twenty five (~~25~~)~~ feet in depth. Except for only the portion of accessways that cross this setback to access any adjacent road, no portion of this peripheral setback may be used for parking or other vehicular use areas.

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978; Ord. No. 1500.259, § 2, 7-25-1984)

Section 19.8. Off-street parking and loading requirements.

Off-street parking and loading requirements shall not deviate from Article XXXI [NEW]II of the zoning regulations.

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978)

Section 19.9. Landscaping requirements.

Landscaping shall meet or exceed the requirements of Chapter 23 of the City Code.

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978; Ord. No. 1500.259, § 3, 7-25-1984)

Section 19.10. Underground utilities.

Within the planned unit development, all utilities, including telephone, television cable, and electrical systems, shall be installed underground. Primary facilities providing service to the site may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer shall provide adequate landscaping with shrubs and plants to screen all utility facilities permitted aboveground.

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978)

Section 19.11. Open space requirements and computation.

A planned unit development shall exhibit and maintain a total open space requirement at least equal to ~~thirty five (~~35~~) per cent~~ percent of the gross area of the PUD. The following areas qualify wholly or partially as open space:

If the major recreation use is concentrated in a localized section of the PUD with less than ~~thirty (~~30~~) per cent~~ percent of the residential dwelling units abutting it, only ~~fifty (~~50~~) per cent~~ percent of the area adjacent to the facility may count toward the open space requirement.

If, however, the major recreation use is dispersed throughout the PUD with between ~~thirty (~~30~~)~~ and ~~sixty (~~60~~) per cent~~ percent of the residential dwelling units abutting it, ~~seventy five (~~75~~) per cent~~ percent of the area contained therein may count toward the open space requirement.

If more than ~~sixty (~~60~~)~~ percent of the residential dwelling units abut the major recreation use, ~~one hundred (~~100~~)~~ ~~per cent~~ percent of the area contained therein may count toward the open space requirement.

The area occupied by a multiple-use recreation building and its attendant outdoor recreation facilities, excluding a golf course, may be included as open space.

~~Any privately maintained or owned exterior open space adjacent to and for the exclusive use by the residents of an individual dwelling unit, enclosed or partially enclosed by fences, walls, or hedges, may be considered toward meeting the total open space requirement, provided the total area contained therein does not exceed five (5) per cent of the gross area of the PUD, nor decrease the amount of ground level common open space below thirty (30) per cent of the gross area of the PUD.~~

All pervious land areas within the peripheral setback may be included.

The area contained in public and private street rights-of-way is not considered as open space and receives no credit toward the open space requirement. All privately owned common open space shall conform to its intended use and remain as expressed in the master development plan through the inclusion in all deeds of appropriate covenants. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners. All common open space as well as public and recreation facilities shall be specifically included in the development plan schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures. At least once every ~~sixty (~~60~~)~~ days the building official shall inspect the PUD site and examine the construction which has taken place on the site. If the rate of construction of dwelling units is greater than the rate which common open space and recreational facilities have been constructed and provided, no further building permits shall be issued until the proper ratio has been provided.

Fifty (50) ~~per cent~~ percent of the area contained in man-made water bodies and canals with average water width of more than ~~sixty (~~60~~)~~ feet may be considered toward meeting the open space requirements. Man-made water bodies with average water width of less than 50 feet shall not be considered toward meeting the open space requirements.

If the water body is natural and the shoreline vegetation will not be disturbed by the development, ~~one hundred (~~100~~)~~ ~~per cent~~ percent of the area contained therein may be counted as open space.

If the natural habitats of unique and significant value are determined to exist, the planning and zoning board may require that the area so defined be left in an undisturbed state and adequately protected or incorporated into the design of the PUD as a passive recreation area, with a minimum of improvements permitted. In either case, ~~one hundred (~~100~~)~~ ~~per cent~~ percent of the area contained therein may be counted as open space.

The area contained in a continuous open space pedestrian system, consisting of permanently maintained walks and trails not less than six (6) feet wide leading to a natural amenity, recreation facility or commercial use, offering internal pedestrian walkways that are divorced from roads and streets, may be included as open space.

The area contained in miniparks which may or may not be a part of the open space system, but contain at least one acre and have a minimum dimension of ~~one hundred (~~100~~)~~ feet together with, but not limited to, one of the following:

Benches;

Playground apparatus;

Barbeque pits;

may be included as open space.

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978)

Section 19.12. Limitations applying to commercial uses.

(A) No business shall be permitted in a planned unit development until certificates of occupancy for no less than ~~twenty five (~~25~~)~~ ~~per cent~~ percent of the total planned residential floor area or ~~one hundred (~~100~~)~~ residential dwelling units have been issued by the city.

(B) All business uses located within the interior of the proposed planned unit development shall be designed having no storefronts, signs or advertisements visible from outside the property line so there is no indication that the business uses are within.

(C) In a planned unit development having ~~fifty (~~50~~)~~ acres or more, business uses may be located other than in the interior of the proposed planned unit development and do not have to meet the limitations imposed on interior business uses.

(D) All products produced shall be for sale on the premises.

(E) All business activities and storage of merchandise, equipment and material shall be within an enclosed building.

(F) Business activities operated within a planned unit development shall not provide delivery service to locations outside the planned unit development.

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978)

Section 19.13. Professional services required.

Any plans submitted as part of a petition for a planned unit development shall certify that the services of two (2) or more of the following professionals were utilized in the design or planning process, and shall state their names and businesses and addresses:

(1) A certified planner who by ~~reason of his education and experience is qualified to become, or is a full member~~ of the American Planning Association; and/or

(2) An architect licensed by the State of Florida; together with;

(3) A professional engineer registered by the State of Florida and trained in the field of civil engineering.

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978; Ord. No. 1500.259, § 4, 7-25-1984)

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978)

~~Section 19.14. Rezoning of land to PUD [classification].~~

~~On application for rezoning of land to PUD classification, the planning and zoning board and the city commission shall proceed in general as for other applications for rezoning of land, giving special consideration, however, to the following matters and requirements, and allowing changes in the rezoning application prior to the required planning and zoning board public hearing in accordance with the following procedures:~~

~~(1) Prehearing conference. Upon request by the applicant, the building official, and representatives of the other city departments as required, shall meet with the applicant and/or his agent to review a general concept plan, which shall include a boundary map of the proposed PUD, the proposed pattern of land use,~~

the proposed number and type of dwelling units and densities, proposed streets and circulation, proposed open spaces, an outline of the petition for rezoning and other plans, maps and documents deemed necessary for a prehearing conference or conferences shall be to determine that proposed development is not premature.

Prior to the formal submission of a petition for rezoning, the general concept plan shall be approved by the planning and zoning board as to land use, density, streets and circulation and open space, and shall thereafter be the basis for the petition for rezoning.

In the course of such prehearing conferences, any recommendations for changes shall be recorded in writing and shall become part of the record in the case.

Prehearing conferences shall be continued until a general concept plan and petition is approved by the planning and zoning board; however, approval of a general concept plan shall in no manner imply that the applicant has satisfied the conditions and requirements for rezoning.

(2) Public hearing: At such times as further conferences appear unnecessary, the applicant may present his formal petition and supporting data for rezoning, as set forth herein.

A public hearing date shall be established at the next regularly scheduled planning and zoning board meeting. Thereafter, public notice shall be given and a public hearing before the planning and zoning board on the petition for rezoning shall be held in the same manner as for other applications for rezoning, in accordance with the zoning regulations and requirements of these regulations.

(3) Planning and zoning board findings and recommendations: After the closing of the public hearing, the planning and zoning board may recommend by resolution to the city commission that the PUD rezoning be granted, [granted] subject to stated stipulations and conditions, or disapproved. In making its recommendation, the planning and zoning board shall find that the plans, maps, and documents submitted by the applicant and presented at the public hearing do or do not establish that the applicant has met the requirements of these regulations, and in addition:

(a) The requirements of unified control;

(b) The internal PUD standards;

(c) [The requirement that] the tract for the proposed PUD is suitable in terms of its relationships to the comprehensive plan and that the area surrounding the proposed development can continue to be developed in coordination and substantial compatibility with the PUD proposed, including overall dwelling unit or building density and peripheral transitions in such density;

(d) [The requirement] that the proposed modification of zoning or other regulations as applied to the particular case justify such modification of regulations.

(4) Conditions and stipulations: In recommending rezoning of land to PUD classification, the planning and zoning board may recommend, and the city commission may attach, suitable conditions, safeguards and stipulations in accord with the standards set forth in the PUD and zoning regulations. The conditions, safeguards and stipulations so made at the time of rezoning to PUD [classification] shall be binding upon the applicant or his successors in interest. Deviations from approved plans, except in the manner herein set out, or failure to comply with any requirement, condition or safeguard shall constitute a violation of these regulations.

It is intended that no conditions, safeguards or stipulations be required which are unreasonable; such conditions, safeguards and stipulations shall be clearly related to the intent and purposes of the zoning regulations and this article.

(5) City commission consideration: Upon receipt of the planning and zoning board resolution, the city commission shall schedule a public hearing to consider the rezoning petition as recommended by the board. After the requisite public notice, the commission shall act in accordance with the procedures for rezoning generally.

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978)

Section 19.15. Reserved.

Editor's note(s)—Ordinance No. 1500.259, § 5, adopted July 25, 1984, repealed § 19.15 of App. A, concerning the fee for planned unit development applications. Former § 19.15 was derived from Ord. No. 1500.126, §§ 1, 2, adopted Jan. 18, 1978.

Section 19.16. Conformance to approved plan.

(A) After rezoning to planned unit development district classification, no permits shall be issued by the city, and no development shall commence, unless in conformance with the approved site development plan, unless a change or deviation is approved.

(B) The development review committee may approve minor changes and deviations from the approved site development plan which are in compliance with the provisions and intent of this resolution, and which do not depart from the principal concept of the approved site development plan.

(C) Should the development review committee determine that a requested change or deviation from the approved site development plan does not comply with the provisions and intent of this resolution, or departs from the principles of the planned unit development, the applicant may appeal to the planning and zoning board for approval of such change or deviation.

(D) Upon approval for change or deviation from the approved plan, the planning and zoning board may make such action as they deem appropriate. This may include referring the requested change or deviation to the city commission for study and recommendations, or requiring that a new development plan be filed.

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978; Ord. No. 1500.259, § 6, 7-25-1984)

Section 19.17. Information required.

~~In addition to information required for application for rezoning generally, the applicant shall submit the following materials or data in the form of a petition for rezoning:~~

(1) Rezoning application.

(2) Site plan approved by the Development Review Committee.

(3) Plat or subdivision resurvey application (as applicable) approved by the Development Review Committee.

(3) Legal documents assuring unified control of the proposed PUD and any agreements required ~~by the planning and zoning board.~~

~~Tabulations of total gross acreage in the PUD and per centages thereof proposed to be devoted to the several dwelling types, other permitted uses, park and recreational facilities, open spaces, schools, streets and rights-of-way, and other reservations of land. Tabulations shall also show the proposed number and types of dwelling units and densities;~~

~~A PUD rezoning development plan. At the time the petition for rezoning to PUD is filed, the petitioner shall submit as part of said petition in identical copies, a PUD development plan for the proposed PUD, including a written description and maps, reproduced and bound in a report format not to exceed eleven (11) inches by seventeen (17) inches in size, which shall include not less than the following materials:~~

~~(1) Title of the project and the name(s) of the professionals preparing the submission.~~

~~(2) Existing physical conditions of the site, including existing vegetation, topography, watercourses, streets, rights-of-way easements, existing structures, soil conditions (series) and any other major natural features.~~

~~(3) Identification of the developer, and description of the location and access of the PUD.~~

(4) Generalized land use plan and development program (phasing) in terms of uses, densities, and population projections.

(5) Residential plan and program in terms of density and housing types, and projected population.

~~(6) Proposed usage of commercial and service areas.~~

~~(7) The plan for circulation, streets and parking, and the proposed parking ratio.~~

~~(8) The plan and program for open space, linear parks, parks, pedestrian and equestrian ways, and community and recreation facilities, etc.~~

~~(9) Provisions for municipal and public services.~~

~~(10) Provisions for water, sewer, and other utility services.~~

~~(11) Provisions for schools and educational facilities, and projections of school-age children.~~

~~(12) The plan for grading, excavation, drainage and waterways, and necessary calculations.~~

~~(13) The relationship and conformity to the city's comprehensive plan and applicable county plans.~~

(14) The projected net fiscal impact on the tax base of the city.

~~(15) The estimated impact of the PUD on increased vehicular traffic [and] on existing and proposed major streets and roadways.~~

~~(16) A plan showing all land and acreage to be offered for dedication to the city, county and/or state, and a written statement offering such lands for dedication.~~

~~(17) Existing zoning within one mile of the site.~~

~~(18) Description of proposed PUD standards for all streets and rights-of-way, linear parks, canals and watercourses, residential dwelling types, and landscaping and planting.~~

~~(19) The proposed order of development, in stages.~~

~~(20) All other requirements, as directed by the planning and zoning board.~~

~~(21) General location map, showing major streets, facilities and developments within a two-mile and five-mile radius.~~

~~(22) Boundary map, with legal description at a scale no less than one inch equals six hundred (600) feet.~~

~~(23) General concept plan, as approved by the planning and zoning board, showing the general pattern of land use, streets and circulation, and open spaces.~~

~~(24) Master plan: land use and access, showing land use by type, residential land use by density classification, common open space (and the portion thereof to be classified as permanent or public), streets and rights-of-way (public and private), canals and linear parks, pedestrian ways, and easements and the location and acreage of all land to be offered for public dedication to the city, county and/or state.~~

~~(25) Utilities plan, showing location and sizes of water and sewer mains and provisions for water supply and sewage treatment.~~

~~(26) Street maps, showing all proposed streets, rights-of-way, cartway widths, sidewalks, typical landscaping, signs and lighting, and typical cross-sections and intersections, and the separation of vehicular traffic from pedestrian circulation.~~

~~(27) Grading and drainage plan, showing all existing and proposed grades, and existing and proposed watercourses.~~

~~(28) Typical landscaping plan, showing typical landscaping for housing areas, streets, open space, canal areas, buffer strips, recreational and other areas.~~

~~(29) Typical residential plan, showing typical site plan clusters, general floor plans of unit types and typical elevations, material, etc.~~

~~(30) Illustrative site plan of the entire PUD, showing general layout of streets, buildings, parking areas, open space, parks and canals and other important features, for illustrative purposes only.~~

(2X) For watercourses that have been diverted, a hydraulic analysis shall be required. The City engineer may require a similar hydraulic analysis to illustrate capacity if not realigned to original watercourse.

(31) Staging plan, showing the proposed order of development.

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978)

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978)

~~Section 19.18. Preliminary and final development plans.~~

~~Plans for development of land rezoned to PUD classification shall be processed in accordance with procedures and standards established in the subdivision regulations and, where applicable, the zoning regulations.~~

~~All preliminary and final development plans shall be in substantial compliance with the provisions and standards approved as part of the petition for rezoning PUD.~~

~~(A) Preliminary Development Plan.~~

~~Submission of the preliminary plan. The applicant shall submit to the engineering department a preliminary development plan for all or a portion of the land area rezoned to PUD classification. The following information shall be provided:~~

~~(1) Preliminary subdivision plat and subdivision details for streets and utilities.~~

~~(2) Information required for site plan review, as enumerated in "Preliminary Plat Regulations", Chapter 31 of the Code of Ordinances.~~

~~(3) If the request for preliminary approval is for a portion of the land area rezoned to PUD, a map depicting the relationship of the area under consideration and the PUD master plan is required.~~

~~(4) Street and pedestrian circulation system lighting plan.~~

~~(5) An identification of specific lands to be offered for public dedication and written statements offering land and/or other facilities within the PUD, or portion thereof, for which preliminary approval is sought.~~

~~(6) A description of all proposed covenants and restrictions, and a description of maintenance and performance guarantees.~~

(7) Signs [and graphics system proposal]. At the time of submission of the initial preliminary development plan for a PUD, the applicant shall submit, as a condition of approval of the preliminary development plan, a proposal for a comprehensive signs and graphics system, which shall include drawings and details of the following:

(a) Official signs, for regulation of traffic and public circulation.

(b) Permanent promotional and sales signs.

(c) Temporary promotional and sales signs.

(d) Signs and graphics for commercial and other nonresidential uses.

(e) A plan showing the location of all signs and graphics.

The size, color, type and intensity of illumination shall be indicated for each sign.

The engineering department shall review and approve the sign and graphic system as part of the preliminary development plan, and no sign shall be placed or erected within a PUD prior to the approval of the final development plan, except temporary promotional and sales signs as approved by the engineering department.

The applicant may, at his option, resubmit the sign and graphics system at any time following approval of the preliminary development plan, but not after final approval.

(8) A statement demonstrating substantial compliance of the preliminary development plan with the provisions, conditions and standards of the petition approved for rezoning to PUD [classification]. If substantial compliance cannot be demonstrated, the applicant shall include in said preliminary development plan submission any modifications or changes proposed from the master plan of the entire PUD area. Such modifications shall refer to any changes in the following:

(a) Changes in the location and area of land uses and densities within the PUD.

(b) Changes in location and area of open space, linear parks, canals and drainage areas.

(c) Changes in the alignment, location and size of streets and roadways.

(d) Changes in the location, area, and size of commercial, institutional, school, or public facilities and sites.

Any such changes or modifications proposed shall be reviewed and considered by the engineering department prior to approval of the preliminary development plan. The planning and zoning board shall approve, disapprove or approve with conditions, such proposed changes and modifications in the master plan. All changes and modifications approved shall be so marked on the official PUD master plan of record. All such changes shall fully comply with the standards and criteria established for the PUD at the time of rezoning.

The determination of what constitutes a substantial change shall be determined by the city commission.

Approval of the preliminary development plan: All preliminary development plans shall be reviewed and approved by the planning and zoning board in accordance with the procedures of the subdivision regulations.

~~(B) Final Development Plan. The final development plan shall be based on the plans and details of the approved preliminary development plan. Following preliminary development plan approval, the applicant shall proceed in accordance with the requirements of the subdivision regulations.~~

~~In addition to the final plat specified in the subdivision regulations, the developer shall file, as specified at the time of the rezoning, a legally constituted maintenance association agreement for improving, perpetually operating and maintaining the common facilities, including streets, drives, parking areas, and open space and recreation facilities. Such documents shall be subject to the approval of the city attorney.~~

~~Prior to final development plan approval the developer shall execute and shall give clear title to the city for any lands and/or facilities offered and accepted for dedication.~~

~~(Ord. No. 1500.126, §§ 1, 2, 1-18-1978)~~

~~Section 19.19. Issuance of building permits.~~

~~No building permit shall be issued in or for development in a PUD district except in conformity with all provisions of the rezoning to PUD classification and plans submitted under these regulations.~~

~~The building official may issue building permits only after a final plan has been approved by the development review committee.~~

(Ord. No. 1500.126, §§ 1, 2, 1-18-1978; Ord. No. 1500.259, § 7, 7-25-1984)

Section 19.20. Time limitations of approval.

Failure to obtain a final development plan approval within ~~eighteen (~~18~~)~~ months of the rezoning to planned unit development by the city commission shall automatically negate the rezoning of such land. The zoning shall immediately thereafter revert to the district(s) as they existed prior to the rezoning to PUD. At its discretion and for good cause, the city commission may extend, for one (1) additional year, the PUD rezoning.

(Ord. No. 1500.126, §§ 1, 2, 1-8-1978; Ord. No. 1500.259, § 8, 7-25-1984)

ARTICLE XXI. B-1: NEIGHBORHOOD BUSINESS ~~B-1~~ DISTRICT[10]

[10]Editor's note(s)—Ordinance No. 1500.244, § 1, adopted Nov. 16, 1983, amended App. A, [former] Art. XI in its entirety to read as herein set out [as Art. XXI], with minor, nonsubstantive editorial changes made for purposes of clarity. The substantive provisions of former Art. XI were derived from provisions presumably adopted at the time of initial codification and from:

Ord. No.	Sec.	Date			
1500.00	15.1—15.7	10-25-1967	1500.07	1	11-27-1963

1500.80	1	12-13-1972	1500.139	1	8-30-1978
1500.164	1	5- 2-1979	1500.179	1	2-20-1980
1500.206	1	5- 6-1981	1500.209	1	7- 8-1981
1500.220	1	7- 7-1982	1500.223	1	7-14-1982

Section 21.1. Application of article.

The following regulations of this article shall apply in all B-1 districts. All minimum separation distances shall be measured in the shortest airline distance between nearest property lines unless otherwise specified.

(Ord. No. 1500.244, § 1, 11-16-1983; Ord. No. 1500.423, § 1, 7-14-1992; Ord. No. 1500.491, § 1, 3-19-2003)

Section 21.2. Purpose and general description.

The B-1 neighborhood business district is primarily intended for retail sale of goods or personal services primarily for persons residing in adjacent residential areas. It includes selected retail and service uses that are similar in land use intensity and physical impact to the neighborhood. The uses permitted typically do not provide high volumes of traffic, noise, dust, dirt, visual pollution and other hazards. The B-1 neighborhood commercial district is generally located on the periphery of the residential neighborhood on a minor street in close proximity to major streets.

(Ord. No. 1500.244, § 1, 11-16-1983; Ord. No. 1500.423, § 1, 7-14-1992; Ord. No. 1500.491, § 1, 3-19-2003)

Section 21.3. Permitted uses.

(A) *Permitted uses specified.* No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one of the following specified uses:

Accessory uses and structures to a permitted use.

~~Art studio.~~

Artisans, studio or workshop. A workshop or studio of an artist, sculptor, photographer, jeweler, potter, craftsperson, furniture maker, cabinet maker, or other artist or artisan primarily used for on-site production of unique custom goods.

Bakery, retail, subject to the following limitation(s):

(1) Must be less than ~~one thousand (~~1,000~~)~~ square feet in area.

Banks, subject to the following limitation(s):

(1) Drive-through facilities are not permitted.

Business office, no stock or storage.

Child care ~~center~~ facility, subject to the following limitation(s):

(1) Same shall contain a contiguous outdoor, grassed and fenced play area located away from vehicular traffic. See Section 33.11.

~~Church, synagogue, and similar congregations of other religion and denominations, subject to the following:~~

~~(1) That same shall not exceed seven thousand (7,000) square feet in gross area.~~

~~(2) That bingo and other similar games of chance are operated only as an accessory use.~~

~~(3) There shall be no academic parochial school on the subject site.~~

~~(4) There shall be no associated residence on the subject site.~~

~~(5) That a safe and adequate pedestrian circulation system has been provided.~~

Clubs—Civic, noncommercial~~, subject to the following limitation(s):~~

~~(1) Must be less than three thousand (3,000) square feet in area~~.

Dance academy, subject to the following limitation(s):

(1) Must be less than ~~three thousand (~~3,000~~)~~ square feet in area.

Delicatessen.

Dollar store. (Not permitted within 1,000 of like use, Check Cashing including Payday Loans, or secondhand merchant and / or used merchandise.)

Fire station.

Groceries, retail.

Health studio or club, gymnasium, subject to the following limitation(s):

(1) Must be less than ~~three thousand (~~3,000~~)~~ square feet in area.

Interior decoration shop, retail.

Jewelry, watch and electronic repairs.

Laundries, coin-operated, subject to the following limitations:

(1) Hours of operation limited to 7:00 a.m. to 11:00 p.m.

Mail-plus service (Less than ~~one thousand five hundred (~~1,500~~)~~ square feet).

Massage services, permitted as accessory use only within an approved medical office or physical therapy office.

Medical office, subject to the following limitations:

~~(1) Less than three (3) physicians.~~

(1) Not including correctional and mental, nor institutions for care of drug or liquor patients, nor veterinary hospitals.

Merchant, retail, subject to the limitations in section 21.5.

Personal care services, except massage, subject to the following limitation(s):

(1) Body art studios are not permitted.

Pet grooming, subject to the following limitations:

(1) Must be less than ~~three thousand (~~3,000~~)~~ square feet in area.

(2) Soundproofing required.

Pet shop, subject to the following limitations:

(1) Must be less than ~~three thousand (~~3,000~~)~~ square feet in area.

(2) Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district.

(3) No outdoor pens or runs permitted.

(4) Subject to the restrictions set forth in chapter 6 of the Margate Code of Ordinances.

Pharmacy, subject to the following limitations:

(1) No more than ten (10) ~~per cent~~ percent of all prescription medication dispensed shall be from the list of Schedule II controlled substances provided in F.S. § 893.03.

(2) No less than ~~fifty (~~50~~) per cent~~ percent of floor area shall be used for retail display and transactions.

Picture framing.

Place of Assembly, subject to the requirements of Article SR: Supplemental Regulations.

Professional office.

Restaurant with dining room, subject to the following limitations:

(1) May have cocktail lounge as accessory.

(2) Live entertainment not permitted.

~~(3) Take-out food establishments not permitted.~~

Sales office—No inventory.

Savings and loan institution.

School of instruction, nonacademic, subject to the following limitation(s):

(1) Must be less than ~~three thousand (~~3,000~~)~~ square feet in area.

Shoe repair shops.

Substation for utilities (as required).

Tailor shop, seamstress.

Travel agency.

Vending machine (outdoor), permitted as an accessory use to a permitted use and subject to the ~~following~~ limitations~~:~~ contained in Article SR: Supplemental Regulations, Vending machine (outdoor).

~~(1) Only one (1) vending machine shall be permitted outdoors per building; and~~

~~(2) All vending machines must be located on a paved surface; and~~

~~(3) No vending machine shall obstruct any pedestrian means of travel nor reduce any walkway to less than four (4) feet in width, nor shall any vending machine be permitted within any parking space, drive aisle, or alley; and~~

~~(4) All products offered for sale shall be completely enclosed within an approved vending machine and packaged for individual retail sale; and~~

~~(5) The content of vending machines shall be limited to products that are naturally and customarily associated with the type of business utilizing the vending machine; and~~

~~(6) No tobacco or alcohol products shall be permitted to be sold from a vending machine; and~~

~~(7) Only the product or service offered via the vending machine shall be permitted to be advertised on the vending machine; and~~

~~(8) The maximum size of a vending machine shall be twenty four (24) square feet in area, and no taller than six and one-half (6½) feet in height; and).~~

~~(9) All outdoor vending machines must be permitted by the Margate Building Department prior to installation. All outdoor vending machines must have a permanent power source that has been~~

professionally installed and independently permitted by the Margate Building Department. Connection of vending machine to power source via extension cord(s) is strictly prohibited; and

(10) Prior to issuing a permit for an outdoor vending machine, a letter of authorization from the property owner must be submitted with the permit application.

Walkway cafes less than one thousand (1,000) square feet in area subject to the requirements and limitations provided in section 23.3 in Article SR: Supplemental Regulations of this Code.

(B) *Special exception uses.* The following uses are authorized upon a finding by the City Commission that a special exception to the article is warranted. The City Commission shall consider all applications for a special exception approval pursuant to the procedure and criteria set forth in Chapter 31, Section 31-54 of the Margate Code of Ordinances.

Animal clinic, pet hospital, subject to the following limitations:

(1) Must be less than 3,000 square feet in area.

(2) Adequate soundproofing in any area where animals are contained or treated.

(3) All boarding activities shall be ancillary to the primary use.

(4) Subject to the restrictions set forth in chapter 6 of the Margate Code of Ordinances.

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Drive-thru facilities (with a permitted use), subject to the following:

(1) Property must be located on a roadway classified by the Broward County Metropolitan Planning Organization's Broward Highway Functional Classification Map as an arterial roadway.

(2) Drive-through requirements provided in Section 33.11.

Massage services.

Outdoor sales, service and display, as an accessory to a permitted use.

Public or private elementary, middle or high school, subject to the following Article SR: Supplemental Regulations.

(1) Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways. Access to schools shall not be from roadways classified by Broward County Metropolitan Organization's Broward County Highway Functional Classifications map as arterial roadways.

(2) School must be located in freestanding single use structure(s), located on a parcel no small than the minimum size required by the School Board of Broward County for public schools. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. Sec. 1002.33(18)(C).

(3) School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.

(4) In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Development Services Department at least nine (9) months before the start of the school year. This time requirement cannot be waived or reduced.

(Ord. No. 1500.244, § 1, 11-16-1983; Ord. No. 1500.324, § 1, 9-16-1987; Ord. No. 1500.423, § 1, 7-14-1992; Ord. No. 1500.450, § 1, 1-8-1997; Ord. No. 1500.491, § 1, 3-19-2003; Ord. No. 1500.495, § 2, 9-17-2003; Ord. No. 1500.507, § 2, 2-16-2005; Ord. No. 1500.526, § 1, 1-24-2007; Ord. No.1 500.534, § 1, 2-20-2008; Ord. No. 1500.49, § 1, 3-4-2009; Ord. No. 1500.557, § 1, 4-21-2010; Ord. No. 1500.562, § 1, 9-1-2010; Ord. No. 1500.567, § 1, 11-3-2010; Ord. No. 1500.569, § 1, 11-3-2010; Ord. No. 1500-577, § 1, 7-6-2011; Ord. No. 1500.581, § 1, 12-7-2011; Ord. No. 1500.603, § 11, 10-2-2013 ; Ord. No. 2017-1500.626, § 5, 2-15-2017 ; Ord. No. 2017-14, § 8, 8-23-2017 ; Ord. No. 2017-1500.633, § 3, 8-23-2017 ; Ord. No. 2017-1500.636, § 1, 9-27-2017 ; Ord. No. 2017-1500.637, § 4, 11-1-2017 ; Ord. No. 2018-1, § 1, 3-7-2018 ; Ord. No. 2019-1500.649, § 6, 12-11-2019)

Section 21.4. Uses prohibited.

(A) Body art studio;

(B) Pain management clinics, as defined in section 2.2;

(C) Any use not specifically listed in section 21.3 is prohibited.

(Ord. No. 1500.244, § 1, 11-16-1983; Ord. No. 1500.324, § 1, 9-16-1987; Ord. No. 1500.423, § 1, 7-14-1992; Ord. No. 1500.491, § 1, 3-19-2003; Ord. No. 1500.495, § 2, 9-17-2003; Ord. No. 1500-563, § 4, 9-1-2010; Ord. No. 1500.578, § 7, 9-7-2011)

Section 21.5. Limitations on uses.

(A) All activities of permitted uses, including sale, display, preparation and storage, shall be conducted entirely within a completely enclosed building. This prohibition shall not apply to customer and employee parking, loading zones, and play areas accessory to a child care center.

(B) No secondhand or used merchandise shall be offered for sale, displayed or stored.

(C) All products shall be sold at retail in connection with a permitted use. The sale of automobiles and automotive accessories, heavy machinery, chemicals and all uses specifically permitted in any other business district shall be prohibited.

(D) Drive-through facilities shall not be permitted.

(~~D~~ E) No retail store shall have a floor area open to the public, including display, service and sales, greater than ~~five thousand (5,000)~~ square feet.

~~(F) These uses may be further limited by section 30.1.~~

(Ord. No. 1500.244, § 1, 11-16-1983; Ord. No. 1500.324, § 1, 9-16-1987; Ord. No. 1500.423, § 1, 7-14-1992; Ord. No. 1500.491, § 1, 3-19-2003; Ord. No. 1500.567, § 2, 11-3-2010)

Section 21.X. Permitted uses for mixed-use.

Within any mixed-use structure permitted by the Live Local Act of 2023 (Senate Bill 102) only the uses permitted by the City Center District shall be allowed.

Section 21.6. Height.

No building or structure shall be erected or altered for a use permitted in the B-1 district to a height exceeding two (2) stories or ~~thirty (~~30~~)~~ feet.

(Ord. No. 1500.244, § 1, 11-16-1983; Ord. No. 1500.491, § 1, 3-19-2003)

Section 21.7. ~~Plot~~ Lot size.

The minimum ~~plot~~ lot size excluding public rights-of-way shall be ~~ten thousand (~~10,000~~)~~ square feet with a minimum of no less than ~~one hundred (~~100~~)~~ feet of street frontage.

(Ord. No. 1500.244, § 1, 11-16-1983; Ord. No. 1500.491, § 1, 3-19-2003)

Section 21.8. ~~Yards and setback~~ Setbacks.

All ~~plots~~ lots shall provide ~~yards in accordance with the following~~ setbacks in accordance with the following:

(A) *Street setbacks.*

(1) The minimum building setback from all street rights-of-way less than ~~eighty (~~80~~)~~ feet in width shall be ~~twenty five (~~25~~)~~ feet.

(2) The minimum building setback from all street rights-of-way of ~~eighty (~~80~~)~~ feet in width or greater shall be ~~thirty five (~~35~~)~~ feet.

(B) *Side setbacks.*

(1) When abutting a non-residentially zoned property, there is no side setback requirement.

(2) When abutting a residentially zoned property, the minimum building setback shall be 38 feet.

(C) *Rear setbacks.*

(1) When abutting a non-residentially zoned property, the minimum building setback shall be ~~twenty (~~20~~)~~ feet.

(2) When abutting a residentially zoned property the minimum building setback shall be ~~thirty eight (~~38~~)~~.

(D) ~~[~~*Uses, limited.*~~]~~. Where a setback is required in this section, such ~~yard~~ setback may be used for walkways, parking of passenger cars, driveways, loading zones and landscaping, but not for any other use or purpose.

(E) *Dumpsters and Garbage Containers.* Front setbacks or street setbacks shall not be used for storage of dumpsters or other garbage or trash containers.

(Ord. No. 1500.244, § 1, 11-16-1983; Ord. No. 1500.491, § 1, 3-19-2003; Ord. No. 1500.589, § 4, 7-3-2012)

ARTICLE XXII. B-2: COMMUNITY BUSINESS B-2 DISTRICT[11]

[11]Editor's note(s)—Ordinance 1500.244, § 2, enacted Nov. 16, 1983; amended [former] Art. XII of App. A in its entirety to read as herein set out [as Art. XXII] with only minor nonsubstantive changes made by the editor for purposes of clarity. The substantive provisions of former Art. XII were derived from the following ordinances:

;sz=0;

Ord. No.	Sec.	Date
1500.00	16.1—16.7	10-25-1967
1500.07	2	11-27-1963
1500.29	2	1-23-1970
1500.31	1	3-11-1970
1500.80	1	12-13-1972
1500.140	1	8-30-1978
1500.161	1	3- 7-1979
1500.179	2	2-20-1980
1500.191	3	9-23-1980

;sz=0;

Ord. No.	Sec.	Date
1500.192	1	10- 1-1980
1500.198	2	11- 5-1980
1500.203	1	4- 1-1981
1500.206	1	5- 6-1981
1500.209	2	7- 8-1981
1500.216	1	4-21-1982
1500.217	1	7-14-1982
1500.223	1	7-14-1982
1500.228	1	11-17-1982

Section 22.1. Application of article.

The following regulations of this article shall apply in all B-2 districts. All minimum separation distances shall be measured in the shortest airline distance between nearest property lines unless otherwise specified.

(Ord. No. 1500.244, § 2, 11-16-1983; Ord. No. 1500.425, § 1, 7-14-1992; Ord. No. 1500.491, 3-19-2003)

Section 22.2. Purpose and general description.

The B-2 community business district is intended to provide a full range of office, retail and service uses. The location of this district may be along major and minor arterials in close proximity to residential districts. The permitted uses are relatively free of objectionable influences in their operation and appearance, and exclude heavy commercial uses.

(Ord. No. 1500.244, § 2, 11-16-1983; Ord. No. 1500.425, § 1, 7-14-1992; Ord. No. 1500.491, 3-19-2003)

Section 22.3. Permitted uses.

(A) *Permitted uses specified.* No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following specified uses:

Accessory uses and structures to a permitted use.

Adult day care center.

Answering service, subject to the following limitation(s):

(1) No sales and/or service shall be rendered therefrom.

Art gallery.

~~Art studio.~~

Artisans, studio or workshop. A workshop or studio of an artist, sculptor, photographer, jeweler, potter, craftsperson, furniture maker, cabinet maker, or other artist or artisan primarily used for on-site production of unique custom goods.

Auto parts, equipment and accessories, retail.

Auto tag agency.

Automatic teller machine (outdoor).

Bakery, retail (wholesale permitted provided the storage area is less than 4,500 sq. ft.)

Banks.

Bars and taverns.

~~Bingo, subject to the following limitation(s):~~

~~(1) Only as an accessory use to a listed permitted [use], and in accordance with all ordinances and statutes.~~

Bowling alley.

Business office, no stock or storage.

Caterers.

Ceramic studio.

Check cashing ~~service~~ including Payday Loans. (Not permitted within 1,000 feet of like use, Dollar Store, Pawn Shop, or Secondhand and/or used merchandise, retail).

Child care ~~center~~ facility, subject to the following limitation(s):

(1) ~~Same shall~~ Shall contain a contiguous outdoor, grassed and fenced play area located away from vehicular traffic. See Section 33.11.

~~Church, synagogue, and similar congregations of other religion and denominations, subject to the following:~~

~~(1) That same shall not exceed seven thousand (7,000) square feet in gross area.~~

~~(2) That bingo and other similar games of chance are operated only as an accessory use.~~

~~(3) There shall be no academic parochial school on the subject site.~~

~~(4) There shall be no associated residence on the subject site.~~

~~(5) That a safe and adequate pedestrian circulation system has been provided.~~

Clubs—Civic, noncommercial.

Collection agency.

Commercial recreation, indoors.

Costume rentals.

Dance academy.

Delicatessen.

Dental laboratory.

Detective agency.

Dollar store. (Not permitted within 1,000 feet of like use, Check cashing including Payday Loans, Pawn Shop, or Secondhand and/or used merchandise, retail.)

Dry cleaning establishment subject to the following limitations and requirements:

~~(1) Service shall be rendered directly to customers who shall bring in and take away the articles to be cleaned.~~

~~(2) The establishment shall not provide vehicle pickup or delivery service.~~

(3) Ventilation shall direct exhaust away from residential districts.

(4) Not more than ten (10) individual cleaning units shall be used in any establishment, and the total combined rated capacity shall not exceed 80 pounds.

(5) See Section 33.11.

Employment agency.

Finance and mortgage institutions.

Fire station.

Groceries, retail.

Formal wear rentals.

Funeral home.

Health studio or club, gymnasium.

Janitorial service.

Jewelry, watch and electronic repairs.

Landscaping and plant nursery.

Laundries, coin-operated, subject to the following limitation(s):

(1) Hours of operation limited to 7:00 a.m. to 11:00 p.m.

Locksmith.

Mail-plus service.

Massage services, permitted as accessory use only within an approved medical office or physical therapy office.

Medical office, subject to the following limitation(s):

(1) Not including correctional and mental, nor institutions for care of drug or liquor patients, nor veterinary hospitals. May have a magnetic resonance imaging (MRI) unit as an accessory.

Medical supply rentals.

Merchant, retail, subject to the limitations in Section 22.5.

Museum.

Municipal buildings, parks, playgrounds.

Music, instruction, subject to the following limitation(s):

(1) Soundproofing required.

Nightclubs, teen clubs, catering halls or dance halls, with an occupant load of less than 250 persons.

Package store.

Personal care services, except massage, subject to the following limitation(s):

(1) Body art studios are not permitted.

Pet grooming, subject to the following limitation(s):

(1) Soundproofing required.

Pet shop, subject to the following limitation(s):

(1) Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district.

(2) No outdoor pens or runs permitted.

(3) Subject to the restrictions set forth in chapter 6 of the Margate Code of Ordinances.

Pharmacy, subject to the following limitations:

(1) No more than ~~ten (~~10~~)~~ ~~per cent~~ percent of all prescription medication dispensed shall be from the list of Schedule II controlled substances provided in F.S. § 893.03.

(2) No less than ~~fifty (~~50~~)~~ ~~per cent~~ percent of floor area shall be used for retail display and transactions.

Photograph developing and printing. See section 33.11.

Photograph galleries.

Photographer.

Place of Assembly, subject to the requirements of Article SR: Supplemental Regulations in this Code.

Printing, photocopying, blueprinting shop ~~subject to the following:~~ with no more than 25 employees.

~~(1) Maximum sheet press of twenty-five and one-half (with no more than 25.5) inches.~~

~~(2) The equipment shall be limited to photocopy, diazo process or similar type print machines, facsimile and offset duplicator machines.~~

~~(3) There shall be a maximum of five thousand (5,000) square feet of gross floor area per establishment.~~

Picture framing.

Professional office.

Real estate and appraisal office.

Recording studio, subject to the following limitation(s):

(1) Soundproofing required.

Restaurants.

Sales office—No inventory.

Savings and loan institution.

School of instruction, non-academic.

Shoe repair shops.

Small appliance repair, subject to the following limitation(s):

(1) Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district.

Stocks and bonds brokerage office.

Substation for utilities (as required).

Tailor shop, seamstress.

Take-out foods.

Theater, indoor.

Travel agency.

Utilities, public offices.

Vending machine (outdoor), permitted as an accessory use to a permitted use and subject to the ~~following~~ limitations~~:~~ contained in Article SR: Supplemental Regulations, Vending machine (outdoor).

~~(1) Only one (1) vending machine shall be permitted outdoors per building; and~~

~~(2) All vending machines must be located on a paved surface; and~~

~~(3) No vending machine shall obstruct any pedestrian means of travel nor reduce any walkway to less than four (4) feet in width, nor shall any vending machine be permitted within any parking space, drive aisle, or alley; and~~

(4) All products offered for sale shall be completely enclosed within an approved vending machine and packaged for individual retail sale; and

(5) The content of vending machines shall be limited to products that are naturally and customarily associated with the type of business utilizing the vending machine; and

(6) No tobacco or alcohol products shall be permitted to be sold from a vending machine; and

(7) Only the product or service offered via the vending machine shall be permitted to be advertised on the vending machine; and

(8) The maximum size of an outdoor vending machine shall be twenty-four (24) square feet in area, and no taller than six and one-half (6½) feet in height; and

(9) All outdoor vending machines must be permitted by the Margate Building Department prior to installation. All outdoor vending machines must have a permanent power source that has been professionally installed and independently permitted by the Margate Building Department. Connection of vending machine to power source via extension cord(s) is strictly prohibited; and

(10) Prior to issuing a permit for an outdoor vending machine, a letter of authorization from the property owner must be submitted with the permit application.

Video rentals.

Walkway cafes less than one thousand (1,000) square feet in area, permitted as an accessory use to a restaurant or other food service establishment and subject to the following requirements and limitations:

(1) Application requirements. Application for a permit to operate a walkway cafe less than one thousand (1,000) square feet in area shall be made at the building department with the following documentation:

(a) A walkway cafe application;

(b) Photographs, drawings, or manufacturers' brochures describing the appearance of all proposed tables, chairs, umbrellas, or other objects related to the walkway cafe;

(c) A signed statement that the applicant shall hold harmless the City, its officers, and employees and shall indemnify the City, its officers, and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit;

(d) A copy of public liability insurance, food products liability insurance, and property damage insurance from all claims and damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than $1,000,000.00 for bodily injury, and property damage respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insured the City, its officers and employees.

(e) For walkway cafe applicants that serve alcoholic beverages, liquor liability insurance in the amount of $1,000,000.00 per occurrence for bodily injury and property damage is required. The applicant shall furnish and maintain such public liability, liquor products liability, and property damage insurance from all claims and damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insured, the City, its officers and employees. Such insurance

will be primary to any insurance or self-insurance whether collectible or not which may be available to the City, its officers or employees;

(f) All of the policies of insurance so required to be purchased and maintained shall contain a provision or endorsement that the coverage afforded shall not be canceled, materially changed or renewal refused until at least 30 calendar days' written notice has been given to the City by certified mail.

(2) Use standards.

(a) The following use standards shall be adhered to in reviewing the application:

(i) The walkway cafe dining area shall be located adjacent to the primary business, with a minimum four-foot clear pedestrian passage provided throughout. This minimum four-foot requirement shall be measured and maintained when chairs and tables are occupied.

(ii) The walkway cafe seating area shall not interfere with the circulation of pedestrian and/or vehicular traffic;

(iii) Tables, chairs, umbrellas, and any other objects associated with the walkway cafe shall be safe and convenient for users and passers-by. The design, materials and colors of such objects must be compatible with Section 40.5—Exterior building or structural color of the property maintenance standards of the Margate Zoning Code.

(iv) Walkway cafes under one thousand (1,000) square feet require no additional parking;

(v) Cooking facilities are prohibited on the sidewalk with the exception of those temporary mobile facilities that are used in the finishing of meals that were substantially prepared inside the building. All cooking facilities permitted under this subsection shall be removed immediately when not in use;

(vi) Audio/visual devices (televisions), are permitted in the walkway cafe dining area;

(vii) Speakers are permitted that play the same music that would be played inside the dining establishment, as long as such music is not audible in the public right-of-way. Public address systems are prohibited;

(viii) Awning signs meeting the specifications provided in Section 39.6 of this Code are permitted. Logos up to four square feet are permitted on umbrellas;

(ix) The hours of operation for the walkway cafe shall be no greater than that of the principal restaurant;

(x) Upon the issuance of a hurricane warning, all outdoor furniture shall be removed from the walkway cafe dining area;

(xi) The sidewalk area and all tables, chairs, umbrellas and any other objects associated with the walkway cafe must be kept in a clean, orderly and safe condition, and the area shall be cleared of all debris throughout the day and at the close of business.

(xii) All tableware must be immediately removed at the close of business;

(xiii) Awnings shall be permitted over the walkway cafe area if permitted in accordance with the Florida Building Code;

(xiv) No tables, chairs, umbrellas, nor any other part of a walkway cafe shall be attached, chained or in any manner affixed to any tree, post, sign, or other fixtures, curb, or sidewalk within or near the permitted area; and

(3) Temporary suspension.

~~(a) The City may require the temporary removal of walkway cafes when street, sidewalk, or utility repairs necessitate such action.~~

~~(b) The City may immediately remove or relocate all or parts of any walkway cafe in emergency situations; and~~

~~(c) The City, its officers, and employees shall not be responsible for any walkway cafe components relocated during emergencies;~~

~~(4) Denial, revocation or suspension of permit.~~

~~(a) The City may deny, revoke or suspend a permit for any walkway cafe if it is found that:~~

~~(i) Any necessary business or health permit has been suspended, revoked or canceled;~~

~~(ii) The permit holder does not have insurance which is correct and effective in the minimum amount described in this chapter;~~

~~(iii) Changing conditions of pedestrian or vehicular traffic cause congestion that necessitates the removal of a walkway cafe. Such decisions shall be based upon findings of the City Manager or his/her designee that the minimum four-foot pedestrian path provided is insufficient under existing circumstances and represents a danger to the health, safety or general welfare of pedestrians or vehicular traffic; and/or~~

~~(iv) The permit holder has failed to correct violations of this chapter or conditions of his permit within seven days of receipt of a City notice of same.~~

~~(b) Tables, chairs and other vestiges of the walkway cafe may be removed by the City, and a reasonable fee charged for labor, transportation and storage, should the permit holder fail to remove said items within 36 hours of receipt of the City's final notice to do so for any reason provided under this chapter.~~

~~(c) A revocation or suspension of a permit shall be authorized only upon seven days' notice to the permit holder at the address listed on said permit. During said time, the permit holder may offer any documents or any other evidence why the permit should not be revoked.~~

~~(d) Upon denial or revocation, the City shall give notice of such action to the applicant or the permit holder in writing stating the action taken and the reason thereof. If the action of the City is based on subsections (a)(2) or (3) of this section, the action shall be effective upon giving such notice to permit holder. Otherwise, such notice shall become effective within seven days unless appealed to the City Commission within five days' notice of the decision of the City Manager or his/her designee.~~

Weight loss clinic.

(B) *Special exception uses.* The following uses are authorized upon a finding by the City Commission that a special exception to the article is warranted, pursuant to the procedure and criteria set forth in Chapter 31, Section 31-54 of this Code.

Amusement arcade center, in accordance with all provisions of Article XXXVI of the Margate Zoning Code and Chapter 849 of the Florida Statutes as may be amended from time to time.

Animal clinic, pet hospital, subject to the following limitation(s):

(1) Adequate soundproofing in any area where animals are contained or treated.

(2) All boarding activities shall be ancillary to the primary use.

(3) Subject to the restrictions set forth in chapter 6 of the Margate Code of Ordinances.

~~Bowling alley.~~

Convenience store.

Drive-thru facilities (with a permitted use). See Section 33.11.

Hotels ~~and motels~~, subject to the following conditions and limitations:

(1) The minimum ~~plot~~ lot area shall be two (2) acres.

(2) Any outdoor recreation areas including swimming pools shall be located at least ~~twenty five (~~25~~)~~ feet from the ~~plot~~ lot line of any adjacent residentially zoned property unless the adjacent property is being utilized for business related parking.

(3) The minimum floor area of a rental sleeping room in a motel or hotel, which includes all areas to be individually rented by a customer, shall be ~~three hundred (~~300~~)~~ square feet.

(4) On-site common (not in room) dining facilities sufficient to serve anticipated hotel/motel patrons.

Laundries, coin-operated (extended hours of operation).

Massage services.

Nightclubs, teen clubs, catering halls or dance halls, with an occupancy greater than ~~two hundred fifty (~~250~~)~~.

Outside sales, display, service, and/or storage with a permitted use.

Public or private elementary, middle or high school, subject to ~~the following:~~ Article SR: Supplemental Regulations.

~~(1) Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways. Access to schools shall not be from roadways classified by Broward County Metropolitan Organization's Broward County Highway Functional Classifications map as arterial roadways.~~

~~(2) School must be located in freestanding single use structure(s), located on a parcel no small than the minimum size required by the School Board of Broward County for public schools. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C).~~

~~(3) School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.~~

~~(4) In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Development Services Department at least nine (9) months before the start of the school year. This time requirement cannot be waived or reduced.~~

Restaurants with curb or automobile service, subject to the following restrictions:

(1) Subject property shall be located a minimum of ~~seven hundred fifty (~~750~~)~~ feet from single-family property; such distance shall be measured from the front door of the establishment to the single-family property line;

(2) Such restaurant must be a free-standing building~~.; and~~

~~(3) All applicable city codes and regulations must be complied with as of the time of application.~~

Swimming pool equipment and chemicals, retail, subject to the following conditions and limitations:

(1) All swimming pool supplies, including pre-packaged chemicals, except bulk quantities of sodium hypochlorite, shall be dispensed strictly through retail sales and shall be stored and sold within a completely enclosed structure.

(2) Bulk quantities shall mean any quantity stored in any container, which quantity is to be removed for repackaging. Bulk storage shall mean any storage of any material, which material is to be removed for repackaging.

(3) No wholesale or bulk non-packaged storage or sale of calcium hypochlorite or muriatic acid shall be permitted. Muriatic acid shall be sold only if prepackaged.

The handling and storage of all swimming pool related chemicals and other such supplies shall be regulated by the standards set forth in the Florida Building Code, the Florida Fire Prevention Code, the provisions of the National Fire Protection Association relating to storage of liquid and solid oxidizing materials and storage of gaseous oxidizing materials, and applicable regulations established by Broward County, as such standards be amended from time to time.

(4) No chemical storage area shall be permitted with 100 feet of any residential district or use.

Walkway cafes greater than ~~one thousand (~~1,000~~)~~ square feet in area, subject to the limitations of Article SR: Supplemental Regulations of this Code.

~~(1) Walkway cafes over one thousand (1,000) square feet shall be required to provide parking. The amount of parking shall be determined by the zoning district and applicable restaurant requirement of that district.~~

~~(2) Photographs, drawings, or manufacturers' brochures describing the appearance of all proposed tables, chairs, umbrellas, or other objects related to the walkway cafe;~~

~~(3) A signed statement that the applicant shall hold harmless the City, its officers, and employees and shall indemnify the City, its officers, and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit;~~

~~(4) A copy of public liability insurance, food products liability insurance, and property damage insurance from all claims and damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than $1,000,000.00 for bodily injury, and property damage respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insured the City, its officers and employees:~~

~~(5) (a) For walkway cafe applicants with restaurants that serve alcoholic beverages, liquor liability insurance in the amount of $1,000,000.00 per occurrence for bodily injury and property damage is required. The applicant shall furnish and maintain such public liability, liquor products liability, and property damage insurance from all claims and damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insured, the City, its officers and employees. Such insurance will be primary to any insurance or self-insurance whether collectible or not which may be available to the City, its officers or employees;~~

~~(b) All of the policies of insurance so required to be purchased and maintained shall contain a provision or endorsement that the coverage afforded shall not be canceled, materially changed or renewal refused until at least 30 calendar days' written notice has been given to the City by certified mail; and~~

~~(6) The required insurance coverage shall be issued by an insurance company duly authorized and licensed to do business in the State of Florida with the following minimum qualifications in accordance with the latest edition of A.M. Best's Insurance Guide: Financial Stability: B+ to A+;~~

~~(7) Use standards, temporary suspension guidelines, and denial, revocation, or suspension of permit, will be the same as those outlined for walkway cafes less than one thousand (1,000) square feet, as outlined in subsection 22.3(A), of this Code.~~

Section 22.X. Permitted uses for mixed-use.

Within any mixed-use structure permitted by the Live Local Act of 2023 (Senate Bill 102) only the uses permitted by the City Center District shall be allowed.

(Ord. No. 1500.244, § 2, 11-16-1983; Ord. No. 1500.425, § 1, 7-14-1992; Ord. No. 1500.437, § 2, 5-5-1993; Ord. No. 1500.450, § 1, 1-8-1997; Ord. No. 1500-473, § 1, 12-6-2000; Ord. No. 1500.487, § 1, 1-29-2003; Ord. No. 1500.491, 3-19-2003; Ord. No. 1500.495, § 3, 9-17-2003; Ord. No. 1500.501, § 3, 10-6-2004; Ord. No. 1500.507, § 3, 2-16-2005; Ord. No. 1500.510, § 1, 6-1-2005; Ord. No. 1500.543, § 2, 6-18-2008; Ord. No. 1500.553, § 4, 2-3-2010; Ord. No. 1500.567, § 3, 11-3-2010; Ord. No. 1500.568, § 4, 11-3-2010; Ord. No. 1500.569, § 5, 11-3-2010; Ord. No. 1500.579, § 4, 11-2-2011; Ord. No. 1500.603, § 12, 10-2-2013 ; Ord. No. 1500.604, § 4, 11-6-2013 ; Ord. No. 2017-1500.628, § 5, 2-1-2017 ; Ord. No. 2017-1500.626, § 6, 2-15-2017 ; Ord. No. 2017-1500.631, § 6, 5-17-2017 ; Ord. No. 2017-14, § 2, 8-23-2017 ; Ord. No. 2017-1500.633, § 1, 8-23-2017 ; Ord. No. 2017-1500.634, § 7, 9-6-2017 ; Ord. No. 2017-1500.637, § 5, 11-1-2017 ; Ord. No. 2018-1, § 1, 3-7-2018 ; Ord. No. 2018-1500.643, § 3, 5-2-2018 ; Ord. No. 2019-1500.649, § 7, 12-11-2019)

Section 22.4. Use prohibited.

(A) Tattoo parlors;

(B) Body art studio as a principle use;

(C) Pain management clinics, as defined in section 2.2.

(D) Any use not specifically listed in section 22.3 is prohibited.

(Ord. No. 1500.244, § 2, 11-16-1983; Ord. No. 1500.425, § 1, 7-14-1992; Ord. No. 1500.491, 3-19-2003; Ord. No. 1500.495, § 3, 9-17-2003; Ord. No. 1500-563, § 5, 9-1-2010; Ord. No. 1500.578, § 8, 9-7-2011)

Section 22.5. Limitations on uses.

(A) Except for automobile parking lots, loading zones, temporary promotional events, drive-through facilities accessory to and serving pharmacies which are located within enclosed buildings containing no less than 10,000 square feet, and drive-in banks, all activities or permitted uses, including sale, display, preparation and storage, shall be conducted entirely within a completely enclosed building.

(B) No secondhand or used merchandise shall be offered for sale, displayed or stored.

(C) All products produced incidental to a permitted use shall be sold at retail on the premises.

(D) No more than three (3) vehicles per user allowed on site of business.

(E) All equipment and products stored incidental to a permitted use shall be within the enclosed building proper. No trailers allowed.

(Ord. No. 1500.244, § 2, 11-16-1983; Ord. No. 1500.339, § 1, 11-16-1983; Ord. No. 1500.413, § 3, 12-19-1990; Ord. No. 1500.418, § 1, 2-19-1982; Ord. No. 1500.425, § 1, 7-14-1992; Ord. No. 1500.439, § 1, 2-2-1994; Ord. No. 1500.450, § 1, 1-8-1997; Ord. No. 1500.491, 3-19-2003; Ord. No. 1500.567, § 4, 11-3-2010)

Section 22.6. Height.

No building or structure shall be erected or altered to a height exceeding ~~one hundred (~~100~~)~~ feet. However, no building or structure abutting a residential parcel shall exceed in height its horizontal setback to the residential lot line.

(Ord. No. 1500.244, § 2, 11-16-1988; Ord. No. 1500.491, 3-19-2003)

Section 22.7. Lot size.

The minimum lot size excluding public rights-of-way shall be ~~ten thousand(~~10,000~~)~~ square feet with a minimum of ~~one hundred (~~100~~)~~ feet of street frontage.

(Ord. No. 1500.244, § 2, 11-16-1983; Ord. No. 1500.491, 3-19-2003)

Section 22.8. Setbacks and setbacks.

All lots shall provide ~~yards~~ setbacks in accordance with the following:

(A) *Street setbacks.*

(1) The minimum building setback from all street rights-of-way less than ~~eighty (~~80~~)~~ feet in width shall be ~~twenty five (~~25~~)~~ feet.

(2) The minimum building setback from all street rights-of-way ~~eighty (~~80~~)~~ feet in width of greater shall be ~~thirty five (~~35~~)~~ feet.

(B) *Side setbacks.*

(1) When abutting a non-residentially zoned property, there is no side setback requirement.

(2) When abutting a residentially zoned property, the minimum building setback shall be ~~thirty eight (~~38~~)~~ feet.

(C) *Rear setbacks.*

(1) When abutting a non-residentially zoned property, the minimum building setback shall be ~~twenty (~~20~~)~~ feet.

(2) When abutting a residentially zoned property the minimum building setback shall be ~~thirty eight (~~38~~)~~ feet.

(D) ~~[~~*Uses, limited.*~~]~~ Where a setback is required in this section, such ~~yards~~ setbacks may be used for walkways, parking for passenger cars, driveways, loading zones and landscaping, but not for any other use or purpose.

(Ord. No. 1500.244, § 2, 11-16-1983; Ord. No. 1500.491, 3-19-2003; Ord. No. 1500.589, § 5, 7-3-2012)

Section 22.9. Reserved.

Editor's note(s)—Sec. 3 of Ord. No. 2017-14, adopted Aug. 23, 2017, deleted § 22.9, which pertained to site plan required for new construction for a special exception use, and derived from Ord. No. 1500.418, adopted Feb. 19, 1996; and Ord. No. 1500.491, adopted Mar. 19, 2003.

Section 22.10. Reserved.

Editor's note(s)—Sec. 4 of Ord. No. 2017-14, adopted Aug. 23, 2017, deleted § 22.10, which pertained to review criteria for new construction for a special exception use, and derived from Ord. No. 1500.418, adopted Feb. 19, 1992; and Ord. No. 1500.491, adopted Mar. 19, 2003.

Section 22.11. Reserved.

Editor's note(s)—Sec. 5 of Ord. No. 2017-14, adopted Aug. 23, 2017, deleted § 22.11, which pertained to site data required for existing buildings for a special exception use, and derived from Ord. No. 1500.418, adopted Feb. 19, 1992.

Section 22.12. Reserved.

Editor's note(s)—Sec. 6 of Ord. No. 2017-14, adopted Aug. 23, 2017, deleted § 22.12, which pertained to review criteria for existing buildings for a special exception use, and derived from Ord. No. 1500.418, adopted Feb. 19, 1992; and Ord. No. 1500.491, adopted Mar. 29, 2003.

Section 22.13. Reserved.

Editor's note(s)—Sec. 7 of Ord. No. 2017-14, adopted Aug. 23, 2017, deleted § 22.13, which pertained to promotional event review criteria, and derived from Ord. No. 1500.418, adopted Feb. 19, 1992; and Ord. No. 1500.491, adopted Mar. 29, 2003.

ARTICLE NEW B-2A: COMMUNITY BUSINESS DISTRICT

Section B-2A.1. Purpose and Applicability.

(A) *Purpose.* The B-2A regional business district allows a wide range of office, retail, and service uses. These uses deemed to have possible negative influences on adjoining properties because of attendant nuisances in their operation are allowed only through the granting of a special exception upon a finding by the City Commission that the same meets conditions and safeguards specified herein. This district is reserved for parcels of at least six (6) acres in size which have direct, controlled access to arterial highways or major thoroughfares. Commercial developments adjacent to residential or recreational areas, as designed by the Margate Comprehensive Plan, should be planned with generous setbacks, buffer landscaping, and traffic patterns leading away from those areas.

(B) *Applicability*. The B-2A District was repealed. These regulations apply to the only property in the City that has this designation at 5350 West Sample Road, FOLIO # 484219270020. No property owner may apply for a rezoning to the B-2A District. The property developed with these regulations is considered to be a legal conforming use and may be improved and reconstructed according to these standards in the event of destruction.

(C) No building or structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than the following specified uses:

(1) Promotional events that are accessory to a permitted use and temporary in nature shall be permitted pursuant to the Temporary Use Permit requirements in this Code.

(2) Coin operated amusement devices incidental to permitted uses as defined and subject to all regulations provided in Section NEED NEW NUMBER for Amusement Devices of this Code.

(3) The following additional uses are permitted as a right provided that all sales, display, preparation and storage are conducted within a completely enclosed building and that all goods and services are sold at retail. No manufacturing is permitted in this district.

All uses permitted in the B-1 district, unless specified otherwise by this article.

Advertising agency.

Answering service. No sales and/or service shall be rendered there from.

Antique shop.

Art gallery.

Art Studio.

Auto parts, equipment and accessories, new.

Auto tag agency.

Automotive teller machine (outdoor).

Billiard rooms, pool rooms.

Bingo, only as an accessory use to a listed permitted use.

Caterers.

Ceramic studio.

Check cashing service.

Civic clubs.

Collection agency.

Consignment shop, secondhand stores. Any such use shall exclusively occupy at least 1,000 square feet.

Costume rentals

Dental Laboratory.

Detective agency.

Employment agency.

Finance and mortgage institution.

Formal wear rentals.

Funeral home.

Health studio or club, gymnasium.

Janitorial service.

Mail plus service.

Medical laboratory.

Medical supply rentals.

Newspaper office.

Package store.

Pet grooming.

Pet shop, without kennel facilities.

Photograph developing and printing.

Photograph galleries.

Photographer.

Picture framing.

Place of Assembly, subject to the requirements of Article NEW NUMBER of this Code.

Printing shop, blueprinting business, photocopying. (Maximum sheet press 25.5 inches).

Racquetball and handball courts, indoor.

Recording studio (soundproofed).

Schools of instruction, other than academic.

Stocks and bonds brokerage office.

Take-out foods.

Television and radio studio. No tower or antennas.

Telegraph office.

Theater, indoor.

Ticket office.

Video rentals.

Weight loss clinic.

(D) Special exception uses. Special exception uses are deemed as necessary to provide a complete distribution of commercial uses within the City, but because of their operational characteristics or area requirements need to be given individual consideration with respect to their location, access and relationship to adjacent properties and public rights of way. The following uses are authorized upon a finding by the city commission that a special exception to the article is warranted.

(1) Outside sales, display, service, and/or storage with a permitted use.

(2) Wholesaling with a permitted use.

(3) Repairs with a permitted use.

(4) Animal clinics, pet hospitals.

(5) Sales agency for new automobiles on a site not less than seven (7) contiguous acres. Used or pre-owned automobiles shall be sold only as an accessory use. A copy of the franchise agreement for new automobile sales shall be filed with the City Clerk's office of the City of Margate and shall be subject to inspection by the City upon reasonable times subsequent to initial permitting. Prior to sales of any automobiles, all improvements provided for by the site plan approved by special exception shall be completed and a certificate of occupancy issued.

(6) Bars, taverns, nightclubs, teen clubs.

(7) Bowling alley, whirleyball.

(9) Landscape nursery.

(10) Post office, public utility service yard.

(11) Convenience store.

(12) Restaurant with curb or automobile service.

(13) Swimming pool equipment and related chemicals.

(14) Auction gallery. All storage of inventory and sales shall be conducted within a completely enclosed building.

(16) Hotel or motel with recreational and dining facilities.

Section B-2A.2. Permitted uses for mixed-use.

Within any mixed-use structure permitted by the Live Local Act of 2023 (Senate Bill 102) only the uses permitted by the City Center District shall be allowed.

Section B-2A.3. Height limitation.

(A) No building or structure, or portion thereof, shall be erected or altered to a height exceeding the following:

(1) Retail stores. 30 feet.

(2) Office buildings. 60 feet.

(3) All other permitted uses. 25 feet.

Section B-2A.4. Minimum site and plot required.

(A) The minimum site shall be 6 acres with a minimum of 660 feet of street frontage.

(B) The minimum plot size of an out parcel shall be 30,000 square feet with a minimum of 150 feet of street frontage.

Section B-2A.5.Setback and yard requirements.

(A) Street setback: No building or structure shall be located less than 50 feet from a street right of way line.

(B) Side yard:

(1) Abutting nonresidential property. Zero (0) feet.

(2) Abutting residential or recreational property. 60 feet.

(C) Rear yard:

(1) Abutting nonresidential property. Zero (0) feet.

(2) Abutting residential or recreational property. 60 feet.

ARTICLE XXIII. B-3: LIBERAL BUSINESS DISTRICT[12]

[12]Editor's note(s)—Ordinance 1500.244, § 3, enacted Nov. 16, 1983; amended [former] Art. XIII of App. A in its entirety to read as herein set out [as Art. XXIII]. The editor has made only minor, nonsubstantive changes for purposes of clarity and consistency. The substantive provisions of former Art. XIII were derived from the following ordinances.

;sz=0;

Ord. No.	Sec.	Date
1500.00	17.1—17.6	10-25-1967
1500.07	3	11-27-1963
1500.141	1	8-30-1978
1500.180	1	2-20-1980
1500.191	4	9-24-1980

;sz=0;

Ord. No.	Sec.	Date
1500.193	1	10- 1-1980
1500.203	1	4- 1-1981

1500.209	3	7- 8-1981
1500.217	2	5-19-1982
1500.226	2	11- 3-1982

Section 23.1. Application of article.

The following regulations of this article shall apply in all B-3 districts. All minimum separation distances shall be measured in the shortest airline distance between nearest property lines unless otherwise specified.

(Ord. No. 1500.224, § 3, 11-16-1983; Ord. No. 1500.426, § 1, 7-14-1992; Ord. No. 1500.441, § 1, 4-6-1994; Ord. No. 1500.491, 3-19-2003)

Section 23.2. Purpose and general description.

The B-3 liberal business district is intended primarily to meet the general service and heavy commercial needs of large sections of this city, adjacent areas, and the subregion. Uses which generate a substantial amount of short-duration traffic, as well as uses which produce noise, dirt, visual pollution and other emissions, vibrations and hazards, or which would have deleterious effects on nearby residents and property values, are first permitted in this district, subject to additional regulations as specified. B-3 districts are generally located with access to major arterial roadways and do not directly abut residential districts.

(Ord. No. 1500.244, § 3, 11-16-1983; Ord. No. 1500.426, § 1, 7-14-1992; Ord. No. 1500.441, § 1, 4-6-1994; Ord. No. 1500.491, 3-19-2003)

Section 23.3. Permitted uses.

(A) *Permitted uses specified.* No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following specified uses:

Accessory uses and structures to a permitted use.

Adult day care center.

Animal clinics, pet hospitals, subject to the following limitation(s):

(1) Adequate soundproofing in any area where animals are contained or treated.

(2) All boarding activities shall be ancillary to the primary use.

(3) Subject to the restrictions set forth in chapter 6 of the Margate Code of Ordinances.

Answering service, subject to the following limitation(s):

(1) No sales and/or service shall be rendered therefrom.

Art gallery.

Artisans, studio or workshop. A workshop or studio of an artist, sculptor, photographer, jeweler, potter, craftsperson, furniture maker, cabinet maker, or other artist or artisan primarily used for on-site production of unique custom goods.

~~Art studio.~~

Auto parts, equipment and accessories, retail.

Auto tag agency.

Automatic teller machine (outdoor).

Bakery, retail (wholesale permitted provided the storage area is less than 4,500 square feet).

Banks, not including Payday Loans.

Bars and taverns.

~~Bingo, subject to the following limitation(s):~~

~~(1) Only as an accessory use to a listed permitted, and in accordance with all ordinances and statutes.~~

Boats and accessories, retail.

Body art studios, subject to the following limitations:

(1) No body art studio shall be located within ~~one thousand (~~1,000~~)~~ feet from any other body art studio.

(2) No body art studio shall be located within ~~one thousand (~~1,000~~)~~ feet from any school or child care facility.

(3) Body art studios shall be required to have a separate room for the purpose of tattooing and piercing. Each room shall be limited to one (1) customer chair and shall be apart from the waiting room and the public. The room(s) shall not be visible to the general public.

Bottled gas, subject to the following limitation(s):

(1) Not permitted within ~~one hundred (~~100~~)~~ feet of residential districts.

Business office, no stock or storage.

Carpet cleaning, subject to the following limitation(s):

(1) Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district.

Caterers.

~~Ceramic studio.~~

Check cashing including Payday Loans. (Not permitted within 1,000 feet of like use, Dollar Store, Pawn Shop, or Secondhand and/or used merchandise, retail).

Child care ~~center~~ facility, subject to the following limitation(s):

(1) Same shall contain a contiguous outdoor, grassed and fenced play area located away from vehicular traffic. See section 33.11.

~~Church, synagogue, and similar congregations of other religion and denominations, subject to the following:~~

~~(1) That same shall not exceed seven thousand (7,000) square feet in gross area.~~

~~(2) That bingo and other similar games of chance are operated only as an accessory use.~~

~~(3) There shall be no academic parochial school on the subject site.~~

~~(4) There shall be no associated residence on the subject site.~~

~~(5) That a safe and adequate pedestrian circulation system has been provided.~~

Clubs—Civic, noncommercial.

Collection agency.

Commercial recreation (indoor).

Contractor's office.

Costume rentals.

Dance academy.

Delicatessen.

Dental laboratory.

Detective agency.

Dollar store. (Not permitted within 1,000 of like use, Check cashing including Payday Loans, Pawn Shop, or Secondhand and/or used merchandise, retail.)

Dry cleaning establishment subject to the following limitations and requirements:

~~(1) Service shall be rendered directly to customers who shall bring in and take away the articles to be cleaned.~~

~~(2) The establishment shall not provide vehicle pickup or delivery service.~~

(3) Ventilation shall direct exhaust away from residential districts.

(4) Not more than ten (10) individual cleaning units shall be used in any establishment, and the total combined rated capacity shall not exceed ~~eighty (~~80~~)~~ pounds.

(5) See section 33.11.

Employment agency.

Feed and seed suppliers.

Finance and mortgage institution.

Fire station.

Formal wear rentals.

Glass tinting.

Groceries, retail.

Gun shop and gun ranges (indoors and soundproofed).

Health studio or club, gymnasium.

Interior decoration shop, retail.

Janitorial service.

Jewelry, watch and electronic repairs.

Landscaping and plant nursery.

Laundries, coin-operated, subject to the following limitation(s):

(1) Hours of operation limited to 7:00 a.m. to 11:00 p.m.

Locksmith.

Mail-plus services.

Massage services, permitted as accessory use only within an approved medical office or physical therapy office.

Medical office, subject to the following limitation(s):

(1) Not including correctional or mental, nor institutions for care of drug or liquor patients. May have a magnetic resonance imaging (MRI) unit as an accessory.

Medical supply rentals.

Merchant, retail, subject to the limitations in section 23.5.

Municipal buildings, parks, playgrounds.

Museum.

Music, instruction, subject to the following limitation(s):

(1) Soundproofing required.

Nightclubs, teen clubs, catering halls or dance halls, with an occupant load of less than ~~two hundred fifty (~~250~~)~~ persons.

Package store.

Personal care services, except massage.

Pet grooming, subject to the following limitation(s):

(1) Soundproofing required.

Pet shop, without kennel facilities, subject to the following limitation(s):

(1) Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district.

(2) No outdoor pens or runs permitted.

(3) Subject to the restrictions set forth in chapter 6 of the Margate Code of Ordinances.

Pharmacy, subject to the following limitations:

(1) No more than ten (10) ~~per cent~~ percent of all prescription medication dispensed shall be from the list of Schedule II controlled substances provided in F.S. 893.03.

(2) No less than ~~fifty (~~50~~) per cent~~ percent of floor area shall be used for retail display and transactions.

Photograph developing and printing. See section 33.11.

Photograph galleries.

Photographer.

Picture framing.

Place of Assembly, subject to the requirements of Article NEW NUMBER of this Code. Printing, photocopying, blueprinting shop with no more than 25 employees. ~~subject to the following:~~

~~(1) Maximum sheet press of twenty-five and one-half (with no more than 25.5) inches. employees.~~

~~(2) The equipment shall be limited to photocopy, diazo process or similar type print machines, facsimile and offset duplicator machines.~~

~~(3) There shall be a maximum of five thousand (5,000) square feet of gross floor area per establishment.~~

Printing, photocopying, blueprinting shop.

Professional office.

Real estate and appraisal office.

Recording studio, subject to the following limitation(s):

(1) Soundproofing required.

Rental business.

Restaurants.

Sales office—No inventory.

Savings and loan institution.

Secondhand and/or used merchandise, retail. Not permitted within 1,000 feet of like use, Check Cashing including Payday Loans, Dollar Store, or Pawn Shop.

School of instruction, nonacademic.

Shoe repair shops.

Small appliance repair, subject to the following limitation(s):

(1) Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district.

Special residential facilities, category (2), subject to the following limitation(s):

(1) These facilities shall not be located within the approved boundaries of the Margate Community Redevelopment Area.

Special residential facility, category (3), subject to the following limitation(s):

(1) These facilities shall not be located within the approved boundaries of the Margate Community Redevelopment Agency.

Stocks and bonds brokerage office.

Substation for utilities (as required).

Swimming pool equipment and chemicals, retail, subject to the following conditions and limitations.

(1) All swimming pool supplies, including pre-packaged chemicals, except bulk quantities of sodium hypochlorite, shall be dispensed strictly through retail sales and shall be stored and sold within a completely enclosed structure.

(2) Bulk quantities shall mean quantity stored in any container, which quantity is to be removed for repackaging. Bulk storage shall mean any storage or any material, which material is to be removed for repackaging.

(3) No wholesale or bulk non-packaged storage or sale of calcium hypochlorite or muriatic acid shall be permitted. Muriatic acid shall be sold only if prepackaged.

(4) No chemical storage area permitted within ~~one hundred (~~100~~)~~ feet of any residential district.

Tailor shop, seamstress.

Take-out foods.

Television, radio and movie studios, subject to the following:

(1) No towers permitted.

Theater, indoor.

Theater, outdoor.

Travel agency.

Utilities, public offices.

Vending machine (outdoor), permitted as an accessory use to a permitted use and subject to the ~~following~~ limitations~~:~~ contained in Article SR: Supplemental Regulations, Vending machine (outdoor).

~~(1) Only one (1) vending machine shall be permitted outdoors per building; and~~

~~(2) All vending machines must be located on a paved surface; and~~

~~(3) No vending machine shall obstruct any pedestrian means of travel nor reduce any walkway to less than four (4) feet in width, nor shall any vending machine be permitted within any parking space, drive aisle, or alley; and~~

~~(4) All products offered for sale shall be completely enclosed within an approved vending machine and packaged for individual retail sale; and~~

~~(5) The content of vending machines shall be limited to products that are naturally and customarily associated with the type of business utilizing the vending machine; and~~

~~(6) No tobacco or alcohol products shall be permitted to be sold from a vending machine; and~~

~~(7) Only the product or service offered via the vending machine shall be permitted to be advertised on the vending machine; and~~

~~(8) The maximum size of an outdoor vending machine shall be twenty-four (24) square feet in area, and no taller than six and one-half (6½) feet in height; and~~

~~(9) All outdoor vending machines must be permitted by the Margate Building Department prior to installation. All outdoor vending machines must have a permanent power source that has been professionally installed and independently permitted by the Margate Building Department. Connection of vending machine to power source via extension cord(s) is strictly prohibited; and~~

~~(10) Prior to issuing a permit for an outdoor vending machine, a letter of authorization from the property owner must be submitted with the permit application.~~

Video rentals.

Vinyl graphics.

Walkway cafes less than ~~one thousand (~~1,000~~)~~ square feet subject to the limitations in Article SR: Supplemental Regulations of this Code.

Weight loss clinic.

(B) *Special exception uses.* The following uses are authorized upon a finding by the City Commission that a special exception to the article is warranted, pursuant to the procedure and criteria set forth in Chapter 31, Section 31-54 of the Margate Code of Ordinances.

Amusement arcade center, in accordance with all provisions of Article XXXVI of the Margate Zoning Code and Chapter 849 of the Florida Statutes as may be amended from time to time.

Auction gallery, subject to the following limitation(s):

(1) Limited to auctions of art goods, jewelry, rugs, furniture and like items.

Automobile storage.

(1) Any designated storage area shall be in a B-3, TOC-C, or M-1 district, and enclosed by a eight (8) - foot concrete block wall stuccoed or precast concrete wall on any side visible from areas outside of the property where it is situated. No storage area or wall surrounding same shall be located in a required setback area.

Automobile tires, new, subject to the following limitation(s):

(1) Not permitted within 100 feet of any residential district.

Bowling alley.

(1) See Section 35.11.

Car wash ~~rack~~, automatic, subject to the following limitations:

(1) Only permitted as an accessory use to a vehicle fueling station when the lot occupied by the service station and accessory uses has not less than 135 feet of street frontage and 27,000 square feet of area.

(2) Not permitted within ~~one thousand (~~1,000~~)~~ feet of any other automatic car wash.

(3) Not permitted within 100 feet from any residential district.

(4) See Section 33.11.

Car wash, including detailing, hand washing, polishing, and self-service. Not permitted within ~~one thousand (~~1,000~~)~~ feet of any other car wash. Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district or use. All washing requires a water containment and reclamation system.

Commercial recreation (outdoor).

Convenience store, subject to the following limitation(s):

(1) Not permitted within ~~one thousand (~~1,000~~)~~ feet of any other convenience store.

Drive-thru facilities (with a permitted use).

(1) See Section 33.11.

Flea market.

Hotels, subject to the conditions and limitations listed in Section 22.3(B).

Laundries, coin-operated (extended hours of operation)

Limousine service (three (3) or fewer vehicles, subject to the following limitation(s):

(1) Proof of adequate parking facilities shall be demonstrated prior to approval.

Massage services.

Nightclubs, teen clubs, catering halls or dance halls, with an occupancy greater than 250.

Outside sales, display, service and/or storage, subject to the following:

(1) Shall only be permitted as an accessory to a permitted use.

(2) All areas not completely enclosed, which are used for the storage or processing of raw materials, must be effectively screened from view of the adjoining streets and parcels through the use of a durable fence, wall or hedge, or combinations thereof.

Pain management clinic, subject to limitations and requirements of Article XXX of this Code.

Pharmacy, subject to the following limitations:

(1) No more than ten (10) percent of all prescription medication dispensed shall be from the list of Schedule II controlled substances provided in F.S. §893.03.

(2) No less than ~~fifty (~~50~~) per cent~~ percent of floor area shall be used for retail display and transactions.

Public or private elementary, middle or high school, subject to the ~~following:~~ Article SR: Supplemental Regulations.

~~(1) Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways. Access to schools shall not be from roadways classified by Broward County Metropolitan Organization's Broward County Highway Functional Classifications map as arterial roadways.~~

~~(2) School must be located in freestanding single use structure(s), located on a parcel no small than the minimum size required by the School Board of Broward County for public schools. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C).~~

~~(3) School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.~~

~~(4) In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Development Services Department at least nine (9) months before the start of the school year. This time requirement cannot be waived or reduced.~~

Restaurants with curb or automobile service: ~~(subject to the limitations set forth in section 22.3(B)).~~

(1) Subject property shall be located a minimum of 750 feet from single-family property; such distance shall be measured from the front door of the establishment to the single-family property line;

(2) Such restaurant must be a free-standing building.~~; and~~

Taxi service, subject to the following limitations:

(1) Limited to three (3) or fewer vehicles.

(2) Proof of adequate parking facilities shall be demonstrated prior to approval.

Vehicle fueling station. Subject to requirements and limitations of section 3.18 of this Code.

Vehicle sales agency (new and / or used vehicles). Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district.

Walkway cafes greater than ~~one thousand (~~1,000~~)~~ square feet in area subject to the ~~provisions of Section 22.3(B)).~~ limitations of Article SR: Supplemental Regulations of this Code.

Section 23.X. Permitted uses for mixed-use.

Within any mixed-use structure permitted by the Live Local Act of 2023 (Senate Bill 102) only the uses permitted by the City Center District shall be allowed.

(Ord. No. 1500.244, § 3, 11-16-1983; Ord. No. 1500.251, § 1, 1-18-1984; Ord. No. 1500.402, § 1, 1-4-1989; Ord. No. 1500.406, § 1, 12-6-1989; Ord. No. 1500.426, § 1, 7-14-1992; Ord. No. 1500.441, § 1, 4-6-1994; Ord. No. 1500.450, § 1, 1-8-1997; Ord. No. 1500-473, § 1, 12-6-2000; Ord. No. 1500.491, 3-19-2003; Ord. No. 1500.507, § 4, 2-16-

2005; Ord. No. 1500.511, § 1, 6-1-2005; Ord. No. 1500.17, § 1, 11-16-2005; Ord. No. 1500.527, § 1, 2-21-2007; Ord. No. 1500.543, § 3, 6-18-2008; Ord. No. 1500.567, § 5, 11-3-2010; Ord. No. 1500.569, § 6, 11-3-2010; Ord. No. 1500.578, § 9, 9-7-2011; Ord. No. 1500.579, § 5, 11-2-2011; Ord. No. 1500.585, § 2, 4-4-2012; Ord. No. 1500.603, § 13, 10-2-2013 ; Ord. No. 1500.604, § 5, 11-6-2013 ; Ord. No. 2016-1500.623, § 4, 11-2-2016 ; Ord. No. 2017-1500.628, § 6, 2-1-2017 ; Ord. No. 2017-1500.626, § 7, 2-15-2017 ; Ord. No. 2017-14, § 8, 8-23-2017 ; Ord. No. 2017-1500.633, § 2, 8-23-2017 ; Ord. No. 2017-1500.634, § 9, 9-6-2017 ; Ord. No. 2017-1500.637, § 6, 11-1-2017 ; Ord. No. 2017-1500.638, § 3, 11-1-2017 ; Ord. No. 2018-1, § 1, 3-7-2018 ; Ord. No. 2019-1500.649, § 8, 12-11-2019)

Section 23.4. Uses prohibited.

(A) Any use not specifically listed in Section 23.3.

(Ord. No. 1500.244, § 3, 11-16-1983; Ord. No. 1500.441, § 1, 4-6-1994; Ord. No. 1500.491, 3-19-2003; Ord. No. 1500-563, § 6, 9-1-2010; Ord. No. 1500.578, § 10, 9-7-2011)

Section 23.5. Limitation on uses.

A. No required front or side street setback may be used for other than customer and employee parking, landscaping, drives and walkways.

B. Wholesale sales are prohibited except as an accessory use, same not to exceed 20 percent of floor area nor total number of sales transactions.

(Ord. No. 1500.244, § 3, 11-16-1983; Ord. No. 1500.286, § 1, 10-2-1985; Ord. No. 1500.441, § 1, 4-6-1994; Ord. No. 1500.450, § 1, 1-8-1997; Ord. No. 1500.491, 3-19-2003; Ord. No. 1500.567, § 6, 11-3-2010)

Section 23.6. Height.

No building or structure shall be erected or altered to a height exceeding ~~one hundred (~~100~~)~~ feet.

(Ord. No. 1500.244, § 3, 11-16-1983; Ord. No. 1500.491, 3-19-2003)

Section 23.7. ~~Plot~~ Lot size.

The minimum ~~plot~~ lot size, excluding public rights-of-way, shall be ~~ten thousand(~~10,000~~)~~ square feet with a minimum of ~~one hundred-(~~100~~)~~ feet of street frontage.

(Ord. No. 1500.244, § 3, 11-16-1983; Ord. No. 1500.491, 3-19-2003)

Section 23.8. ~~Yards and~~ Setbacks.

All ~~plots~~ lots shall provide ~~yards in accordance with the following:~~ setbacks in accordance with the following:

(A) *Street setbacks.*

~~(1) The minimum building setback from all street rights-of-way less than eighty (80) feet in width shall be twenty-five (25) feet.~~

(1) The minimum building setback from all street rights-of-way less than 80 feet in width shall be25 feet.

(2) The minimum building setback from all street rights-of-way ~~eighty (~~80~~)~~ feet in width of greater shall be ~~thirty five (~~35~~)~~ feet.

(B) *Side setbacks.*

(1) When abutting a non-residentially zoned property, there is no side ~~yard~~ setback requirement.

(2) When abutting a residentially zoned property, the minimum building setback shall be ~~sixty (~~60~~)~~ feet.

(C) *Rear setbacks.*

(1) When abutting a non-residentially zoned property, the minimum building setback shall be ~~twenty (~~20~~)~~ feet.

(2) When abutting a residentially zoned property the minimum building setback shall be ~~sixty (~~60~~)~~ feet.

(D) *Uses, limited.* Where a setback is required in this section, such ~~yards~~ setbacks may be used for walkways, parking for passenger cars, driveways, loading zones and landscaping, but not for any other use or purpose.

(Ord. No. 1500.244, § 3, 11-16-1983; Ord. No. 1500.491, 3-19-2003; Ord. No. 1500.589, § 6, 7-3-2012)

Editor's note(s)—Ord. No. 1500.589, § 6, adopted July 3, 2012, changed the title of section 23.8 from "Setbacks" to "Setbacks and setbacks." The historical notation has been preserved for reference purposes.

ARTICLE XXIV. M-1: LIGHT INDUSTRIAL ~~M-1~~ DISTRICT[13]

[13]Editor's note(s)—Ordinance No. 1500.261, § 1, passed Aug. 22, 1984, amended App. A, [former] Art. XIV, in its entirety as herein set out [as Art. XXIV], with minor nonsubstantive changes made for purposes of clarity. The substantive provisions of former Art. XIV, §§ 14.1—14.8, were derived from the following enactments:

;sz=0;

Ord. No.	Sec.	Date
1500.07	4	11-27-1963
1500.00	18.1—18.6	10-25-1967
1500.01	1—3	1-10-1968
1500.40	1	6-10-1970
1500.142	1	8-30-1978

;sz=0;

Ord. No.	Sec.	Date
1500.189	1	7- 9-1980

1500.203	1	4- 1-1981
1500.209	4	7- 8-1981
1500.216	1	4-21-1982
1500.226	3	11- 3-1982

Section 24.1. Application of article.

The following regulations of this article shall apply in all M-1 districts. All minimum separation distances shall be measured in the shortest airline distance between nearest property lines unless otherwise specified.

(Ord. No. 1500.261, § 1, 8-22-1984; Ord. No. 1500.269, § 1, 10-17-1984; Ord. No. 1500.487, § 1, 7-14-1992)

Section 24.2. Purpose and general description.

The M-1 light industrial district is intended to provide for light manufacturing and heavy commercial uses for large corporations as well as small entrepreneurs in multitenant warehouse space.

(Ord. No. 1500.261, § 1, 8-22-1984; Ord. No. 1500.269, § 1, 10-17-1984)

Section 24.3. Permitted uses.

(A) No building or structure or part thereof shall be erected, altered or used, or land or water used, in whole or in part, for other than the following specified uses:

Accessory uses and structures which are clearly incidental and subordinate to a permitted use.

Ambulance service, subject to the following limitation(s):

(1) Proof of adequate parking facilities shall be demonstrated.

Armored car service.

Automobile body, tops and upholstery shop.

Automobile, motorcycle and small engine repair, subject to the following limitation(s):

(1) Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district.

Automobile painting, subject to the following limitation(s):

(1) No outdoor spraying.

Automobile parts, equipment and accessories, wholesale.

Automobile storage.

Automobile tires, vulcanizing or retreading.

Bakery, wholesale.

Bookbinding.

Bottled gas, retail, subject to the following limitation(s):

(1) Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district.

Bottling plant.

Bus company, charter, subject to the following limitation(s):

(1) Three (3) or fewer vehicles.

(2) Proof of adequate parking facilities shall be demonstrated.

Bus terminals.

Cabinetmaking, carpentry shops.

Carpet cleaning, subject to the following limitation(s):

(1) Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district.

Catering, including shared kitchens.

Ceramic manufacturing.

Cleaning service—Pressure, chemical, industrial.

~~Clubs—Civic, noncommercial.~~

Concrete testing lab.

Contractor's shop – licensure not required.

Contractor's storage setbacks, subject to the following limitation(s):

(1) Perimeter wall required.

Commissary.

Delivery service.

Dental laboratory.

Diaper service, subject to the following limitation(s):

(1) Not permitted within ~~three hundred (~~300~~)~~ feet of any residential district.

Distribution service.

Dry cleaning and dyeing plant, subject to the following limitation(s):

(1) Not permitted within ~~three hundred (~~300~~)~~ feet of any residential district.

Electrical utility ~~yard~~ setback.

Electroplating.

Engraving.

Fire station.

Food processing, subject to the following limitation(s):

(1) No fish, fat rendering, or restaurants.

(2) Processing shall only be done indoors and without the emission of any external noxious odors.

Frozen food locker.

Fruit packing and shipping.

Glass cutting.

Glass tinting.

Grocery, wholesale.

Gun ~~club~~ range (indoors and soundproofed).

Janitorial service.

Kennels, subject to restrictions set forth in chapter 6 of the Margate Code of Ordinances.

Laboratories—Chemical, medical, testing, research.

Laundry, commercial.

Light manufacturing, subject to the following limitations:

(1) Shall include products from aluminum, brass, bronze, copper, steel or other metal or from cloth, leather, paper, rubber, shell, plastic, wood or other materials,

~~(2) Power shall not exceed twenty (20) horsepower on any one (1) motor in the operation of any one (1) machine.~~

Limousine service (four (4) or more vehicles, subject to the following limitation(s):

(1) Proof of adequate parking facilities shall be demonstrated.

Liquor cutting and blending.

Locksmith.

Machine shops.

Magazine wholesale agency.

Mail order business.

Major appliance repair.

Merchant, wholesale.

Metalizing processes.

Mirror silvering.

Motion picture studio.

Moving and storage.

Ornamental iron and metal working shops.

Parking, commercial auto, subject to the following limitation(s):

(1) Not permitted within ~~one thousand (~~1,000~~)~~ feet of any other commercial auto parking facility.

Pest control.

Photograph developing and printing ~~for others~~.

Printing, photocopying, blueprinting shop with no more than 25 employees. ~~subject to the following:~~

~~(1) with no more than Maximum sheet press of twenty-five and one-half (25.5) inches.~~

~~(2) The equipment shall be limited to photocopy, diazo process or similar type print machines, facsimile and offset duplicator machines.~~

~~(3) There shall be a maximum of five thousand (5,000) square feet of gross floor area per establishment.~~

Public utility service yard.

Recording studio, subject to the following limitation(s):

(1) Soundproofing required.

Refrigeration plants.

Rental business.

Research—Educational, scientific, and industrial.

Restaurant and dining room subject to the following limitation(s):

(1) Only permitted as accessory to a permitted use.

Sheet metal shop, subject to the following limitation(s):

(1) When so located that no land allocated to such use or building occupied by such use lies within ~~one hundred (~~100~~)~~ feet of any residential-zoned property; provided, that this separation requirement shall apply only to principal uses and not to accessory uses.

Sign shop.

Sign painting, car lettering.

Spray painting business.

Stonecutting.

Substation for utilities (as required).

Swimming pool equipment and chemicals, wholesale, subject to the following limitation(s):

(1) No chemical storage area permitted within 100 feet of any residential district.

Taxi service (four (4) or more vehicles, subject to the following limitation(s)

(1) Proof of adequate parking facilities shall be demonstrated.

Television, radio and movie studios.

Theater (outdoor).

Tinsmiths.

Tool-and-die shops.

Towing service, subject to the following limitation(s):

(1) No wrecking.

Tractor, retail.

Trailers of all kinds, campers, mobile homes, retail.

Trash hauler, subject to the following limitation(s):

(1) No dumping.

Truck and large engine repair.

Upholstery shop.

Vehicle sales agency (new and / or used vehicles). Not permitted within ~~one hundred (~~100~~)~~ feet of any residential district.

Warehousing and distribution.

(B) *Special exception uses.* Special exception uses may be deemed appropriate to provide a complete distribution of uses within the city, but because of their operational characteristics or area requirements need to be given individual consideration with respect to their location, access and relationship to adjacent properties and public rights-of-way, and conformity with the city's current and future redevelopment efforts.

(1) The following uses are authorized upon a finding by the city commission that a special exception to the article is warranted, pursuant to the procedure and criteria set forth in Chapter 31, Section 31-54 of the Margate Code of Ordinances.

(a) Recreation and open space;

(b) Commercial recreation uses (indoor and outdoor);

(c) Business and professional office center, subject to the following:

(i) Said use shall be located in a building or development of at least 30,000 square feet.

(Ord. No. 1500.261, § 1, 8-22-1984; Ord. No. 1500.269, § 1, 10-17-1984; Ord. No. 1500.427, § 1, 7-14-1992; Ord. No. 1500.450, § 1, 1-8-1997; Ord. No. 1500.567, § 7, 11-3-2010; Ord. No. 1500-599, § 1, 6-5-2013; Ord. No. 1500.603, § 14, 10-2-2013 ; Ord. No. 2016-1500.623, § 5, 11-2-2016 ; Ord. No. 2017-14, § 10, 8-23-2017 ; Ord. No. 2017-1500.634, § 10, 9-6-2017 ; Ord. No. 2017-1500.638, § 4, 11-1-2017)

Section 24.4. Prohibited uses.

(A) Pain management clinics, as defined in section 2.2.

(B) Any use not specifically listed in section 24.3 is prohibited.

(C) Retail sales are prohibited except where specifically permitted in section 24.3 or as an accessory use, same not to exceed ~~twenty (~~20~~) per cent~~ percent of floor area nor total number of sales transaction.

Section 24.X. Permitted uses for mixed-use.

Within any mixed-use structure permitted by the Live Local Act of 2023 (Senate Bill 102) only the uses permitted by the City Center District shall be allowed.

(Ord. No. 1500.261, § 1, 8-22-1984; Ord. No. 1500.269, § 1, 10-17-1984; Ord. No. 1500-563, § 7, 9-1-2010; Ord. No. 1500.578, § 11, 9-7-2011; Ord. No. 1500-599, § 2, 6-5-2013)

Editor's note(s)—Ord. No. 1500-599, § 2, adopted June 5, 2013, changed the title of section 24.4 from "Limitations on uses" to "Prohibited uses." The historical notation has been preserved for reference purposes.

Section 24.5. Height.

No building or structure shall be erected or altered to a height exceeding ~~sixty (~~60~~)~~ feet.

(Ord. No. 1500.261, § 1, 8-22-1984; Ord. No. 1500.269, § 1, 10-17-1984)

Section 24.6. ~~Plot~~ Lot size.

There shall be no minimum required size of ~~plot~~ lot.

(Ord. No. 1500.261, § 1, 8-22-1984; Ord. No. 1500.269, § 1, 10-17-1984)

Section 24.7. Setbacks and setbacks.

All ~~plot~~ lot shall provide ~~yards~~ setbacks in accordance with the following:

(A) *Street ~~yards~~ setbacks*.

(1) The minimum building setback from all street rights-of-way less than ~~eighty (~~80~~)~~ feet in width shall be 25 feet.

(2) The minimum building setback from all street rights-of-way ~~eighty (~~80~~)~~ feet in width of greater shall be ~~thirty five (~~35~~)~~ feet.

(3) This setback may be used for walkways, parking of passenger cars, driveways and landscaping, but not for any other use or purpose.

(B) *Side setback setbacks.*

(1) When abutting a non-residentially zoned or used property, there is no side setback requirement.

(2) When abutting a residentially zoned or used property, the minimum building setback shall be ~~sixty (~~60~~)~~ feet.

(3) When a mixed-use development is permitted, the minimum setback shall be ~~sixty (~~60~~)~~ feet from any nonresidential use or district.

(C) *Rear setback setbacks.*

(1) When abutting a non-residentially zoned or used property, there shall be no minimum building setback.

(2) When abutting a residentially zoned or used property the minimum building setback shall be ~~sixty~~ ~~(~~60~~)~~ feet.

(3) When a mixed-use development is permitted, the minimum setback shall be ~~sixty (~~60~~)~~ feet from any nonresidential use or district.

(D) *Outside storage areas*. May be permitted when fully enclosed by a fence and continuous, dense shrubs where abutting a ~~plot~~ lot line. No required off-street parking or interior landscaped areas may be utilized for such purpose.

(Ord. No. 1500.261, § 1, 8-22-1984; Ord. No. 1500.269, § 1, 10-17-1984; Ord. No. 1500.589, § 7, 7-3-2012)

Sections 24.8, 24.9. Reserved.

Editor's note(s)—Ord. No. 1500-599, §§ 3, 4, adopted June 5, 2013, repealed the former sections 26.8 and 26.9 in their entirety, which pertained to special exception uses and review criteria, respectively, and derived from Ord. No. 1500.440, § 1, adopted February 2, 1994; Ord. No. 1500.450, § 1, adopted January 8, 1997, and Ord. No. 1500.528, §§ 1, 2, adopted July 3, 2007.

ARTICLE XXV. M-1A: INDUSTRIAL PARK ~~M-1A~~ DISTRICT[14]

[14]Editor's note(s)—Ord. No. 1500.574, § 1, adopted June 15, 2011, amended Art. XVII in its entirety and enacted similar provisions as set out herein [as Art. XV]. The former Art. XVII derived from Ord. No. 1500.262, § 1, adopted Sept. 5, 1984; Ord. No. 1500.285, §§ 1—3, adopted Sept. 18, 1985; Ord. No. 1500.436, § 1, adopted May 5, 1993; Ord. No. 1500.442, § 1, adopted June 15, 1994; Ord. No. 1500.450, § 1, adopted Jan. 8, 1997; Ord. No. 1500.515, § 1, adopted Sept. 21, 2005; and Ord. No. 1500-563, § 8, adopted Sept. 1, 2010.

Section 25.1. Application of article.

The following regulations of this article shall apply in all M-1A Districts. All minimum separation distances shall be measured in the shortest airline distance between nearest property lines unless otherwise specified.

(Ord. No. 1500.574, § 1, 6-15-2011)

Section 25.2. Purpose and general description.

The M-1A, industrial park district is intended to provide land for business and industry which expands the economic base of the City. Permitted uses are intended to include those businesses and industries primarily involved in the manufacture of goods and provision of services for sale and use outside of the limits of the City of Margate. These uses shall include research, development, and manufacture of products and large office buildings providing increased employment opportunities within the City.

(Ord. No. 1500.574, § 1, 6-15-2011)

Section 25.3. Permitted uses.

No building or structure, or any part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one (1) or more of the following uses:

(A) *Primary uses.*

Apparel from finished textiles;

Bottling plant;

Contractors, including service contractors;

Educational, scientific and industrial research;

Food processing;

Light manufacturing;

Meat or fish processing or slaughtering. Processing shall only be done indoors and without the emission of any external noxious odors.

Office buildings, including business, professional, and medical offices.

(1) Minimum of 30,000 square feet of gross building area per development required.

Warehousing, trucking and distribution;

Wholesaling;

(B) *Accessory uses.*

Corporate or business offices which serve or represent other specifically permitted industrially related users;

Restaurants and cafeterias allowed as an accessory use only in connection with a permitted office building;

Sales of goods to the general public only as an accessory use;

(1) Sales of goods shall not exceed ~~twenty (~~20~~) per cent~~ percent 25 percent of floor area nor total number of sales transactions.

Sewage pumping station;

Transformer and electrical switching station;

(C) *Special exception uses.* The following uses are authorized upon a finding by the City Commission that a special exception use to this article is warranted:

(1) Children's activity center as an accessory use only. For the purposes of this section, "children's activity center" is defined as any establishment containing modular retail play/soft play structures, indoor playgrounds, children's party rooms or food services. Retail play/soft play areas of children's activity centers may also contain up to ten (10) coin-operated machines designed specifically for children, ages twelve (12) and under. Access to retail play/soft play areas of children's activity centers (including areas containing permitted coin-operated machines) shall be restricted to children, ages twelve (12) and under, and persons accompanying such children for supervisory purposes.

The city commission shall consider all applications for special exception approval pursuant to the procedure set forth in Chapter 31, Section 31-54 of the Margate Code of Ordinances.

(Ord. No. 1500.574, § 1, 6-15-2011; Ord. No. 2017-14, § 11, 8-23-2017)

Section 25.4. Prohibited uses.

Except as specifically permitted in this district, the following uses are expressly prohibited as either principal or accessory uses:

Airport.

Any use or operation which creates continuous or intermittent physical effects which exceed the performance standards specified in Section 25.5.

Automotive: maintenance, service and repair.

Die casting.

Drop forging.

Foundry.

Hotels, motels and any other residential use other than as a permitted accessory use.

Institutions for the aged, infirm or minors or any kind of group housing.

Manufacturing of asphalt, brick, tile, cement, lime, plaster, concrete, acids, carbon, disinfectants, poison, insecticides and batteries.

~~Meat or fish processing or slaughtering.~~

Oil compounding or barreling.

Open air storage in bulk of material inputs of finished products. This prohibition does not apply to storage of these materials in a warehouse or fully enclosed by a fence and continuous, dense shrubs where abutting a lot line. No required off-street parking or interior landscaped areas may be utilized for such purpose.

Pain management clinics, as defined in Section 2.2.

Paint or varnish manufacture.

Vehicular rental.

(Ord. No. 1500.574, § 1, 6-15-2011; Ord. No. 1500.578, § 12, 9-7-2011)

Section 25.X. Permitted uses for mixed-use.

Within any mixed-use structure permitted by the Live Local Act of 2023 (Senate Bill 102) only the uses permitted by the City Center District shall be allowed.

Section 25.5. Performance standards.

The performance standards listed ~~hereinbelow~~ hereunder shall be the minimum standards that shall be permitted to be constructed, maintained and operated:

(A) *Noise and sound:* A maximum of ~~seventy (~~70~~)~~ decibels at the property line is permitted. Noise is required to be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. Sound may equal but not exceed street traffic noise in the vicinity during a normal day shift work period.

(B) *Dust, odors, gases and vapors:* No dust, odors, gases and vapors, except those odors associated with food preparation, shall be permitted beyond the ~~plot~~ lot line so as to be readily detectable without the use of instruments.

(C) *Smoke:* No emission shall be permitted from any chimney or otherwise of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., (being a direct facsimile reduction of a standard Ringlemann Chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 3 on said chart may be emitted for four (4) minutes in any thirty-minute period.

(D) *Vibration:* No vibration shall be permitted which is readily detectable at the ~~plot~~ lot line without the use of instruments.

(E) *Glare:* No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to cast a distinct shadow of an object at the property line.

(F) *Radioactivity or electrical disturbance:* No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance. All applicable federal regulations shall be complied with.

(Ord. No. 1500.574, § 1, 6-15-2011)

Section 25.6. Height.

No building or structure shall be erected or altered to a height exceeding ~~fifty (~~50~~)~~ feet.

(Ord. No. 1500.574, § 1, 6-15-2011)

Section 25.7. ~~Plot~~ Lot size.

Minimum ~~plot~~ lot size shall be ~~twenty thousand (~~20,000~~)~~ square feet. Lots created through a condominium association shall have no minimum size.

(Ord. No. 1500.574, § 1, 6-15-2011)

Section 25.8. Minimum floor area standards.

No building containing a primary use shall be constructed to a size of less than ~~ten thousand(~~10,000~~)~~ square feet.

No separately owned or leased area shall be constructed or subdivided into an area smaller than ~~eight hundred (~~800~~)~~ square feet.

(Ord. No. 1500.574, § 1, 6-15-2011)

Section 25.9. ~~Yards~~ Setbacks.

(a) No building or roofed structure shall be located less than ~~thirty five (~~35~~)~~ feet from Banks Road or Copans Road; ~~twenty-five (~~25~~)~~feet from any other street line.

(b) Where an M-1A parcel is separated by a canal from a residential property, no building or roofed structure shall be located closer than ~~twenty- (~~205~~)~~feet from the lot line adjoining said canal.

(c) When abutting a residential property the minimum building setback shall be ~~sixty (~~60~~)~~ feet.

(d) When a mixed-use development is permitted, the minimum setback shall be ~~sixty (60)~~ feet from any nonresidential use or district.

(Ord. No. 1500.574, § 1, 6-15-2011; Ord. No. 1500.589, § 8, 7-3-2012)

(Ord. No. 1500.574, § 1, 6-15-2011)

~~Section 25.10. Permitting and enforcement procedure.~~

~~(a) Any application for site plan review shall be accompanied by a sworn statement by the owner of the subject property that the proposed use(s) will be operated in accordance with the performance standards set forth herein.~~

~~(b) Upon the filing of a complaint of violation of any of the performance standards listed herein, the city shall determine if there is reasonable evidence that a violation exists. If the city determines that a violation exists, the property owner and occupant shall be responsible to either correct the alleged violation or provide satisfactory evidence to the City that a violation does not exist.~~
~~If the City can not determine that a violation exists, it shall be the responsibility of the complainant to provide satisfactory evidence that a violation exists. If same is not corrected, the City shall take such action, either criminal or civil, which it deems appropriate to abate said violation.~~

~~(c) If a violation is found to exist, the property owner and occupant shall be notified by the City, in writing, and shall be given thirty (30) days to correct the violation before a citation is issued. If the violation is deemed by the city to be a serious health hazard, the violation shall be corrected immediately.~~

ARTICLE XXVII. S-1: RECREATIONAL DISTRICT[15]

[15]Editor's note(s)—Ord. No. 1500.91, § 1, adopted July 11, 1973, amended this Code by adding Art. XXXI [NEW]~~,~~ §§ 31.1—31.9, which has been redesignated as Art. XXVII, §§ 27.1—27.9, at the discretion of the editors.

Section 27.1. Purpose of district.

The S-1 recreational district is intended to provide public and private open spaces and recreational facilities for active use by the patrons thereof. The permitted uses of the S-1 district may take place in open air or in a building or structure.

(Ord. No. 1500.91, § 1, 7-11-1973; Ord. No. 1500.231, § 1, 1-5-1983)

Section 27.2 Uses permitted.

No building or structure or part thereof shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified ~~uses subject to the procedure specified in Section 27.4 following~~:

(1) Passive recreational uses, including, but not limited to: nature centers and trails, scenic areas, wildlife sanctuaries and feeding stations, aquatic preserves and picnic areas.

(2) Active recreational uses, including, but not limited to: tennis courts, playgrounds, swimming pools, athletic fields and courts, beaches and bikeways.

~~(3) Basketball court.~~

~~(4) Beach.~~

(3) Boat dock.

~~(6) Cabanas.~~

(4) Country clubs and similar uses may be operated as an accessory use to a golf course if said structure does not exceed 1% of the net land area of the property.

(5) Driving range, with the addition that a license professional engineer shall approve that the net height is sufficient and no more than necessary for the design of the facility.

(6) Fishing pier.

(7) Golf course (18-hole, 9-hole, par-3 course, pitch and putt, executive, etc., wherein natural grass and greens are provided).

~~(10) Driving range.~~

~~(11) Handball/racquetball court.~~

~~(12) Lawn bowling.~~

~~(13) Marina.~~

(8) Municipal structures intended to provide for the health, safety, and welfare of the community.

~~(9) Shuffleboard court.~~

~~(16) Swimming pool.~~

~~(17) Tennis court.~~

~~(18) Trampoline.~~

~~(19) Social, athletic, neighborhood or community club serving the surrounding residential area.~~

~~(9)~~ Accessory uses.

(~~10~~ 1)Coin-operated amusement devices as specifically defined in Article XXXVI with the addition that:

(a) Same shall be allowed only in recognized structures or facilities, such as clubhouses, recreation halls, teen centers, etc., that are open for the patronage of individuals using said halls for private recreational purposes.

(b) All proceeds from the above coin-operated amusement devices will be utilized for nonprofit purposes relating to the organization or association maintaining the above recreation facilities.

(11) Place of Assembly, subject to the requirements of Article SR: Supplemental Regulations of this Code.

(a) Such use shall not exceed 1% of the net land area of the property.

(Ord. No. 1500.91, § 1, 7-11-1973; Ord. No. 1500.231, § 1, 1-5-1983; Ord. No. 1500.406, § 2, 12-6-1989; Ord. No. 1500.507, § 5, 2-16-2005; Ord. No. 2017-1500.639, § 2, 11-1-2017)

Section 27.3. Uses prohibited.

The permissible uses enumerated in Section 27.2 above shall not be construed to include either as a principal or accessory use of any of the following which are listed for emphasis:

(1) Any business or commercial use not permitted as a principal use except when meeting requirements of an accessory use.

(2) Any industrial or manufacturing use.

(3) Drive-in theater, drive-in restaurant or drive-in refreshment stand.

(Ord. No. 1500.91, § 1, 7-11-1973; Ord. No. 1500.231, § 1, 1-5-1983)

(Ord. No. 1500.91, § 1, 7-11-1973; Ord. No. 1500.231, § 1, 1-5-1983; Ord. No. 2017-1500.639, § 2, 11-1-2017)

~~Section 27.4. Site development plan.~~

~~A site plan for new buildings, structures, or uses in the S-1 district shall be submitted to the development review committee prior to the issuance of a building permit if said new buildings, structures, or uses are considered new development, redevelopment, or change the functionality of the property. The site development plan shall provide for an arrangement and location of uses and facilities on the plot so as to provide the maximum separation from, and protection to, contiguous and nearby residential property. Where the nature of the activities or facilities on the plot present a potential detriment to residential properties from noise, glare, odors, smoke, vibration, flying objects, or traffic, protection to such residential properties shall be provided in the form of open space, fences, walls, hedges, enclosures and/or by such other manner as deemed appropriate and effective by the committee to minimize such hazards.~~

~~Section 27.5. Landscaping.~~

~~All required setbacks and open spaces adjacent to streets and contiguous to residential property shall be planted and properly maintained with suitable planting in the form of grass, shrubs, hedges and trees to present an attractive appearance appropriate to the neighborhood.~~

(Ord. No. 1500.91, § 1, 7-11-1973; Ord. No. 1500.231, § 1, 1-5-1983)

Section 27.6. Height.

No building or structure or part thereof shall be erected or altered to a height greater than 35 feet, except that municipal structures may be built to a height of 65 feet.

(Ord. No. 1500.91, § 1, 7-11-1973; Ord. No. 1500.231, § 1, 1-5-1983; Ord. No. 2017-1500.639, § 2, 11-1-2017)

Section 27.7. ~~Plot~~ Lot size.

Every lot shall be not less than 100 feet in width and 10,000 square feet in area.

(Ord. No. 1500.91, § 1, 7-11-1973; Ord. No. 1500.231, § 1, 1-5-1983; Ord. No. 2017-1500.639, § 2, 11-1-2017)

Section 27.8. Setbacks.

(A) No parking area shall be located within 15 feet of any residential ~~lot.~~

(B) No structure, ~~except~~ municipal structures, fences or walls as hereinafter provided for, shall be located within 20 feet of any residentially zoned property nor within 25 feet of any public or private street.

(C) No building or roofed portion of any structure, except municipal structures, shall be located within ten (10) feet of any ~~plot~~ lot line.

(D) No required open space, ~~yard~~ setback, or setback area shall be used or developed for any purpose other than landscaping and walkways and/or driveways needed to serve the permitted use.

~~**Section 27.9. Fences, walls, and hedges.**~~

~~(A) No fence, wall, or hedge located within ten (10) feet of any residentially zoned property shall exceed six feet in height.~~

~~(B) Swimming pools shall be provided with a safety barrier as set forth in section 3.14 of this appendix.~~

~~(C) Fences, walls, and hedges located within 25 feet of any public right-of-way shall conform to Sections 3.14(16) and 3.14(19) of this appendix.~~

(Ord. No. 1500.91, § 1, 7-11-1973; Ord. No. 1500.231, § 1, 1-5-1983; Ord. No. 2017-1500.639, § 2, 11-1-2017)

(Ord. No. 1500.91, § 1, 7-11-1973; Ord. No. 1500.231, § 1, 1-5-1983; Ord. No. 2017-1500.639, § 2, 11-1-2017)

ARTICLE XXVIII. S-2: OPEN SPACE ~~S-2~~ DISTRICT[16]

[16]Editor's note(s)—Ord. No. 1500.79, § 1, adopted Dec. 13, 1972, amended the zoning ordinance, but did not specify the manner thereof, hence inclusion herein as Art. XXVIII, §§ 28.1—28.6 was at the discretion of the editors.

Section 28.1. Purpose of district.

The S-2 open space district is intended to preserve areas designated or used for active or passive recreation and to preserve areas designated or used for active or passive recreational needs of the people and to preserve open space.

(Ord. No. 1500.79, § 1, 12-13-1972)

Section 28.2. Uses permitted.

No building or structure or part thereof shall be erected, altered or used, or land or water used, in whole or in part, for other than one (1) or more of the following specified uses, subject to the procedure specified in Section 27.4 of this Code:

(1) Boat ramp.

(2) Bridle, foot or bicycle path.

(3) Open land areas or commons.

(4) Open water areas.

(5) Picnic area.

(6) Country clubs and similar uses may be operated as an accessory use to a golf course in a structure does not exceed 1% of the net land area of the property.

(7) Golf course (18 hole, 9 hole, par 3 course, pitch and putt, executive, etc.), excluding miniature golf course.

(8) Municipal structures intended to provide for the health, safety, and welfare of the community.

(9) Accessory uses or structures to uses permitted in this section.

(10) Place of assembly, subject to the requirements of Article NEW NUMBER. Such use shall not exceed 1% of the net land area of the property.

(Ord. No. 1500.79, § 1, 12-13-1972; Ord. No. 1500.406, § 3, 12-6-1989; Ord. No. 2017-1500.625, § 5, 2-1-2017; Ord. No. 2020-1500.653, § 1, 6-3-2020)

Section 28.3. Uses prohibited.

The permissible uses enumerated in Section 28.2 above shall not be construed to include either as a principal or accessory use any of the following which are listed for emphasis:

(1) Any business or commercial use not permitted as a principal use except when meeting the requirements of an accessory use.

(2) Any industrial or manufacturing use.

(3) Drive-in theatre, drive-in restaurant, or drive-in refreshment stand.

(4) Any residential use.

(Ord. No. 1500.79, § 1, 12-13-1972; Ord. No. 2017-1500.625, § 6, 2-1-2017 ; Ord. No. 2020-1500.653, § 2, 6-3-2020)

Section 28.4. Height.

No building or structure or part thereof shall be erected or altered to a height exceeding two (2) stories or ~~thirty (~~30~~)~~ feet.

(Ord. No. 1500.79, § 1, 12-13-1972)

~~Section 28.5. Lot coverage.~~

~~No more than two (2) percentof the lot area shall be under roof; except that this may be waived by the city council upon request of the parties involved, the mayor or the planning and zoning board under appropriate circumstances and when the intent of this ordinance will still be secured.~~

(Ord. No. 1500.79, § 1, 12-13-1972)

Section 28.6. ~~Plot~~ Lot size.

There shall be no minimum ~~plot~~ lot size.

(Ord. No. 1500.79, § 1, 12-13-1972)

~~Section 28.7. Landscaping.~~

~~All required setbacks and open spaces adjacent to streets and contiguous to residential property shall be planted and properly maintained with suitable planting in the form of grass, shrubs, hedges and trees to present an attractive appearance appropriate to the neighborhood. Parking areas shall be planted in accordance with Section 23-8 of this Code.~~

~~Section 28.9. Fences, walls, and hedges.~~

~~(A) No fence, wall, or hedge located within ten (10) feet of any residentially zoned property shall exceed six feet in height.~~

~~(B) Fences, walls, and hedges located within twenty-five (25) feet of any public right-of-way shall conform to Section 3.14(16) and 3.14(19) of this Code.~~

(Ord. No. 2020-1500.653, § 3, 6-3-2020)

Section 28.8. ~~Yards~~ Setback.

(A) No parking area shall be located within 15 feet of any residential ~~plot~~ lot.

(B) No structure, except municipal structures, fences or walls as hereinafter provided for, shall be located within 20 feet of any residentially zoned property nor within 25 feet of any public or private street.

(C) No building or roofed portion of any structure, except municipal structures, shall be located within ten (10) feet of any ~~plot~~ lot line.

(D) No required open space, ~~yards~~ setback, or setback area shall be used or developed for any purpose other than landscaping and walkways and/or driveways needed to serve the permitted use.

(Ord. No. 2020-1500.653, § 4, 6-3-2020)

(Ord. No. 2020-1500.653, § 5, 6-3-2020)

ARTICLE XXIX. T-1: MOBILE HOME DISTRICT

Section T-1.1. Purpose and Applicability.

(A) *Purpose.* The purpose of the T-1, Mobile Home Park District is to provide regulations for the parking or placement of mobile homes and travel trailers for occupancy as living quarters, wherein the park is owned or operated as a unit and individual spaces are occupied on a rental basis.

B) *Applicability.* The T-1 District was repealed. No property owner may apply for a rezoning to the T-1 District. These developed properties are considered legal conforming uses and may be reconstructed according to these standards in the event of destruction. The following regulations are provided to only regulate the existing developed residential properties with this designation.

Section T-1.2. Definitions.

(A) For the purpose of Article NEW NUMBER, Mobile Home Park T-1 District Regulations, the following definitions shall apply:

(1) Travel trailer. A trailer coach 28 feet or under in over-all length.

(2) Mobile Home. A trailer coach over 28 feet in overall length.

Section T-1.3. Uses Permitted.

(A) No building or structure or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified uses:

(1) Mobile home parks for rental of sites for occupancy by mobile homes and/or travel trailers as living quarters, wherein the mobile home park is owned and/or operated as a unit.

(2) Accessory uses and structures, including recreational facilities.

(3) No businesses except for home occupations.

(3) The sale, by its owner or licensed dealer, of used mobile homes or travel trailers on sites presently or previously occupied by the owner of such mobile home or travel trailer.

(4) The sale of new display models by dealers preparatory to occupancy or between periods of occupancy.

(5) Storage or parking of mobile homes or travel trailers on sites preparatory to occupancy or between periods of occupancy.

Section T-1.4. Prohibited Uses.

(A) The following uses are prohibited:

(1) A separate utility building on any mobile home or travel trailer site, except for a demountable, Code-approved storage closet or shed.

(2) Cooking or sanitary facilities other than in the mobile home or travel trailer.

(3) Storage or parking of mobile homes or travel trailers except when a mobile home or travel trailer is located on a site preparatory to occupancy or between periods of occupancy.

Section T-1.5. Height.

(A) No building or structure, or part thereof, shall be erected or altered to a height exceeding two (2) stories or 30 feet.

Section T-1.6. Development Standards.

(A) The following development standards to be applied to each site:

(1) Minimum Site Requirements.

i. Mobile Home. A mobile home consisting of one (1) or more units designed as a single dwelling shall be placed upon a lot a minimum of 2,400 square feet in area and 40 feet in average width.

ii. Travel Trailer. A travel trailer shall be placed upon a lot that is a minimum of 1,000 square feet in area and 30 feet in average width.

(2) Minimum Setbacks.

i. Front. Ten (10) from the edge of a street, 25 feet when the property across such street is zoned in any Residential District.

ii. Side. Ten (10) between homes.

iii. Rear. Ten (10) feet.

(3) Sheds, storage buildings, and temporary storage containers in accordance with Section X.XX [formerly 3.20].

(4) Minimum Separations.

i. No part of any mobile home or travel trailer, or any addition or addition or appurtenance thereto shall be placed within ten (10) feet of any other mobile home or travel trailer, addition or appurtenance thereto.

ii. No part of any mobile home or travel trailer or addition or appurtenance thereto shall be located within 25 feet of any accessory or service building or structure used in connection with a mobile home park.

Section T-1.7. Driveways and Parking.

(A) Each site shall have a driveway that provides the following:

(1) Driveways.

i. Paved area according to this Code.

ii. Minimum 30 feet in length for a minimum two (2) vehicles.

iii. Adequate lighting.

Section T-1.8. Porches and Additions.

(A) Structures of a permanent nature added or attached to a mobile home or travel trailer such as enclosed porches, screened enclosures, storage closets and carports shall conform to all applicable development standards of this Article.

(B) On travel trailer sites there shall be no addition or attachment except a demountable canvas awning.

(C) All portable or demountable awnings, roofs or appurtenances which are not permitted as permanent structures shall be dismantled and stored either within the mobile home or travel trailer or in some permanent building during the following circumstances:

(1) Within one (1) hour after any advisory for potentially hazardous weather events.

(2) If the mobile home or travel trailer is not to be occupied for a period of 30 days or more.

ARTICLE SRDS: SUPPLEMENTAL RESIDENTIAL DEVELOPMENT STANDARDS

Section SRDS.1. Purpose, Intent, and Applicability.

(A) *Purpose.* The purpose of this article is to provide development standards for the specified housing types.

(B) *Intent.* The intent is to provide standards that produce quality development with characteristics that help establish a unique sense of place and create vibrant communities.

(C) *Applicability*. These standards are applicable to all properties that are being developed or redeveloped with these housing types irrespective of the zoning district in which they are located. Dwellings that are being reconstructed or substantially improved pursuant to FEMA regulations on existing development properties are exempt from mandatory compliance with these standards; they may however be voluntarily used. Where this Article conflicts with or overlaps other regulations in the Code, this Article shall prevail.

(1) *Accessory structures and uses.* Shall be regulated by the provision of the ULDC.

Section SRDS.2. Single family dwelling.

(A) *Site design criteria*. A single family dwelling development shall meet the following design criteria:

(1) *Density*. The maximum number of dwelling units permitted per net acre shall be limited by the Future Land Use Plan Map classification where the development is located.

(2) *Minimum lot size.* The minimum lot size for each dwelling shall be 7,500 gross square feet in area.

(i) *Exception.* Within a Planned Unit Development (PUD) the minimum lot size for each dwelling shall provide a minimum of 7,500 square gross street feet on average.

(3) *Minimum lot width.* The minimum lot width for each dwelling site shall be 75 feet for interior lots and 80 feet for corner lots.

(C) *Setbacks.*

(1) Front setback. Minimum of 25 feet.

(2) *Rear setback.* Minimum of 15 feet.

(3) *Side setbacks.*

i. For corner lots: Shall be minimum 15 feet from the side property line.

ii. Side setbacks: Minimum side setback shall be seven and one-half (7 ½) feet.

(4) *Additional setback requirements.* When any portion of a structure exceeds 22 feet in height, that portion of the structure which exceeds 22 feet in height shall be set back a minimum of an additional one (1) foot for each foot of height above 22 feet.

(D) *Height.* The maximum height of a structure shall not exceed 35 feet.

(E) *Garages.* Vehicular access to all garages shall be from a street or driveway.

(1) *Size*. A fully enclosed garage of minimum ten (10) feet by 20 feet designed for parking at least one (1) automobile shall be required for each dwelling. This garage space shall not count towards required parking.

(2) *Single car garages.* No more than 50 percent of the front facade of a single-story dwelling shall be used for a garage.

(3) *Two (2) car garages.*

i. Only permitted on two (2) story dwellings if the total area of garage door surfaces does not exceed 30 percent of the total front facade area, and if at least one (1) of the following design features is provided on the front façade: porch or balcony a minimum of 10 feet in depth, both of which may encroach the front setback by five (5) feet.

(F) *Sidewalk requirements.* A single family dwelling development shall provide the following:

(1) A minimum five (5) foot wide sidewalk along the full length of each public right-of-way or access easement, excluding an alley.

(2) A minimum three (3) foot wide sidewalk shall connect the front entrances with the sidewalk along the right-of-way or access easement unless an alternative pedestrian access to the sidewalk is approved by the Development Review Committee.

(G) *Street tree requirements.* Street trees shall be planted and maintained along the public right-of-way or access easement abutting the property to provide a canopy effect. The type of street trees may include shade, flowering and palm trees and shall be planted at a minimum height and size in accordance with the requirements of [insert new landscape code section]. The location, number, and minimum height of trees shall be determined by the Development Review Committee based on building and site design, separation distance, utility infrastructure and the proposed plan's compatibility to surrounding properties.

(H) *Design*. The design of adjacent single family dwelling shall provide different front elevations in terms of roof-lines and entrance design. Where more than five (5) dwellings are contiguous, a minimum of three (3) different front elevation designs shall be provided.

Section SRDS.3. Townhouse

(A) *Definition.* For the purposes of this section, a townhouse development shall be defined as three (3) or more attached single family dwelling units where each individual single family unit and land thereunder is owned in fee simple.

(B) *Site design criteria.* A townhouse development shall meet the following site design criteria:

(1) *Minimum lot size.* The lot upon which the group is located shall contain a minimum area of 7,500 square feet and shall provide an average of 2,000 square feet per dwelling unit, including driveways and areas held in common ownership.

(i) *Exception.* Within a Planned Unit Development (PUD) each lot upon which a building group is located shall provide a minimum area of 7,500 square feet on average.

(2) *Density.* The density is determined by the regulations governing the zoning district where the townhouse development is located.

(3) *Group limit.* A townhouse group shall be limited to a maximum of eight (8) dwelling units.

(i) A minimum of 25 percent of the townhouse group's front façade shall be set back an additional five (5) from the rest of the front façade.

(ii) Attached units may have a common wall or individual sidewalls no higher than the roofline separated by a distance of not more than one (1) inch or as determined reasonable by the Development Review Committee. If individual walls are used, the buildings shall have adequate flashing at the roofline.

(4) *Access.*

i. Access for a townhouse development may be via public rights-of-way or private access easements. Easements that provide access for all utilities and for use by owners within the group of townhouses shall be provided.

ii. Each townhouse dwelling unit shall have vehicular access a public right-of-way or private access easement.

iii. Townhouse developments that abut a dedicated alley are encouraged to provide access from the alley, and where none exists are encouraged to provide a dedicated alley.

(C) *Setback Requirements.*

(1) *Front setback.* The minimum front setback shall be 25 feet. A five (5) foot easement along the front property line of the group townhouse development shall be required if the fee simple lot of each unit does not directly abut a public right-of-way or access easement. This easement shall be provided along the front property line of the group development for use by the owners of the group units.

(2) *Street side setbacks.* A townhouse building abutting two (2) or more public rights-of-way or access easements shall provide a minimum street side setback of 20 feet. A five (5) foot easement along the street side property line of the group shall be required if the fee simple lot of each unit does not directly abut the public right-of-way or access easement.

(3) *Side setback.* The side setback shall be a minimum of ten (10) feet from the side property line of the townhouse development. A five (5) foot easement which extends from front to rear lot lines along a side lot line of the townhouse development not abutting a public right-of-way or access easement shall be required for use by owners within the development. An easement along the side property line of the townhouse development for use by the owners of the units shall be provided.

(4) *Rear setback.* The rear setback shall be a minimum of 20 feet from the rear property line. A five (5) foot easement along the rear property line of the townhouse group shall be required if the fee simple lots of each unit does not directly abut a public right-of-way or access easement. An easement along the rear property line of the development for use by the owners of the units within the development shall be provided.

(5) *Additional requirements.* When any portion of a townhouse abutting the side setback for the development site exceeds 22 feet in height, that portion of the structure shall be set back a minimum of an additional one (1) foot for each foot of height above 22 feet.

(6) *Reduced setback.* Townhouse developments that provide for parking or garage access at the rear of units may reduce the front and street side setback requirement to 15 feet subject to the following:

i. No individual garages may face the public right-of way except those townhouse developments located on a corner lot may have one (1) garage with an opening facing toward the right-of-way abutting each street side setback. The garage facing the right-of-way shall be subject to the following requirements:

a. Garages shall be set back an additional two (2) feet from the principal façade of the building; and

ii. Townhouse units may be accessed from one (1) two-way driveway or two (2) one-way driveways; and,

iii. Parking shall not be permitted between the townhouse buildings and any public right-of-way; and,

iv. The area between the townhouse building and the public right-of-way shall be landscaped in accordance with the requirements of [insert new chapter number].

(7) *Balconies.*

i. No balcony shall be less than six (6) feet in depth.

ii. A balcony, including a roof over it, may encroach a front or rear setback a maximum of ten (10) feet.

iv. A balcony, including a roof over it, may encroach a side setback a maximum of five (5) feet.

(D) *Glass requirement.* A minimum of 25 percent of the area of the front façade shall have transparent glass.

(E) *Entrance requirements.* Each dwelling unit facing a public right-of-way other than an alley must have, its own principal entrance, visible from and facing the right-of-way, and shall include the following:

(1) A roofed landing; and

(2) An architectural design and material similar to and integral with the principal structure; and,

(3) A minimum of four (4) linear feet shall be provided between principal entrances; and,

(4) The roofed landing may encroach into the front yard an additional three (3) feet; and,

(5) For individual dwelling units facing more than one (1) right-of-way, only one (1) entrance shall be required.

(F) *Minimum floor area.* Each individual dwelling unit shall have a minimum floor area of 750 square feet.

(G) *Height.* The maximum height shall not exceed 40 feet.

(H) *Fence and wall requirements.* Fences and walls shall be provided subject to the following:

(1) Seventy-five percent of all fencing or walls along the front yard of a townhouse development abutting a public right-of-way must be of see-through materials such as vertical bars or picket fence, and shall be subject to all other requirements of [insert new Walls & Fences reference].

(2) When parking is placed in the rear of the development site, a fence or wall shall be installed between the development site and any neighboring residential property abutting the development site subject to the requirements of [insert new Walls & Fences reference].

(I) *Garages.* Garages facing public rights-of-way and access easements other than an alley, shall be subject to the following requirements:

(1) Garages shall be limited to a width equivalent to a maximum of 50 percent of the width of the townhouse unit. The width shall be measured as the linear dimension of the garage that is visible from the street, such as the garage door; and

(2) Garages shall be set back an additional two (2) feet from the principal façade of the building.

(3) As a result of the garage being set back an additional two (2) feet, an area equivalent to the square footage of the recessed garage may be reallocated to the front façade of the building as additional square footage to the living area and may extend into the front yard up to three (3) feet into the setback.

(J) *Driveways.* Driveways facing the public rights-of-way or access easements shall be subject to the following criteria:

(1) These driveways shall have a minimum separation of eight (8) feet from the adjacent driveway within the same development for the entire length of the driveway.

(2) The separation of driveways can be reduced to a minimum of four (4) feet in width with the installation of structural soil or other mitigating alternative to allow space for root development of required trees, as reviewed and approved by the Development Review Committee.

(3) The area between the driveways must be a landscaped pervious area with a minimum of one (1) canopy tree appropriate for the planting space and continuous shrub planting.

(K) *Sidewalk requirements.* A townhouse development shall provide the following:

(1) A minimum five (5) foot wide sidewalk along each public right-of-way or access easement abutting the property along the full length of the property line. An alley is excluded from this requirement.

(2) A minimum three (3) foot wide sidewalk shall connect the front entrances with the sidewalk along the right-of-way or access easement unless an alternative pedestrian access to the sidewalk is approved by the Development Review Committee. The sidewalk shall be a minimum of two (2) feet from any driveway.

(3) *Street tree requirements.* Street trees shall be planted and maintained along the public right-of-way or access easement abutting the property to provide a canopy effect. The type of street trees may include shade, flowering and palm trees and shall be planted at a minimum height and size in accordance with the requirements of [insert new landscape code section]. The location, number, and minimum height of trees shall be determined by the Development Review Committee based on building and site design, separation distance, utility infrastructure and the proposed plan's compatibility to surrounding properties.

(L) *Maintenance agreement.* A townhouse development shall have a recorded maintenance agreement for the common areas and any guest parking.

(M) *Solid waste, yard waste, and recycling requirements.* Each townhouse dwelling unit shall have incorporated into the design a designated area to locate containers that meet the requirements of [insert solid waste Code section]. The size of the containers and alternatives to these requirements may be permitted subject to approval of the Development Review Committee.

(N) *Landscape area requirements.*

(1) Individual lots owned in fee simple within a townhouse development are exempt from providing landscape materials in the rear setback except for those areas subject to common easements.

(2) The entire rear setback on an individual lot within an area surrounded by a wall or fence may be covered with pervious pavers.

Section SRDS.4. Duplex/two (2) family dwellings.

(A) For the purposes of this section, a duplex shall include a building designed for and containing two (2) single family dwelling units entirely under one (1) roof that are completely separated from each other by one (1) dividing partition common to each unit and with each dwelling unit constructed on a separate lot. A two (2) family dwelling shall include a building constructed on a single lot that is designed for and contains two (2) single family dwelling units entirely under one (1) roof that are completely separated from each other by one (1) dividing partition common to each unit.

(B) *Lot requirements*. The minimum lot size for a duplex or two (2) family dwelling shall be 7,500 square feet.

(1) *Exception.* Within a Planned Unit Development (PUD) each lot upon which a building is located shall provide a minimum area of 7,500 square feet on average.

(C) *Density.* The density shall be regulated by the zoning district where it is located.

(D) *Setback and height requirements*.

(1) *Front setback*. Minimum of 25 feet.

(2) *Rear setback.* Minimum of 15 feet.

(3) *Side setbacks.*

i. For corner lots: Shall be minimum 15 feet from the side property line.

ii. Side setbacks abutting another duplex/two (2) family dwelling: Ten (10) feet.

iii. Side setback when abutting any other lot that is not a duplex/two (2) family dwelling: 15 feet.

(4) Additional setback requirements. When any portion of a duplex or two (2) family dwelling exceeds 22 feet in height, that portion of the structure which exceeds 22 feet in height shall be set back a minimum of an additional one (1) foot for each foot of height above 22 feet.

(5) *Height*. The maximum height a duplex or two (2) family dwelling shall not exceed 35 feet.

(6) Duplexes or two (2) family units that provide for parking or garage access that is soley at the rear of the units may reduce the front setback requirement to 15 feet and, where applicable, the street side setback to 10 feet subject to the following:

i. No individual garages may face the public right-of-way.

ii. Duplex or two (2) family dwellings may be accessed from one (1) two-way driveway or two (2) one-way driveways.

(E) *Design criteria.* A duplex or two (2) family dwelling shall meet the following site design criteria:

(1) Entrance requirements. Each dwelling unit facing a public right-of-way or private access easement must have its own principal entrance, visible from and facing the right-of-way or access easement, that:

i. Shall have a roofed landing; and

ii. Shall be of architectural design and material similar to and integral with the principal structure; and

iii. A minimum of four (4) linear feet shall be provided between principal entrances; and

iv The roofed landing may encroach into the front yard an additional three (3) feet from the building facade; and

v. For individual dwelling units facing more than one (1) right-of-way or access easement, only one (1) entrance will be required.

(2) *Access.*

i. Access for a duplex or two (2) family dwelling development may be via public rights-of-way or private access easements. Easements that provide access for all utilities and for use by owners within the group of townhouses shall be provided.

ii. Each duplex or two (2) family dwelling unit shall have vehicular access a public right-of-way or private access easement.

iii. Duplex or two (2) family dwelling developments that abut a dedicated alley are encouraged to provide access from the alley, and where none exists are encouraged to provide a dedicated alley.

(F) *Fence and wall requirements.*

(1) For new construction, 75 percent of all fencing or walls located within the front yard setback must be of see-through materials such as vertical bars or picket fence, and be subject to all other requirements of [insert new Walls & Fences reference].

i. When parking is placed in the rear of the development site, a wall or fence shall be installed between the development site and any neighboring residential property abutting the development site subject to the requirements of [insert new Walls & Fences reference].

(G) Garages facing a public right-of-way or access easement shall be subject to the following criteria:

(1) Garages shall be limited to a width equivalent to a maximum of 50 percent of the width of the duplex or two (2) family dwelling unit. The width shall be measured as the linear dimension of the garage that is visible from the street, such as the garage door; and

(2) Garages shall be set back an additional two (2) feet from the furthest projection of the building façade to the property line. An area equivalent to the square footage of the recessed garage may be reallocated to the front facade of the building as additional square footage to the living area and may extend into the front yard up to three (3) feet into the setback.

(F) Driveways facing a public right-of-way or access easement shall be subject to the following criteria:

(1) These driveways shall have a minimum separation of eight (8) feet from the adjacent driveway within the same development for the entire length of the driveway.

(2) The separation of driveways can be reduced to a minimum of four (4) feet in width with the required installation of structural soil or other mitigating alternative to allow room for root development of required trees, as reviewed and approved by Development Review Committee.

(3) The area between the driveways is to be a landscaped pervious area with a minimum of one (1) canopy tree appropriate for the planting space and continuous shrub planting.

(H) *Sidewalk requirements.* A duplex or two (2) family development shall provide the following:

(1) A minimum five (5) foot wide sidewalk along the full length of each public right-of-way or access easement excluding an alley.

(2) A minimum three (3) foot wide sidewalk shall connect the front entrances with the sidewalk along the right-of-way or access easement unless an alternative pedestrian access to the sidewalk is approved by the Development Review Committee.

(I) *Street tree requirements.* Street trees shall be planted and maintained along the public right-of-way or access easement abutting the property to provide a canopy effect. The type of street trees may include shade, flowering and palm trees and shall be planted at a minimum height and size in accordance with the requirements of [insert new landscape code section]. The location, number, and minimum height of trees shall be determined by the Development Review Committee based on building and site design, separation distance, utility infrastructure and the proposed plan's compatibility to surrounding properties.

(J) *Solid waste, yard waste, and recycling requirements.* Each townhouse dwelling unit shall have incorporated into the design a designated area to locate containers that meet the requirements of [insert solid waste Code section]. The size of the containers and alternatives to these requirements may be permitted subject to approval of the Development Review Committee.

Section SRDS.5. Single family dwelling: Zero-lot-line.

(A) *Definition.* A zero-lot-line dwelling is a single family detached unit which, instead of being centered on the lot, has one (1) side placed on one (1) of the side lot lines in order to provide for more open space on the other side of the lot.

(B) *Site design criteria*. A single family dwelling zero-lot-line, herein referred to as zero-lot-line development, shall meet the following design criteria:

(1) *Density*. The maximum number of dwelling units permitted per net acre shall be limited by the Future Land Use Plan Map classification where the zero-lot-line development is located.

(2) *Minimum lot size*. The minimum lot size for each dwelling shall be 4,500 gross square feet in area.

(i) *Exception.* Within a Planned Unit Development (PUD) the minimum lot size for each dwelling shall provide a minimum of 4,500 square gross street feet on average.

(3) *Minimum lot width.* The minimum lot width for each dwelling site shall be 45 feet for interior lots and 50 feet for corner lots.

(C) *Setbacks.*

(1) Front setback. Minimum of 25 feet.

(2) *Rear setback.* Minimum of 15 feet.

(3) *Side setbacks.*

i. For corner lots: Shall be minimum 15 feet from the side property line.

ii. Side setbacks abutting another zero-lot-line lot: Minimum side setback shall be zero (0) for one (1) side of the building, and ten (10) feet for the other side. In no instance shall a zero-lot-line dwelling be located closer than ten (10) feet from another building.

iii. Side setback when abutting a non-zero-lot-line lot: The minimum side setback shall be 10 feet.

(4) *Additional setback requirements.* When any portion of a zero-lot-line structure exceeds 22 feet in height, that portion of the structure which exceeds 22 feet in height shall be set back a minimum of an additional one (1) foot for each foot of height above 22 feet.

(D) *Height.* The maximum height of a zero-lot-line structure shall not exceed 35 feet.

(E) *Garages.* Vehicular access to all garages shall be from a street or driveway.

(1) *Size*. A fully enclosed garage of minimum ten (10) feet by 20 feet designed for parking at least one (1) automobile shall be required for each zero-lot-line dwelling. This garage space shall not count towards required parking.

(2) *Single car garages.* No more than 50 percent of the front facade of a single-story zero-lot-line dwelling shall be used for a garage.

(3) *Two (2) car garages.*

i. Only permitted on two (2) story zero-lot-line dwellings if the total area of garage door surfaces does not exceed 30 percent of the total front facade area, and if at least one (1) of the following design features is provided on the front façade: porch or balcony a minimum of 10 feet in depth, both of which may encroach the front setback by five (5) feet.

(F) *Zero side setback building wall requirements.* The elevation of the side wall of the zero-lot-line dwelling with a zero (0) side setback shall have the following requirements:

(1) Only clerestory windows or similar transparent openings with a sill height of at least six (6) feet, eight (8) inches above the interior finish floor of each story are permitted. Semi-opaque glass block windows are permitted at any height. The total area of window openings shall not exceed ten (10) percent of the surface area of the wall.

(2) Roof overhangs may encroach up to 18 inches over a common property line, if drainage is provided to prevent runoff onto adjacent property. Any gutter or downspout is to be located within this 18 inch dimension.

(3) An atrium or other recessed outdoor area may be permitted along the zero-lot-line building wall when an solid wall a minimum eight (8) feet in height is provided that entirely screens the outdoor area.

(4) An easement of four (4) feet shall be provided into the setback abutting the side of the structure on the lot line for use by the owner of the adjacent property for maintenance of the building.

(G) *Sidewalk requirements.* A zero lot line development shall provide the following:

(1) A minimum five (5) foot wide sidewalk along the full length of each public right-of-way or access easement, excluding an alley.

(2) A minimum three (3) foot wide sidewalk shall connect the front entrances with the sidewalk along the right-of-way or access easement unless an alternative pedestrian access to the sidewalk is approved by the Development Review Committee.

(H) *Street tree requirements.* Street trees shall be planted and maintained along the public right-of-way or access easement abutting the property to provide a canopy effect. The type of street trees may include shade, flowering and palm trees and shall be planted at a minimum height and size in accordance with the requirements of [insert new landscape code section]. The location, number, and minimum height of trees shall be determined by the Development Review Committee based on building and site design, separation distance, utility infrastructure and the proposed plan's compatibility to surrounding properties.

(I) *Design*. The design of adjacent single family dwelling zero-lot-line shall provide different front elevations in terms of roof-lines and entrance design. Where more than five (5) zero-lot-line dwellings are contiguous, a minimum of three (3) different front elevation designs shall be provided.

Section SRDS.6. Single family dwelling, attached: Cluster.

(A) For the purposes of this section, a cluster development shall include one (1) or more cluster buildings located on the same development site.

(B) A cluster building shall include a single residential structure containing three (3) or four (4) dwelling units.

(C) *Site design criteria.* A single family dwelling: cluster, herein referred to as cluster development, shall meet the following design criteria:

(1) *Lot requirements.* The minimum lot size for a cluster development shall be a minimum 100 feet in width and 100 feet in depth and 10,000 square feet in area.

(i) *Exception*. The average lot size for a cluster development within a Planned Unit Development (PUD) shall be a minimum of 100 feet in width and 100 feet in depth and 10,000 square feet in area.

(2) *Density.* The density is determined by the Future Land Use Plan Map classification where the cluster development is located.

(3) *Access to cluster developments shall meet the following requirements:*

i. Dwelling units within cluster buildings shall have access from a shared driveway or from individual driveways fronting an alley.

ii. Parking facilities and garages for cluster buildings with a facade facing a right-of-way or access easement, other than an alley, shall be provided in the side or rear of the cluster building.

iii. Each dwelling unit shall have vehicular access to right-of-way, access easement, or alley, or parking area serving the group. An easement for all utilities and for use by owners within the group shall be provided.

iv. Those cluster developments located on a corner lot may have one (1) garage with an opening facing toward the right-of-way or access easement abutting each street side yard. The garage facing the right-of-way or access easement shall be subject to the following requirements:

a. The garage shall be limited to a width equivalent to a maximum of 50 percent of the width of the dwelling unit. The width shall be measured as the linear dimension of the garage that is visible from the street, such as the garage door; and

b. The garage shall be set back an additional two (2) feet from the principal facade of the building or 18 feet from the property line, whichever is greater.

(D) *Setback requirements.* Setbacks shall be measured from the property lines of the development site, as established by the zoning district in which it is located, unless otherwise noted.

(1) *Front setback.* The front setback of a cluster building abutting a public right-of-way or access easement shall be a minimum of 15 feet. A five (5) foot easement along the front property line of the cluster building is required when a fee simple lot within the cluster development does not directly abut the public right-of way or access easement for use by the owners of the units.

(2) *Street side setback.* A cluster building abutting two (2) or more public rights-of-way or access easements shall provide a minimum street side setback of 15 feet. A five (5) foot easement shall be required along the corner property line of the cluster development when a fee simple lot within the cluster development does not directly abut the public right-of-way or access easement for use by the owners of the units.

(3) *Side setback*. The minimum side setback shall be a minimum of ten (10) feet. A five (5) foot easement shall be granted along the side property line of the cluster development for use by the owners of the dwelling units in that building.

(4) *Rear setback.* The minimum rear setback shall be 15 feet. A five (5) foot easement shall be provided along the rear property line of the cluster building for use by the owners of the dwelling units in that building.

(5) *Interior separations.* Buildings within the development shall be separated by a minimum of ten (10) feet from each other.

(6). *Additional setbacks.*

i. A minimum of 25 percent of the front facade shall be set back a minimum of an additional five (5) feet from the rest of the front facade.

ii. A minimum of 25 percent of the rear facade shall be set back a minimum of an additional five (5) feet from the rest of the rear facade.

iii. A minimum of 25 percent of an interior facade must be recessed at least two (2) feet.

iv. When any portion of a cluster building abutting the side yard for the development site exceeds 22 feet in height, that portion of the structure shall be set back an additional one (1) foot for each foot of height above 22 feet.

(E) *Design elements.*

(1) A cluster building shall be designed to provide a minimum of 25 percent of the area of the front facade in the form of transparent glass.

(F) *Entrance requirements.* Each dwelling unit facing a public right-of-way or access easement, other than an alley, must have its own principal entrance visible from and facing the right-of-way or access easement and shall include the following:

(1) A roofed concrete landing; and

(2) Have the same design and material similar to and integral with the principal structure; and

(3) A minimum of four (4) linear feet shall be provided between principal entrances; and

(4) The roofed landing may encroach into the front yard an additional three (3) feet; and

(5) For individual dwelling units facing more than one (1) right-of-way, only one (1) entrance will be required.

(G) *Minimum floor area.* Each individual dwelling unit shall have a minimum floor area of 750 square feet.

(H) *Height.* The maximum height shall not exceed 35 feet.

(I) *Fence and wall requirements.*

(1) Seventy-five percent of all fences or walls within the front yard setback must be of see through materials such as, but not limited to, vertical bars or picket fence.

(2) A six (6) foot wall or fence shall be installed between the development site and any neighboring residential property abutting the development.

(J) *Maintenance agreement.* A cluster development shall have a recorded maintenance agreement for all common areas and any required guest parking spaces.

(K) *Sidewalk requirements.* A cluster development shall provide the following:

a. A minimum five (5) foot wide sidewalk along each public street or access easement, excluding alleys, abutting the property along the full length of the front property line.

b. A minimum three (3) foot wide sidewalk shall connect the front entrances with the sidewalk along the right-of-way or access easement unless an alternative pedestrian access to the public sidewalk is approved by the department.

(L) *Street tree requirements.* Street trees shall be planted and maintained along the public right-of-way or access easement abutting the property to provide a canopy effect. The type of street trees may include

shade, flowering and palm trees and shall be planted at a minimum height and size in accordance with the requirements of [insert new landscape code location]. The location and number of trees shall be determined by the Development Review Committee based on height, bulk, shadow, mass and design of the structures on the site and the proposed dwelling's compatibility to surrounding properties.

(M) *Solid waste, yard waste, and recycling requirements.* Each cluster unit shall have incorporated into the design a designated area to locate containers that meet the requirements of [insert solid waste Code section]. The size of the containers and alternatives to these requirements may be permitted subject to approval of the Development Review Committee.

ARTICLE ASMB: PLACE OF ASSEMBLY

Section ASMB.1 – Legislative intent.

(A) The Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc to 2000cc-5, is a civil rights law that protects individuals and religious assemblies and institutions from discriminatory and unduly burdensome land use regulations.

(B) RLUIPA provides a number of important protections for the religious freedom of persons, places of worship, religious schools, and other religious assemblies and institutions.

(C) RLUIPA prohibits the implementation of any land use regulation that imposes a “substantial burden” on the religious exercise of a person or religious assembly or institution except where justified by a “compelling governmental interest” that the government pursues in the least restrictive way possible.

(D) The City seeks to assure that it remains in compliance with RLUIPA, with federal policy on this issue, and with the case law interpreting and applying RLUIPA.

Section ASMB.2 – Applicability; Development and Operational Standards.

(A) Applicability. If a use is interpreted to be a "place of assembly" use as defined by this Code, the requirements of this article shall prevail over any inconsistent provisions of the zoning or land development codes.

(B) Development and Operational Standards. Place of assembly, as defined by this Code, shall be subject to the following regulations:

(1) C, G, CC, B-1, B-2, B-2A, and B-3 zoning districts.

(i) Such use shall be intended to serve the surrounding neighborhood.

(ii) A safe and adequate pedestrian circulation system shall be provided.

(iii) Games of chance, including but not limited to bingo and other similar uses, shall only be an accessory use.

(2) CF-1, R-1, R-1A, R-1B, R-1C, R-1D, RVRP, and PUD zoning districts.

(i) Such use shall be located on a lot having at least 40,000 square feet and at least 200 feet of street frontage.

(ii) There shall be no residential uses on the site, except a rectory, parish house or similar individual dwelling.

(iii) Private academic schools, including childcare facilities may be permitted as an accessory use when located on the same plot as an existing place of assembly.

(iv) In addition to subsections (i-ii) listed above, places of assembly shall adhere to the following:

(a) The coverage of all roofed structures shall not 25 percent of the lot area.

(b) No building or roofed structure shall be located within 40 feet of any other residentially zoned property.

(c) No parking area shall be located within ten (10) feet of any lot line.

Section ASMB.3 RLUIPA Relief Procedures

(A) This section implements the policy of the city for addressing possible violations of RLUIPA identified during implementation of this Code, and related rules, policies, and procedures.

(1) Relief Request. A person, including a religious assembly or institution, may request relief under this section in writing by completing a RLUIPA Relief Request form, which is available from the city's Development Services Department (the "Department"). The form shall contain such questions and requests for information as are necessary for evaluating the relief requested.

(2) Hearing Officer Authorized; Public Hearing Required. The hearing officer or designee shall have the authority to consider and act on requests for RLUIPA relief submitted to the Department, after notice is posted as provided in subsection (8). A public hearing shall be held within 21 days of receipt by the city of the request for relief. During the public hearing, the hearing officer or designee shall solicit comment and information from the public to be taken under advisement.

(3) Written determination. The hearing officer shall issue a written determination no later than 45 days after the receipt by the city of the request for relief. The determination may:

(i) grant the relief requested,

(ii) grant a portion of the request and deny a portion of the request, or

(iii) deny the request, in accordance with federal law.

The determination may impose conditions upon the grant or partial grant of the request. Any determination denying the requested relief shall be in writing and shall state the reasons the relief was denied. All determinations shall advise the requesting party that the determination may be appealed immediately to a court of competent jurisdiction upon the filing of an appropriate pleading. The written determination shall be sent to the requesting party by certified mail, return receipt requested.

(4) Request for additional information. If necessary prior to issuing a written determination, the hearing officer or designee may request additional information from the requesting party,

specifying in sufficient detail what information is required. The requesting party shall have 15 days after the date the information is requested to provide the needed information.

In the event a request for additional information is made to the requesting party by the hearing officer or designee, the 30 day period to issue a written determination shall no longer be applicable, and the hearing officer, or designee, shall issue a written determination within 30 days after receipt of the additional information from the requesting party.

If the requesting party fails to respond to the requested additional information within 15 days after the hearing officer's or designee's request for additional information, the hearing officer, or designee, shall issue a written notice advising the requesting party failed to timely submit the additional information and the request for relief shall be deemed abandoned and/or withdrawn and no further action by the city with regard to said reasonable relief request shall be required.

(5) Determination of Relief. In determining whether the RLUIPA relief request shall be granted or denied, the requesting party shall be required to establish:

(i) The requesting party is a claimant under RLUIPA; and

(ii) The city has imposed a substantial burden on the religious exercise of the requesting party, whether a person, religious assembly or instruction, and the burden is not a result of the city furthering a compelling governmental interest and is not the least restrictive means of furthering that compelling governmental interest; or

(iii) The city has imposed or implemented a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

(6) Appeal. In the event a RLUIPA relief request is denied, made subject to conditions, or a decision is not rendered in accordance with the time requirements of this article, the requesting party may immediately seek judicial review before a court of competent jurisdiction upon the filing of an appropriate pleading.

(7) No fee shall be imposed by the city in connection with a request for RLUIPA relief under this section. The city shall have no obligation to pay a requesting party's or an appealing party's attorney fees or costs in connection with the request for an appeal.

(8) While an application for RLUIPA relief is pending before the city, the city will not enforce the subject zoning ordinance, rules, policies, and procedures against the requesting party.

(9) The city shall display a notice in the city's public notice bulletin board and shall maintain copies available for review in the Department, the Building Department, and the city clerk's Office, advising the public that a request for relief under RLUIPA has been filed. The date and time of the applicable public hearing shall be included in the notice.

ARTICLE SR: SUPPLEMENTAL REGULATIONS

Section SR.1. Purpose, Intent, and Applicability.

(A) *Purpose.* The purpose of this article is to provide supplement regulations for permitted uses.

(B) *Intent.* The intent is to provide standards in as simple and user-friendly manner as possible but still able to achieve development regulation.

(C) *Applicability*. These standards are applicable to all permitted uses in which these supplemental regulations have been assigned.

Section SR.2. Vending machine (outdoor).

(A) Vending machine (outdoor), permitted as an accessory use to a permitted use is subject to the following limitations:

(1) Only one (1) vending machine shall be permitted outdoors per building; and

(2) All vending machines must be located on a paved surface; and

(3) No vending machine shall obstruct any pedestrian means of travel nor reduce any walkway to less than four (4) feet in width, nor shall any vending machine be permitted within any parking space, drive aisle, or alley; and

(4) All products offered for sale shall be completely enclosed within an approved vending machine and packaged for individual retail sale; and

(5) The content of vending machines shall be limited to products that are naturally and customarily associated with the type of business utilizing the vending machine; and

(6) No tobacco, vaporizers, synthetic nicotine substances or alcohol products shall be permitted to be sold from a vending machine; and

(7) Only the product or service offered via the vending machine shall be permitted to be advertised on the vending machine; and

(8) The maximum size of an outdoor vending machine shall be 30 square feet in area, and no taller than six and one-half (6½) feet in height.

(9) All outdoor vending machines must be permitted by the Margate Building Department prior to installation. All outdoor vending machines must be plugged directly in to a power source.

(10) Prior to issuing a permit for an outdoor vending machine, a letter of authorization from the property owner must be submitted with the permit application.

Section SR.3. Walkway Cafes.

Walkway cafes are permitted as an accessory use to a restaurant or other food service establishment and subject to the following requirements and limitations:

(A) Application requirements.

(1) Walkway cafe application form.

(2) Photographs, drawings, or manufacturers' brochures describing the appearance of all proposed tables, chairs, umbrellas, or other objects related to the walkway cafe;

(3) Hold Harmless Agreement. A signed statement that the applicant shall hold harmless the City, its officers, and employees and shall indemnify the City, its officers, and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit.

(4) A copy of public liability insurance, food products liability insurance, and property damage insurance from all claims and damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than $1,000,000.00 for bodily injury, and property damage respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insured the City, its officers and employees.

(5) For walkway cafe applicants that serve alcoholic beverages, liquor liability insurance in the amount of $1,000,000.00 per occurrence for bodily injury and property damage is required. The applicant shall furnish and maintain such public liability, liquor products liability, and property damage insurance from all claims and damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insured, the City, its officers and employees. Such insurance will be primary to any insurance or self-insurance whether collectible or not which may be available to the City, its officers or employees;

(6) All of the policies of insurance so required to be purchased and maintained shall contain a provision or endorsement that the coverage afforded shall not be canceled, materially changed or renewal refused until at least 30 calendar days' written notice has been given to the City by certified mail.

(7) The required insurance coverage shall be issued by an insurance company duly authorized and licensed to do business in the State of Florida with the following minimum qualifications in accordance with the latest edition of A.M. Best's Insurance Guide: Financial Stability: B+ to A+;

(B) Use standards. The following use standards shall be adhered to in reviewing the application:

(1) The walkway cafe dining area shall be located adjacent to the primary business, with a minimum four (4) foot clear pedestrian passage provided throughout that shall be measured and maintained when chairs and tables are occupied.

(2) The walkway cafe seating area shall not interfere with the circulation of pedestrian and/or vehicular traffic, and shall be defined with an appropriate barrier. If fence material is used it shall be no more than three (3) feet in height and 75 percent see-through visibility notwithstanding the regulations for walls and fences of this Code;

(3) Tables, chairs, umbrellas, and any other objects associated with the walkway cafe shall be safe and convenient for users and passers-by. The design, materials and colors of

such objects must be compatible with Section 40.5—Exterior building or structural color of the property maintenance standards of the Margate Zoning Code.

(4) Walkway cafes under 1,000 square feet require no additional parking;

(5) Walkway cafes over 1,000 square feet shall be required to provide parking.

(6) Cooking facilities are prohibited on the sidewalk with the exception of those temporary mobile facilities that are used in the finishing of meals that were substantially prepared inside the building. All cooking facilities permitted under this subsection shall be removed immediately when not in use;

(7) Audio/visual devices (televisions), are permitted in the walkway cafe dining area;

(8) Speakers are permitted that play the same music that would be played inside the dining establishment, as long as such music is not audible in the public right-of-way. Public address systems are prohibited;

(9) Awning signs meeting the specifications provided in Section 39.6 of this Code are permitted. Logos up to four square feet are permitted on umbrellas;

(10) The hours of operation for the walkway cafe shall be no greater than that of the principal restaurant;

(11) Upon the issuance of any advisory for potentially hazardous weather events, all outdoor furniture shall be removed from the walkway cafe dining area;

(12) The sidewalk area and all tables, chairs, umbrellas and any other objects associated with the walkway cafe must be kept in a clean, orderly and safe condition, and the area shall be cleared of all debris throughout the day and at the close of business.

(13) All tableware must be immediately removed at the close of business;

(14) No tables, chairs, umbrellas, nor any other part of a walkway cafe shall be attached, chained or in any manner affixed to any tree, post, sign, or other fixtures, curb, or sidewalk within or near the permitted area.

(C) Temporary suspension.

(1) The City may require the temporary removal of walkway cafes when street, sidewalk, or utility repairs necessitate such action.

(2) The City may immediately remove or relocate all or parts of any walkway cafe in emergency situations; and

(3) The City, its officers, and employees shall not be responsible for any walkway cafe components relocated during emergencies;

(D) Denial, revocation or suspension of permit. The City may deny, revoke or suspend a permit for any walkway cafe if it is found that:

(1) Any necessary business or health permit has been suspended, revoked or canceled;

(2) The permit holder does not have insurance which is correct and effective in the minimum amount described in this chapter;

(3) Changing conditions of pedestrian or vehicular traffic cause congestion that necessitates the removal of a walkway cafe. Such decisions shall be based upon findings of the City Manager or his/her designee that the minimum four (4) foot pedestrian path provided is insufficient under existing circumstances and represents a danger to the health, safety or general welfare of pedestrians or vehicular traffic; and/or

(4) The permit holder has failed to correct violations of this chapter or conditions of his permit within seven days of receipt of a City notice of same.

(5) Tables, chairs and other vestiges of the walkway cafe may be removed by the City, and a reasonable fee charged for labor, transportation and storage, should the permit holder fail to remove said items within 36 hours of receipt of the City's final notice to do so for any reason provided under this chapter.

(6) A revocation or suspension of a permit shall be authorized only upon seven (7) days' notice to the permit holder at the address listed on said permit. During said time, the permit holder may offer any documents or any other evidence why the permit should not be revoked.

(7) Upon denial or revocation, the City shall give notice of such action to the applicant or the permit holder in writing stating the action taken and the reason thereof. If the action of the City is based on subsections (a)(2) or (3) of this section, the action shall be effective upon giving such notice to permit holder. Otherwise, such notice shall become effective within seven days unless appealed to the City Commission within five (5) days' notice of the decision of the City Manager or his/her designee.

ARTICLE SCH: Public or private elementary, middle, or high school.

Section SCH.1. Use standards.

The following use standards shall be adhered to in reviewing the application.

(A) No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, subject to the standards below:

(1) Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways. Access to schools shall not be from roadways classified by Broward County Metropolitan Organization's Broward County Highway Functional Classifications map as arterial roadways.

(2) School must be located in freestanding single use structure(s), located on a parcel no smaller than the minimum size required by the School Board of Broward County for public schools. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C) as may be amended from time to time.

(3) School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.

(B) In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Development Services Department at least nine months before the start of the school year. This time requirement cannot be waived or reduced.

CGA Update – 9-7-2023

ARTICLE XXXII. STREET RIGHTS-OF-WAY

Section 32.1. Base building lines established.

(A) For the purpose of promoting a healthy and orderly growth for the City of Margate, to preserve the present street right-of-way lines and to provide protection from fire, floods, hurricanes, or any other catastrophe, access for fire-fighting equipment, free flow traffic and to promote increased safety and general welfare, base building lines are hereby established from which all required front and street side yards and setbacks are to be measured and determined.

(B) The base building lines shall be located as specified for each of the following enumerated streets. ~~And for~~ For all other streets in the City of Margate, the base building lines shall be located ~~twenty-five~~ (25) feet from the center line of said street right-of-way. ~~except that where~~ Where the existing street right-of-way lines, other than those listed below, provide a right-of-way equal to or greater than ~~fifty~~ (50) feet, ~~such~~ the existing right-of-way lines shall constitute and be the base building line from which all required front or street side ~~yards~~ setbacks are to be measured.

	Street	Distance in Feet From Centerline to Side Right-of-Way Line
(1)	Margate Boulevard	50 feet
(2)	Royal Palm Boulevard	85 feet
(3)	Winfield Boulevard	35 feet
(4)	~~Lyons~~ West Atlantic Boulevard	35 feet
(5)	Southgate Boulevard	40 feet

(Ord. No. 1500.00, § 4.1, 10-25-1967)

Section 32.2. Right-of-way use.

(A) All street rights-of-way shall contain sidewalks, parkways, paved street with curb and gutters, sanitary sewers, underground storm drains, water mains, fire hydrants, street lights and/or any other necessary utilities.

(B) All utility service stubs must be installed and extended not less than one (1) foot beyond the right-of-way side lines prior to street paving.

(Ord. No. 1500.00, § 4.2, 10-25-1967)

Section 32.3. Street paving [standards; improvements performance bonds; permits required.]

(A) ~~[~~*Street paving standards generally.*~~]~~ The below enumerated items shall conform to the requirements of the latest edition of the Florida Department of Transportation's Standard Specifications for Road and Bridge Construction and supplements.

(1) Earthwork.

(2) Clearing and grubbing.

(3) Preparation of roadbed.

(4) Rock base.

(5) Finishing rock base.

(6) Priming.

(7) Base course materials.

(8) Surface treatment—Asphaltic concrete.

(9) Concrete curb and gutters.

(10) Underground storm drains.

(11) Pavement markings and traffic signs.

(B) *Minimum ~~[~~pavement~~]~~ widths.* All street pavements shall be designed and paved according to Department of Environmental and Engineering Services standards not less than ~~twenty-four (~~24~~)~~ feet ~~and, in addition, shall have a two-foot curb and gutter integral and paralleling each side of pavement, if required~~.

(C) *Performance bonds.* It shall be necessary for any person, developer, owner or owners to furnish to the City of Margate a good and sufficient performance bond for all of the required street pavement, sidewalks and drainage facilities to be constructed within dedicated or proposed rights-of-way. Said bond shall also secure proper installation of water and sewer lines in accordance with approved specifications and plans. The required performance bond shall be calculated at ~~one-hundred-twenty-five (~~125~~) per cent~~ percent of the construction costs of the above-required facilities.

Said bond shall be furnished by a surety company of recognized standing, authorized to do business in the State of Florida and having a resident agent in Broward County. Provided, however, that the subdivider, owner or owners may, at his or their option, furnish cash or government bond security in the same amount. The subdivider may also submit an irrevocable letter of credit to the ~~city~~ City in place of the preceding forms of security. All irrevocable letters of credit shall be such as are acceptable at a reasonable prudent lending institution and shall be acceptable only with the approval of either the ~~city manager~~ City Manager or ~~his~~ their designee.

All improvements shall be completed within a period not to exceed ~~eighteen (~~18~~)~~ months. However, the ~~city~~ City may extend the time of completion based upon a showing of good cause.

The subdivider, owner or owners shall be responsible for the paving and other improvements mentioned above until said work is accepted by the ~~city~~ City and the bond released.

Minimum standards and permits for the excavation and construction of all canals, ditches and swales as provided for herein shall be adopted by separate ordinance, which separate ordinance shall be construed in conjunction with this section.

The performance bond required hereby shall not be released until, in addition to compliance with all of the requirements of the subdivision and platting regulations and ordinances of the ~~city~~ City, all street lights and street markers are in place within the subdivision.

(D) *Permits required.* A permit is required for all construction in the public rights-of-way, or proposed rights-of-way under City of Margate jurisdiction. Such permits shall only be issued by the engineering department with the exception of residential driveways for single family attached or detached homes which are permitted by the Building Code Services Division.

The rights-of-way under City of Margate jurisdiction are those lands dedicated, deeded, used or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress or egress or other purpose by the public.

The proposed rights-of-way are those lands to be developed prior to dedications and platting and upon completion to be dedicated to the public.

No permit will be issued for work in any right-of-way or proposed right-of-way until the required fees have been paid, and all required performance and maintenance bonds have been posted.

The inspection fee shall be equal to the sum of five and one-half (~~5.5~~ 5 ½) ~~per cent~~ percent of the construction costs as required by subparagraph (A) above, or when the actual contractual cost or engineer's estimate for a project is in excess of ~~one million dollars (~~$1,000,000.00~~)~~, the fees shall be the actual cost of engineering services as determined by the city engineer. The five and one-half (~~5.5~~ 5 ½) ~~per cent~~ percent fee shall cover the administrative and engineering costs for the inspection of streets, paving, drainage facilities and all other improvements required to be constructed by the developer, subdivider or owner. As an alternative to the payment of five and one-half (~~5.5~~ 5 ½) ~~per cent~~ percent of the performance bond at the time of filing a plat, a separate performance bond as provided in subparagraph (C) above may be submitted to the ~~city~~ City to guarantee inspection fees. Said bond shall be submitted at the time of plat approval. Twenty-five (25) ~~per cent~~ percent of the fee shall be paid ~~thirty (~~30~~)~~ calendar days prior to construction, ~~twenty-five (~~25~~) per cent~~ percent of the inspection fees shall be paid within ~~sixty (~~60~~)~~ calendar days of the initial payment, and the balance (or final ~~fifty (~~50~~) per cent~~ percent) of all inspection fees shall be paid at such time as the city engineer determines that ~~fifty (~~50~~) per cent~~ percent of the total project is completed.

(Ord. No. 1500.00, § 4.3, 10-25-1967; Ord. No. 1500.28, § 1, 12-10-1969; Ord. No. 1500.41, §§ 1—3, 6-24-1970; Ord. No. 1500.72, § 1, 7-19-1972; Ord. No. 1500.89, § 1, 5-23-1973; Ord. No. 75-21, § 1, 10-1-1975; Ord. No. 1500.116, § 8, 7-21-1976; Ord. No. 78-4, § 1, 2-1-1978; Ord. No. 78-12, § 11, 6-21-1978; Ord. No. 1500.258, § 1, 6-6-1984; Ord. No. 1500.303, § 1, 7-2-1986; Ord. No. 1500.320, § 1, 5-6-1987; Ord. No. 1500.408, § 1, 3-7-1990)

Cross reference(s)—Subdivision requirements generally, § 31-1 et seq.; streets generally, Ch. 35; drainage, Ch. 11; fire hydrants, Ch. 14, § 39-4 et seq.; installation of water mains in platted areas, § 39-1 et seq.; sewer construction, § 39-39 et seq.

Section 32.4. Sidewalks.

All sidewalks shall be constructed of ~~two thousand five hundred (~~2,500~~)~~ psi concrete not less than five (5) feet in width for public dedicated rights-of-way and four (4) feet for private rights-of-way, or as specified in each TOC district, and having a thickness of not less than four (4) inches, provided, however, that all sidewalks crossing a vehicular driveway shall have a thickness of not less than six (6) inches.

(1) *Location.* All sidewalks shall be parallel to and extend not less than five (5) feet from the ~~street~~ outer limits of the right-of-way ~~side line~~ into the street right-of-way and parallel to street curbing and pavement.

(2) *Rough grading.*

(a) *Clearing.* Scarify the area where vegetation occurs to a minimum depth of six (6) inches until all vegetation and other unsuitable materials are loosened and removed from the site.

(b) *Grade.* To proper elevation for specified minimum thickness of all sidewalks.

(c) *Additional fill.* If required shall be clean foundation sand mechanically compacted to achieve a solid grade.

(3) *Installation of wheelchair ramps.* Wheelchair ramps shall be installed for any new construction of sidewalks and for any repair of sidewalks involving ~~twenty-five (~~25~~)~~ feet or more of pavement adjacent to a corner or pedestrian crossing.

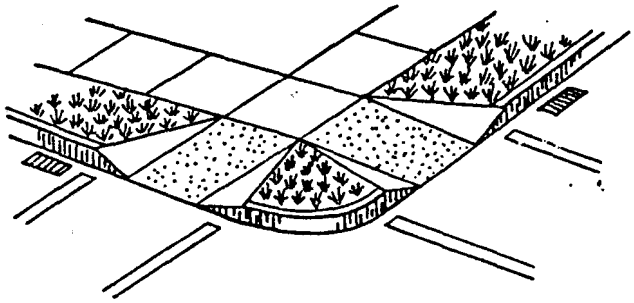
(a) Wheelchair ramps shall be provided at all intersections where curbs and sidewalks are constructed in order to give handicapped persons and persons in wheelchairs safe access to street crossings. (See Exhibit~~s~~ "A"~~.~~ ~~and "B."~~)

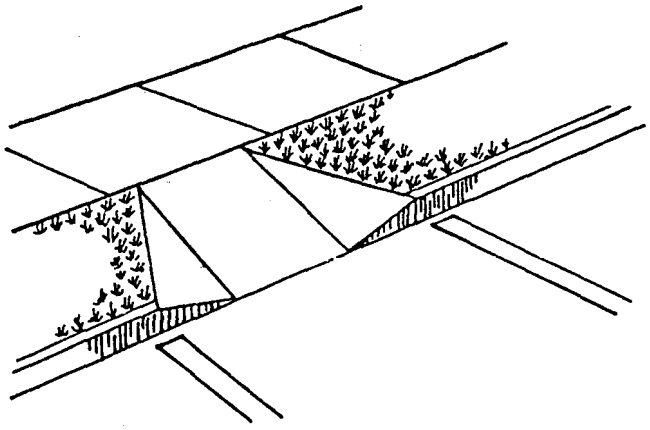
(b) Wheelchair ramps shall be constructed to be in substantial conformance with the Americans with Disabilities Act (ADA Handicapped Code) and the Uniform Federal Accessibility Standards published by the General Services Administration, Department of Housing and Urban Development, Department of Defense, and the United States Postal Service.

(4) Installation of pedestrian refuges. Pedestrian refuges shall be installed on all rights-of-way that contain a center median. Such refuges shall be a minimum of four (4) feet in width. ~~(See Exhibit "C.")~~

(Ord. No. 1500.00, § 4.4, 10-25-1967; Ord. No. 1500.199, § 1, 11-19-1980; Ord. No. 1500.420, § 1, 5-20-1992; Ord. No. 1500-546, § 9, 10-15-2008)

EXHIBIT "A"





Section 32.5. Reserved.

Editor's note(s)—Ord. No. 75-32, § 3, adopted Dec. 3, 1975, repealed paragraph (A) of § 32.5 and redesignated paragraph (B) as a new section of Ch. 14. Said former § 32.5 had pertained to fire hydrants and had been derived from Ord. No. 1500.00, § 4.5, 10-25-1967.

ARTICLE XXXIII. OFF-STREET PARKING AND LOADING

Section 33.1. Off-street parking required.

(A) Every building, use or structure, instituted or erected after the effective date of this ordinance shall be provided with off-street parking facilities in accordance with the provisions of this article for the use of occupants, employees, visitors or patrons.

(B) Such off-street parking facilities shall be maintained and continued as an accessory use as long as the main use is continued.

(C) Where a building existed at the effective date of this ordinance such building may be modernized, altered or repaired, provided there is no increase in floor area or capacity and there is no change of ~~occupancy~~ use, without providing additional off-street parking facilities.

(D) Where a building or use, which existed at the effective date of this ordinance, is enlarged in floor area, volume, capacity, or space occupied, off-street parking facilities as specified herein shall be provided for the additional floor area, volume, capacity or space so created or occupied.

(E) It shall be unlawful for an owner or operator of any building, structure or use affected by this article to discontinue, change or dispense with, or to cause the discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this article. It shall be unlawful for any person, firm, or corporation to utilize such building, structure or use without providing the off-street parking facilities to meet the requirements of and be in compliance with this article.

(F) Areas where parking is permitted.

(a) Vehicles may only be parked in parking spaces meeting the design standards of this Code. Parking in drive aisles and loading zones is prohibited.

(b) Exception. Single-family and two-family dwellings

~~It shall be unlawful for an owner or operator of any building, structure or use, other than of residential use, to permit or allow the parking of motor vehicles on any area that is not specifically designated and approved for parking by the City of Margate for such purpose.~~

(G) The off-street parking facilities required under this article shall be located on the same ~~plot~~ lot or parcel of land such facilities are intended to serve, or upon an additional ~~plot~~ lot of land, the nearest property line of which is located within ~~four hundred (~~400~~)~~ feet, airline measurement, of the nearest property line of the premises it is intended to serve. All off-street parking facilities required under this Article shall be located on property whereon such off-street parking use is a permissible use and shall be designed, developed and maintained in accordance with all applicable provisions of this Code ~~Ordinance No. 1500.00, as amended, or unless specified otherwise in articles VII, VIII and IX for the TOC districts~~ Corridor, Gateway, and City Center Districts.

All off-street parking facilities required under this article that are to be provided upon an additional ~~plot~~ lot of land as hereinbefore provided, shall be permitted through the Engineering Department, and requires that the owner of such additional ~~plot~~ lot of land to be used for off-street parking facilities and the owner of the land intended to be served by such off-street parking facilities enter into a written agreement with the City whereby the land providing the additional parking area shall never be sold or disposed of except in conjunction with the sale of the building or the use which the additional area serves, so long as such parking facilities are required, and said agreement shall be approved by the City Attorney and recorded in the public records of Broward County, Florida, at the expense of the owner, and shall be considered to be a restriction running with the land and shall bind the heirs, successors and assigns of the said owner; provided, that another additional ~~plot~~ lot or ~~plots~~ lots complying with the provisions of the zoning ordinance and subject to a recorded agreement as above specified may be substituted for the additional ~~plot~~ lot of land. Said written agreement may be voided by the City Commission if other provisions are made for off-street parking facilities pursuant to this article. In the case of a new or substitute agreement for the use of a ~~plot~~ lot of additional land to meet off-street parking requirements, the original or preceding agreement shall be voided by the execution and recording of the new agreement.

(H) Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operations.

(I) In the case of a building occupied by a use which is not permitted as a new use in the district in which such building is located, where major repairs, substantial alterations, or extensions of the use are to be made, no such major repairs, substantial alterations or extensions of use shall be permitted unless and until the off-street parking requirements of this article, for a new use of the type involved, are applied to such existing use and are fully provided for.

(Ord. No. 1500.27, § 1, 11-12-1969; Ord. No. 1500.442, § 2, 6-15-1994; Ord. No. 1500-469, § 1, 3-22-2000; Ord. No. 2020-1500.650, § 2, 1-29-2020)

Back-out parking. Means a parking lot design which forces vehicles to use a public right-of-way to move in to and out of a parking stall, is prohibited except for where single-family and duplex structures are permitted. Back-out parking facilities are prohibited in all other zoning districts.

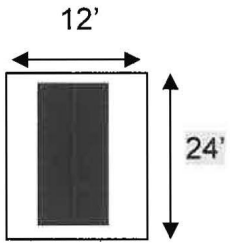
Section 33.2. Parking design standards.

(A) Single-family and duplex residential development:

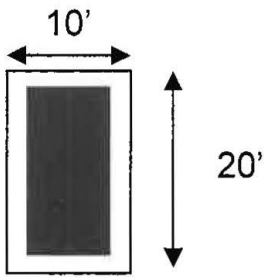
(1) The following minimum requirements shall apply to all single-family dwellings and duplex dwellings. The following minimum requirements shall also apply to any fee-simple townhouse or villa developments which provide off-street parking in the form of driveways, carports, and/or garages when the parking facilities are not located in common area, under the same ownership as the individual unit, and contiguous to or within said unit that the facilities were built to serve:

(a) In order for parking facilities to count toward minimum required parking, said facilities must meet the minimum dimensions as described below.

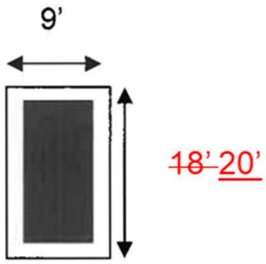
(b) A garage shall have minimum interior dimensions of ~~twenty-four (~~24~~)~~ 20 feet deep and ~~twelve (~~12~~)~~ feet wide, with a minimum vertical clearance of eight (8) feet. This space shall not be occupied by fixtures such as cabinets, water heaters, laundry appliances, etc.



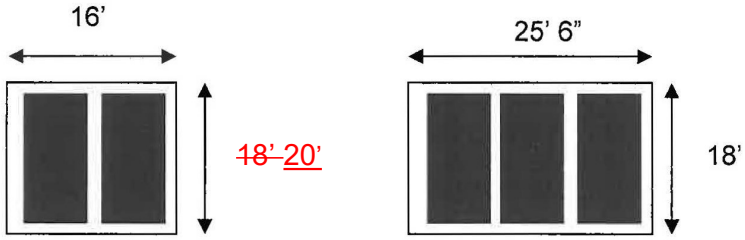
(c) A carport shall have a minimum dimension of ~~twenty (~~20~~)~~ feet deep and ten (10) feet wide, per vehicle, with a minimum vertical clearance of eight (8) feet. This space shall be exclusive of vertical supports and shall not be occupied by storage, equipment, or inoperable vehicles.



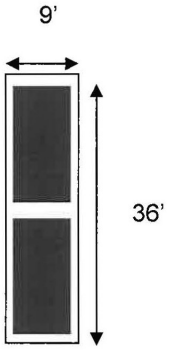
(d) A single-width driveway shall be a minimum ~~eighteen (18)~~ 20 feet deep and nine (9) feet wide for a single vehicle.



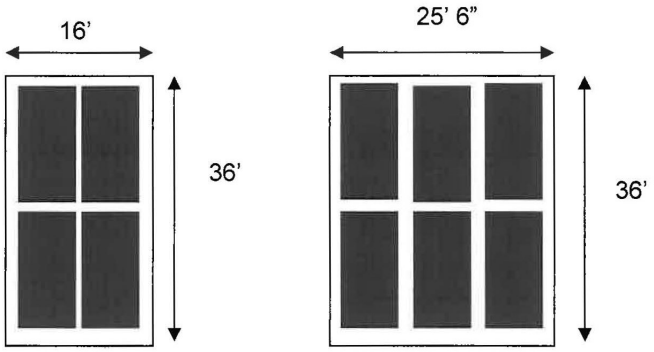
(e) For a driveway where cars are parked side-by-side, the driveway shall be a minimum ~~eighteen (18)~~ 20 feet deep and eight (8) feet wide for each vehicle when two (2) cars are parked side-by-side. If the driveway is widened to accommodate more than two (2) vehicles side-by side, the minimum width for each vehicle shall be eight (8) feet six (6) inches.



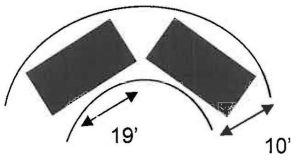
(f) For a single-width driveway where cars are parked in tandem (front-to-back), the driveway shall be a minimum ~~eighteen (18)~~ 20 feet deep and nine (9) feet wide for each vehicle.



(g) For a driveway where cars are parked both side-by-side and in tandem, the driveway shall be a minimum ~~eighteen (18)~~ 20 feet deep for each vehicle. The minimum width for two (2) side-by-side spaces shall be eight (8) feet for each vehicle. The minimum width for more than two (2) side-by-side spaces shall be eight feet six inches (8' 6") for each vehicle.



(h) Where a driveway is curved for circular or turn-in designs, the quantity of parking spaces provided shall be calculated based on a minimum space that is nineteen (19) feet deep by ten (10) feet wide per vehicle, tangent to the arch of the curved portion.



(i) Fractional measurements do not count toward minimum required parking.

(j) Driveways shall not exceed the size limitations provided in Section 23-6 of this Code.

(B) Multi-family and non-residential development:

(1) Each parking space required and provided, pursuant to the provisions of this Article, shall be accessible to a street or alley via paved aisle or driveway and shall not be of lesser dimensions than specified in Table P, "Off-Street Parking Standards," provided, however, any fee-simple townhouse or villa developments which provide off-street parking in the form of driveways, carports, and/or garages when the parking facilities are not located in common area, under the same ownership as the individual unit, and contiguous to or within said unit that the facilities were built to serve shall be subject to the design standards of Paragraph A of this section. Driveways leading to parking areas shall not be less than three (3) feet from any building or structure, not less than five (5) feet from any property line, and not less than ten (10) feet from any public street right-of-way. The areas of separation for the driveway shall be landscaped and protected from vehicular encroachment.

For building sites three (3) acres or more in area or 300 feet or more in depth located on an arterial or urban collector street, parking aisles shall not intersect any access driveway within 60 feet of the right-of-way line of such trafficway or major thoroughfare. For all other building sites, regardless of location, such distance shall be at least 25 feet.

(2) ~~The use of wheel stops shall be required for each parking stall directly abutting a walkway that is less than seven (7) feet wide and is not elevated at least six (6) inches higher than the abutting parking space(s), and when any parking space is directly abutting an outdoor seating area, walkway café, wall, or any utility infrastructure located above ground. In lieu of wheelstops, bollards meeting minimum requirements provided by the Department of Environmental and Engineering Services may be utilized in the above-described locations. Protective curbing shall be required for parking stalls directly abutting a landscaped area.~~

Vehicle barriers. Vehicle barriers adjacent to parking spaces are required as follows:

(a) When a parking space abuts sidewalks, outdoor seating areas, walkway café's, walls of a structure, or utility infrastructure bollards meeting the minimum requirements provided by the Department of Environmental Engineering Services shall be provided.

(b) When a parking space abuts a landscape area protective curbing shall be provided.

(c) Exceptions. Bollards do not have to be provided in the following situation

(i) When parking spaces are abutting sidewalks at least seven (7) feet wide elevated at least six (6) inches.

(d) Wheel stops may be removed from existing parking spaces if in compliance with the above requirements.

(3) All interlocking ninety-degree parking stalls shall be separated by a curbed landscape median no less than seven (7) feet in width. Parking stalls of less than ~~ninety (~~90~~)~~ degrees shall be separated by a curbed median with an average width of seven (7) feet. This requirement shall only apply to new developments and redevelopments within the City. ~~Parking lots existing before the effective date of this subsection shall, at a minimum, utilize wheelstops in all interlocking parking stalls.~~

(4) No parking stall shall be less than nine (9) feet in width and ~~eighteen (~~18~~)~~ feet in length, except that parallel parking stalls shall be no less than nine (9) feet in width and ~~twenty-two (~~22~~)~~ feet in length. Any parking stall abutting a curbed landscape area no less than seven (7) feet in width may reduce stall length by two (2) feet.

(5) No off-street parking area drive-aisle shall be less than twenty-two (22) feet in width for two-way traffic. The following standards shall apply to one-way drive aisles in parking areas:

(a) One-way drive-aisles for thirty-degree angled parking and parallel parking shall be no less than ~~twelve (~~12~~)~~ feet in width.

(b) One-way drive aisles for ~~forty-five~~ 45-degree angled parking shall be no less than ~~thirteen (~~13~~)~~ feet in width.

(c) One-way drive aisles for ~~fifty-two-and-one-half~~ 52 ½ degree angled parking shall be no less than ~~fifteen (~~15~~)~~ feet in width.

(d) One-way drive aisles for ~~sixty~~60-degree parking shall be no less than ~~seventeen (~~17~~)~~ feet in width.

(e) One-way drive aisles for ~~ninety~~90-degree parking shall be no less than ~~twenty-two (~~22~~)~~ feet in width.

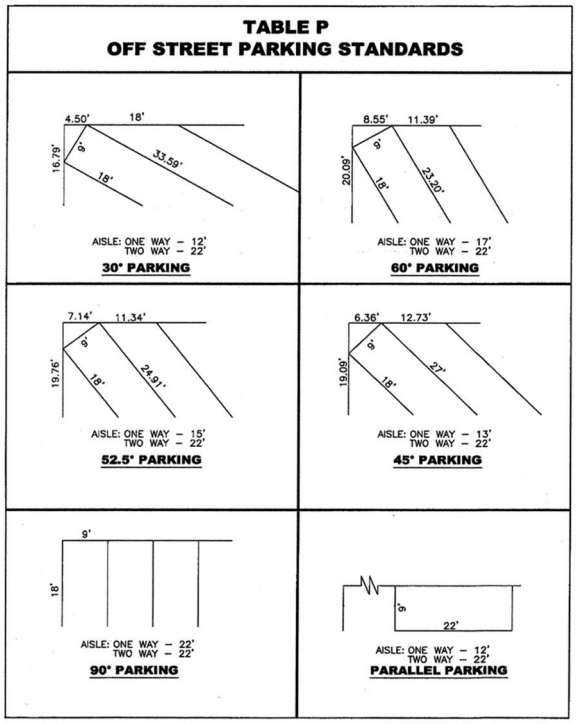


TABLE P
OFF STREET PARKING STANDARDS
4.50'
18'
16.79'
9'
33.59'
18'
AISLE: ONE WAY – 12'
TWO WAY – 22'
30° PARKING
8.55'
11.39'
20.09'
9'
18'
23.20'
AISLE: ONE WAY – 17'
TWO WAY – 22'
60° PARKING
7.14'
11.34'
19.76'
9'
18'
24.91'
AISLE: ONE WAY – 15'
TWO WAY – 22'
52.5° PARKING
6.36'
12.73'
19.09'
9'
18'
27'
AISLE: ONE WAY – 13'
TWO WAY – 22'
45° PARKING
9'
18'
AISLE: ONE WAY – 22'
TWO WAY – 22'
90° PARKING
6'
22'
AISLE: ONE WAY – 12'
TWO WAY – 22'
PARALLEL PARKING

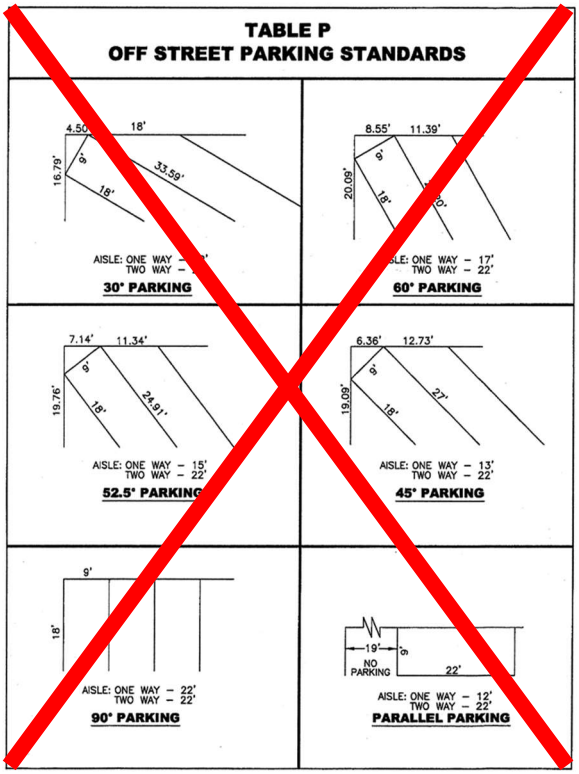


TABLE P
OFF STREET PARKING STANDARDS
4.50'
18'
16.79'
9'
33.59'
18'
AISLE: ONE WAY –
TWO WAY –
30° PARKING
8.55'
11.39'
20.09'
9'
18'
AISLE: ONE WAY – 17'
TWO WAY – 22'
60° PARKING
7.14'
11.34'
19.76'
9'
18'
24.91'
AISLE: ONE WAY – 15'
TWO WAY – 22'
52.5° PARKING
6.36'
12.73'
19.09'
9'
18'
27'
AISLE: ONE WAY – 13'
TWO WAY – 22'
45° PARKING
9'
18'
AISLE: ONE WAY – 22'
TWO WAY – 22'
90° PARKING
19'
6'
NO PARKING
22'
AISLE: ONE WAY – 12'
TWO WAY – 22'
PARALLEL PARKING

(C) The required off-street parking facilities shall be identified as to purpose and as to location when not clearly evident from a street or alley. Off-street parking facilities including access aisles and driveways, shall be surfaced with a minimum of one (1) inch of asphaltic concrete over a six (6)-inch limerock base and maintained in a smooth, well-graded condition~~, provided that driveways, access aisles and parking spaces for churches and for public and private schools offering academic courses may be surfaced with grass or lawn~~.

(D) All parking facilities required by this article shall be drained so as not to cause any nuisance on adjacent or public property from runoff. Drainage will be provided by the most efficient and practical structure appropriate to the physical conditions of the site. Minimum standards shall be those established by the drainage district having jurisdiction over the area unless standards developed and adopted by this article are more stringent, in which case the more restrictive standards shall apply. A plan for on-site drainage shall be approved by the department of environmental and engineering services prior to the issuance of a building permit.

(E) It shall be unlawful for an owner or operator of a building or use affected by this article to discontinue, change or dispense with, or to cause the discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this article. It shall be unlawful for any person, firm or corporation to utilize such building, structure or use without providing the off-street parking facilities to meet the requirements of and be in compliance with this article.

(F) Required parking areas, landscaped areas, swales, parkways, traveled rights-of-way, and sidewalks shall not be used for either parking, repair or storage of inoperative or unregistered vehicles, boats or trailers, except in an emergency situation and for not longer than forty-eight (48) hours.

33.3. Lighting standards for off-street parking facilities

~~(E)~~ (A) The following lighting standards have been adopted for all off-street parking facilities:

(1) *General requirements:* The following lighting requirements shall apply to all vehicular use areas and pedestrian areas in non-residential, multi-family, and mixed use developments.

(2) *Required illumination levels for parking lots:* The lighting system shall be designed with efficiency, security, quality, and control. The required illumination levels, which are expressed in footcandles (fc), are maintained levels. Maintained levels take into account the luminaires decreased efficiency over time by a factor.

Required illuminance levels, expressed in footcandles (fc), have been established for two (2) levels of activity designated as level 1 and level 2, based on nighttime traffic and pedestrian activity. Illumination shall be provided from dusk until dawn. The defined levels of activity for facilities are as follows:

Table 1.
Levels of Nighttime Traffic and Pedestrian Activity

Level of Activity	Nighttime use
Level 1	• ~~Facilities with businesses not operating after 7:00 p.m.~~ Sidewalks and other pedestrian areas within nonresidential or multifamily developments
Level 1	• Multifamily residential
Level 2	• Nonresidential uses. ~~Facilities with businesses operating after 7:00 p.m.~~ These facilities can fall back to level 1 criteria only after the closing hours of all businesses within the center.

The required illuminance levels for the two (2) levels of activity shall be as follows:

Table 2.
Required Maintained Illuminance Levels

Feature	Level 1	Level 2
Minimum horizontal illuminance	1.0 (fc)	2.0 (fc)
Maximum Uniformity ratio (max/min)[1]	10:1	10:1
[1] Uniformity ratios shall be measured at grade level.		

(3) *Required illumination levels for garages:* The required illuminance levels for each parking garage component shall be as specified in Table 3, below:

Table 3.
Required Maintained Illuminance Levels

Feature	General Areas	Ramps	Entrance Areas	Stairways	Rooftop
Minimum Horizontal Illuminance	2.0 (fc)	1.0 (fc)	1.0 (fc)	2.0 (fc)	2.0 (fc)
Maximum Uniformity Ratio (Max/Min)	10:1	10:1	10:1	10:1	10:1

(4) *Light sources:* All exterior parking lot lighting fixtures must be fully shielded to prevent nuisance lighting.

(5) *Mounting-height restrictions:* In order to prevent nuisance lighting, pole fixtures within vehicular areas shall be mounted between ~~fifteen (~~15~~)~~ feet and ~~forty (40)~~ 25 feet in height. Wall-mounted fixtures shall be mounted at a minimum height of ten (10) feet, but shall not be placed on nor extend past the roofline of any structure. Bollard light fixtures may be used to illuminate pedestrian areas.

(6) *Obtrusive light:* Obtrusive spill light and up light shall be controlled with the use of efficient luminaires using cut-off optics and shields. Luminaires providing light to any parcel of land adjacent to any residentially zoned parcel of land shall emit no more than one-half (0.5) footcandle of light at the property line of the adjacently zoned parcel, measured horizontally six (6) feet above grade level.

(7) *Tree canopies:* Location of light poles in new facilities and substantial rehabilitation of existing facilities shall be such that poles are placed a minimum of ~~ten (10)~~ 20 feet from ~~the edge of~~ the center of the tree ~~canopy~~. Tree canopies at existing facilities shall be trimmed in accordance with the City of Margate's Property Maintenance and Landscaping codes, in order to allow lighting to reach the parking surface.

(8) *Photometric plans:* ~~A photometric plan shall be submitted with every DRC application for a site plan approval or amendment, change of occupancy group, or special exception use.~~ A photometric plan shall be submitted with every DRC application for a site plan approval or amendment, or special exception use applications that involve new construction, redevelopment, or substantially redeveloping or reconstructing an existing building. Said plan shall clearly and accurately designate the required parking spaces, lighting, access aisles, driveways, adjacent utility poles that provide light to the subject property, and trees (existing and proposed). Such facilities shall be arranged for the convenient access and safety of pedestrians and vehicles. Photometric plans shall delineate footcandle measurements in a grid pattern using ten-foot squares throughout the vehicular use area and measured at grade. Photometric plans shall include light contributions from all sources, including, but not limited to, pole mounted light fixtures, wall-mounted light fixtures, illuminated signs, and adjacent street lights.

For existing sites and structures, an inspection and test of all existing site lighting systems may be performed by a design professional who can certify to the Margate Department of Environmental and Engineering Services that existing site lighting facilities meet the design criteria and meet functional compliance with this Code.

(9) *Inspection:* Prior to issuing a certificate of occupancy or certificate of completion for any application required to comply with this section, a design professional shall certify to the Margate Department of Environmental and Engineering Services that the exterior lighting facilities are in compliance with this section.

33.4. Master parking Plan Required for New Parking Area, Change of Use or Substantial Modification.

(A)~~(F)~~ Before any building permit for any new parking area, new or change of use, or substantial modification to an existing parking area such as an alteration to vehicle circulation and/or an expansion of the parking area can be issued, a property owner shall submit a master parking plan to the City for review and approval, as follows:

(1) For single-family or duplex housing, a parking plan shall be submitted with the building permit application for said single-family or duplex unit. The plan shall clearly and accurately designate the required off-street parking spaces.

(2) For all other uses or improvements described in Paragraph (F), above, a master parking plan shall be submitted by the property owner to the Development Services Department for review and approval by the Development Review Committee (DRC). The plan shall clearly and accurately designate off-street parking spaces, landscape areas, pedestrian access, bicycle parking facilities, parking for disabled people, pedestrian drop off and pick-up areas, dumpster locations, loading zones, all truck turning movements, drainage, lighting, access aisles, driveways, and the relation to the uses or structures these off-street parking facilities are intended to serve as appropriate. If applicable to the subject property or properties, the following parking area features shall be included in the master parking plan: electric vehicle charging stations, fuel pumps, valet parking, vehicle gates, vehicle reservoir areas (queueing), short-term parking such as order online and pick-up at store parking, designated spaces for restaurants with curbside or automobile service where customers consume food in vehicles, reserved parking spaces, hydrants, freestanding signs, and all other accessory structures within the parking area. Such facilities shall be arranged for the convenient access and safety of pedestrians and vehicles.

(a) The master parking plan shall be prepared by a professional engineer licensed in the State of Florida.

(b) The master parking plan shall provide a detailed parking calculation. If this Code does not prescribe a minimum number of parking spaces for the proposed use(s), then a justification for the number of parking spaces provided shall be prepared by a qualified traffic engineer or certified planner (AICP) and submitted with the master parking plan.

(c) Where shared parking is proposed, the master parking plan shall identify the uses that share the parking and demonstrate the hours of peak demand by each use.

(d) When an application for a change of use is submitted a previously approved master parking plan may be submitted to the Development Services Director for review with an updated parking calculation and justification for the number of spaces provided. The director may approve the plan or forward it to the DRC for review and approval.

(e) Approval of a proposed master parking plan shall be based on the design standards of the City Code for the various components of the plan. All of the following factors shall be considered in the justification of the number of parking spaces:

(i) The physical constraints of the parking field.

(ii) The intensity of the uses on the property.

(iii) The use of shared parking.

(iv) The availability of and convenient access to transit to the site.

(v) Information from peer-reviewed literature regarding parking generation rates and the reduction of parking demand.

(vi) Experience from other sites in the City.

(vii) The proposed master parking plan will not create a parking problem due to customers or employees using on-street parking in the neighborhood, and that traffic problems in the neighborhood will not be materially increased.

(f) The property owner is responsible for making all improvements described in the approved master parking plan prior to the issuance of any temporary certificate of occupancy, certificate of occupancy, or certificate of completion for any application required to comply with this section.

(g) A master parking plan shall be null and void if a building permit and/or engineering permit has not been issued for the improvements described therein within one year from the date of approval. The date of approval shall be the date an official DRC meeting approved the plan, or in the case of a previously approved master plan, the date of the Development Services director approval.

~~(G) It shall be unlawful for an owner or operator of a building or use affected by this article to discontinue, change or dispense with, or to cause the discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this article. It shall be unlawful for any person, firm or corporation to utilize such building, structure or use without providing the off-street parking facilities to meet the requirements of and be in compliance with this article.~~

~~(H) Required parking areas, landscaped areas, swales, parkways, traveled rights-of-way, and sidewalks shall not be used for either parking, repair or storage of inoperative or unregistered vehicles, boats or trailers, except in an emergency situation and for not longer than forty-eight (48) hours.~~

(Ord. No. 1500.21, § 1, 11-12-1969; Ord. No. 1500.154, § 1, 1-3-1979; Ord. No. 1500.172, § 1, 7-18-1979; Ord. No. 1500.205, § 1, 4-15-1981; Ord. No. 1500.213, § 1, 2-3-1982; Ord. No. 1500.279, § 6, 5-15-1985; Ord. No. 1500.421, § 1, 5-20-1992; Ord. No. 1500.442, § 2, 6-15-1994; Ord. No. 1500.486, § 1, 1-29-2003; Ord. No. 1500.513, § 1, 9-21-2005; Ord. No. 1500.521, § 1, 5-3-2006; Ord. No.1 500.530, § 1, 9-17-2007; Ord. No. 1500.540, § 1, 6-4-2008; Ord. No. 1500-546, § 10, 10-15-2008; Ord. No. 1500.559, §§ 1, 2, 7-7-2010; Ord. No. 1500.583, § 1, 3-7-2012; Ord. No. 2016-1500.619, § 1, 5-4-2016 ; Ord. No. 2018-1500.644, § 1, 9-5-2018 ; Ord. No. 2020-1500.650, § 3, 1-29-2020)

Section ~~33.3~~ 33.4. Amount of off-street parking.

The off-street parking required by this article shall be provided and maintained on the basis of the following minimum requirements:

(1) *Dwelling, single-family and two-family:*

(a) For single-family and two-family dwellings developed prior to September 5, 2018, including additions thereto and the reconstruction of those properties after catastrophe, the following minimum parking requirements shall apply: Two (2) parking spaces for each dwelling unit. Any combination of indoor garage, carport or driveway parking facilities is to be considered as complying with this section.

(b) For single-family and two-family dwellings developed after September 5, 2018: A minimum of two (2) parking spaces for ~~each dwelling unit of two (2) bedrooms or less. One~~ ~~fires~~ the first bedroom, plus one (1) additional parking space ~~is required~~ for each additional bedroom.

~~(i) Any combination of indoor garage, carport, or driveway parking facilities shall be considered as complying with this section, provided that a garage shall only count as one (1) parking space regardless if it is larger than the minimum size required.~~

(i) Carports with the dimensions of Section 33.2 shall count as required parking.

(ii) Single car garages shall have a minimum unobstructed area of 12 feet by 20 feet and not count as a required space.

Commentary: In South Florida, single-car garages are often used for storage instead of parking, given the absence of basements. For this reason, single-car garages do not count toward required parking.

(iii) Two (2) car garages that have an unobstructed area of minimum 20 feet by 20 feet and may count as one (1) required parking space. Additional garage area that meets the dimensions of Section 33.2 may also count towards required parking.

(c) The number of parking spaces a driveway will provide depends on the dimensions of said driveway, as described in Section 33.2 of this Code:

(2) *Dwelling, multiple-family:*

(a) For multiple-family dwellings developed prior to September 5, 2018, including the reconstruction of those properties after catastrophe, the following minimum parking requirements shall apply:

(i) One (1) parking space for each efficiency.

(ii) A minimum of two (2) parking spaces for each dwelling unit of one (1) or more bedrooms.

(iii) Garages shall not be considered as complying with this section.

(iv) In addition to the above requirements, ~~supplemental~~ guest parking shall be provided on the basis of one (1) space for each five (5) dwelling units.

(v) Housing which is zoned or deed restricted for exclusive use by persons ~~sixty-two (~~62~~)~~ years of age or older, one (1) space dwelling unit plus an additional one (1) space for each five (5) dwelling units for guest parking.

(b) For multiple-family dwellings developed after September 5, 2018, including additions to existing developments: A minimum of two (2) parking spaces for each dwelling unit of two (2) bedrooms or less. One (1) additional parking space is required for each additional bedroom. ~~In addition to the above requirements, supplemental guest parking shall be provided on the basis of not less than fifteen (15) per cent~~.

~~(i) Individual garages shall count as one (1) parking space if each garage provides a minimum interior dimensions of twenty-four (24) feet deep and twelve (12) feet wide, with a minimum vertical clearance of eight (8) feet. This space shall not be occupied by fixtures such as cabinets, water heaters, laundry appliances, etc. An individual garage shall only count as one (1) parking space regardless if it is larger than the minimum size required.~~

(i) Guest parking for developments with more than eight (8) units shall be provided at a rate of 15 percent.

(ii) Carports with the dimensions of Section 33.2 shall count as required parking.

(iii) Single car garages shall have a minimum unobstructed area of 12 feet by 20 feet and not count as a required space.

(iv) Guest parking must be provided on common areas owned by the multifamily development.

Commentary: In South Florida, single-car garages are often used for storage instead of parking, given the absence of basements. For this reason, single-car garages do not count toward required parking.

(iv) Two (2) car garages that have an unobstructed area of minimum 20 feet by 20 feet may count as one (1) required parking space.

(~~ii~~ v) Each parking space within a parking structure~~, as defined in Section 2.2 of this Code,~~ shall count toward required parking provided the parking dimensions satisfy the minimum requirements of Table P provided in this Article.

~~(3) *Rooming houses, lodging houses, boardinghouses:* One (1) parking space for each rental unit, plus one (1) parking space for the owner or operator, plus an additional one (1) space for each five (5) dwelling units for guest parking.~~

~~(4) *Dormitories, fraternities:* One (1) parking space for each two (2) beds, plus one (1) parking space for the manager or operator, plus one (1) parking space for each two (2) employees, plus an additional one (1) space for each five (5) dwelling units for guest parking.~~

~~(5) *Trailer courts:* One (1) parking space for each trailer site.~~

~~(6)~~(3) *Convalescent homes, nursing homes, retirement homes, and other similar institutions for the care of the aged and ~~inform~~ infirmed:* One (1) parking space for each five (5) beds for patients or inmates, and one (1) parking space for each employee.

~~(7)~~(4) *Uses not specifically mentioned:* The requirements for off-street parking for any residential uses not specifically mentioned in this section shall be the same as provided in this section for the use most similar to the one sought, it being the intent to require all residential uses to provide off-street parking as described above. All non-residential uses shall be required to provide off-street parking, in accordance with an approved Master Parking Plan.

~~(8)~~(5) *Fractional measurements:* When units or measurements determining number of required off-street parking spaces result in requirements of fractional space, any such fraction shall require a full off-street parking space.

(Ord. No. 1500.27, § 1, 11-12-1969; Ord. No. 1500.30, § 1, 1-28-1970; Ord. No. 1500.35, § 1, 3-11-1970; Ord. No. 1500.39, § 1, 6-10-1970; Ord. No. 1500.56, § 1, 6-9-1971; Ord. No. 1500.155, § 1, 1-3-1979; Ord. No. 1500.156, § 1, 1-3-1979; Ord. No. 1500.167, § 1, 5-16-1979; Ord. No. 1500.223, § 2, 7-14-1982; Ord. No. 1500.257, § 1, 5-16-1984; Ord. No. 1500.268, § 1, 10-3-1984; Ord. No. 1500.432, § 1, 2-17-1993; Ord. No. 1500.442, § 2, 6-15-1994; Ord. No. 1500.507, § 6, 2-16-2005; Ord. No. 1500.514, § 1, 9-21-2005; Ord. No. 1500-546, § 11, 10-15-2008; Ord. No. 1500.559, § 3, 7-7-2010; Ord. No. 2018-1500.644, § 2, 9-5-2018 ; Ord. No. 2018-1500.645, § 12, 9-5-2018 ; Ord. No. 2020-1500.650, § 4, 1-29-2020)

~~Section 33.4. Combined off-street parking.~~

~~Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operations.~~

(Ord. No. 1500.27, § 1, 11-12-1969; Ord. No. 1500.442, § 2, 6-15-1994; Ord. No. 2020-1500.650, § 5, 1-29-2020)

~~Section 33.5. Nonconforming uses.~~

~~In the case of a building occupied by a use which is not permitted as a new use in the district in which such building is located, where major repairs, substantial alterations, or extensions of the use are to be made, no such major repairs, substantial alterations or extensions of use shall be permitted unless and until the off-street parking requirements of this article, for a new use of the type involved, are applied to such existing use and are fully provided for.~~

(Ord. No. 1500.27, § 1, 11-12-1969; Ord. No. 1500.442, § 2, 6-15-1994)

Section<u>s 33.5. -</u> ~~33.6~~ <u>33.7</u>. Reserved.

Editor's note(s)—Sec. 13 of Ord. No. 2018-1500.645 , adopted Sept. 5, 2018, repealed § 33.6, which pertained to use of required off-street parking by another building, and derived from Ord. No. 1500.27, adopted Nov. 12, 1969; Ord. No. 1500.432, adopted Feb. 17, 1993; Ord. No. 1500.442, adopted June 15, 1994; and Ord. No. 1500.546, adopted Oct. 15, 2002.

~~Section 33.7. Modification of requirements.~~

~~(A) In specific cases, the board of adjustment Board of Adjustment may authorize a reduction in the minimum requirements of Section 33.3, when:~~

~~(1) There is a public parking lot judged adequate to handle the parking demand of the use within four hundred (400) feet of site; or~~

~~(2) There is on-street parking judged adequate to handle the present and probable future parking demand of the use in the neighborhood; or~~

~~(3) There are adequate commercial or private parking lots within four hundred (400) feet of the site judged adequate to handle the present and probable future parking demand of the proposed use.~~

~~(B) Provided, however, that the board shall find that such reduction of the parking requirements will not create a parking problem due to customers or employees using on-street parking in the neighborhood, and that traffic problems in the neighborhood will not be materially increased.~~

(Ord. No. 1500.27, § 1, 11-12-1969; Ord. No. 1500.442, § 2, 6-15-1994)

Section 33.8. Parking of commercial vehicles.

Off-street parking facilities supplied by the owner or operator to meet the requirements of this article shall not be used by commercial vehicles owned, operated or used in the business of such owner or operator during regular hours of business.

(Ord. No. 1500.27, § 1, 11-12-1969; Ord. No. 1500.442, § 2, 6-15-1994)

Section 33.9. Off-street loading.

(A) On the same ~~plot~~ <u>lot</u> with every structure or use hereafter erected or created, there shall be provided and maintained adequate space for loading and unloading of materials, goods or things and for delivery and shipping, so that vehicles for these services may use this space without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

(B) Where any structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading space under this section, the full amount of off-street loading space shall be supplied and maintained to comply with this section.

(C) For the purposes of this section, an off-street loading space shall be an area at grade level at least ~~twelve (~~12~~)~~ feet wide by ~~forty-five (~~45~~)~~ feet long with ~~fourteen and a half (~~14½~~)~~ foot vertical clearance. For lots or developments containing an aggregate amount of less than 10,000 square feet of Gross Floor Area of Buildings including office buildings and banks, an off-street loading space may be reduced to 12 feet in width by 25 feet long. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space, and arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Such loading space shall also be accessible from the interior of any building it is intended to serve.

(D) Off-street loading spaces shall be provided and maintained in accordance with the following schedule:

(1) For each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, funeral home, laundry, dry cleaning establishment or similar use which has an aggregate gross floor area of:

(a) Over 10,000 sq. ft. but not over 25,000 sq. ft.1 space

(b) Over 25,000 sq. ft. but not over 60,000 sq. ft.2 spaces

(c) Over 60,000 sq. ft. but not over 120,000 sq. ft.3 spaces

(d) Over 120,000 sq. ft. but not over 200,000 sq. ft.4 spaces

(e) Over 200,000 sq. ft. but not over 290,000 sq. ft.5 spaces

(f) Plus for each additional 90,000 sq. ft. over 290,000 sq. ft. or major fraction thereof1 space

(2) For each multiple dwelling or apartment hotel having at least ~~fifty (~~50~~)~~ dwelling units but not over a ~~hundred (~~100~~)~~ dwelling units: One (1) space.

For each multiple dwelling having over a ~~hundred (~~100~~)~~ dwelling units: One (1) space plus one (1) space for each additional ~~one hundred (~~100~~)~~ dwelling units or major fraction thereof.

(3) For each auditorium, convention hall, exhibition hall, museum, hotel, office building, sports arena, stadium, hospital, sanitarium, welfare institution or similar use which has an aggregate gross floor area of:

(a) Over 20,000 sq. ft. but not over 40,000 sq. ft.1 space

(b) Plus for each additional 60,000 sq. ft. over 40,000 sq. ft. or major fraction thereof1 space

(4) For any use not specifically mentioned in this section, the requirements for off-street loading for a use which is so mentioned and to which the unmentioned use is similar shall apply.

(E) Off-street loading facilities supplied to meet the needs of one (1) use shall not be considered as meeting the off-street loading needs of any other use.

(F) No parking facilities supplied to meet the required off-street parking facilities for a use shall be utilized for or be deemed to meet the requirements of this article for off-street loading facilities.

(G) Nothing in this section shall prevent the collective, joint or combined provision of off-street loading facilities for two (2) or more buildings or uses, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.

(H) Plans for buildings or uses requiring off-street loading facilities under the provision of this section shall clearly indicate the location, dimensions, clearances and access of all such required off-street loading facilities.

(Ord. No. 1500.27, § 1, 11-12-1969; Ord. No. 1500.442, § 2, 6-15-1994)

Section 33.10. Parking spaces for disabled persons.

(A) Parking spaces ~~as~~ for disabled persons shall be provided as required by the ~~South~~ Florida Building Code, Accessibility Section 502 as may be amended from time to time shall be designated for use by disabled persons and shall be provided in the immediate vicinity of any building maintained for use by the public, whether said building shall be a public or quasi-public building, or which is a multi-unit residential use.

~~(B) Said parking space shall be accessible to a curb ramp or curb cut to allow access to the buildings served and shall be located so that users will not be compelled to wheel behind parking vehicles.~~

~~(C) Diagonal or perpendicular parking spaces shall be a minimum of twelve (12) feet wide.~~

~~(D) Parallel parking spaces shall be located either at the beginning or end of a block or adjacent alley entrances. Said parking spaces shall be located in the corners, ends or beginnings of the parking area immediately adjacent to the buildings or as close thereto as the first parking space may be. In the absence of being able to reasonably comply herewith the location of the parking space required by this section shall be designated by the building department of the City of Margate.~~

~~(E) Each parking space shall be prominently outlined with paint (as required by state statute, rule or regulation) and posted at the middle of the head of each space with an individual nonmovable sign of a color and design bearing the internationally accepted wheelchair symbol and the caption, "Parking by Disabled Permit Only." Below the sign and caption as previously stated, an additional caption shall state the amount of the fine for unlawful parking in a space for the disabled. The language shall state "Fine Amount." (The amount shall be that amount of fine which is approved by ordinance of the City of Margate.) Sign must be a minimum size of twelve (12) inches wide and eighteen (18) inches high with lettering at a minimum of one (1) inch in height. The lettering designating the amount of fine shall be a minimum size of two (2) inches in height. Said sign shall be no less than five (5) feet and no more than seven (7) feet from the ground.~~

~~(F) It shall be unlawful for any person to utilize the above designated parking spaces except those with the following: License plate issued by the State of Florida having thereon the designated wheelchair symbol or any other state symbol or design denoting that the driver or owner of said vehicle is a handicapped individual, or displaying a disabled parking permit as provided for by state statute. Violation of this subsection shall be a municipal violation punishable by a fine of two hundred fifty dollars ($250.00).~~

~~For any offense under this section, there shall be imposed a dismissal fee of five dollars ($5.00) upon presentation of a disabled parking permit issued for a person who has a disability, which permit was valid at the time the violation occurred, and a sworn affidavit from the holder of the disabled parking permit stating that the holder was being transported in the vehicle cited at the time the violation occurred. Said fee shall be paid to the city prior to the time a violation has been filed with the court. Said fee shall be paid to the clerk of the court subsequent to the time a violation has been filed with the court.~~

~~(G) This section shall be deemed to retroactively apply to all existing buildings within the confines of the City of Margate:~~

~~(1) That all owners and on-site managers, or other agents on-site, responsible for the maintenance of the parking lots governed hereunder shall be responsible for compliance herein.~~

~~(2) The city hereby agrees to waive any permit or construction fees for any improvements necessitated by this ordinance within the City of Margate.~~

~~(3) For any construction necessitated by this section, should same necessitate the utilization of parking spaces which would cause any parking to fall below the minimum number of parking spaces necessary pursuant to the Code, same shall not be deemed a violation of this Code.~~

~~(H) Violation of this ordinance shall be punishable pursuant to Section 1-8 of the Margate City Code.~~

~~(I) The retroactivity of this section shall not apply to multifamily residential areas. However, where disabled parking has been provided in multifamily residential areas, it shall be unlawful to utilize said parking, except as provided in subsection (F) above.~~

(Ord. No. 1500.117, § 1, 11-10-1976; Ord. No. 1500.190, § 1, 7-16-1980; Ord. No. 1500.221, § 1, 7-7-1982; Ord. No. 1500.243, § 1, 11-2-1983; Ord. No. 1500.254, § 1, 3-7-1984; Ord. No. 1500.265, § 1, 9-19-1984; Ord. No. 1500.309, § 1, 1-21-1987; Ord. No. 1500.314, § 1, 2-18-1987; Ord. No. 1500.416, § 1, 11-6-1991; Ord. No. 1500.442, § 2, 6-15-1994; Ord. No. 1500.444, § 1, 9-6-1995; Ord. No. 1500.448, § 1, 5-15-1996; Ord. No. 1500.492, § 1, 4-2-2003)

Section 33.11. Vehicular reservoir areas for drive-through facilities.

(A) All facilities which render goods and/or services directly to patrons within vehicles shall be required to provide reservoir areas for inbound vehicles. The purpose of these areas is to ensure that the vehicles using the facility do not interfere with the flow of vehicular and pedestrian traffic within public rights-of-way, nor interfere with parking circulation or loading within the facility.

(B) Each reservoir area required pursuant to this article shall be a minimum of ten (10) feet wide by twenty (20) feet long and each reservoir area shall not block parking stalls, parking aisles, driveways or pedestrian ways. For the purposes of this section, the space occupied by the vehicle being served by the facility is considered one (1) reservoir area.

(C) The number of reservoir areas required shall be provided and maintained on the basis of the following minimum requirements:

	Number of inbound reservoir areas	Number of outbound reservoir areas
Automatic car wash, spaces per service lane	4	4
Child care center, day nursery, nursery school, spaces at drop-off point	3	2
Drive-through beverage or food sales, spaces per service lane	4	1
Drive-in bank, savings and loan, spaces per service lane	4	1
Dry cleaning pickup station, spaces per service lane	2	1
Filling station, spaces per side, each island	3	1
Gatehouse or ticket booth, spaces inbound and outbound	3	1
Package stores, spaces per service lane	2	2
Pharmacies with drive-through prescription facilities, spaces per service lane	3	2
~~Photograph developing, spaces per service lane~~	~~2~~	
Self-service car wash, spaces per wash stall	2	2
Skating rink, bowling alley, spaces at drop-off point	3	1
Valet parking, spaces at drop-off point	3	2
All other facilities	4	2

33.12 Escape Lane

(A) A separate and distinct escape lane shall be provided if necessary to prevent entrapment of vehicles on that portion of the site if no other reasonable point of egress is available other than through the drive-through facility. An escape lane shall not be required if the drive-through lane is designed and located in such a way as to be segregated from the normal Traffic flow of the site, and signed appropriately to prevent accidental entry.

(B) Drive-through lanes and escape lanes shall not conflict, or otherwise hamper access, to or from any parking space.

(Ord. No. 1500.244, § 5, 11-16-1983; Ord. No. 1500.439, § 2, 2-2-1994; Ord. No. 1500.442, § 2, 6-15-1994)

ARTICLE XXXVII. ADMINISTRATION

Section 37.1. Enforcement.

The Development Services Department together with the Building and Code Services Department ~~building department of the City of Margate~~ and all officers, inspectors and employees thereof shall enforce the provisions of the zoning ordinance.

(Ord. No. 1500.00, § 39.1, 10-25-1967)

Section 37.2. Permits not to be issued.

(A) No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land or water, which is not in conformity with all the provisions of the zoning ordinance.

(B) No license or permit shall be issued by the building department or by any department, agency or official of the City of Margate for the use of any premises or the operation of any business, enterprise, occupation, trade, profession or activity which would involve in any way, or constitute a violation of the zoning ordinance.

(Ord. No. 1500.00, § 39.2, 10-25-1967)

Section 37.3. ~~Plot~~ Lot plan.

All applications for building permits shall contain, or be accompanied by a ~~plot~~ lot plan in duplicate drawn to scale, showing the actual dimensions of the ~~plot~~ lot involved in the application, the location of the use proposed and or the building to be erected or altered, yards and setbacks, and all other uses and buildings on the ~~plot~~ lot as well as such other pertinent information as may be necessary for the enforcement of the zoning ordinance.

(Ord. No. 1500.00, § 39.3, 10-25-1967)

Section 37.4. Permits for new use of land.

No land heretofore vacant shall hereafter be put to use, or an existing use of land be hereafter changed to a new or different use, unless ~~a building permit~~ approval from the City of Margate is first obtained for the new or different use, provided that this requirement shall not apply to agricultural uses of land in an agricultural district.

(Ord. No. 1500.00, § 39.4, 10-25-1967)

Section 37.5. Permits for new use of building.

No building or structure, or part thereof, shall be changed to or occupied by, a use of a different kind, unless a building permit is first obtained for the new or different use.

(Ord. No. 1500.00, § 39.5, 10-25-1967)

Section 37.6. Permits required.

(A) No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have first been obtained for such work.

(B) The term "altered" and "repaired" shall include any change in structural parts, stairways, type of construction, kind or class of occupancy, light or ventilation, means of ingress and egress, or other changes affecting, or regulated by the building code or this ordinance, except for minor repairs or changes not involving any of the aforesaid features.

(Ord. No. 1500.00, § 39.6, 10-25-1967)

Section 37.7. Certificates required.

No building or structure, or part thereof, or premises which are hereafter erected or altered or changed in occupancy or land upon which a new or different use is established, shall be occupied or used until a certificate of occupancy shall have been issued ~~therefor~~ pursuant to the Florida Building Code.

(Ord. No. 1500.00, § 39.7, 10-25-1967)

Section 37.8~~. Certificates for existing uses.~~ – Section 37.10. Reserved.

~~Certificates shall be issued for existing buildings, structures, or part thereof, or existing use of land, if after inspection it is found that such buildings, structures or use of land are in conformity with the applicable provisions of the ordinance.~~

~~(Ord. No. 1500.00, § 39.8, 10-25-1967)~~

~~Section 37.9. Temporary certificates.~~

~~Temporary certificates may be issued for a non-conforming use, provided that such temporary certificate shall not be effective for a period in excess of six (6) months.~~

~~(Ord. No. 1500.00, § 39.9, 10-25-1967)~~

~~Section 37.10. Record of certificates.~~

~~A record of all certificates issued pursuant to the provisions of this ordinance shall be kept on file in the office of the building department and copies of such certificates shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.~~

~~(Ord. No. 1500.00, § 39.10, 10-25-1967)~~

Section 37.11. Certificates for dwelling residential or commercial accessory buildings and/or uses.

(a) Uses accessory to a residential structure shall not require separate certificates but may be included in the certificate for the residential structure when shown on the ~~plot~~ lot plan.

(b) Uses accessory to a commercial structure shall not require separate certificates but may be included in the certificate for the commercial use when shown on the ~~plot~~ lot plan.

(Ord. No. 1500.00, § 39.11, 10-25-1967; Ord. No. 1500.501, § 2, 10-6-2004)

Section 37.12. ~~Record of non-conforming uses.~~ Reserved.

~~All non-conforming uses existing at the effective date of this ordinance shall be ascertained, identified and recorded for the purpose of effectuating the provision of this ordinance.~~

(Ord. No. 1500.00, § 39.12, 10-25-1967)

~~Section 37.13. Procedure on violations.~~

~~Where it is found that any of the provisions of this ordinance are being violated, the person responsible for such violation shall be given notice in writing. Such notice shall indicate the nature of the violation. The officers and employees of the building department shall order discontinuance of the use of land or buildings, removal of buildings, additions, alterations, alteration of structures, discontinuance of any work being done, or shall take any and all other action necessary to correct violations and obtain compliance with all the provisions of this ordinance.~~

(Ord. No. 1500.00, § 39.13, 10-25-1967)

Section 37.14. Duties of enforcers.

The building department through its officers and inspectors shall be charged with the duty of making inspections, approving plans and specifications, issuing permits, and certificate of occupancy, maintaining records of applications, permits and certificates and taking any and all steps or actions necessary to enforce the provisions of the ordinance.

(Ord. No. 1500.00, § 39.14, 10-25-1967)

~~Section 37.15. Right of entry.~~

~~For the purpose of enforcing the provisions of this ordinance, inspectors of the building department shall have the right of entry into private property and into private buildings, at any reasonable time, whenever said inspectors find such entry necessary for proper discharge of their duties under this ordinance. Any person refusing or obstructing such entry shall be guilty of a violation of this ordinance.~~

(Ord. No. 1500.00, § 39.15, 10-25-1967)

(Ord. No. 1500.00, § 39.16, 10-25-1967; Ord. No. 1500.452, § 1, 2-19-1997)

(Ord. No. 1500.00, § 39.17, 10-25-1967)

~~**Section 37.18. Repealer.**~~

~~The ordinance previously designated as Ordinance 1500, which was passed on second reading on September 2, 1959, and Ordinances 1500.01 through 1500.05; Ordinance 1500.08 through 1500.10; and Ordinance 300.04, 800.00 through 800.04, are hereby repealed and all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.~~

(Ord. No. 1500.00, § 39.18, 10-25-1967; Ord. No. 1500.13, § 1, 2-28-1968; Ord. No. 1500.18, § 1, 7-24-1968)

~~**Section 37.19. Severability.**~~

~~If any word, sentence, paragraph or section of this ordinance is held invalid it shall not affect the validity of the remaining portions thereof.~~

~~(Ord. No. 1500.00, § 39.19, 10-25-1967)~~

ARTICLE XL. PROPERTY MAINTENANCE STANDARDS

Section 40.1. Purpose and scope.

~~There~~ It is hereby promulgated and established a set of minimum exterior building and property standards relating to the maintenance of residential and nonresidential buildings and property within the City of Margate. All properties shall be maintained in accordance with the requirements of this article as well as the standards of the ICC Property Maintenance Code.

These provisions shall apply to the exterior portion of every building or structure and its accessory structures, as well as any and all adjoining grounds, areas or other premises or undeveloped property in the city. In all situations where a provision of this article conflicts with other building, health, safety or zoning regulations, the more restrictive standard shall prevail.

No person owning, leasing, occupying or having charge of any residential or nonresidential building or property within the limits of the City of Margate shall maintain any residential or non-residential building or property contrary to standards provided in this article.

(Ord. No. 1500.470, § 2, 5-17-2000; Ord. No. 2009-16, § 1, 12-2-2009)

Section 40.2. Definitions.

The following words, terms and phrases, when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

Alteration shall mean any change in size, shape, character, occupancy or use of a building or structure.

Approved shall mean authorized as provided by law.

Blemish shall mean a noticeable imperfection that impairs appearance.

Blighting influence shall mean any physical condition of building or property, which directly or indirectly causes a reduction in the value of surrounding properties.

Brush shall mean any dense growth or bushes, shrubs or weeds, or any accumulation of, but not limited to: Grass clippings, hedge and tree trimmings, palm fronds, leaves, and other such debris.

Code compliance officer shall mean any employee or agent of the City of Margate duly authorized by the ~~city manager~~ City Manager to enforce city ordinances.

Deficiency shall mean a condition of deterioration that is not in violation of this article; however, such condition can be expected to become a violation within a short period of time.

Deterioration shall mean the condition or appearance of any structure or grounds, or parts thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.

Dilapidated shall mean a condition of structural disrepair or deterioration to the extent requiring rehabilitation, reconstruction or demolition.

Dwelling shall mean any building which is wholly or partly used or intended to be used for living, sleeping, cooking and eating, providing that temporary housing as hereinafter defined shall not be regarded as a dwelling.

Electrical shall mean all work, materials and/or system of electrical wiring for use of light, heat or power, and all appurtenances, apparatus or equipment used in connection therewith, inside of or attached to any building or structure, lot or premises.

Fire hazard shall mean anything or any act which violates the prevailing fire codes of the ~~city~~ City.

Garbage shall mean the animal and/or vegetable waste resulting from the handling, preparation, cooking, and/or consumption of food; and wastepaper, plastic or related materials used in the packaging and preparation of foods.

Good state of repair shall mean that a building, structure or parcel of land is safe and habitable for its ordinary and intended use, and that the materials used in any structure or fixture are sound, stable and conform to its original purpose and performing the function for which intended and not in need of maintenance.

Habitable shall mean any building or structure or portion thereof that is used, or intended for use, on a day-to-day basis by people for residential purposes, or for purposes of conducting a commercial or industrial business, or for purposes of a similar nature.

Non-residentially zoned parcel shall mean any parcel of land whose zoning designation is C, G, CC, B-1, B-2, B-2A, B-3, M-1, M-1A, CF-1, CF-2, S-1, S-2 or any business areas of a PUD.

Nuisance shall mean anything that violates the standards provided herein, or any other city, county, state or federal law.

Occupant shall mean any person living, sleeping or having actual possession of a dwelling.

Occupy shall mean the residing of an individual in a dwelling unit or the installation, storage, or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

Operator shall mean any person who has charge, care or control of a building, structure or parcel of land, or part thereof.

Owner shall mean any person or legal entity who, alone or jointly has legal, equitable or beneficial title to any building or structure, or part thereof, which is subject to this article.

Person shall mean and include any individual, firm, corporation, association or partnership.

Rubbish shall mean all combustible and noncombustible waste materials except garbage, including but not limited to nonoperative toys, bicycles, motorcycles, automobiles, mechanical equipment and machines or parts thereof.

Structurally sound shall mean free of imperfections which affect the intended use of the structure so as not to endanger the health, safety and welfare of the inhabitants or neighbors.

Supplied shall mean paid for, furnished or provided by or under control of the owner or operator.

Swale shall mean all unpaved portions of right-of-way located between the edge of pavement and the property line or an easement located on property adjacent to the right-of-way line.

Trash shall mean all small discarded materials from around a premises which can be deposited in an approved trash receptacle for collection and can be burned or otherwise properly handled at an incinerator.

Vermin shall mean all common harmful or objectionable animals or insects that are difficult to control.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.3. Jurisdiction; enforcement.

The City of Margate shall have jurisdiction to issue citations in which violations of this article are alleged pursuant to section 1-8 of the City of Margate Code of Ordinances; provided, however, allegations regarding unsafe buildings and structures shall be administered in accordance with the procedures set forth in the City of Margate Code of Ordinances and/or the ~~South~~ Florida Building Code, Broward County Edition, as amended.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.4. Exterior maintenance of structure and premises.

(a) All exterior surfaces of buildings or sheds, excluding roofs, shall be properly maintained and protected from the elements by paint or other protective coating applied in a workmanlike fashion. Painted or protective coatings shall be uniform in color without blemishes throughout the exterior and shall be in accordance with the color palette of the City of Margate adopted by resolution. Trim paint shall be uniform in color and in accordance with the adopted color palette of the City of Margate without blemishes.

(b) Every foundation, exterior wall, window, roof and all other exterior surfaces shall be free of holes, cracks, breaks, loose or rotted wood and any condition which might allow rain or moisture, vermin, pests or insects to enter the interior portions of the walls or to the occupied spaces of any dwelling, commercial building or structure.

(c) Roofs shall be structurally sound, watertight and shall prevent rainwater or moisture from entering the walls, ceilings or any other portion of the dwelling, commercial building or structure.

(1) All building roofs and gutters shall be kept free of faded or chipped paint and shall be maintained in good repair and in good condition to prevent deterioration, and must be cleaned (pressure and/or chemical), repainted or recovered with like material(s) when ~~twenty-five (25) per cent or more of~~ any exposed roof surface becomes discolored or is scaling.

(2) In the event a roof shingle or tile is replaced, the replacement shingle or tile shall be of the closest possible color and shade to the existing roofing shingles or tiles.

(3) A tarp or other temporary repair is permitted while a building permit application for roof is processing and while the permit is active. The building official is authorized to permit a tarp following the declaration of a state of emergency issued by the Governor for a natural emergency as defined in F.S.252.34(8) as may be amended from time to time.

(d) Fences, exterior walls, exterior doors, exterior windows, dumpster enclosures, decorative walls, perimeter hedges, playground equipment, trellis, swimming pools, screen enclosures, modular storage structures, and similar utility enclosures shall be maintained in a good state of repair.

(e) Each exterior wall surface of buildings and structures shall be kept free of faded or chipped paint, and shall be maintained in a good state of repair and good condition to prevent deterioration, and must be cleaned (pressure and/or chemical), repainted or recovered with like material(s) ~~when twenty-five (25) per cent or more~~ any exposed surface becomes discolored or is peeling.

(1) All subdivision walls or walls separating residential areas from commercial areas shall be painted or have a finished surface and all concrete walls shall be stuccoed and painted on the side facing the property adjoining the property on which the wall is situated. ~~All subdivision or common development walls, fences, barriers or barricades shall be constructed in a uniform design, material, pattern and color throughout the length of the same development, as stated in section 3.14 of this Code.~~

(f) Any awning or marquee and its supporting structural members shall be maintained in a good state of repair. Awnings or marquees made of cloth, plastic or of a similar material shall not show evidence of excessive weathering, discoloration, ripping, tearing or other damage.

(g) All signage shall be maintained in the originally permitted and constructed condition as required by this Code ~~Appendix~~.

(h) Rubbish, brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash and debris shall not be permitted on any premises. This subsection shall not apply to garbage, trash and debris, which is containerized in approved receptacles for appropriate collection and removal.

(i) Dead and/or dying trees and limbs or other natural growth which constitute a health or safety hazard to persons or property shall be removed and replaced if required by city code requirements or site plan approval. Trees shall be kept pruned and trimmed to prevent the occurrence of a health or safety hazard as provided by section 23-17 of the City of Margate Code of Ordinances. The pruning, trimming, removal, or replanting of, or mitigation to, a tree on residential property shall be in accordance with Section 23-20 of the City of Margate Code of Ordinances.

(j) Loose or overhanging objects which constitute a danger of falling on persons or property shall be removed.

(k) Ground surface hazards such as holes, excavations, breaks, projections, obstructions and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas, and other portions of the premises shall be repaired or removed.

(l) Premises and adjacent swales shall be kept landscaped, irrigated with rust free systems, mowed and maintained in good repair. All landscaping on non-residential property shall be in compliance with the approved site plan. ~~Any person who increases the area of a primary structure by more than twenty (20) per cent shall comply with all landscaping requirements in effect at the time of alteration unless said person applies for and is granted an adjustment of standards from the City of Margate Beautification Committee.~~

(m) All off-street parking spaces shall be paved asphalt or constructed of concrete or block and shall have smooth surfaces in good repair and be in compliance with Article XXXIII of Appendix A—Zoning of the City of Margate Code of Ordinances.

(n) All walkways and sidewalks shall be regularly cleaned and maintained, and shall remain free of dirt, mold, mildew, or other substances that could create a trip or slip hazard.

(Ord. No. 1500.470, § 2, 5-17-2000; Ord. No. 1500.531, § 1, 9-19-2007; Ord. No. 2019-1500.648, § 5, 11-20-2019)

Section 40.5. Exterior building or structure color.

(A) (1) *Standards.* The visible exterior of all new structures or any existing structure(s) or parts thereof including signs and sign structure(s) within all nonresidentially zoned districts of the city (C,G,CC, B-1, B-2, B-2A, B-3, CF, CF-1, M-1, M-1A, S-1, S-2, non-residential portions of a PUD, and any other zoning district which is

hereinafter approved which is not exclusively residential), which is to be painted, repainted, surfaced, resurfaced or installed having the effect of establishing or changing the color, surface or appearance, (hereinafter referred to as painting), shall be approved only pursuant to the color palette of the City of Margate. The color palette shall be approved by resolution of the City of Margate.

(2) Any structure coming within the terms of this ordinance, except as provided in subsection (C), may seek a variance before the Margate Board of Adjustment. ~~with conformity to the following boards:~~

~~(i) The Community Redevelopment Board of the Margate Community Redevelopment Agency if a structure(s) is within the Community Redevelopment District of the City of Margate;~~

~~(ii) The Margate Board of Adjustment if a structure(s) is outside of the Community Redevelopment District of the City of Margate.~~

(3) Each of the above boards shall approve, or disapprove, the painting of any structure(s) in a nonresidential district of the city. Approval shall be granted by the above boards of the ~~city~~ City based upon the following:

(a) The location of the structure(s);

(b) The size of the structure(s);

(c) The architectural style of the structure(s);

(d) Compatibility of the painting with surrounding structure(s);

(e) Compatibility with the official color palette adopted by resolution of the ~~city commission~~ City Commission. Said compatibility shall not be the sole determining factor;

(f) Such other factors as each board determines will have on the aesthetics of the City of Margate.

(4) For the purposes and procedure provided in this subsection, both white, black and the absence of color, or any other surface or appearance shall be considered as painting, subject to this section.

(5) *Fee.* There shall be a fee ~~of two hundred dollars ($200.00) payable to~~ established by resolution by the City of Margate for each application for color palette waiver.

(B) *Uniform sign plans.* All uniform sign plans as provided for in section ~~41.10~~ 39.10 of this Code shall be considered, pursuant to subsection (A) of this section.

(C) *Exemption.*

(1) All painting for buildings or structures within a nonresidentially zoned parcel whose exterior has conformed to the official color palette approved pursuant to Ordinance No. 1500.470 at the time of the adoption of Ordinance No. 1500.499, [Oct. 6, 2004,] shall not be required to comply with subsection (A) of this section within the two-year amortization period as provided for in subsection (C) of this section.

(2) All signs erected pursuant to an approved uniform sign plan shall not be required to be approved, pursuant to this section on an individual basis.

(D) *Exemptions for posting.* Approvals or appeals for approvals for exterior building or structure painting shall not be required to post a sign as provided under subsection 39.4(d) or provide mail notification as provided under section 31-55 of this Code.

(E) Any aggrieved person or entity may appeal a decision made pursuant to subsection (A) to the ~~city commission~~ City Commission if a request for an appeal shall be made with the ~~city clerk's~~ City Clerk's office within seven (7) calendar days after the written decision of the applicable board is transmitted to the ~~city clerk~~ City Clerk. After action of the ~~city commission~~ City Commission, the decision of the applicable board shall be deemed either confirmed or, depending on the motion, reversed. The affirmative vote of three (3)

members of the ~~city commission~~ City Commission shall be necessary in order to reverse the recommendation of the applicable board.

No person or entity aggrieved by the grant or denial of any variance, special exception, appeal of the ruling of any administrative official, or any other quasi-judicial determination made by the applicable board may apply to the court for relief unless he/she has first exhausted the remedies provided for herein and taken all available steps provided for in this section.

(Ord. No. 1500.470, § 2, 5-17-2000; Ord. No. 1500-494, § 1, 8-20-2003; Ord. No. 1500.499, § 1, 10-6-2004; Ord. No. 1500.509, § 1, 4-13-2005; Ord. No. 1500.542, § 1, 6-4-2008)

Section 40.6. Trash container areas.

(a) All trash container areas shall be maintained in a manner which prevents the accumulation of trash, debris, rubbish and litter by providing sufficient dumpsters and sufficient frequency of trash pickups.

(b) In the case of single-family residences, trash containers shall be set out no earlier than 5:00 p.m. the day before the designated pick-up and left out no longer than 8:00 p.m. the designated day of pick-up.

(1) When not out during pick-up, trash containers shall not be stored in the following locations:

(a) In front yards. For the purposes of this section, the front yard of a home is considered to be the yard where the home has its primary entrance and fronts the adjacent road.

(b) Street side setbacks unless screened by a wall or fence.

~~(b)~~(c) All new dumpsters, existing dumpsters, including dumpsters for recycling material, and other containers shall be constructed and shall be located and maintained in such a manner so as to provide screening from public view as required by section 23-9, City of Margate Code of Ordinances.

~~(c)~~(d) All dumpster locations shall allow pick up and emptying without impact to traffic flows and inconvenience to residents.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.7. Accumulation of stagnant water.

No person owning, operating or having possession of any property within the city shall allow the accumulation of stagnant water in excess of two (2) inches for a period of exceeding twenty-four (24) hours following the cessation of the most recent measurable rainfall. Roofs or other structures or improvements designed for the retention of water are exempt from this section but shall be subject to the design capabilities of said roof, structure or improvement or other governing codes.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.8. Parking and paved areas.

It shall be the responsibility of all persons to maintain all parking and paved areas including curbs and wheel stops in a neat and clean condition. In addition, all parking and paved areas shall be maintained in a good state of repair, which shall include proper drainage and the routine cleaning/clearing of french drains to prevent the accumulation of pools of water and the correction and removal of all ruts, potholes, and broken pavement. In parking areas, the parking spaces shall be maintained in a manner which clearly delineates said spaces and shall include maintenance of parking space striping, directional markings, stop bars, or other indicators. Wheel stops, curbing and any other paved surfaces shall be free of breaks, cracks and other deficiencies. Additionally, all parking

areas shall be maintained in the original constructed condition as required by Article XXXIII of Appendix—A Zoning of the City of Margate Code of Ordinances. This section shall apply to all paved area, including but not limited to parking areas and ingress or egress driveways. Additionally, a building permit shall be required for all resurfacing, resealing, restriping, replacement of parking areas.

An Engineering Permit shall be required if excavation of base-course material will occur to repair areas that include not limited to settlement, washout, or utility damage.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.9. Landscaping maintenance requirements.

All owners of land shall be responsible for the maintenance of all landscaping. This includes mowing and maintaining abutting rights-of-way, swales, lake and canal banks. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area. Landscaping shall be maintained such that it will not cause property damage and public safety hazards, including removal of living, dead or decaying plant material, removal of low hanging branches below twelve (12) feet above grade and those obstructing street lighting. Landscaping shall be maintained in accordance with the following standards:

(a) *Insects, disease, etc.:* Landscaping shall be kept free of visible signs of insects and disease and appropriately irrigated and fertilized to enable landscaping to be in a healthy condition.

(b) *Mulching:* Three (3) inches of clean, weed-free, appropriately sterilized organic mulch shall be maintained over all areas originally mulched at all times until landscaped area matures to ~~one hundred (~~100~~)~~ percent coverage.

(c) *Turf edge trimming:* All roadways, curbs and sidewalks shall be edged to prevent encroachment from the adjacent turfed areas.

(d) *Maintenance of irrigation systems:* Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation system and shall not be installed or operated to place water on roads.

(e) *Replacement requirements:* An owner is responsible to ensure that living material are replaced with like material if such living material or trees die, or are abused.

(f) *Removal of root systems:* Removal of root systems which show evidence of destroying public or private property is required.

(g) *Tree abuse:* Tree abuse is prohibited within the City in accordance with section 23-16 of the City of Margate Code of Ordinances.

(h) *Tree pruning:*

(1) All owners of land must prune trees in accordance with the National Arborist Association Standards. Any pruning performed without conformance to the National Arborist Association Standards shall be subject to enforcement by the city.

(2) All tree pruners or removers that provide services for a fee within the City of Margate shall hold a valid occupational license in either Broward, Palm Beach, or Miami-Dade Counties.

~~(3) Residential property is exempt from the requirements of this subsection.~~

~~(4)~~(3) The pruning of fruit trees is exempt from the requirements of this subsection.

(Ord. No. 1500.470, § 2, 5-17-2000; Ord. No. 2019-1500.648, § 6, 11-20-2019)

Section 40.10. Maintenance of swales.

(a) *Maintenance responsibility.* It shall be the responsibility of the adjacent property owner to maintain the swale area to the following minimum standards:

(1) Free of debris; and

(2) Grass and or weeds cut no higher than six (6) inches and edged away from the sidewalk and roadway; and

(3) Shrubs shall be kept trimmed to a height not to exceed ~~twenty-four (~~24~~)~~ inches and provide unrestricted visibility at driveways and street intersections. Shrubs shall be trimmed to prevent encroachment into adjacent sidewalks and streets; and

(4) Overhanging branches of trees shall be pruned to provide a vertical clearance of eight (8) feet above the sidewalk, and a minimum vertical clearance of ~~fourteen (~~14~~)~~ feet above the road; and

(5) The swale shall be kept free and clear of prohibited species, as set forth in section 23-10 of the City of Margate Code of Ordinances.

(Ord. No. 1500.470, § 2, 5-17-2000; Ord. No. 1500.589, § 9, 7-3-2012)

Section 40.11. Maintenance of canal right-of-way or easements.

No owner of land or any persons in their employ or under their control shall deposit in any of the waters of the lakes, ponds, canals, ditches or waterways within the city, any rubbish, filth, construction debris, litter, garbage, grass cuttings or poisonous or deleterious substance or substances liable to affect the health, safety and welfare of persons or fish within the waterways.

It shall be the responsibility of the property owner to maintain the appearance of the canal right-of-way, easement or waterway area to the following minimum standards:

(1) Free of debris; and

(2) Grass and or weeds shall ~~cut~~ not exceed ~~higher than~~ six (6) inches; and

(3) Overhanging branches of trees shall be pruned to a height of at least ~~twelve (~~12~~)~~ feet from the water surface of the canal and be free and clear of the waterway, and

(4) The canal right-of-way or easement area shall be kept free and clear of prohibited species, as defined in the Code of the City of Margate.

(5) All canals, lakes and other bodies of water shall be kept free of nuisance aquatic plants and in no instance shall any body of water have a surface covering of any type or species of aquatic plant.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.12. Boarded up buildings.

The ~~city~~ City recognizes that from time to time it may be necessary to secure real property because of abandonment, disrepair, public hazard or natural disaster. Unsecured property can lead to vandalism problems, occupancy safety problems and appearance problems. The ~~city~~ City feels it is necessary to create certain criteria for securing structures.

(1) Real property may be secured via boarding up windows, doors, or other openings upon the requirement of the building official, fire official, code officers or by a private party, for the purpose of

ensuring public safety and protecting private property, provided a permit is issued by the city prior to securing a property.

(2) Any means of securing property including crime prevention devices shall be subject to review by the building official for safety and compliance with the building code. In no instance shall safety bars, grating, or other similar apparatus be allowed over any window, door, or other opening of any building.

~~(3) If real property in any zoning district other than an R-3 or R-3A is secured for more than thirty (30) calendar days, except in the case of a natural disaster, the boards, panels or other means of securing structural openings shall be painted to match the exterior color of the building.~~

(4) The owner of ~~an occupied~~ any structure shall promptly repair any broken door or window so that a temporary boarded up condition is limited. A building permit to replace the door(s) or window(s) shall be obtained within 30 days of notice being made by the City. A temporary board up is permitted while a building permit application to replace the window(s) or door(s) is processing and while the permit is active.

(a) The building official is authorized to permit a board up following the declaration of a state of emergency issued by the Governor for a natural emergency as defined in F.S.252.34(8).~~Any such repair, other than in the case of a natural disaster, shall be made within ten (10) days~~

(5) Any device (including wood or approved hurricane shutters) used for the securing of a property during a declared hurricane or tropical storm shall be removed no later than ten (10) calendar days after the lifting of any hurricane or tropical storm warning or watch. ~~This provision may be suspended by the city manager in the event that the posting of any other storm warnings or watches are imminent.~~

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.13. Determination of need for correction.

Structures and properties failing to meet the standards for a nonblighting influence will be considered "deficient." A blighting influence on the surrounding neighborhood in violation of this article exists when a deficiency or combination of deficiencies represents more than ~~twenty-five (~~25~~) per cent~~ percent of the area on any wall, exterior premises, structure, roof or paved surface as viewed from any single vantage point off the property.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.14. Repairs and installations.

Repairs and installation shall be made so as to comply with the Code of the City of Margate and the ~~South~~ Florida Building Code, the provisions contained herein and/or the approved site plan. All work shall proceed in a timely fashion and be done in workmanlike manner.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.15. Violation.

The City shall enforce this article as set forth in section 1-8 of the City of Margate Code of Ordinances.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.16. Foreclosure real property and abandoned personal property.

(1) *Purpose and intent.* It is the purpose and intent of the City Commission to amend the process to limit and reduce the amount of abandoned personal and real property in foreclosure located within the City. It is the City Commission's further intent to amend the foreclosure property program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties subject to foreclosure.

(2) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned personal property means wrecked or derelict property which has been left abandoned and unprotected from the elements and shall include wrecked, inoperative or partially machinery, dismantled motor vehicles, trailers, boats, refrigerators, washing machines, plumbing fixtures, furniture and any other similar article which has been left abandoned and unprotected from the elements.

Accessible property means a property that is accessible through a comprised/breached gate, fence, wall, etc.

Accessible structure means a structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

Enforcement officer means any law enforcement officer, fire department official, building official, zoning inspector or code compliance officer employed within the city.

Evidence of vacancy means any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, overgrown and/or dead vegetation, accumulation of abandoned personal property or an absence of home furnishings or personal property, as defined herein, statements by neighbors, passersby, delivery agents or government agents, among other evidence that the property is vacant.

Foreclosure means the legal proceedings initiated by a creditor to repossess the collateral for a residential or commercial loan that is in default.

Foreclosure property means any property that is under a current notice of default and/or notice of mortgagee's sale, or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure, any properties transferred under a deed in lieu of foreclosure or sale or any properties transferred or pending transfer as part of bankruptcy proceedings. See also Registrable property.

Nominal salvage value means the value of an article of abandoned or derelict ~~proper ty~~ property which a reasonably prudent person would believe the fair market value of the property would be nominally greater than the costs of salvage including the removal, transportation, storage and sale of same. (This shall take into consideration its useful life, earning capacity or replacement cost, less depreciation and items of general or special depreciation.)

Private property means all lands and improvements other than public lands and improvements.

Public property means canals, all waterways, lands and improvements owned by a governmental body or any governmental agency including, but not limited to, easements and rights-of-way, but excluding the campus of any institution of the state university system.

Real property means any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number located within the ~~city~~ City limits.

Registrable Property means:

a. Any Real Property located in the ~~city~~ City, whether vacant or occupied, that is subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or trustee and a judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the Foreclosure Action has been dismissed.

Registry means a web-based electronic database of searchable real property records, used by the City to allow Mortgagees the opportunity to register properties and pay applicable fees as required in this Section.

Residential building means any improved real property, or portion thereof, situated in the City, designed or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property.

Semi-Annual Registration means six (6) months from the date of the first action that requires registration, as determined by the City, or its designee, and every subsequent six (6) months the property is Registrable. The date of the initial registration may be different than the date of the first action that required registration.

Vacant means any building/structure that is not legally occupied.

(3) *Applicability.* This article shall be considered cumulative and not superseding or subject to any other law or provision for same, but shall rather be an additional remedy available to the ~~city~~ City above and beyond any other state, county and/or local provisions for same.

(4) *Penalties.* Any person who shall violate the provisions of this article shall, upon conviction, be punished as provided in section 1-8.

(5) *Placement of abandoned personal property prohibited.*

(a) It shall be unlawful for any person to abandon personal property upon private property:

1. Without receiving the property owner's consent; or

2. In violation of this or any other applicable law, ordinance or regulation.

(b) Nothing in this section shall be deemed to apply to abandoned personal property authorized to be left on private business property properly operated, licensed and zoned in the city for the purpose of accepting abandoned property.

(6) *Public nuisance.* All abandoned personal property and foreclosure real property is hereby declared to be a public nuisance, the abatement of which is hereby declared to be necessary for the health, welfare and safety of the residents of the city.

(7) *Notification procedure.* When an enforcement officer ascertains that an article of personal property having nominal salvage value lies abandoned or derelict upon private property, that officer shall:

(a) Cause a notice to be placed upon such abandoned property in the substantially following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY THIS PROPERTY, TO WIT: (setting forth brief description)

LOCATED AT: (setting forth brief description of location) is:

IMPROPERLY STORED AND IS IN VIOLATION OF (setting forth ordinance or violation violated)

AND MUST BE REMOVED WITHIN TEN (10) CALENDAR DAYS FROM THE DATE OF THIS NOTICE; OTHERWISE IT SHALL BE PRESUMED TO BE ABANDONED PROPERTY AND WILL BE REMOVED AND SOLD OR DESTROYED BY ORDER OF THE GOVERNING BODY OF THE CITY OF MARGATE, FLORIDA

DATED THIS: (setting forth the date of posting of notice);

SIGNED (setting forth name, title, address and telephone number of enforcement officer.)

Such notice shall be not less than eight (8) inches by ten (10) inches and be sufficiently weatherproof to withstand normal exposure to the elements.

(b) The enforcement officer shall also make reasonable effort to ascertain the name and address of the owner of the abandoned property and, if such address is reasonably available, the officer shall mail by certified mail a copy of the notice to the owner on or before the date of posting the above-described notice on the abandoned personal property.

(c) The enforcement officer shall mail, by certified mail, a copy of the above-described notice to the owner of the real property upon which the abandoned personal property is located, as shown by the real estate tax records used by the county, on or before the date of posting such notice.

(8) *Removal of abandoned personal property.*

(a) If at the end of ten (10) calendar days after posting notice under this article, the owner or any person interested in such abandoned personal property described in the notice has not removed same, the enforcement officer may cause the article of abandoned personal property to be removed and destroyed or sold, and the salvage value, if any, of such article shall be retained by the local government to be applied against the cost of removal and destruction thereof.

(b) Before sale or destruction, as determined by the City of Margate, any owner or lienholder of the abandoned personal property shall be permitted to regain possession thereof upon proof of ownership or lien rights entitling the lienholder to possession, upon payment of storage charges and all expenses incurred by the enforcement officer and/or the ~~city~~ City.

(9) *Registration of foreclosure property.*

(a) Any mortgagee who holds a mortgage on real property located within the city shall perform an inspection of the property that is the security for the mortgage, upon issuance of a notice of default. The mortgagee shall, within ten (10) calendar days of the inspection, register the property with the code compliance unit of the City of Margate, or designee.

(b) Properties shall be inspected by the mortgagee or designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) calendar days of that inspection, update the property with the code compliance unit of the of the City of Margate, or designee.

(c) Registration pursuant to this section shall contain the name of the mortgagee, the direct mailing address of the mortgagee, a direct contact name and telephone number of mortgagee and, in the case of a corporation or out-of-area mortgagee, the local property management company responsible for the security and maintenance of the property.

(d) A non-refundable semi-annual fee in the amount of ~~three hundred dollars (~~$300.00~~)~~ shall accompany the registration form. Fees shall be tendered in U.S dollars.

(e) Each individual property on the Registry that has been registered for ~~twelve (~~12~~)~~ months or more prior to the Effective Date shall have ~~thirty (~~30~~)~~ calendar days to renew the registration and pay the non-refundable ~~three hundred dollars (~~$300.00~~)~~ Semi-Annual Registration fee. Properties registered less than ~~twelve (~~12~~)~~ months prior to the Effective Date shall renew the registration every six (6) months from the expiration of the original registration renewal date and shall pay the non-refundable ~~three hundred dollars (~~$300.00~~)~~ Semi-Annual Registration fee.

(f) If the mortgage and/or servicing on a property is sold or transferred, the new Mortgagee is subject to all the terms of this Section. Within ten (10) calendar days of the transfer, the new Mortgagee shall

register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.

(g) If the Mortgagee sells or transfers the Registrable Property in a non-arm 's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) calendar days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.

(h) This section shall also apply to properties that have been the subject to a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

(i) If the Foreclosure Property is not registered, or the registration fee is not paid within thirty (30) calendar days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten (10) ~~per cent~~ percent of the Semi-Annual Registration fee shall be charged for every thirty-day period, or portion thereof, the property is not registered and shall be due and payable with the registration.

(j) Properties subject to this remain under the semi-annual section shall registration requirement, security and maintenance standards of this section as long as they remain Registrable Property.

(k) Any person or corporation that has registered a property under this section must report any change of information contained in the registration within ten (10) calendar days of the change.

(10) *Maintenance requirements.*

(a) Properties subject to this article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

(b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

(c) Visible front, side and rear yards shall be landscaped and maintained to the neighborhood standard at the time registration was required. All rear yards shall be maintained such that they do not attract wildlife such as rats, raccoons, stray cats, etc.

(d) Landscape shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

(e) Maintenance shall include, but not be limited to, watering, irrigation, cutting, and mowing of required landscape and removal or all trimmings.

(f) Pools and spas shall be kept in working order so the water remains free and clear of pollutants and debris. Pools and spas shall comply with the enclosure requirements of the City Code of Ordinances and Florida Building Code, as amended from time to time.

(g) Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of the City Code and citation by the City's code compliance unit. Pursuant to a finding and determination by the special magistrate, the City may take the necessary action to ensure compliance with this section.

(11) *Security requirements.*

(a) Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property and/or structure. Broken windows shall be secured by reglazing.

(c) If the property is owned by a corporation and/or out-of-area mortgagee, a local property manager or management company shall be contracted to perform monthly inspections to verify compliance with the requirements of this section, and any other applicable laws.

(d) The local property management company shall inspect the property on a monthly basis to ensure that the property is in compliance with this chapter and keep a log of same. Said log shall be produced to the City of Margate upon request.

(e) Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of the City Code and citation by the City's code compliance unit pursuant to a finding and determination by the special magistrate, the City may take the necessary action to ensure compliance with this section.

(12) *Opposing, obstructing enforcement officer; penalty.* Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this article, upon conviction shall be punished as provided in section 1-8.

(13) *Immunity of enforcement officer.* Any enforcement officer or any person authorized by the enforcement officer shall be immune from prosecution, civil or criminal, for reasonable, good-faith trespass upon real property while in the discharge of duties imposed by this article.

(14) *Additional authority.* The City's Code Compliance Unit shall have authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all door, window or other openings, employment of an on-site security guard, or other measures as may be reasonably required to prevent a decline of the property.

(15) *Adoption of rules; expenditure of funds; declaration of city purpose.* The governing body is authorized and empowered to adopt rules and regulations and expend City funds as may be reasonably necessary and available to carry out the terms of this article, the expenditure of such funds being declared a proper city purpose.

(Ord. No. 1500.545, § 2, 7-2-2008; Ord. No. 2021-1500.654, § 2, 5-5-2021)

CGA Update – 9-7-2023

Added as may be amended from time to time when referencing Florida Statutes

ARTICLE XXX. PAIN MANAGEMENT CLINICS

Section 30.1. General.

(A) Notwithstanding any other provision of the Margate Code of Ordinances that allows medical clinics, doctors' offices, or pharmacies as a permitted use in any other zoning district, pain management clinics, as defined in Section 2.2, shall be allowed only as a special exception use in the CF-~~2~~1 Community Facilities District, the ~~TOC~~ C: Corridor District, and the B-3 Liberal Business District. In order to provide adequate protection to the community and establish the legitimacy of the business, the following regulations shall apply to the location, design, operation, and maintenance of pain management clinics, and shall be in addition to all other requirements or limitations of this chapter:

(1) A special exception must be approved by the City Commission prior to the establishment of any pain management clinic.

(2) The application for a special exception for a pain management clinic shall disclose, in detail, the owners and operators of the facility, and shall be updated by the owner/operator annually at the time of renewal of the local business tax receipt for the business, or at any time that there is a change of owner or the physician of record pursuant to F.S. § 458.3265 or F.S. § 459.0137, as may be amended from time to time.

(3) The applicant shall provide to the City proof of registration with the Florida Department of Health, pursuant to F.S. § 458.3265 or F.S. § 459.0137, as may be amended from time to time, upon application of a special exception. If the registration of a pain management clinic is revoked or suspended by the Florida Department of Health, the City's special exception shall be revoked automatically.

(4) The application for a special exception shall include an affidavit by the owner or physician of record pursuant to F.S. § 458.3265 or F.S. § 459.0137, as may be amended from time to time, attesting to the fact that no employee of the business, nor any independent contractor or volunteer having regular contact with customers of the business, has been convicted of a drug-related felony within the five-year period prior to the date of application, and that the business shall not employ or allow any such convicted employee, independent contractor, or volunteer on the premises thereafter.

(5) The application for a special exception shall include written documentation from a fully licensed and accredited Broward or Palm Beach County hospital, hospice and/or facility for the treatment of the terminally ill that there is an affiliation with the applicant pain management clinic, and that the physician(s) of record pursuant to F.S. § 458.3265 or F.S. § 459.0137, as may be amended from time to time, has/have treating privileges at said hospital, hospice, or treatment facility.

(6) A pain management clinic shall be limited to the hours of operation between 7:00 a.m. and 9:00 p.m., Monday through Saturday.

(7) A pain management clinic shall post the required special exception resolution in a conspicuous location at or near the entrance to the facility so that it may be easily read at any time.

(8) No pain management clinic shall be permitted to be located within one thousand two hundred (1,200) feet of another pain management clinic or a place of worship, child care center, or educational center. The applicant shall furnish a certified survey to the City upon application for a special exception for the business. Said survey shall be prepared by a registered land surveyor in the State of Florida, indicating the distance in linear feet between the proposed pain management clinic and another pain management clinic, and any ~~place of worship,~~ Place of Assembly, child care facility, and educational center, measured from the nearest point of one (1) facility to the nearest point of the other facility in a straight line. Any pain management clinic legally in existence prior to the effective date of this Section, but now in violation of its provisions due this Subsection, shall be considered a legal nonconforming use for a period of one (1) year from the effective date of this Section. After the one-year period of time, such nonconforming use shall be removed or discontinued.

(9) Pain management clinics are prohibited from having any outdoor seating areas, queues, or customer waiting areas. All activities of the pain management clinic, including sale, display, preparation, and storage, shall be conducted entirely within a completely enclosed building.

(10) With the exception of Subsection 30.1(A)(8), all pain management clinics legally in existence prior to the effective date of this Section shall comply with the requirements herein within 60 days of the effective date of this Section.

(11) If at any time the City determines that a pain management clinic is operating in any manner that is inconsistent with, or contrary to, the provisions of this article or any other applicable code or statute, the City may revoke the special exception.

(Ord. No. 1500.578, § 13, 9-7-2011)

ARTICLE XXXV. ADULT BOOKSTORES AND ADULT THEATERS[1]

Section 35.1. [Location restricted].

(A) *Definitions.* As used in this section:

(1) *Adult bookstore:* Any establishment:

(a) Which advertises itself as, or designates itself as, an adult, x-rated or "sex" related store or establishment; or

(b) Where 25 percent or more of the stock of videos, tapes, films, magazines, aids, toys, clothing, games, etc. or any other objects or depictions of whatever nature are designated, advertised, or otherwise indicated to be x-rated, adult related, or of a sex theme.

(c) An adult bookstore shall also be defined as any establishment described in subsection (b) which has less than 25 percent of the articles described in subsection (b), but which does not keep said articles in a separate area wherein no access is granted to minors.

[1]Editor's note(s)—Ord. No. 1500.125, § 1, adopted Dec. 21, 1977, amended Appendix A to the Code by adding a new section XIX, which section the editor has codified as Article XIX, [currently Art. XXXV,] of Appendix A at his discretion; designations of subsections, subsubsections, etc., have been changed to conform to the format of Appendix A.

(2) *Adult theatre:* Any enclosed building, or any area or section within any enclosed building, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or " specified anatomical areas", as defined herein, for observation by patrons therein.

(3) *Specified anatomical areas* is defined as:

(a) Less than completely and opaquely covered:

(i) Human genitals, pubic region;

(ii) Buttock;

(iii) Female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(4) *Specified sexual activities* is defined as:

(a) Human genitals in a state of sexual stimulation or arousal;

(b) Acts of human masturbation, sexual intercourse or sodomy; and

(c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

(5) *Alcoholic beverage* means all beverages containing more than one (1) per cent of alcohol by weight.

(6) *Place of Assembly:* An establishment providing a place for persons to gather together for a common purpose in a meeting, recreational, religious or social facility. This definition shall include, but is not limited to auditoriums, private clubs and lodges, community centers, clubhouses, theaters, and places of worship or other facilities that are used for prayer and assembly by persons of similar beliefs.

(B) *Applicability.* Adult book stores or establishments, and adult theatres may be located only in commercial and industrial zones of the City of Margate, pursuant to all provisions contained in this section.

(C) *[Opacity.]* All adult establishments shall be opaque on all sides and no depiction of adult themes may be represented which is visible from the outside of said establishment.

(D) *Distance between establishments.* No adult bookstore or adult theatre shall be located within 1,000 feet, to be measured from front door to front door of said establishment by airline route, of an existing adult bookstore or adult theatre located within or without the corporate limits of the City of Margate.

(E) *Distance from Place of Assembly or school.* No adult bookstore or adult theatre shall be located within 1,000 feet of any established Place of Assembly or school located within or without the corporate limits of the City of Margate, measured from the front door of the adult bookstore or adult theatre to the nearest point of the Place of Assembly or school property used as a part of such facility measured along public thoroughfares by airline measurement.

(F) *Distance from alcoholic beverage establishment.* The city does not require a minimum separation from establishments licensed to sell or serve alcohol.

(G) *Distance from residential district.* No adult bookstore or adult theatre shall be located within 1,000 feet airline measurement from any residentially zoned district. For the purposes of this subsection, distances shall be measured from the nearest property line of the premises to the nearest boundary of a residentially zoned district.

Minimum Distance of Separation of Establishments From Adult Bookstores or Establishments and Adult Theatres	
Use	Minimum Separation
Another adult bookstore, adult establishment or adult theatre	1,000’

Alcoholic beverage establishment or any other use licensed to sell or serve alcohol	1,000'
Child care facility	1,000'
Place of Assembly or school within or without the corporate limits of the City (excluding colleges, universities or trade schools)	1,000'
Any residentially zoned district	1,000'

(H) *Application to new Places of Assembly or schools.* Where an adult bookstore or adult theatre is located in conformity with the provisions of this section, the subsequent location of a Place of Assembly or school in the proximity of such existing establishment shall not be construed to cause such establishment to be in violation of this section nor to cause such establishment to be deemed a nonconforming use.

(I) *Existing establishments.* The provisions of this section shall not be construed to be retroactive, and any existing adult bookstore or adult theatre which conformed to the regulations in effect when such establishment was established shall not be rendered illegal or in violation through the adoption of these regulations.

(Ord. No. 1500.125, § 1, 12-21-1977; Ord. No. 1500.443, § 2, 5-17-1995; Ord. No. 2019-1500.649, § 9, 12-11-2019)

Section 35.2. Nude or semi-nude entertainment.

(a) *Definitions.* The following definitions shall apply in this section:

(1) *Advertisement* means a display, notice or other information designed to attract public attention, including, but not limited to, handbills, signs, billboards, soundtracks, placards, signboards and written notices.

(2) *Alcoholic beverages* means all beverages containing more than one (1) per cent of alcohol by weight, including beer and wine.

(3) *City commission* means the city commission of the City of Margate, Florida.

(4) *Commercial* means operated for pecuniary gain, which shall be presumed for any establishment which has received an ~~occupational license~~ local business tax receipt. For purposes of this section, operating for pecuniary gain shall not depend on actual profit or loss.

(5) *Establishment* means a physical plant or location, or the commercial activities or operations being conducted, or both together, as the context of this section may require.

(6) *Nude or semi-nude entertainment* consists of the following:

a. The actual or simulated displaying of the genitals, pubic area, buttocks, anus or anal cleft or cleavage.

b. The actual or simulated displaying by a female of her nipple, areola or any portion thereof, or any portion of her breast directly below the areola.

(7) *Person* means individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, government officials, government entities and all other groups or combinations.

(8) *Premises* means a physical plant or location, which is enclosed by walls or any other enclosing structural device, or which is covered by a single roof or with a single shared entrance, if not covered by a single roof, and shall include any structure, structures or land, or contiguous structures or land,

within 300 feet of the physical plant or location where such structures or land and the physical plant or location are under common ownership, control or possession.

(9) *Areola* means the darkening ring surrounding the nipple of a female breast.

(b) *Prohibitions:*

(1) It shall be unlawful for any person to engage in nude or semi-nude entertainment in any commercial establishment at which alcoholic beverages are, or are available to be, sold, dispensed, consumed, possessed or offered for sale or consumption on the premises.

(2) It shall be unlawful for any female person, while on the premises of a commercial establishment at which alcoholic beverages are, or are available to be, sold, dispensed, consumed, possessed or offered for sale or consumption on the premises, to expose to public view her nipple, areola or any portion thereof, or any portion of her breast directly below the areola or to employ any device or covering which is intended to give the appearance of or simulate such areas of the female breast as described herein.

(3) It shall be unlawful for any person while on the premises of a commercial establishment at which alcoholic beverages are, or are available to be, sold, dispensed, consumed, possessed or offered for sale or consumption on the premises, to expose to public view his or her genitals, pubic areas, buttocks, anus or anal cleft or cleavage or employ any device or covering which is intended to give the appearance of or simulate his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage.

(4) It shall be unlawful for any entertainer, performer, or employee, while on the premises of a commercial establishment regulated under this section, to dance in such a manner as to simulate sexual activity with any patron, spectator, employee or other person not employed therein.

(5) It shall be unlawful for any entertainer, performer or employee, while on the premises of a commercial establishment regulated under this section, to sit upon or straddle the leg, legs, lap or body of any patron, spectator or other person therein, or to engage in or simulate sexual activity while touching or being touched by said patron, spectator or other person.

(6) It shall be unlawful for any person while on the premises of a commercial establishment regulated under this section to engage in any sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act which is prohibited by law, touching, caressing or fondling of human breasts, genitals, pubic area, buttocks, anus or anal cleft or cleavage or the simulation thereof within an establishment dealing in alcoholic beverages.

(7) It shall be unlawful for any person to show or cause to be shown in a commercial establishment regulated under this section any graphic representation, including pictures or projection of film, which depicts human genitals, pubic area, buttocks, anus, anal cleft or cleavage, female nipple, female areola, female breast directly below the areola, sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual act prohibited by law or touching, caressing or fondling of the human genitals, pubic area, buttocks, anus, anal cleft or cleavage, female nipple, female areola, or female breast directly below the areola.

(8) It shall be unlawful for any person owning, maintaining, operating or leasing any commercial establishment at which alcoholic beverages are, or are available to be, sold, dispensed, consumed, possessed or offered for sale or consumption on the premises to suffer or permit any person on the premises to engage in any conduct prohibited in subparagraphs (1) through (7) above.

(9) It shall be unlawful for any person owning, maintaining, operating or leasing a commercial establishment regulated under this section to suffer or permit any outside advertisement which encourages, solicits, induces or promotes conduct or activities prohibited by this section in such establishment.

(c) *Presumptions:* The following presumptions shall apply in actions brought for violation of this section:

(1) Any person who owns, maintains, operates, leases or enters a commercial establishment where nude or semi-nude entertainment actually takes place on the premises in violation of this section is presumed to be aware that said nude or semi-nude entertainment is taking place in the establishment.

(2) Any establishment which has received an ~~occupational license~~ local business tax receipt to operate commercially is presumed to be a commercial establishment.

(d) *Proof:*

(1) In all actions, civil or criminal, for violation of this section, proof that the beverage was an alcoholic beverage may be made by any person who, by experience in the past in handling or use of alcoholic beverages, or who by taste, smell or drinking of such liquids has knowledge of the presence of alcoholic content thereof or the intoxicating effect thereof, may testify as to his or her opinion whether such beverage is an alcoholic beverage.

(2) The presence of alcoholic content of any beverage may be shown by hydrometer or gravity test made in or away from the presence of the fact finder by any person who has knowledge of the use of said instrument.

(e) *Penalties:* Any person who shall violate any provision of this section shall be guilty of an offense against the city punishable as provided in section 1-8 of the City Code. In addition, if the owner, operator, lessor, licensee, lessee, manager, employee or any other person participating in the operation of a commercial establishment located within the City of Margate at which alcoholic beverages are offered for sale or consumption on the premises shall be convicted of any of the offenses designated in this section, then the ~~occupational license~~ local business tax receipt of said establishment shall be revoked by the city after giving reasonable notice thereof to the holder of said license and affording the holder an opportunity to be heard.

(Ord. No. 1500.284, § 2, 6-19-1985)

ARTICLE XXXVI. ARCADE AMUSEMENT CENTERS AND DEVICES

Section 36.1. Definitions.

The following definitions shall apply to this article.

~~*Amusement games or machines:* Games which operate by means of the insertion of a coin, and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons, the cost value of which does not exceed seventy-five cents ($0.75) on any game played, which may be exchanged for merchandise. The term does not include casino-style games in which the outcome is determined in which the outcome is determined by factors unpredictable by the player or games in which the player may not control the outcome of the game through skill. This definition is not intended to and does not include merchandise vending machines or coin-operated mechanical or electrical musical devices.~~

~~*Arcade amusement center:* A place of business having at least fifty (50) amusement games or machines on the premises which are operated for the entertainment of the general public as a bona fide amusement facility as currently defined by Chapter 849 of the Florida Statutes.~~

Amusement games or machines: A game or machine operated only for the bona fide entertainment of the general public which a person activates by inserting or using currency or a coin, card, coupon, slug, token, or similar device, and, by the application of skill, with no material element of chance inherent in the game or machine, the person playing or operating the game or machine controls the outcome of the game. The term does not include:

1. Any game or machine that uses mechanical slot reels, video depictions of slot machine reels or symbols, or video simulations or video representations of any other casino game, including, but not limited to, any banked or banking card game, poker, bingo, pull-tab, lotto, roulette, or craps.

2. A game in which the player does not control the outcome of the game through skill or a game where the outcome is determined by factors not visible, known, or predictable to the player.

3. A video poker game or any other game or machine that may be construed as a gambling device under the laws of this state.

4. Any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless excluded under 15 U.S.C. s. 1178.

Arcade amusement center: A place of business having at least 50 amusement games or machines on premises which is operated for the entertainment of the general public and tourists as a bona fide amusement facility.

Game room: An establishment, room or place where less than 50 amusement games or machines are available to the general public and constitute the accessory use of the establishment as defined by this article.

(Ord. No. 1500.507, § 1, 2-16-2005; Ord. No. 1500.604, § 6, 11-6-2013 ; Ord. No. 2015-1500.616, § 3, 8-26-2015)

Section 36.2. Gambling devices prohibited.

Nothing in this article shall in any way be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that is prohibited by Chapter 849 of the Florida Statutes, has been judicially determined to be a gambling device, in any way contrary to law, or that may be contrary to any future laws of the state.

(Ord. No. 1500.507, § 1, 2-16-2005; Ord. No. 1500.604, § 6, 11-6-2013)

Section 36.3. Location of arcade amusement centers.

Arcade amusement centers shall be permitted by special exception in the C, G, CC, B-2 and B-3 zoning districts, as provided in the city's Zoning Code pursuant to the procedure and criteria set forth in Chapter 31, Section 31-54 of the Margate Code of Ordinances, with the following exceptions:

(1) Arcade amusement centers shall not be permitted within 1,000 feet of another similar establishment, nor in any case within the same plaza, shopping center, mall, or other facility as another similar establishment.

(2) The distance shall be measured by airline route from the main entrance or front door of one amusement arcade center to the main entrance or front door of the other similar establishment.

(Ord. No. 1500.507, § 1, 2-16-2005; Ord. No. 1500.579, § 6, 11-2-2011; Ord. No. 1500-587, § 1, 4-18-2012; Ord. No. 1500.604, § 6, 11-6-2013 ; Ord. No. 2017-14, § 18, 8-23-2017)

Section 36.4. Location of game rooms.

(A) Game rooms may be permitted as an accessory use, supplemental to the permitted primary use of a premises, as outlined in this section, so long as no more than 25 per cent of the gross square footage of the floor area of the premises is utilized for amusement games or machines. For the purpose of this article, each amusement game or machine is hereby determined to utilize 25 square feet.

(B) Game rooms shall be permitted as accessory uses to the following uses within any CC, G, C, B-2, or B-3 District:

(1) Establishments in which the primary income is derived from serving food;

(2) Bowling alleys or indoor recreation centers;

(3) Business establishments having a minimum floor area of 2,000 square feet.

(Ord. No. 1500.507, § 1, 2-16-2005; Ord. No. 1500.520, § 1, 5-3-2006; Ord. No. 1500.604, § 6, 11-6-2013)

Section 36.5. Location of amusement games or machines with a permitted use.

Five (5) or fewer amusement games or machines shall be permitted within any establishment in any B-1, B-2, B-3, CC, G, C district, and the business portion of any PUD Zoning District. Two (2) additional amusement games or machines shall be permitted, provided that at least two (2) of the amusement games and machines in the establishment are designed for placement upon a bar, counter, table, etc. Additionally, the use of such amusement games or machines shall constitute an accessory use as defined in section 36.1 of this Code.

(Ord. No. 1500.507, § 1, 2-16-2005; Ord. No. 1500.520, § 1, 5-3-2006; Ord. No. 1500.604, § 6, 11-6-2013)

Section 36.6. Additional development standards.

(A) *Signage.* All signs for amusement arcades shall follow the guidelines set forth in Appendix A, Zoning Code, Article XXXIX. ~~In addition, the use of any imagery referencing gambling such as, but not limited to, slot machines, poker wheels, etc., shall not be permitted when visible from the exterior of the tenant space, including, but not limited to, wall signage and window signage.~~

(B) *Operations.*

(1) *[Hours of operation.]* The hours of operation of any amusement arcade center which is duly licensed to sell or serve alcoholic beverages shall be limited to those hours which it is permitted to sell or serve alcoholic beverages. The hours of operation for amusement arcade centers which do not sell or serve alcohol shall be as follows:

(a) From 8:00 a.m. until 2:00 a.m. of the following day, Monday through Thursday;

(b) From 8:00 a.m. Friday until 4:00 a.m. the following Saturday;

(c) From 8:00 a.m. Saturday until 4:00 a.m. the following Sunday;

(d) From 10:00 a.m. Sunday until 2:00 a.m. the following Monday.

(2) *[Supervision.]* An employee at least 21 years of age or older shall be on the center premises of an arcade amusement center at all times and shall supervise the operation thereof during all hours of operation.

(3) *[Age restrictions.]* No person under the age of 18 years is permitted on premises of an arcade amusement center before 4:00 p.m. on any day the public or private schools are in session, unless such person is accompanied by his or her parent or legal guardian.

(C) *Additional special exception criteria.*

(1) In granting or denying the special exception as identified in this article, the city commission shall additionally consider the following:

(i) That any amusement game or machine proposed to be installed is legally designed and will be operated according to state law.

(ii) That any amusement game or machine be electrically safe and acceptable in the manner in which it is installed and operated and certified by the administration as same.

(iii) That the proposed use does not materially alter the main use of the applicant's business.

(iv) That the proposed use will not alter the surrounding business area or its environment.

(Ord. No. 1500.507, § 1, 2-16-2005; Ord. No. 1500.579, § 7, 11-2-2011; Ord. No. 1500-587, § 2, 4-18-2012; Ord. No. 1500.604, § 6, 11-6-2013)

ARTICLE XLI. MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES

Section 41.1. Purpose, findings, and prohibition.

(A) *Purpose.* It is the purpose of this ordinance (article) to prohibit Medical Treatment Centers created pursuant to Art. X, § 29 of the Florida Constitution and Chapter 2017-232 Laws of Florida (Codified in F.S. chapter 381) as may be amended from time to time from establishing Medical Marijuana Treatment Center Dispensing Facilities within the municipal limits of the City of Margate.

(B) *Findings.* Based on authority granted to municipalities in F.S. 381.986(11) as may be amended from time to time, the City Commission finds that a ban on the establishment of Medical Marijuana Treatment Center Dispensaries within the City of Margate is in the best interest of the City.

(C) *Prohibition.* Medical Marijuana Treatment Center Dispensing Facilities are prohibited within the boundaries of the City of Margate. No variance, special exception or other procedural or regulatory exemption to this City-wide ban may be processed by or granted by the City.

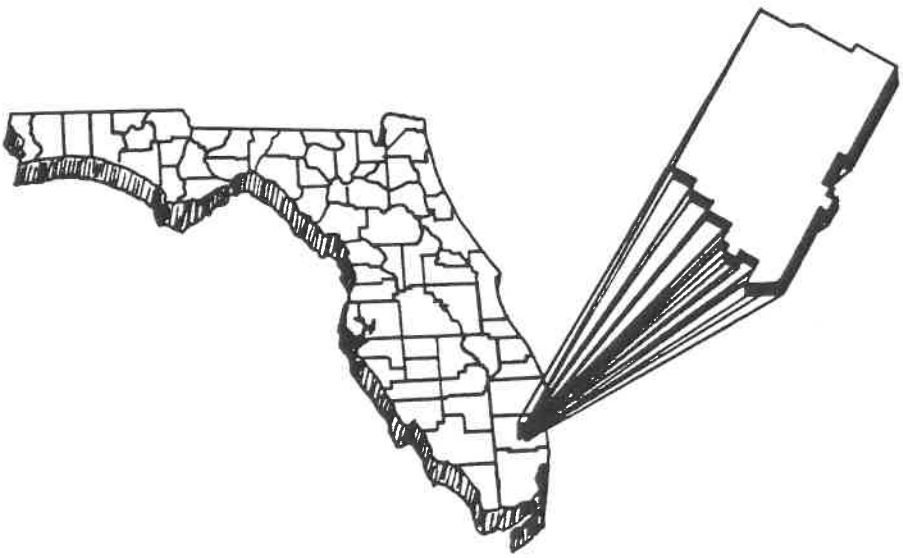
(Ord. No. 2018-1500.641, § 2, 3-21-2018)

LAND DEVELOPMENT CODE

CITY OF
MARGATE, FLORIDA

City of Margate, Florida

LAND DEVELOPMENT CODE



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CITY OF MARGATE, FLORIDA

LAND DEVELOPMENT CODE

1990

MUNICIPAL OFFICIALS

Benjamin Goldner	Mayor
Leonard Weisinger	Vice Mayor
Mitch Anton	Commissioner
Arthur J. Bross	Commissioner
Joseph Varsallone	Commissioner
Samuel Moschella	City Manager
Eugene Steinfeld, ESQ.	City Attorney
Shirley J. Baughman, CMC	City Clerk
Emil C. Esteban, P. E.	Director D.E.E.S.
Deanne Arnold	Junior Planner

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CHAPTER 1

ADMINISTRATION OF THE LAND DEVELOPMENT CODE

1-1 TITLE

This code shall be known as the "Land Development Code of Margate, Florida," or may be so cited in subsequent sections as the "code," the "regulations" or the "LDC."

1-2 PURPOSE AND INTENT

The primary purpose of the Land Development Code is the implementation of the Margate Comprehensive Plan, as adopted pursuant to Chapter 163, Part II, Florida Statutes, and in accordance with Florida Administrative Code, 9J-5. This code will ensure that the goals, policies and objectives of the Comprehensive Plan are fulfilled and further will at the least:

- promote the orderly development and redevelopment of the city through comprehensive land planning, architectural design, construction and landscaping of the highest standards possible;

- ensure that the facilities and services necessary for the health, safety and welfare of the public are available to serve all proposed developments without imposing financial burdens on the taxpayers of the city;

- conserve and protect the natural amenities of the land, including but not limited to, native trees, water surfaces, wetlands and wildlife habitats;

- ensure that the open space and recreational needs of the public are provided for;

- ensure the health, safety and welfare of the public by promoting the safe and convenient flow of traffic in all parking areas, also providing for pedestrian and bicycle access;

- protect the character, amenities and residents of the City of Margate from the adverse impacts of seasonal and periodic flooding;

- protect the residents of the city from the adverse impacts of development in general, including the protection of potable water wellfields.

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1-6 PLANNING AND ZONING BOARD

1-6.1 CREATION; APPOINTMENT; TERMS; ADVISERS

(1) A Planning and Zoning Board for the City of Margate is hereby created and established, consisting of five (5) members. The said Board members shall be appointed by the City Commission, and shall serve without compensation and at the pleasure of said City Commission.

(2) Initially, three (3) members shall be appointed for a period of two (2) years and two (2) members shall be appointed for a period of one year. Thereafter, all appointments shall be for a two (2) year period.

(3) The members of the said Board shall elect a chairman, a vice-chairman and a secretary from its membership. The City Manager, City Building Official, City Attorney, City Engineer, City Planner and such other officers and officials of the city as the Board may require, shall be considered as advisers to the Planning and Zoning Board and may be called upon from time to time to meet with said Board.

1-6.2 RULES OF PROCEDURE

The City Commission may by ordinance fix and determine procedure before the Planning and Zoning Board, and such Board shall adopt reasonable rules and regulations consistent with the provisions of such ordinance for presentation of matters before such Board, for notifying interested parties, for charging and collecting an application fee, for conducting and holding hearings and for calling advisers and assistants from time to time.

1-6.3 DUTIES

The duties of the Planning and Zoning Board shall be as follows:

(1) To act in an advisory capacity to the City Commission on questions relating to zoning, and conduct investigations and hold public hearings on all matters or proposals to change zoning regulations and report its findings and recommendations on such matters to the City Commission.

(2) To study proposed city plans, with a view to improving same, so as to provide for the development, general improvement and probable future growth of the city and from time to time make recommendations to the City Commission relating to a city plan and new developments or for the adoption of a city plan.

1-3 AUTHORITY

The State of Florida, by enacting Chapters 125 and 163, Part II, Florida Statutes, hereby gives the City of Margate the authority to establish, implement and enforce the Land Development Code contained herein.

1-4 DEFINITIONS

The following rules shall apply in the application and interpretation of these regulations, except when the context clearly requires otherwise:

- The words "shall," "should" and "must" are mandatory;
- Words used or defined in one tense or form shall include other tenses or derivative forms;
- Words in the singular shall include the plural; those in the plural shall include the singular;
- In the event of a conflict between the text and any graphic material, the text shall rule.

1-5 BOARDS AND COMMITTEES

No person shall be appointed nor elected to more than one permanently established board or committee of the City of Margate.

Any person who is serving on a permanently established board or committee shall submit with his application for a position on another permanently established board or committee a signed resignation from the permanently established board(s) or committee(s) on which he is serving at the time of his application to the City Commission of the City of Margate. Said resignation shall be regularly put on the agenda for acceptance at a commission meeting of the City of Margate. Should an individual not be appointed to the board or committee for which he has applied, his resignation from the first board or committee which he is serving shall not be effective.

1-7.3 RULES OF PROCEDURE

The City Commission may by ordinance fix and determine procedure before the Board of Adjustment, and such Board shall adopt reasonable rules and regulations consistent with the provisions of such ordinance for the presentation of matters before such Board, for notifying interested parties, for charging and collecting an application fee, for conducting and holding hearings, and for calling in advisers or assistants from time to time.

1-7.4 MEETINGS; MINUTES

(1) Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board may determine. The Board may, by the adoption of its own rules and regulations consistent with the provisions of this code, establish a regular meeting night and rules for the calling of regular and special meetings of the Board.

(2) All meetings of the Board shall be open to the public, and the Board shall keep minutes of its proceedings showing the vote of each member upon each question submitted to it; or if a member is absent or fails to vote, such fact shall appear upon its minutes. Copies of its minutes shall be immediately filed with the City Clerk and shall become a public record.

1-7.5 POWERS AND DUTIES

The Board of Adjustment shall have the following powers:

(1) To hear and determine appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning regulations of the city.

(2) To hear and grant or deny such variances from the terms of any zoning ordinances of the city, except those as to the number and allocation of liquor licenses by district and category. To hear and grant or deny such variances from the City Code as will not be contrary to the public interest or the general purposes sought to be accomplished by the zoning ordinances and where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinances will result in unnecessary hardship in the use of the property involved.

(3) To investigate and recommend approval or disapproval of all new plats to be presented to the City Commission.

(4) To act in an advisory capacity on all matters on proposals or applications to change zoning on real property located in the city.

(5) To perform such other duties as may from time to time be assigned to such Board by the City Commission.

1-7 BOARD OF ADJUSTMENT

1-7.1 CREATION; APPOINTMENT; TERMS; ADVISERS

(1) A Board of Adjustment for the city is hereby created and established consisting of five (5) members who shall be qualified as Board members as provided by law. The Board members shall be appointed by the City Commission, and shall serve without compensation and at the pleasure of said City Commission.

(2) Initially, three (3) members shall be appointed for a period of two (2) years and two (2) members shall be appointed for a period of one year. Thereafter, all appointments shall be for a two (2) year period.

(3) The members of said Board shall elect a chairman, a vice-chairman and a secretary from its membership. The City Manager, City Building Official, City Attorney, City Engineer, City Planner and such other officers and officials of the city as the Board may require, shall be considered as advisers to the Board of Adjustment and may be called upon from time to time to meet with said Board.

1-7.2 SUBSTITUTE MEMBERS

In case of the temporary absence or disqualification of any member of the Board of Adjustment, the chairman of the Board shall have the right and authority to designate any member of the Planning and Zoning Board to serve as a substitute on the Board of Adjustment during the continuance of such absence or disqualification; but no substitute shall serve in such capacity for a period longer than three (3) months, nor shall more than two (2) substitute members serve on the Board of Adjustment at any one time. In cases where substitutes are designated to serve for such limited periods, such fact shall be recorded in the official minutes of the Board of Adjustment before such substitute shall act in any matter presented to the Board; and while serving, substitutes shall have the same powers as regular members.

1-7.7 PROCEEDINGS ON APPLICATION

Upon the filing of an application for a variance or other appeal in proper form and the payment of the appropriate costs to the City of Margate, the procedure to be followed shall be in accordance with the following regulations:

(1) If the appeal is from a decision of an administrative officer in the enforcement of zoning regulations, said appeal shall be filed within thirty (30) days of the administrative officer's decision. A copy of the appeal shall be furnished to the administrative officer who shall within two (2) days prepare a statement in writing of points involved and his interpretation of the ordinances or regulations governing same and his ruling thereon. He shall furnish copies of such statement to the Board of Adjustment and to the City Manager.

(2) In the event the appeal or application is filed for the purpose of seeking a variance or special exception to the terms of any zoning ordinance, the owners of all lands lying within three hundred (300) feet of the area for which a special exception or variance is requested shall be notified of the appeal and of the meeting at which such appeal shall be considered by the Board of Adjustment. This shall not be applicable and shall exclude application for special exceptions for three (3) or less amusement devices as provided for by the zoning ordinance of the City of Margate. All notices shall be provided to the applicant and the City Manager, and to such other persons or parties as the Board shall deem necessary.

(3) In regards to the notices to surrounding property owners where a variance or special exception is requested, the notice shall be mailed by United States mail to the persons shown upon the tax records at the Broward County courthouse to be the owners of the affected lands. Such notice shall be mailed at least ten (10) days before the hearing at which such appeals shall be considered by the Board of Adjustment.

(4) Where an appeal or application is filed for the purpose of seeking a variance or special exception, and in addition to the foregoing, the date and time of the hearing shall be published at least ten (10) days prior to such hearing in a daily newspaper of general circulation in the city.

(5) If the application is for a permit for a non-conforming use of buildings or lands, the procedure shall be the same as provided above for the application for a variance or special exception.

(3) To hear and grant or deny special exceptions to the terms of zoning ordinances of the city, such action as will not be contrary to the public interest or the general purposes sought to be accomplished by the zoning ordinances and where, owing to special conditions, a literal enforcement of the provisions of zoning ordinances will result in unnecessary hardship to the applicant.

In exercising said powers and duties, the Board of Adjustment shall not grant a variance unless:

(1) It is demonstrated that special conditions and circumstances exist which, if there is a literal and strict enforcement of the provisions of a zoning ordinance, would constitute a hardship or practical difficulty in the use of the property involved.

(2) The Board finds that the granting of the variance will not be contrary to the public interest or the general purpose sought to be accomplished by the zoning ordinances.

(3) The Board finds that the granting of a special exception to the terms of a zoning ordinance will not be contrary to the public interest.

In granting any variance, the Board of Adjustment shall record in its minutes the circumstances and conditions constituting the hardship or practical difficulties upon which the variance is based.

1-7.6 APPLICATIONS; FEES

Applications to the Board of Adjustment for variance or other appeals shall be filed with the City Clerk on forms furnished by that office. The application shall be accompanied by the following fee:

(1) For variances, special exceptions, non-conforming use permit hearings and appeals of the zoning administrator's decisions, etc.: Two hundred dollars ($200.00).

(2) For appeals from the Board of Adjustment to the City Commission: Cost of certified postage.

The fee called for in the appropriate case shall accompany the application or notice of appeal. Said sums shall be immediately forwarded to the Finance Director to be placed in the appropriate account. Failure to file such sums as costs shall render the applicant's request void.

1-7.8 DECISIONS; ORDERS

(1) The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any officer or official upon zoning matters or to grant a variance or special exception to the provisions of an existing zoning regulation.

(2) Orders and decisions of the Board shall be in writing; one copy shall be kept by the Board, one copy shall be forwarded to the City Clerk and shall become a public record and one copy shall be given to the applicant or appellant.

(3) A decision of the Board wherein a variance or special exception to a zoning regulation is granted or denied, a ruling of the administrative official charged with the enforcement of the zoning regulations is confirmed or overruled, or a temporary permit for a non-conforming use is granted or denied may be appealed by application of an aggrieved party to the City Commission for review and the following procedure shall be followed:

A request for an appeal shall be made with the City Clerk's office within thirty (30) days after the written decision of the Board of Adjustment is transmitted to the City Clerk, and after action of the City Commission the decision of the Board of Adjustment shall be deemed either confirmed or, depending on the motion, reversed. The affirmative vote of three (3) members of the City Commission shall be necessary in order to reverse the recommendation of the Board of Adjustment.

1-8 DEVELOPMENT REVIEW COMMITTEE

1-8.1 CREATION; MEMBERS; PURPOSE

(1) There is hereby established a Development Review Committee composed of representatives of city departments having a direct interest in new development. Membership of the committee shall include the Utility Director, the Public Safety Director, the Building Official, the City Engineer and the City Planner, or any designees of the aforesaid. The City Engineer shall serve as chairman of the Committee. The Development Review Committee shall have the right to make such rules as are necessary for the orderly conduct of its meetings.

(2) The general purpose of the Development Review Committee is to implement the requirements of the City of Margate Comprehensive Plan and the Broward County Land Use Plan; discourage haphazard land development; ensure that urban delivery services are not unduly overburdened by premature development; coordinate departmental review; and protect the health, safety and welfare of the residents of the City of Margate.

1-8.2 REVIEW OF PROPOSALS

(1) The Development Review Committee shall meet on a regular basis for the purpose of reviewing and submitting to the Planning and Zoning Board a report on all applications for any proposed plats, subdivision resurveys or rezonings. The Committee shall review all site plans other than those for a single-family home or duplex on a platted lot. Proposals to the Development Review Committee shall be submitted at least fourteen (14) days prior to the meeting considering same.

(2) The Development Review Committee, as to all proposed plats, subdivision resurveys and rezonings, shall make a statement to the Planning and Zoning Board assessing the adequacy of the proposal as to all city ordinances. The statements assessing the adequacy of any proposed subdivision or rezoning shall be considered by both the Planning and Zoning Board and the City Commission.

(3) The Development Review Committee, as to all proposed site plans, shall have the following power: Each member of the committee shall have the responsibility to approve or disapprove the submitted development based upon compliance with all applicable laws and regulations which come under his department's jurisdiction. The approval of all five (5) committee members shall constitute a demonstration of compliance.

CHAPTER 2

CONCURRENCY MANAGEMENT SYSTEM

2-1 PURPOSE

The purpose of this chapter is to assure that all development activity in the City of Margate is concurrent, consistent and in substantial conformity with the City of Margate and the Broward County Comprehensive Plans; and to assure that no new development be approved unless there is sufficient capacity available at the prescribed levels of service established in the City of Margate Comprehensive Plan.

2-2 DEFINITIONS

Building: Any permanent structure having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind.

Building permit:

(1) Any permit for the erection or construction of a new building required by Section 301.1 of the South Florida Building Code, 1984, Broward Edition, as amended.

(2) Any permit for an addition to an existing building which would:

- create one or more additional dwelling units; or
- be required for the non-residential operations included in Section 301.1(a), South Florida Building Code, 1984, Broward Edition, as amended.

(3) Any permit involving a change in the occupancy of a building as described in Section 104.7 of the South Florida Building Code, 1984, Broward Edition, as amended.

Certified land use plan: The City of Margate Land Use Plan which has been certified by the Broward County Planning Council as being in substantial conformity with the County Land Use Plan and which has been adopted by the City Commission in compliance with the Comprehensive Planning Act of 1975, Section 163.3161, et seq., Florida Statutes.

Committed trip: A trip generated with the TRIPS model from an approved but not yet built development.

Compact deferral area: The geographic area which is "a two (2) mile band having a centerline which is coincident with the centerline of the congested link, extending parallel to the congested link for a distance of one-half (1/2) mile beyond each end point of the congested link."

Concurrence: A provision that public facilities and services needed to support development shall be available at the same time or coincidental with the impacts of such development.

Concurrency management system: The provisions in the City of Margate Comprehensive Plan including implementation regulations, encompassing the restrictions, methods, resources, timing and solutions intended to be compatible with and further compliance with the statutory requirement to provide public facilities and services needed to support development concurrent with the impacts of such development.

Constrained facility: A road segment which is not planned for a capacity improvement in the adopted 2010 Highway Network Plan of Broward County.

Development: The meaning given in Section 380.04, Florida Statutes.

Development order: An order authorizing the granting, denying or granting with conditions of an application for a development permit.

Development permit: Any building permit, zoning permit, subdivision or plat approval or site plan approval, including amendment to the notation on the face of a plat, special exception, variance or other official action of the City of Margate, but does not include any variance or other official action necessary solely for the purpose of issuing a permit, other than a building permit, pursuant to the South Florida Building Code, 1984, Broward Edition, as amended.

Drainage facilities: A system of man-made structures designed to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, detention structures and retention structures.

Duplex: Two (2) attached dwelling units in one (1) building.

Dwelling unit: A house, apartment or condominium unit, trailer, group of rooms or a single room intended for occupancy as a separate living quarter with direct access from the outside of the building or through a common hall and with complete kitchen facilities for the exclusive use of the

occupants, including rental units contained in a multi-unit structure or complex which are licensed by the State Department of Business Regulation, Division of Hotels and Restaurants, as "apartments", "rental condominiums" and "retirement housing."

Infrastructure: Those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; solid waste disposal sites or retention areas; stormwater systems; utilities; docks; breakwaters; bulkheads; seawalls; causeways; bridges; and roadways.

Land development code: The various types of regulations for the development of land within the City of Margate when combined into a single document.

Land development regulations: Ordinances enacted by governing bodies for the regulation of any aspect of development including zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.

Level of service: An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and regulated to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility. Level of service may also be referred to as "LOS."

Net traffic impact of development: The total trips to be generated by a proposed development, as measured by the TRIPS model, less the trips, if any, estimated to be generated by the existing development to be replaced or generated by a previously approved plat.

Parcel of land: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as a unit or which has been used or developed as a unit.

Planned improvement facility: A road segment for which a capacity improvement is planned in the adopted 2010 Highway Network Plan of Broward County.

Platted land: Any land which can be referenced to an official plat book and page number.

Potable water: Water which is satisfactory for drinking, culinary and domestic purposes and which meets the quality standards of the Florida Department of Environmental Regulation, Chapter 17-22, Florida Administrative Code.

Potable water facilities: A system of structures designed to collect, treat or distribute potable water, and includes water wells, treatment plants, reservoirs and distribution mains.

Principal building: A building which is occupied by, or devoted to a principal use, or an addition to an existing principal building which is larger than the original existing building. In determining whether a building is of primary importance, the use of the entire parcel shall be considered. There may be more than one principal building on a parcel.

Principal use: The primary use of a parcel of land as distinguished from secondary or accessory uses. There may be more than one principal or main use on a parcel of land.

Public facilities: Major capital improvements including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational facilities, parks and recreational facilities, and health systems.

Public utility: Any public or private utility such as, but not limited to, storm drainage, sanitary sewers, electrical power, water service, gas service or telephone lines, whether underground or overhead.

Regional transportation network: Those roadways shown on the Broward County Trafficways Plan promulgated by the Broward County Planning Council or on the Broward County 2010 Plan, promulgated by the Broward County Metropolitan Planning Organization, or for which right-of-way has been delineated by the Board of County Commissioners.

Reserve strip: A piece of land or line on one side of a street in the control of the owner of the land on the opposite side of the street which prevents access to the street by development immediately beyond the piece of land or line.

Sanitary sewer facilities: Structures or systems designed for the collection, transmission, treatment or disposal of sewage including trunk mains, interceptors, treatment plants and disposal systems.

Solid waste: Sludge from a wastewater treatment plant, water supply treatment plant or air pollution control facility or garbage, rubbish, refuse or other discarded material including solid, liquified, semi-solid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations.

Solid waste facilities: Structures or systems designed for the collection, processing or disposal of solid wastes including hazardous wastes, and also including transfer stations, processing plants, recycling plants and disposal systems.

Structure: Anything constructed, installed or portable, the use of which requires a location on a parcel of land, such as buildings, trailers, fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks and advertising signs.

Surface water management: The collection of devices, improvements or natural systems whereby surface waters are controlled, impounded or obstructed. The term includes dams, impoundments, reservoirs and appurtenant works as defined in subsections 373.403 (1-4), Florida Statutes, as well as all artificial structures including, but not limited to, ditches, canals, conduits, channels, culverts, pipes and all other construction that conveys, impounds or controls surface water.

2-3 CONCURRENCY DETERMINATION

2-3.1 DEVELOPMENT SUBJECT TO ADEQUACY DETERMINATION

(1) For plats or replats, or for site plans or building permits where the property is unplatted or was platted, with plat approval received before March 20, 1979, all development of previously vacant land except that specified in subsection (3) below, shall be subject to an adequacy determination unless a site plan has been approved prior to December 1, 1989 and development activity has occurred within the plat or replat area.

(2) All development of previously improved lands shall be subject to an adequacy determination for the additional trips that equal the difference between the trips to be generated by the development specified in the proposed note on the plat and the trips generated by any existing development. Existing development shall be construed to include previous development demolished no earlier than eighteen (18) months previous to the date the final plat application is submitted, or the application for a site plan or building permit approval is submitted.

(3) For a replat, or an amendment to a note on a plat, or a requirement to place a note on a plat, where property was platted after March 20, 1979, an adequacy determination shall be required for those additional trips that equal the difference between the previous plat and the replat; or the previous note and the proposed amendment to the note; or the development approved by the County Commission at the time of plat approval and the proposed note to be placed on the plat.

(4) Except as exempted above, all plats approved after October 1, 1989 by the Broward County Commission and all development permits approved after December 1, 1989 by the City of Margate must undergo adequacy determinations to meet concurrency.

2-3.2 VESTED RIGHTS

The City of Margate recognizes that certain property owners or developers may have a claim to a vested right to complete a development notwithstanding that such development would otherwise be required to undergo an adequacy determination pursuant to Section 2-3.1 above. If a property owner or developer makes such a claim of vested rights to the City, the following procedure shall apply:

(1) The property owner's or the developer's request for a vested rights determination shall be submitted to the Development Review Committee. Such request shall be accompanied by a description of the parcel of land for which the vested rights determination is sought and an explanation of the basis for the vested rights claim.

(2) The request for a vested rights determination shall be forwarded to the Office of the City Manager and the City Attorney for review. The City Manager and the City Attorney shall review the vested rights claim and make a written recommendation to the City Commission as to whether the vested rights claim should be granted, denied or granted with conditions.

(3) Following issuance of the City Manager's and the City Attorney's written recommendation, the City Commission shall schedule the vested rights claim on its agenda for consideration. The City Commission shall take action on the vested rights claim to grant the claim, deny the claim or grant the claim with conditions. Such action shall be in the form of a resolution.

2-4 ACTION PLANS

(1) An Action Plan is a program of transportation improvements designed at a minimum to accomodate the net traffic impact of the development to the extent that the regional road network lacks available capacity to provide for the net traffic impact of development. The Action Plan shall provide substantiation in the form of engineering studies or other data acceptable to the city to demonstrate the anticipated effect of the proposed program of improvements and/or innovations; shall provide for a source of funding for the improvements and/or innovations; and shall provide for monitoring of the program to ensure implementation of the program or improvements as necessary at or before the time the impacts of development occur.

(2) An Action Plan Review Committee is hereby established consisting of the members of the Development Review Committee.

(3) The Action Plan Review Committee shall make a recommendation to the City Commission regarding approval of the Action Plan. The recommendation shall give the reasons for the approval or disapproval of the Action Plan, which may include, but are not limited to, determinations regarding the trips created by the proposed development; the feasibility of the proposed facility or program; the adequacy of the data to demonstrate the ability of the Action Plan to accomodate the net impact of development; the City's ability to insure that the program or facility is maintained; the date by which the facility or program will be implemented and the plan for funding the improvement or facility.

(4) Guidelines for the Development of Action Plans and Procedures for the Preparation of Action Plans for Pre-1979 Municipality Plats, as prepared and amended from time to time by the Broward County Office of Planning, may be used in the preparation of the required Action Plans.

2-5 MEASUREMENT OF CAPACITIES

2-5.1 TRAFFICWAYS

The procedure for the initial measuring of highway capacities is the Florida Department of Transportation Table of Generalized Daily Level-of-Service Maximum Volumes. The measurement of capacity may also be determined by substantia-

tion in the form of engineering studies or other data. Traffic analysis techniques must be technically sound and justifiable as determined by the Broward County Office of Planning and the City Engineer. Alterations to capacity on the State Highway Network shall require the opportunity for FDOT review. Measurement of county and state roads shall be in accordance with the development review requirements of the Broward County Land Development Code, Section 5-198. Before a development permit is approved, the following findings shall be made:

(1) A determination shall be required that the proposed development is not within the compact deferral area for a road segment operating below the adopted level of service, or that subsection (3) below is met. Traffic studies submitted by an applicant shall be considered in reaching this determination.

(2) A determination shall be required that the proposed development would not create a compact deferral area including the development, or that subsection (3) below is met.

(3) If the proposed development is within a compact deferral area, or will be within a compact deferral area if the development is approved, one of the following conditions applies:

(a) The proposed development does not place any trips on the over-capacity link.

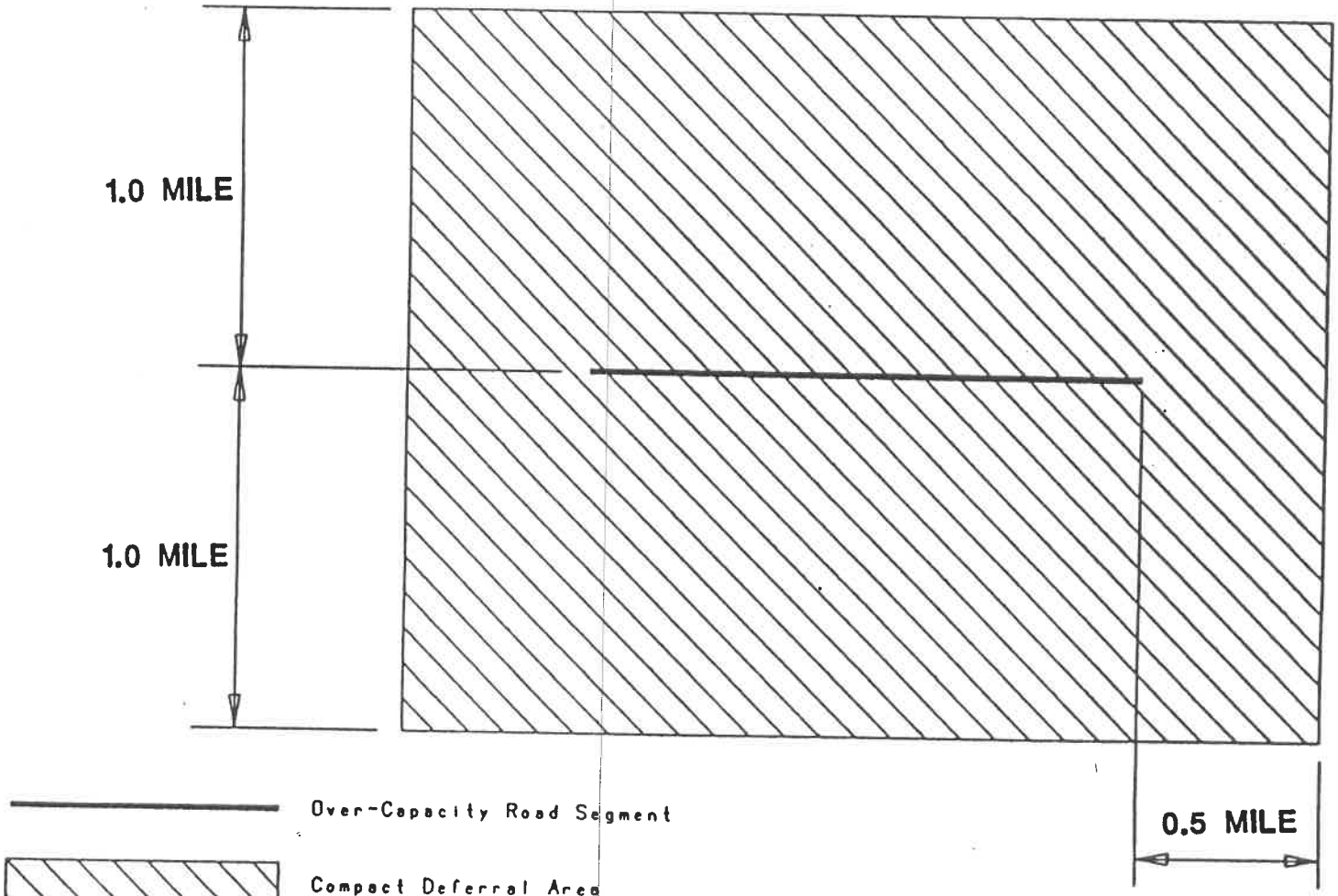
(b) There is an approved action plan to accomodate the traffic impact of the development; or

(c) The necessary improvements to provide a level of service as provided for in Section 2-8.3 are under construction at the time the permit is issued; or

(d) The necessary improvements to provide a level of service as provided for in Section 2-8.3 are the subject of an executed contract with a road contractor for the immediate construction of the facilities; or

(e) The necessary improvements for a level of service as provided for in Section 2-8.3 have been included in Broward County's or Margate's capital improvement program at the time a development permit is issued and although the facilities are not yet the subject of a binding contract for construction, the Board of County

TYPICAL COMPACT DEFERRAL AREA



(FIGURE 2.1)

Commissioners and the City Commissioners makes a good faith determination that a binding contract for construction of the improvement will be executed within one year; or

(f) The necessary improvements for the applicable level of service are provided for in an enforcable development agreement and will be available prior to certificates of occupancy that require those facilities. These may include, but not be limited to, development agreements pursuant to Section 163.3220, Florida Statutes, provided that road improvements required by an agreement shall not be considered for concurrence for property outside the boundaries of the property subject to a development agreement unless provisions b), c), d) or e) above are met.

(g) The development is authorized by an approved Development of Regional Impact (DRI).

(h) The proposed development is a single family unit or a duplex dwelling unit on a lot or parcel of record prior to March 1, 1989 and the lot or parcel is in an infill area.

(i) This determination may not be satisfied by the transfer of committed trips from a previously approved plat or DRI to another parcel of land not included within the previous plat or DRI, except under the following conditions:

1) The City and Developer enter into an agreement providing for such transfer. If the parcel receiving the transfer is being platted or replatted, then Broward County must also be a party to the agreement;

2) The parcel from which the trips are being transferred and the parcel to which the trips are being transferred must be part of the same unified development (such as a dashed-line area on the City Land Use Plan Map);

3) The parcel from which the trips are being transferred must be built-out at a density or intensity lower than the density or intensity approved by the City Commission at the time the plat including such parcel was approved;

4) The number of trips which may be transferred shall be calculated using the TRIPS Model based on the difference between the density or intensity of development approved for the parcel by the City Commission at the time of plat approval and the actual density or intensity of development at which such parcel was built out.

(4) Determination of Concurrency for Transportation

(a) The determination of concurrency with the regional transportation network shall be made by Broward County when a development is subject to concurrency review under the Broward County Land Development Code. However, when Broward County approves an Action Plan, the City Commission shall also review and approve that Action Plan before recordation of that plat.

(b) The determination of concurrency with the regional transportation network for developments which are not reviewed under the Broward County Land Development Code shall be made by the City through the required traffic analysis. If a development lies within a compact deferral area or its impacts would create a compact deferral area, it shall not be approved for concurrency purposes unless an Action Plan, as provided for in this chapter, is submitted and approved by the City Commission.

(c) The determination of concurrency for impacts on local collector roads will be made by the City either at the time of platting for areas subject to the Broward County Land Development Code or at the time of site plan review for developments not subject to the Broward County Land Development Code through the required traffic analysis. Developments subject to concurrency shall design all local streets for level of service "C".

2-5.2 POTABLE WATER AND WASTEWATER

Measurement of potable water and wastewater facilities shall be based on design capacities and service flows. Usage and discharge will be based on adopted level of service standards. These levels may be amended after consideration and substantiation of engineering studies and/or an amendment to the City of Margate Comprehensive Plan.

2-5.3 DRAINAGE

(1) Measurement of drainage facilities shall be based on the water management district basin design standards. Variations may exist for specific parcels but the over-all effect of an area's drainage system must meet established water management practices criteria.

(2) Where the City of Margate is not the service provider, the City shall rely on documentation provided by the applicable water control/improvement district. However, determination of concurrency for drainage capacity for building pads, streets and parking lots shall be the responsibility of the City Engineer. The documentation shall identify:

(a) That the water control/improvement district will accept stormwater runoff from the proposed development;

(b) That the district has the capacity to satisfy drainage of the proposed development at the required level of service;

(c) That the district has improvements that will provide capacity at the required level of service;

(d) Conditions or phasing exist that the City should incorporate in its approval to ensure adequate capacity.

2-5.4 SOLID WASTE

Measurement of solid waste shall be based on assumed generation rates and the design capacity of the landfill and the Solid Waste Energy Recovery facilities developed by the County. The City shall rely on the obligations established in the City's franchise agreement for solid waste collection and disposal services to provide the requires level of service.

2-5.5 RECREATION

Measurement of recreation and open space shall be based on the requirement of three (3) acres per one thousand (1,000) residents.

2-6 LEVEL OF SERVICE STANDARDS

(1) No development activity may be approved unless it meets the following requirements designed to ensure that certain public services are available at prescribed levels of service concurrent with the impacts of development.

(2) Not withstanding the foregoing, the prescribed levels of service may be degraded during construction of new facilities in a specific area if upon completion of the new facilities the prescribed levels of service will be met.

(3) For the purposes of these regulations the available capacity of a facility shall be determined by:

(A) Adding together:

(a) the total design capacity of existing facilities operating at the required level of service; and

(b) the total design capacity of new facilities that will come available concurrent with the impact of the development. The capacity of new facilities may be counted only if one or more of the following is shown:

1) The necessary facilities are in place at the time a plat approval is issued, or a plat approval is issued subject to the condition that the necessary facilities will be in place when the impacts of development occur.

2) Construction of new facilities is under way at the time of application.

3) The new facilities are the subject of a binding executed contract for the construction of the facilities to be constructed within a period of time as stipulated in the contract or the provision of services at the time the development permit is issued.

4) The new facilities have been included in the City of Margate's or Broward County's capital improvement program annual budget.

5) The new facilities are guaranteed at a specific time in an enforceable development agreement. An enforceable development agreement may include, but not be limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes. Such facilities must be consistent with the Capital Improvements Element of the City of Margate and Broward County Comprehensive Plan and approved by the City/County Engineer.

6) The developer has contributed funds to the City or any other governmental entity necessary to provide new facilities consistent with the Capital Improvements Element of the City of Margate Comprehensive Plan. Commitment that the facilities will be built must be evidenced by an appropriate budget amendment and appropriation by the City or other governmental entity.

7) The proposed development does not place any trips on the over-capacity roadway link.

8) There is an approved action plan to accomodate the traffic impact of the development.

9) The subject area has been determined to be a Special Transportation Area (STA) relating to roadway concurrency issues.

10) The development is authorized by an approved Development of Regional Impact (DRI).

11) The proposed development is one single family or duplex dwellings on a lot, or parcel of record prior to March 1, 1989 and the lot or parcel is in an infill area.

12) This determination may not be satisfied by the transfer of committed capacity from a previously approved plat or DRI to another parcel of land not included within the previous plat or DRI.

(B) Subtracting from that number the sum of:

(a) The design demand for the service created by existing development; and

(b) The new design demand for the service (by phase or otherwise) that will be created concurrent with the impacts of the proposed development by the anticipated completion of other presently approved developments.

(4) The burden of showing compliance with these levels of service requirements shall be upon the developer. Applications for development approval shall provide sufficient and verifiable information showing compliance with these standards.

2-7 CONCURRENCY MONITORING SYSTEM

(1) The Director of Environmental and Engineering Services, through his duties and authority of Chairman of the Development Review Committee, shall be responsible for monitoring development activity to ensure the development is consistent with the City of Margate Comprehensive Plan.

(2) Applications for all development permits shall be submitted to the Development Review Committee. Processing shall be in accordance with regularly scheduled meetings of the Development Review Committee, Planning and Zoning Board and City Commission.

(3) Compliance will be calculated and capacity reserved at time of final action of an approved site plan or enforceable developer's agreement for those concurrency matters within the authority of the City of Margate. Applications for development approval shall be chronologically logged to determine rights to available capacity.

(4) The effective time limit for site plans shall be one year. An extension of one year may be issued by administrative approval. At each annual renewal of public performance bonds, the City of Margate shall make a determination if the bonds shall be drawn upon for construction. Building and engineering permits shall have a concurrency time limit of 180 days as long as construction and inspections continue.

(5) Development permits shall be processed to the fullest degree possible. If adequacy determinations of a project show unacceptable levels of service in any one of the necessary public facility or service standards, the project shall be tabled during final action of the development permit approval. If capacity conditions change at some time in the future, concurrency shall be rechecked to verify compliance with adopted levels of service. If compliance is found the development shall be rescheduled for final action.

2-8 LEVELS OF SERVICE

2-8.1 POTABLE WATER

New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for potable water as established in the Potable Water Sub-element of the City of Margate Comprehensive Plan. The level of service standards for the City's potable water facilities is 365 gallons per day (gpd) per equivalent residential connection (ERC) for capacity and 3,000 gallons per minute (gpm) with a residual pressure of 20 pounds per square inch (psi) for storage and distribution. All other levels of service standards are as follows:

Type of Use	Use in Gallons
Residential:	
Per capita per day	100
Per single family unit	350
Office - per square foot	0.2
Retail - per square foot	0.1
Other non-residential	
Per capita	20

2-8.2 WASTEWATER

New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for wastewater treatment as established in the Sanitary Sewer Sub-element of the City of Margate Comprehensive Plan. The level of service standard for the City's sanitary facilities is 365 gallons per day (gpd) per equivalent residential connection (ERC). All other levels of service standards are as follows:

Type of Structure	Design Flow per Unit (gpd)
Assembly Halls per seat	2
Bar and Cocktail Lounge (no food service)	20
Beauty Parlors (per 100 sq. ft. of work space)	30
Bowling Alleys per lane (including bar & food svc.)	200
Churches per sanctuary seat	7
Dance Halls per person	2
Factories per person per shift	15
Hospitals & Nursing Homes (per bed space)	200
(each resident staff)	100
Institutions (per person, including resident staff)	100
Laundries per machine	400
Office Buildings per employee (allow 100 sq. ft. net per employee)	20
Public Parks (with toilets per person)	10
Recreation Buildings (per person)	2

Type of Structure	Design Flow per Unit (gpd)		
Residences			
Single-family, detached	350	each unit	
Multi-family	250	per bedroom	
Hotel/Motel	150	per bedroom	
Bedroom additions to SFR	150	per bedroom	
Mobile Homes	100	each	
Restaurants			
24-hour runoff, per seat (including bar)	50		
Less than 24-hour per seat (including bar)	30		
Drive-in's per space	15		
Carry-out facilities (per 100 sq. ft.)	50	plus 10 per employee (in addition to seat and drive-in charges)	
Schools	Elementary	High	
Each pupil per day	10	15	
Add for shower/pupil	5	5	
Add for cafeteria/pupil	5	5	
Boarding each pupil	100	100	
Service Stations (Full)			
First two bays	750		
Each additional bay	300		
Per fuel pump	100		
Service Stations (Self)			
Per fuel pump	50		
Shopping Centers			
Per sq. ft. of floor space (no food service or laundry)	0.1		
Theatres			
Indoor, per seat	5		
Outdoor, per speaker	10		
Warehouses (per sq. ft. of storage space)	0.1		

2-8.3 TRANSPORTATION

New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for transportation systems as established in the Traffic Circulation Element of the City of Margate Comprehensive Plan.

Type of Facility	Peak Hour Level of Service
Principal Arterial	D
Collector Street	D
Local Road	C

(a) The area of impact of the development (a traffic shed) shall be determined. The limits of the effected traffic shed shall be determined in accordance with the Broward County Land Development Code Trafficways Plan criteria. The traffic shed shall be that area where the primary impact of traffic to and from the site occurs. If the City/County has designated sectors of the City for determining development impacts and planning capital improvements, such sectors or planning areas may be used. If the application is for a building permit for a single-family or duplex development, the impact shall be presumed to be limited to the collector or arterial serving the local street giving access to the lot, or to the collector or arterial giving direct access to the lot.

(b) The projected level of service for arterials and collectors within the traffic shed shall be calculated based upon estimated trips to be generated by the project, or where applicable, the first phase of the project, and taking into consideration the impact of other approved but not yet completed developments within the traffic shed. Information on committed development within the traffic shed shall be provided by Broward County.

2-8.4 DRAINAGE

New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for the drainage system as established in the Drainage Sub-element of the City of Margate Comprehensive Plan.

Subject	Level of Service
Road Protection	Residential streets not greater than fifty (50) feet to have crown elevations no lower than the elevation for the respected area depicted on the ten (10) year "Flood Criteria Map." Rights-of-way greater than fifty (50) feet to have an ultimate edge of pavement no lower than the elevation for the respective area depicted on the ten (10) year "Flood Criteria Map."
Buildings	To have the lowest floor elevation no lower than the elevation for the respective area depicted on the "100 Year Flood Elevation Map."
Off-site Discharge	Not to exceed the inflow limit of SFWMD primary receiving canal or the local conveyance system, whichever is less.
Storm Sewers	Design frequency minimum to be three (3) year rainfall intensity off the State DOT Zone 10 Rainfall curves.
Flood Plain Routing	Calculated flood elevations based on the ten (10) year and one hundred (100) year return frequency rainfall of three (3) day duration shall not exceed the corresponding elevations of the ten (10) year "Flood Criteria Map" and the "100 Year Flood Elevation Map."
Antecedent Water Level	The higher elevation of either the control elevation or the elevation depicted on the map "Average Wet Season Water Levels."

On-site Storage	Minimum capacity above antecedent water level and below flood plain routing elevations to be design rainfall volumes minus off-site discharge occuring during design rainfall.
Best Management Practices (BMP)	Prior to discharge to surface or ground water, BMP's will be used to reduce pollutant discharge.

2-8.5 SOLID WASTE

New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for solid waste as established in the Solid Waste Sub-element of the City of Margate Comprehensive Plan.

Type of Use	Level of Service
Residential	8.9 lbs. per unit/day
Office	1.0 lbs. per 100 sq. ft./day
Factory/Warehouse	2.0 lbs. per 100 sq. ft./day
Supermarket	9.0 lbs. per 100 sq. ft./day
Department Store	4.0 lbs. per 100 sq. ft./day
Restaurant	2.0 lbs. per meal/day
Grade School	10.0 lbs. per room and 1/4 lbs. per pupil per day
Middle/High School	8.0 lbs. per room and 1/4 lbs. per student per day
Nurse or Intern Home	3.0 lbs. per person/day
Hospital	8.0 lbs. per bed/day
Home for Aged	3.0 lbs. per person/day
Rest Home	3.0 lbs. per person/day

2-8.6 RECREATION

New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreational facilities in the Recreation and Open Space Element of the City of Margate Comprehensive Plan.

Type of Facility	Level of Service
Local Parks	3 acres per 1,000 residents

2-9 APPLICATION REQUIREMENTS FOR CONCURRENCY DETERMINATION

An application for a development permit that is subject to concurrency review shall be accompanied by the following information in addition to any other requirements contained within the City Code.

(1) Project description: Applicant, location, land use and zoning, density or intensity, project phasing and other pertinent information as determined by the applicant needed to properly review the application.

(2) Transportation system: An analysis performed by Broward County or prepared in accordance with the Broward County TRIPS model as amended from time to time.

(3) Drainage, solid waste, water and wastewater: Documentation from the appropriate service provider regarding provision of services.

2-10 DEVELOPMENT PERMIT APPROVAL

The City of Margate shall make determinations that there are adequate facilities to service the proposed development and that the proposed development will not degrade those facilities below the minimum level of service established herein. Development permits will be processed to the fullest degree possible. The City will make a concurrency determination for: (a) approval, (b) approval with conditions including phasing, (c) approval subject to further review of a subsequent development permit as allowed elsewhere in this chapter, or (d) denial with notice of the reasons for same. Approval of a development for concurrency does not remove any obligation a property owner or successor may have to satisfy other requirements contained within the City Code or the Land Development Code.

CHAPTER 3

PLATTING AND SUBDIVISION REGULATIONS

3-1 PURPOSE

The purpose of this chapter is to assure the orderly and efficient development of the City of Margate; to establish uniform standards for the preparation of subdivision plats; to assure consistent and equitable treatment for engineers, surveyors and subdividers in the review and processing of their plats; to coordinate the zoning and subdivision improvement regulations of the City of Margate; and to assure that all development substantially conforms to the Comprehensive Plan of the City of Margate.

3-2 DEFINITIONS

As previously used in these regulations, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof." The word "street" includes avenue, boulevard, parkway, court, highway, lane, road, way, terrace, causeway and expressway. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, stream and canal, but does not include a lake, pond or pool without outlet. The word "may" is permissive; the words "shall" and "will" are mandatory and not merely directory.

Alley: A minor right-of-way providing secondary vehicular access to the side or rear of properties otherwise abutting on a street.

Approval, tentative: The official action taken on a proposed plat, subdivision or dedication by the board, generally on a preliminary plat, committing the board to final approval on a final plat incorporating the design arrangements and provisions which are the basis for tentative approval.

Approval, final: The official action of the board on a final plat which incorporates all features and provisions of a plat which has previously been given tentative approval.

Board: Shall mean the City Planning and Zoning Board.

Commission: Shall mean the City Commission.

Cul-de-sac: A minor street intersecting another street at one end and terminated at the other end by a vehicular turn-around.

Developer: A person or his agent, who undertakes the activities covered by these regulations, particularly the preparation and presentation of a subdivision plat showing the layout of the land and the public improvements involved therein. Inasmuch as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term "developer" is intended to include the term "subdivider," even though the persons involved in successive stages of the project may vary.

Easement: A right-of-way acquired by public authority to use or control property for a designated purpose.

Half or partial street: A street, generally parallel and adjacent to the boundary line of a tract, having a lesser right-of-way width than that required for full development of the type of street involved.

Improvement, public: Any of the following: street pavements, with or without curbs and gutters; sidewalk pavements; alley pavements; water mains; sanitary sewers; storm drains; street name signs, street trees; permanent reference monuments (PRM); permanent control points (PCP).

Lot: A tract or parcel of land identified as a single unit in a subdivision, and intended for transfer of ownership, use or improvement.

Lot depth: The mean horizontal distance between the front and rear lines of a lot.

Lot width: The horizontal distance between the side lines of a lot at the front yard line or at the front lot line where no front setback is required.

Multiple family dwelling: A building which provides separate living quarters for two (2) or more families.

Over-all plan: A plan depicting a general layout of streets, blocks, lots, waterways, etc., for the future subdividing of an area, which may be platted in sections, each of which a preliminary plat must be filed.

P.C.P.: Shall mean permanent control point, each of which shall consist of a nail in a disc stamped with surveyor's registration number or brass marker, marked PCP, and shall be located as required by Broward County.

P.R.M.: Shall mean permanent reference monument as defined by Chapter 177, Florida Statutes.

Plat, final: A complete and exact subdivision plan, prepared for official recording as required by statute, to identify and define property rights, dedications and public improvements, and incorporating all corrections required by the City Planning and Zoning Board and City Engineer upon review of the preliminary plat.

Plat, preliminary: A tentative subdivision plan, in the same detail as final plat, and showing proposed street and lot layout as a basis for consideration prior to submission of the original tracing of a final plat.

Plat, sketch: An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision.

Reverse frontage lot: A lot extending between and having frontage on a trafficway and a minor street and with no vehicular access from the trafficway.

Right-of-way: Land reserved, used or to be used for a street, alley, walkway, drainage facility or other public purpose.

Setback or base building line: The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way.

Sight distance: The minimum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street.

Single family dwelling: One (1) dwelling unit, other than a mobile home, sharing no walls with another dwelling unit.

Street: A public thoroughfare which normally affords principal means of access to abutting property.

Street, minor: A street used primarily for access to abutting property.

Street, collector: A street which, in addition to giving access to abutting properties, carries traffic from minor streets to the major system of arterial streets and highways, including the principal entrance street of a residential development and streets for circulation within such a development.

Street, marginal access: A minor street parallel to and adjacent to a trafficway, and which provides access to abutting property and protection from through traffic.

Subdivider: See "Developer."

Subdivision: The division of land into two (2) or more lots or parcels for the purpose of transfer of ownership or development, or if a new street is involved, any division of a parcel of land.

Trafficway: A street other than a minor or collector street, which is intended primarily for through travel by all types of traffic for considerable distances, including freeways, expressways, primary arterial highways, major thoroughfares and secondary thoroughfares, or as identified on a trafficway plan.

Trafficway, freeway: Freeways are fully controlled access highways whose function is to carry high-speed, high-volume, continuous, through traffic for trips of appreciable length. These highways shall be free of conflicting traffic, give no service to adjacent property and have no provisions for pedestrians or parking. Frontage or service roads may be included for access to abutting property.

Trafficway, expressway: Expressways are limited-access highways whose function is to carry high-speed, medium high-volume, through traffic. Expressways may have some at-grade signalized intersections, but will give no service to adjacent property. Frontage or service roads may be included for access to abutting property.

Trafficway, primary, arterial highway: Primary, arterial highways are those whose principal function is to carry through traffic over considerable distances. The secondary function of these highways is to give service to adjacent property. Points of intersection and crossing of other streets should be limited so that their major function, carrying through traffic, will not be unduly impaired.

Trafficway, major thoroughfare: Major thoroughfares are highways whose primary function is carrying through traffic but in lesser volumes and over shorter distances than a primary arterial. These highways also provide, as a secondary function, access to adjacent property.

Trafficway, secondary thoroughfare: Secondary thoroughfares are highways carrying through traffic over relatively short distances. These highways usually connect with primary arterials or major thoroughfares and provide service to adjacent property.

Walkway: A right-of-way intended primarily for pedestrians, excluding self-propelled vehicles, which cuts across a block to improve circulation and access to adjacent streets, services or properties.

3-3 PLATTING REQUIRED

No application for construction of a principal building on a parcel of land shall be granted unless a plat including the parcel or parcels of land have been approved by the City Commission of the City of Margate and the Board of County Commissioners and recorded in the official records of Broward County subsequent to June 4, 1953.

This provision will not apply to applications for a building permit for the construction of a building or structure on any specifically delineated single-family lot or parcel or on any specifically delineated multi-family or non-residential lot or parcel less than five (5) acres in size which has been platted, provided that the City Commission determines that the following conditions have been met:

(1) A property development plan containing all of the applicable information requirements of Section 3-4 of this code shall be prepared by a registered engineer or surveyor.

(2) Any land within a lot or parcel which is necessary to comply with the Broward County and/or Margate trafficways plan and needed for the realization of any improvements proposed within which has been conveyed to the public by fee, simple deed or grant of easement.

All public improvements within subdivisions, including but not limited to, street pavement, curbs, gutters, sidewalks, storm drainage, canals, bridges, bulkheads, sanitary sewers and water distribution systems shall be provided for all platted areas in accordance with the requirements of the Subdivision Improvement Regulations of the Code of the City of Margate. When in the judgement of the City Engineer, it is determined that curbs and gutters are not required in certain subdivisions, he shall submit such recommendation in writing to the City Commission for their approval.

Notwithstanding the provisions of this section, structures may be constructed on unplatted property which said structures are to be used exclusively and temporarily as models for sales purposes, provided that the "models" meet all other requirements of the building code and that the developer has received prior approval of the Planning and Zoning Board of the City of Margate for such structure or model.

Provided, however, that no part of the deeded or dedicated area required by these platting regulations shall be part of or in any way encumbered by or located in any easement or right-of-way.

3-3.1 UNDERGROUND WIRING

(1) In new residential subdivisions whose plats are approved after the effective date of this section, all utility lines, including but not limited to, those required for electrical power distribution, telephone and telegraph communication, street lighting and television signal services, shall be installed underground. This section shall apply to all cables, conduits or wires forming part of an electrical distribution system, including service lines to individual properties necessary to serve the subdivision under construction. However, this section shall not apply to wires, conductors or associated apparatus and supporting structures where exclusive function is in transmission of electrical energy between generating stations, substations and transmission lines of other utility systems. Appurtenances such as transformer boxes, pedestal-mounted terminal boxes and meter cabinets may be placed above ground and shall be located in such a manner as to minimize noise effects upon the surrounding residential properties.

(2) Easements shall be provided for the installation of underground utilities or for relocating existing facilities in conformance with such size and location of easements as may be determined by the City Engineer to be compatible with the requirements of all utility companies involved with respect to a particular utility service.

(3) The subdivider or developer shall submit written evidence of a satisfactory arrangement with each of the persons, firms or corporations furnishing utility services involved with respect to a particular development before the final plat of the subdivision is submitted to the City Commission for approval.

(4) With regard to business and industrial zoned property, all utility lines shall be located beneath the ground from the building or structure to the terminal supplied by the utility company (which in most cases shall remain that the utility lines shall be underground from the street line or pole line to the building or structure).

(5) It is specifically required by this section, whether or not new plats or replats are filed or in the event it is determined that replatting of areas is not required, that all areas in the "eastern tier" of the City of Margate, the "eastern tier" being that area of the city located east of State Road 7 and north of Coconut Creek Parkway, is hereby required to have underground utility lines as described in paragraph (1) of this section.

3-4 PROCEDURE FOR APPLICATION OF PLATS

3-4.1 SKETCH PLAT

(1) Submission:

(a) A sketch plat may be submitted by a subdivider for review by the Development Review Committee with seven (7) prints being supplied to the committee at least fourteen (14) calendar days prior to their meeting.

(b) With the initial filing of the sketch or preliminary plat as called for herein, the subdivider shall include the sum of one hundred dollars ($100.00) to defray all costs of the city and the Development Review Committee in reviewing the plat. This fee is not refundable in the event the plat is withdrawn or otherwise not followed through to completion by the subdivider.

(2) Processing:

(a) Such sketch plats will be considered as submitted for informal discussion between the subdivider and/or his engineer and the Development Review Committee. Submission of a subdivision sketch plat shall not constitute formal filing of a plat.

(b) As far as may be practicable on the basis of a sketch plat, the Development Review Committee will informally advise the subdivider as promptly as possible of the sketch plat's compliance with pertinent regulations and will discuss possible modifications necessary to secure conformance with said regulations.

(3) Requirements:

(a) Data furnished on a sketch plat shall include, but not be limited to, the following:

- tract boundaries, clearly identified on all sides;
- location with respect to one (1) or more land lines identifying the section lines or other land lines shown;
- streets on or adjacent to the tract including street layout;
- lots and blocks of adjacent recorded plats, giving plat book and page number along with names of such plats;
- significant physical features such as canals, lakes, etc.;
- proposed general lot layout with typical lot sizes shown to the nearest foot;
- all existing easements including Florida Power and Light Company; gas, water or other pipe line easements or other utility easements;
- any proposed canals, lakes and/or rock pits;
- a location sketch as required on the final plat;
- the legal description of the property being platted.

(b) A sketch plat should be a closely-approximate scale, but precise dimensions are not required.

3-4.2 OVER-ALL PLAN

(1) Submission:

(a) An over-all plan for any proposed subdivision which is to be recorded in sections shall be filed with the Development Review Committee for review in advance of preliminary plats or with the first sketch plat for a part of the area.

(b) The plan will then be considered by the Development Review Committee at its next regular meeting.

(c) Where an over-all plan is submitted for approval and provided that the plan meets all of the requirements of the city ordinances, such approval shall be given tentatively by the Development Review Committee. All plats submitted following such over-all plan approval shall meet all of the requirements of the city ordinances and shall be in substantial conformity with the over-all plan.

Such over-all plan approval shall be valid for no longer than one hundred and eighty (180) days following approval. However, the subdivider or developer may apply for and receive an extension of the tentative approval upon showing that the over-all plan is in conformity with all city ordinances and that he intends to make any necessary changes to assure that any and all future developments within the pervue of the over-all plan shall be in accordance with all city ordinances in existence at the time the extension is requested.

(2) Processing:

(a) A subdivider seeking approval of an over-all plan shall submit seven (7) copies of the plan to the Development Review Committee at least fourteen (14) calendar days prior to their meeting. Copies of the plan shall be referred to the City Engineer, the utility department, any drainage district in which the plat may lie and any municipality adjacent to the proposed plat. The agencies involved shall report their comments and recommendations to the Development Review Committee at its next regular meeting.

(b) The City Engineer shall check the plan for general engineering and drainage requirements, and conformity with the City of Margate Trafficways Plan. The city utility department shall determine any utility easements that may be required. The Development Review Committee shall check the plan for general conformance to the zoning requirements and assign correct street names to the plan.

(3) Requirements:

(a) The over-all plan shall be of a scale of not more than two hundred (200) feet to the inch except that a scale of three hundred (300) feet to the inch may be used for very large areas.

(b) The over-all plan shall show or be accompanied by the following information:

- proposed subdivision name;
- north arrow, scale and date;
- name of registered engineer or surveyor responsible for the plan;
- subdivision boundaries;

- all existing watercourses, canals, bodies of water and major drainage districts;
- all existing streets and alleys on, or adjacent to, the tract;
- all existing property lines, easements and rights-of-way;
- location and width of all proposed streets, alleys, rights-of-way and proposed lot lines; playgrounds, public areas and parcels of land reserved for public use;
- a location sketch for easy identification of the area covered;
- relationship to section corners, section lines or any other major land line(s) including approximate distances from such known points or lines.

3-4.3 PRELIMINARY PLATS

(1) Submission:

(a) Preliminary plats for all proposed subdivisions of land lying within the City of Margate shall be filed with the Planning and Zoning Board for review.

(b) Plats will be considered by the Board at the next regular meeting occurring at least fourteen (14) calendar days subsequent to filing.

(c) An application for preliminary plat review shall be accompanied by a preliminary Traffic Review and Impact Planning Systems (TRIPS) report from Broward County Traffic Engineering Division.

(2) Processing:

(a) A subdivider seeking approval of a subdivision plat shall transmit nine (9) copies of the preliminary plat to the Board. Copies of the plat shall then be referred by the Board to the City Engineer, the utility department, any drainage district in which the plat may lie, the area planning board and any municipality adjacent to the proposed plat.

- the City Engineer shall examine and check the preliminary plat for general engineering, drainage requirements and conformity to the City of Margate Trafficways Plan;

- the utility department shall check against known utility facilities and easements, or such new ones as may be required;

- the drainage district shall assure that all drainage needs are fulfilled and that no trafficway proposed on the plat interferes with present drainage facilities, or with those planned for the future;

- the City of Margate shall assign street numbers to the preliminary plat;

- the City Development Review Committee shall check lot sizes to assure conformity with minimum standards set forth by the requirements and shall coordinate the recommendations of the several agencies mentioned above;

- the Broward County Development Review Committee shall submit a certificate with its approval or disapproval with appropriate comments and recommendations;

- the City Engineering Department shall assign street addresses to the lots.

(3) Requirements:

(a) The preliminary plat shall be an over-all size of 24" x 36", drawn at a scale of not more than one hundred (100) feet to the inch, provided that a scale of two hundred (200) feet to the inch may be used for large areas.

(b) The preliminary plat shall show or be accompanied by the following information:

- proposed subdivision name or identifying title which shall not duplicate nor closely approximate the name of any other subdivision in the county except in cases where the subdivision is an added section to a former subdivision or where it is a replat of a portion or all of a former subdivision;
- location sketch with section;
- north arrow, scale and date;
- name of the owner of the property or his agent;
- name of the registered engineer or surveyor responsible for the plat;
- lots and blocks of adjacent recorded plats, giving plat book and page number along with the names of such plats;
- subdivision boundaries with angles and distances - boundaries must be clearly marked with heavy line;
- all existing watercourses, canals and bodies of water;

- all existing streets and alleys on or adjacent to the tract, including name and right-of-way width;
- the legal description of the property being platted;
- all existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established, where known to the engineer or surveyor;
- location and width of all proposed streets, alleys, right-of-way easements; proposed lot lines with dimensions; playgrounds, public areas and parcels of land proposed or reserved for public use;
- if the development abuts a trafficway, proposed points of access to that trafficway;
- access to a public right-of-way that will be utilized by the proposed development.

(4) Limitations on preliminary plat approval:

(a) The following limitations and conditions are placed on the preliminary plat approvals given by the Planning and Zoning Board:

- the approval of the Board shall have full force and effect for a period of six (6) months from the date of approval;

- if no final plat has been filed for the area covered by the preliminary plat before the approval period has elapsed, the approval shall become suspended. If final plats are filed for only a portion of the preliminary plat, the approval on the remaining portions shall become suspended.

3-4.4 FINAL PLATS

(1) Submission:

(a) The original of the final plat, together with six (6) prints, shall be submitted to the Board for review at least fourteen (14) days prior to their meeting. The final plat shall be accompanied by the following:

- pavement and drainage plan approval;
- utility plan approval (water and sewer);
- drainage district approval, as applicable;
- certificate of title.

(2) Processing:

(a) The City Engineer shall check all final plats to verify conformity with the preliminary plat as approved by the Board.

(b) Upon consideration by the Board, the final plat shall be transmitted to the City Commission for final approval.

(c) Within thirty (30) days after formal approval by the Commission, the developer shall submit to the City Clerk the subdivider's performance bond for subdivision improvements, and the subdivision improvement inspection fees, as otherwise required in the ordinances of the City of Margate.

(d) Upon approval by the Commission and affixing the corporate seal of the City of Margate and the signature of the Mayor and City Clerk, said plat shall be forwarded to the City Engineer for his signature. The City Engineer in turn shall forward said plat to the Broward County Engineering Department for further processing.

(3) Requirements:

(a) The final plat tracing, in the form of linen or dimensionally stable plastic film, shall be prepared in accordance with the State Plat Law, Chapter 177, Florida Statutes, and with these regulations. The over-all size shall be 24" x 36", drawn at a scale no smaller than one hundred (100) feet to the inch, with borders as required by Broward County.

(b) The following features shall be incorporated in a prominent location of the plat (if more than one (1) sheet is required, these items shall be placed on the first sheet or page):

- plat title (all lettering same type and size);
- section, township and range;
- City of Margate, Broward County, Florida;
- graphic scale;
- legal description;
- location sketch.

(c) The final plat shall exhibit the certificates, signatures and approvals listed below in the currently accepted format:

- dedication by owner(s) witnessed (if by corporation two (2) designated officers' signatures and the corporate seal);
- acknowledgement of dedication by notary public;
- surveyor's certificate, signature and seal;
- City Commission's approval;
- City Engineer's approval;
- County Engineer's approval;
- Broward County Development Review Committee's approval;
- mortgagee approval(s);
- certificate of the Clerk of the Circuit Court.

(d) The delineation of the plat, at a scale no smaller than one hundred (100) feet to the inch, shall show the following information and features:

- plat boundary with all courses and dimensions with ties to two (2) or more land corners, to a recorded subdivision corner and to one land corner;
- north arrow;
- width of all streets, alleys, rights-of-way and easements;
- street names;
- lot and block numbers or designations;
- permanent reference monuments;
- horizontal control points;
- block corner radii;
- lot dimensions to the nearest hundredth of a foot, except where riparian boundaries are involved;
- arc length and central angles on all curvilinear lot dimensions;
- angles or bearings indicating the direction of all lines;
- centerline dimensions of all streets including arc lengths, central angles, radii and tangents of all curves.

3-5 DESIGN STANDARDS FOR SUBDIVISIONS

3-5.1 STREETS AND ALLEYS

(1) Conformity to trafficways plan. The location, direction and width of all highways shall conform to the official Trafficways Plan of the City of Margate.

(2) Relation to existing street system. The arrangement of streets in new subdivisions shall make provisions for proper extension of existing dedicated streets in existing subdivisions where such extension is appropriate.

(3) Provision for platting adjoining unplatted areas. The arrangement of streets in new subdivisions shall be such as to facilitate and coordinate with the desirable future platting of adjoining unplatted property of a similar character, and to provide for local circulation and convenient access to neighborhood facilities.

(4) Protection from through traffic. Minor and collector residential streets shall be laid out and arranged so as to discourage their use by through traffic. Residential streets shall not connect with industrial areas unless unavoidable.

(5) Trafficway frontage. Where a residential subdivision or residential property abuts on an existing or proposed trafficway, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access strip along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to minimize conflict of through and local traffic.

(6) Plats adjacent to railroad or expressway right-of-way. Where a subdivision borders on or contains a right-of-way for a railroad, expressway, drainage canal or waterway, the board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades for future grade separations.

(7) Reserve strips. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed under conditions approved by the Board.

(8) Private streets. There shall be no private streets platted in a subdivision. Every subdivided lot or parcel shall be served from a publicly dedicated street. This requirement may be waived by the Board in special situations where the Board finds public safety, convenience and welfare can be adequately served by other means.

(9) Half streets. New half or partial streets shall not be permitted except where essential to reasonable subdivision of a tract in conformance with these regulations or where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street the other part of the street shall be dedicated within such tract.

(10) Future resubdivision. If lots resulting from original subdivision are large enough to permit or require resubdivision, or if a portion of the tract is not subdivided, adequate street right-of-way to permit future subdivision shall be provided as necessary.

(11) Dead-end streets. Dead-end streets shall be prohibited, except where appropriate as stubs to permit future street extension into adjoining unsubdivided tracts, or when designed as cul-de-sacs.

(12) Cul-de-sacs.

(a) Cul-de-sacs, permanently designed as such, shall not exceed four hundred (400) feet in length except in special circumstances warranting extra length.

(b) Cul-de-sacs shall be provided at the closed end with a circular dedicated area not less than seventy (70) feet in diameter for turnaround purposes. Turnarounds in business, commercial and industrial areas shall be one hundred (100) feet in diameter.

(13) Street rights-of-way.

(a) Unless otherwise indicated or required by the Trafficways Plan, or specifically accepted by the Planning and Zoning Board, street rights-of-way shall not be less than the following:

Street type	Rights-of-way (Feet)
Freeway	300
Expressway	200
Primary arterial highway	120
Major thoroughfare	106*
Secondary thoroughfare	80
Collector	60
Minor, for multiple residential, business or industrial areas	50
Minor, for single or duplex dwelling areas	30
Marginal access	20

*Except trafficway previously established at one hundred (100) feet width of right-of-way as shown in the Zoning Regulations of the City of Margate.

(b) Additional right-of-way width may be required to promote public safety and convenience, or to assure adequate access, circulation and parking in high density residential, commercial and industrial areas.

(c) Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way in conformance with the above standards may be required.

(14) Alleys.

(a) Alleys should be provided to serve multiple dwellings, business, commercial and industrial areas, except that the board may waive this requirement where other definite and assured provision is made for service access, off-street loading, unloading and parking consistent with and adequate for the uses permissible on the property involved.

(b) The width of an alley shall be at least twenty (20) feet.

(c) Changes in alignment or intersections of alleys shall be made on a center line radius of not less than thirty-five (35) feet.

(d) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities for service trucks at dead-end, with a minimum external diameter of one hundred (100) feet, or as determined to be adequate by the Board.

(e) Block corners adjacent to alleys shall have a minimum radius of fifteen (15) feet in residential areas and twenty-five (25) feet in business, commercial and industrial areas.

(15) Easements.

(a) Easements shall be provided for public utilities where necessary, as required by the utilities involved, and shall be at least six (6) feet in total width.

(b) Where a subdivision is traversed by a watercourse, drainage way, canal or stream, there shall be provided a drainage easement or right-of-way conforming substantially with the lines of such watercourses. Parallel streets or maintenance easements may be required where necessary for service or maintenance.

(c) Easements may be required for drainage purposes of such size and location as may be determined by the City Engineer, or by a drainage district if the plat lies within its jurisdiction.

(16) Street alignment.

(a) Curvilinear streets are recommended for residential minor and collector streets in order to discourage excessive vehicular speeds and to provide attractive vistas.

(b) Whenever a street changes direction or connecting street lines deflect from each other by more than ten (10) degrees there shall be a horizontal curve.

(c) To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:

Major thoroughfare	750 feet
Secondary thoroughfare	500 feet
Collector street	300 feet
Minor street	150 feet

(d) A tangent of at least one hundred (100) feet shall be inserted between horizontal curves in opposite directions on collector streets. On secondary thoroughfares this tangent shall be one hundred fifty (150) feet. Said tangent distances on major thoroughfares will be evaluated considering the over-all plat layout, intersections, etc.

(17) Street intersections.

(a) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than sixty (60) degrees, except at a "Y" intersection of two (2) minor streets.

(b) Multiple intersections involving junction of more than two (2) streets shall be prohibited except where found to be unavoidable by the Board.

(c) "T" intersections of minor and collector streets are to be encouraged.

(d) As far as possible, intersections with trafficways other than secondary thoroughfares shall be located not less than eight hundred (800) feet apart, measured from centerline to centerline.

(e) Street intersections shall be a minimum of one hundred twenty-five (125) feet apart, except where both centerlines are continuous through the intersection.

(f) Property line corners at intersections shall have a minimum radii of twenty-five (25) feet. Where the angle of intersection is less than sixty (60) degrees, a greater radius may be required.

(18) Excessive street widths. Streets shall not be platted to a width of more than two hundred (200) per cent of the minimum width specified in these regulations for the type of street involved. No street shall be platted for center island development except where such center islands may be desirable or necessary for traffic separation and safety, as determined by the Board.

(19) Connection to public streets. The street system of any area to be platted shall have a direct connection over public rights-of-way to streets or trafficways.

3-5.2 BLOCKS

(1) The length, width and shape of blocks shall be determined with due regard to:

- provision of building sites adequate for the contemplated use;
- zoning requirements;
- need for convenient and safe access, circulation and control of pedestrian and vehicular traffic;
- limitations and opportunities of topographic features.

(2) Block length shall not exceed one thousand three hundred twenty (1,320) feet nor be less than five hundred (500) feet, unless found unavoidable by the Board.

(3) Where found necessary by the Board, pedestrian crosswalks, not less than ten (10) feet in width, may be required in blocks over one thousand (1,000) feet in length to provide safe and convenient access to schools, playgrounds, shopping centers, transportation or other community facilities.

3-5.3 LOTS

(1) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of the surrounding development.

(2) Lot dimensions and areas shall not be less than specified by applicable provisions of the zoning regulations.

(3) Corner lots shall be a minimum of five (5) feet wider than the minimum width required by the zoning regulations for interior lots.

(4) Side lot lines shall be substantially at right angles or radial to street lines.

(5) Double frontage and reverse lots for residential use shall be avoided, except where essential to provide separation of residential development from trafficways or to overcome specific handicaps of topography and orientation. A planting strip of at least five (5) feet, and across which there shall be no right of vehicular movement or use, shall be provided along the property line of lots abutting such trafficway or other disadvantageous situation.

(6) Every lot shall abut upon and have permanent access to a public street, and residential lots shall have a street frontage of not less than twenty (20) feet.

(7) Lot arrangement and design shall be properly related to topography, to the nature of contiguous property and to the character of surrounding development.

3-5.4 CANALS AND WATER AREAS

(1) Canals or water areas connecting to navigable waterways accessible to the public shall not be dedicated to the public unless a maintenance easement of twenty (20) feet is provided along each side of the canal dedication. The minimum width of canal dedication shall be sixty (60) feet.

(2) A continuous canal retaining wall shall be constructed along both sides of the canal currently with the excavation of the canal in accordance with the specifications of Section 7-17 of the Code of the City of Margate.

CHAPTER 4

ZONING REGULATIONS

4-1 PURPOSE

The purpose of this chapter is to regulate and restrict the erection, reconstruction, alteration, location and use of buildings, structures, land and water for any and all purposes; to regulate and restrict the size of buildings and other structures hereafter erected or altered, the size and dimemsions of yards, courts and other open spaces surrounding buildings; to regulate and restrict building lines and the percentage of plot that may be occupied and the density of population; and, for the said purposes, to divide the City of Margate as shown on the official zoning map into districts of such number, shape and areas as may be deemed best suited to carry out these regulations, and for each such district to impose regulations and restrictions designating the kinds or classes of industries, trades, residences or other purposes for which other structures or premises may be permitted to be erected, altered or used; to provide for the regulation of conforming and non-conforming uses; to provide adequate landscaping buffers between various land uses; to control access between parking lots and any adjoining right-of-way through the use of innovative landscaping techniques; to preserve and protect native and historical trees; to provide for replacement and relocation of any trees removed; and to provide sign regulations that are compatible with the land use practices in the City of Margate.

4-2 LAND USE REGULATIONS

The Zoning Ordinance of the City of Margate, Articles I through XVII and XIX through XXI, is hereby adopted by reference, as amended. This ordinance will regulate the use of land and water for those land use categories included in the Future Land Use Element of the City of Margate Comprehensive Plan and will ensure the compatibility of adjacent uses.

4-3 LANDSCAPING REGULATIONS

4-3.1 OBJECTIVES

The objectives of these landscaping regulations include the maintenance of a tropical resort character for the City of Margate; the maintenance of high-quality air and water resources; the control of access between parking lots and the adjoining public right-of-way; the provision of buffer areas between and among various land uses; the preservation of residential property values; the revitalization of existing commercial areas and the preservation of indigenous vegetation.

4-3.2 DEFINITIONS

For the purpose of this section, the following terms and words shall have the meaning herein prescribed unless the context clearly requires otherwise:

Building: Any structure used for the shelter or enclosure of persons, animals or property of any kind.

Directly abutting: To share a common property line without any intervening canal or roadway at least fifty (50) feet in width located along said common property line.

Driveway: A private road connecting a vehicular use area to a right-of-way, private road or another site.

Encroachment: Any extension by any part of a vehicle, boat or trailer into a landscaped area.

Ground cover: A planting of low-growing plants that covers the ground in place of turf and which naturally grow to a height of two and one-half (2-1/2) feet or less.

Hedge: A close planting of shrubs which forms a compact, dense, visually opaque, living barrier when mature.

Landscaping: Turf, ground covers, shrubs, vines, hedges, trees, as well as non-living material commonly used in landscaping such as walls, fences, curbing, rocks, etc.

Lawn: An area of maintained turf.

Mulch: An organic soil covering such as compost, wood chips, bark or straw used to reduce evaporation, prevent erosion, control weeds, and enrich and lower soil temperature.

Non-residential property: All land located within commercial (B-prefix) and industrial (M-prefix) zoning districts. For purposes of this section, all other districts shall be considered as residential zoning.

Pervious area: That surface area located between the vertical projection to the ground of the outer circumference of a tree or shrub which is not paved or covered with concrete.

Right-of-way: Land, usually in a strip, acquired for or devoted to transportation purposes.

Shrub: A self-supporting, multi-stemmed plant which, at maturity, is smaller than a tree and with a spread and height characteristic to the species. Shrubs used for hedges shall be woody, evergreen species.

Site: A parcel of land consisting of a lot, tract, parcel of land or other unit of land recorded in the public records, or combinations thereof, and having a common development scheme presented to the city as a single project whether simultaneously or in phases.

Tree: A self-supporting, woody, perennial plant having a single or multiple elongated main stem, reaching an over-all height of at least twenty-five (25) feet at maturity and having a trunk diameter and spread characteristic to the species. All trees required by this section shall be one or more of those species listed on the approved list.

Turf: The upper layer of soil bound by grassy plant roots.

Vehicular use area: Any area used by vehicles, except public rights-of-way, to include but not be limited to, areas for parking, display or traverse of any and all types of vehicles, cars, motorcycles, buses, boats, trailers, campers or heavy construction equipment. Also included are areas paved or compacted for outdoor storage, display or sales.

Vine: A plant which produces climbing, meandering stems and which will grow only as tall as its supporting object.

Weed: An uncultivated plant of rank growth, generally characterized by the production of large quantities of seeds, which tends to overgrow or choke out more desirable plants.

4-3.3 APPLICATION OF LANDSCAPING CODE

No building or vehicular use area shall be erected or paved unless in conformity with the regulations specified herein. The provisions of this code shall apply when any existing building or vehicular use area is expanded, extended or enlarged, or when there is a change in the occupancy group of a building as described in the South Florida Building Code, or other building code in force and effect at the time.

4-3.4 PLAN REQUIRED

(1) Prior to the issuance of any building or paving permit where landscaping is required pursuant to the provisions of this section, other than for a single-family or duplex dwelling, a plan for landscaping the site shall be presented to the city. Said landscaping plan shall be prepared by a Florida registered landscape architect or a recognized landscape designer in good standing with the Florida Nurseryman and Growers Association.

(2) The landscaping plan must be drawn to scale and show the location and dimensions of all existing and proposed structures, vehicular use areas, driveways, surface water areas and fire lanes, zones and hydrants. The plan shall indicate the location, size, grade and specifications of all landscaping materials, including common and botanical names, planting instructions, soil and fertilizer requirements, mulch specifications, berm elevations, protective curbs or other devices, existing trees and the description of any adjacent conditions which affect the landscaping of the subject site. An irrigation plan for all landscaped areas within the site shall be submitted simultaneously with the landscaping plan. Said irrigation plan shall show the source of water, pumps, valves, pipe sizes, head locations and spray patterns.

(3) The Building Department shall review the landscaping plan for compliance with the minimum requirements of this section, as well as the coordination of the landscaping plan with utility locations, drainage structures, access requirements for emergency vehicles and other applicable site criteria. All landscaping shall be installed pursuant to the landscaping plan as submitted to and approved by the Building Department before a final certificate of occupancy will be issued. Substitutions of comparable plant material are permitted if first approved by the Building Department.

(4) A separate permit is not needed for any landscaping required by this article. However, applicable permits for irrigation systems, tree removal and the planting of trees in a swale must be obtained.

4-3.5 MATERIALS

(1) The use of existing plants and native species is highly encouraged as their water requirements are compatible with local weather cycles and thereby conserve water. All plant material utilized shall be Florida No. 1 or Florida Fancy, as specified by Grades and Standards for Nursery Plants, Parts I and II, Florida Department of Agriculture and Consumer Services, 1973 and 1975, respectively.

(2) Trees shall be one or more of those species appearing on the "List of Approved Trees" available at the Building Department. Trees shall be a minimum of eight (8) feet in over-all height after planting. Palms shall have a minimum of six (6) feet of clear trunk after planting as well as the above over-all height.

(3) Shrubs shall be a minimum of two (2) feet in height after planting. Where hedges are required, they must be planted two (2) feet on center.

(4) Ground covers shall be planted in sufficient quantity as to present a finished appearance and to provide complete coverage within three (3) months. Lawns and other required areas of turf shall be sodded.

4-3.6 INSTALLATION

(1) All landscaped areas shall be protected from vehicular encroachment by curbing or other durable barriers. The front of parked vehicles may overhang a protected landscaped area if said area is at least seven (7) feet wide.

(2) Planting holes shall be a minimum of one and one-half (1-1/2) times the diameter of the ball or container and shall be free of limerock, asphalt or other debris. All planting holes shall be backfilled with a suitable, weed-free soil.

(3) General fertilizer shall be applied at the time of planting and shall contain the trace elements iron and manganese, in addition to N-P-K.

(4) All trees shall be staked in a workmanlike manner. No nail staking is permitted.

(5) All pervious areas shall be covered with two (2) inches of mulch. Trees in sodded areas are to have a thirty-six (36) inch diameter ring covered with two (2) inches of mulch. Sod shall be laid with alternating and abutting joints.

4-3.7 IRRIGATION

(1) Exclusive of one- or two-family dwellings, all landscaping required by this section shall be supplied with water through an underground sprinkler system. Said sprinkler system shall deliver one hundred (100) per cent coverage of all landscaping plants, including swale turf, with approximately fifty (50) per cent overlap. Irrigation systems shall minimize spray upon abutting property and adjoining sidewalks.

(2) One- and two-family dwellings shall have an underground system delivering one hundred (100) per cent coverage, or at least one outside water source within one hundred (100) feet of all landscaping plants required by this code.

4-3.8 DRIVEWAYS

(1) For that frontage depicted on subdivision plats recorded in the public records of Broward County and approved by the City Commission of the City of Margate which contain a non-vehicular access easement, the location of driveways shall be limited to the openings in said easement, subject to the maximum widths specified below. In all other cases, the following regulations shall apply:

Residential districts: The maximum width of a driveway through the perimeter landscaping shall be thirty-six (36) feet for two-way vehicular movement and sixteen (16) feet for one-way vehicular movement.

Commercial and industrial districts: The maximum width shall be forty-eight (48) feet for two-way driveways and sixteen (16) feet for one-way driveways. No more than one two-way, or two (2) one-way driveways shall be permitted for any street frontage of two hundred (200) lineal feet or less. One additional two-way driveway shall be permitted for each additional two hundred (200) feet of street frontage. The balance of street frontage not devoted to driveways shall be landscaped in accordance with the provisions of this section.

(2) All driveways shall be located as far away from street intersections as possible.

(3) Backout parking, i.e. a parking lot design which forces vehicles to use a public right-of-way to maneuver into or out of a parking stall, is prohibited except for one- and two-family sites fronting on local streets. Driveways connecting same are considered to be one-way.

4-3.9 RIGHTS-OF-WAY

On the site of a building or vehicular use area directly fronting on a public right-of-way, there shall be landscaping provided between the site and the right-of-way as follows:

(1) Where the abutting right-of-way has a width of eighty (80) feet or greater, a strip of land at least ten (10) feet in width, adjacent to and parallel with the right-of-way, shall be landscaped. Within said strip there shall be planted at least one tree for every forty (40) lineal feet of frontage or portion thereof, exclusive of approved driveways. At least twenty (20) per cent of all trees required herein shall be palms, with a grouping of three (3) palms counting as one required tree for purposes of this section only.

(2) Where the abutting right-of-way has a width of less than eighty (80) feet, a strip of land at least five (5) feet in width, adjacent to and parallel with the right-of-way, shall be landscaped. Within said strip there shall be planted at least one tree for every forty (40) lineal feet of frontage or portion thereof, exclusive of approved driveways.

(3) In addition to the above-specified tree planting requirements, in all perimeter landscaping strips abutting a right-of-way, there shall be planted a hedge running parallel with the street. A berm at least three (3) feet in height above the grade of the adjoining sidewalk may be substituted for this hedge. The remaining area of this strip shall be covered with turf and/or ground covers. The swale area between the property line and the street pavement shall be covered with turf.

4-3.10 VISUAL CLEARANCE

(1) When the site abuts the intersection of two (2) public rights-of-way, in order to provide unobstructed visibility, the following-described area shall be planted at grade with turf or ground cover only: That triangular area formed by the chord connecting thirty-five (35) feet from the intersection of the right-of-way lines or tangent extensions thereof.

(2) When a driveway intersects a public right-of-way, in order to provide unobstructed visibility, the following-described area shall be planted at grade with turf or ground covers only: That triangular area formed by the chord connecting twenty-five (25) feet from the intersection of the right-of-way line and a perpendicular line formed by the outer edge of paving of the driveway.

4-3.11 ABUTTING PROPERTIES

(1) All sites of buildings or vehicular use areas shall be provided with a hedge or other durable landscape barrier not greater than six (6) feet in height so as to form a continuous screen and pervious area between the site and the abutting property. Said plant materials shall be located in a planting strip of not less than two and one-half (2-1/2) feet in width so that at the time the abutting property is developed according to these standards, there will be a planting strip of no less than five (5) feet in width, both properties considered.

(2) In addition, one shade tree shall be provided for each seventy-five (75) lineal feet of such landscape barrier or fractional part thereof. Such trees shall be located within the above-described planting strip or within an interior landscaping area located contiguous thereto. The provisions of this paragraph shall be modified in the following instances:

(a) Where the abutting property is non-residentially zoned, the hedge provision is not applicable. In lieu of a hedge, the planting strip shall be planted with turf and/or ground covers.

(b) Where buildings are located along a common property line, the requirements of this paragraph shall not apply to those portions of the perimeter covered by such buildings.

(c) Where an agreement to operate abutting properties as a joint parking area is in force, the barrier requirements between that portion of said properties shall be waived until the agreement is terminated.

4-3.12 WATERWAY FRONTAGE

The banks of all canals, lakes and retention areas not containing approved seawalls shall be kept clear of Florida Holly, Australian Pines, weeds and other noxious species. They shall be graded at a slope no steeper than four (4) horizontal to one (1) vertical and shall be covered with turf down to the design water elevation.

4-3.13 PARKING AREAS

(1) Off-street parking areas shall provide at least ten (10) square feet of interior landscaping for each parking space, excluding those spaces directly abutting a right-of-way perimeter landscaping strip. Interior landscaping shall be located contiguous to other required perimeter landscaping or elsewhere within the vehicular use area. Each such interior landscaping area shall contain at least fifty (50) square feet with a least dimension of five (5) feet.

(2) There shall be one tree per one hundred fifty (150) square feet, or fraction thereof, of interior landscaping. Trees used shall provide visual and vertical clearance for automobiles, emergency vehicles and service trucks. In addition to the tree requirement, all such areas shall be landscaped with turf, ground covers or shrubs not exceeding two and one-half (2-1/2) feet in height.

4-3.14 DUMPSTER SCREENING REQUIRED

Any site containing five (5) or more garbage or trash containers or one or more dumpsters shall be screened in the the following manner: Said refuse area shall be located within the site so as to be visually screened from adjacent property and public rights-of-way. Refuse containers shall be located on a reinforced concrete pad of no less than ten (10) feet by ten (10) feet. Three (3) sides of said area shall be screened with a masonry wall no less than five (5) feet in height, finished in an architecturally compatible fashion. The open side shall be located towards the interior of the site to facilitate pick-up, and may be equipped with durable gates. Shrubs shall be planted adjacent to the masonry walls.

4-3.15 PLANTING IN SWALES

(1) The planting of the following types of trees shall be prohibited within or near the non-travelled public rights-of-way (swales, parkways, etc.) of a highway, road, street or any thoroughfare held as public property for public access within the city: the Florida Holly, Ficus, Brazilian Pepper, any tree of the Moraceae family and any tree having an excessive root system that is considered undesirable by the city engineering department for maintenance of streets, sidewalks and public utilities.

(2) All individuals planting trees within any portion of the non-travelled public rights-of-way within the city shall make written application for said planting to the engineering department.

4-3.16 MINIMUM LANDSCAPING REQUIREMENTS

The following are the minimum landscaping requirements for the designated zoning districts:

R-1A, R-1B, R-1C, R-1D, and R-2 districts: Each site shall contain in the required yard areas a minimum of three (3) trees and eighteen (18) shrubs. Not less than seventy-five (75) per cent of the required landscaping shall be planted in the front half of the plot. Corner plots shall contain an additional tree in the required side yard. Lawns shall be placed on all areas not covered by buildings, shrubs, walks or drives and shall extend to any abutting street pavement edge and to the mean waterline of any abutting lake, canal or waterway.

R-3 and R-3A districts: In addition to any other landscaping required by this section, each site shall contain a minimum of one tree and six (6) shrubs per dwelling unit. Lawns shall be placed on all areas not covered by buildings, shrubs, walks or drives and shall extend to any abutting street pavement edge and to the mean waterline of any abutting lake, canal or waterway.

Non-residential districts:

(1) In cases of commercial or industrial development or redevelopment, on that portion of the site which is directly abutting residentially zoned or designated property, the non-residential property owner shall create a buffer zone along the common property line in order to screen light, noise, traffic and trash from the residential parcel.

(2) The non-residential site shall create a fifteen (15) foot wide unpaved strip along the common property line. This buffer strip shall provide a six (6) foot high unpierced, decorative, masonry wall, constructed in conformance to applicable building codes and stuccoed and painted on both sides and maintained in good condition. Said wall shall be located wholly on the non-residential site adjacent to the common property line and running its full length. Trees shall be planted twenty (20) feet on center along a line eight (8) feet parallel to the common property line and shall be a minimum of twelve (12) to fourteen (14) feet in height at the time of planting. The tree species used shall be non-deciduous and have a dense canopy.

(3) The non-residential site shall maintain a minimum building setback from this common property line in accordance with the following schedule, unless a greater setback is required by another section of this code:

B-1 - Thirty-eight (38) feet
B-2 - Thirty-eight (38) feet
B-3 - Sixty (60) feet

4-3.17 MAINTENANCE OF LANDSCAPING

(1) The owner or owners, together with their tenants, shall be jointly and severally responsible for the maintenance of all landscaping existing or which previously had been installed on any developed site within the City of Margate. All landscaping shall be maintained in a healthy and growing condition. Watering, weeding, mowing, fertilizing, mulching, pruning, removal and replacement of dead or diseased trees and shrubs and pest control shall be performed as necessary to keep landscaping in a healthy and growing condition. Tree pruning shall be done in accordance with the standards set forth by the National Arborist Association. All cuttings shall be removed

from the site and properly disposed of. Trash and debris shall be removed from all landscaped areas. Landscaping shall be further maintained in a neat and well-kept condition and within the height limitations specified, if any. No landscaping, nor weeds, nor growth of any kind shall obstruct, nor impede, the full use of any public street, right-of-way or sidewalk, nor shall any landscaping, nor weeds, nor growth of any kind be placed, grow or otherwise exist such that it may possibly impede any emergency equipment which may be used within the City of Margate. All trash container and dumpster areas shall be maintained so as to prevent the runover of refuse. Walls, fences and curbing shall be maintained free of breaks, decay and stains.

(2) Notice to abate. Should the owner or occupant of any area where there has not been compliance with paragraph (1) above refuse or neglect to comply with any regulations, a notice to abate shall be accomplished, pursuant to Chapter 11 of the City Code. Violations of this section shall be enforced pursuant to Section 11-5 of the City Code.

4-3.18 ADJUSTMENTS OF STANDARDS; APPEALS

(1) There is hereby created a Beautification Committee to consist of three (3) members of the City of Margate Planning and Zoning Board. The Beautification Committee, upon receipt of an application for the adjustment of landscaping requirements provided herein, which is filed on forms prescribed by the city and executed and sworn to by the owner or tenant of the property concerned or by authorized agents as evidenced by written power of attorney and accompanied by a fee of one hundred fifty dollars ($150.00), shall have the authority and duty to consider and act upon such application. The applicant shall in the application, clearly and in detail, state what adjustments of requirements are being requested and the reasons such adjustments are warranted and shall accompany the application with such supplementary data, such as sketches, surveys and statistical information, as is deemed necessary to substantiate the adjustment. The Beautification Committee may approve, modify or deny the requested adjustment, but shall approve or modify only if it determines that approval of any adjustment would not be contrary to the public interest and would be in keeping with and would preserve the intent of this section and that literal enforcement of the above standards would be impracticable and would result in unreasonable and unnecessary hardship.

(2) The Beautification Committee shall act as expeditiously as possible on the application, and shall post its decision in the form of a short, concise statement of the action taken on a conspicuous bulletin board that may be seen by the public at reasonable times and hours in City Hall.

(3) Within ten (10) days after posting the decision, but not thereafter, a decision of the Beautification Committee may be appealed by the applicant to the City Commission; otherwise, it shall become final. The appeal shall be on a form prescribed by the city and filed with the Building Department and the petitioner shall be notified of the time and place the appeal will be heard by the City Commission. The appeal shall state in brief, concise language the grounds and reasons for reversal of the ruling made by the Beautification Committee, and the City Commission may affirm, modify or reverse the ruling of the Beautification Committee, subject to the guidelines and standards governing the Committee.

4-4 PRESERVATION AND PROTECTION OF TREES

The City Commissioners hereby find that trees use their leaf surfaces to trap and filter out ash, dust and pollen in the air, thereby helping to alleviate air pollution; that trees help prevent erosion of the soil, thereby helping to protect the resources of all of the city belonging to the general public; that removal of trees causes increased surface runoff, which contributes to water pollution; that protection of trees increases the value of property, enhances the economic integrity of an area, [by] providing a camouflage for harsh scenery and softening the outline of masonry, metal and glass, thereby being a part of comprehensive land use planning; that trees slow down forceful wind velocities and cut noise pollution; and that the living communities of native trees are a valuable educational and aesthetic natural heritage.

4-4.1 DEFINITIONS

Buildable area: The portion of a plot on site, excluding the required yard setback areas, upon which a building may be constructed.

Developed land: Land upon which permanent, principal building or buildings have been constructed.

Drip line: The peripheral limits of horizontal crown spread, projected vertically to the ground.

Tree: Any living, self-supporting, woody perennial plant which has a trunk diameter of no less than three (3) inches, measured four and one-half (4-1/2) feet above grade, and normally grows to an overall height of no less than ten (10) feet in southeast Florida.

Yard setback area: The front, side and rear yard setbacks as required by the applicable zoning regulations of the city.

4-4.2 TREE REMOVAL, RELOCATION; PERMITS; EXEMPTIONS

(1) Generally. No person shall cut down, destroy, remove, relocate or destructively damage or cause to be cut down, destroyed, removed, relocated or destructively damaged, any tree without first obtaining a permit from the city as herein provided, except that the following types of trees shall be exempt from the provisions of this article:

- Brazilian peppertree/Florida holly (Schinus terebinthinfolius);
- Poisonwood (Metopium toxiferum);
- Cajeput tree (Melaleuco quinqueria); melaleuca, all species (Melaleuca spp);
- The trees that are diseased, injured or in danger of falling, to the extent that their continued existence threatens the health or safety of contiguous persons and property.

(2) Owner-occupied properties. The owners of owner-occupied properties developed for detached single-family and duplex usage shall be allowed to remove trees, pursuant to the application as provided for in this section, without replacement of same. However, no lot or plot shall fall below the minimum landscaping requirements as provided for in Section 4-3.16 of this code.

(3) Utilities. County utilities, municipal utilities and franchised utilities may remove, without permit, trees which endanger public safety and welfare, which are located within utility easements and public rights-of-way or are interfering with utility service, provided such utilities cooperate with the city to preserve such trees by relocation or replacement in the same vicinity or as determined by the city for the best public benefit. Under emergency conditions such utilities and companies may effect removal without permit and without prior written notice as may be necessary to restore interrupted service.

(4) Nurseries, etc. All county- or city-licensed nurseries, botanical gardens and commercial grove operations shall be exempt from the provisions of this section, but only in relation to those trees which are planted and growing for the sale or intended sale to the general public in the ordinary course of said licensee's business.

(5) Emergency conditions. During emergency conditions caused by a hurricane or other disaster, the provisions of this section may be suspended by direction of the City Manager until the end of said emergency period.

4-4.3 APPLICATION PROCEDURES; FEES

(1) Permission for removal, relocation or replacement of trees shall be requested by written application to the city engineering department, in the form provided by the city and accompanied by the required fee as set forth below:

Tree removal fees. Permits for the removal, relocation or replacement of trees covered herein shall be obtained by submitting an application on a form prescribed by the city. The permit fee, except as otherwise provided, shall be five dollars ($5.00) per tree to be destroyed. No fee shall be charged for trees which are relocated or lie within a utility easement and are required to be removed in order to provide utility service to the property. No permit fee shall exceed fifteen dollars ($15.00) per unit/per acre for all single-family detached and cluster homes; eighty-five dollars ($85.00) per acre for townhouse and duplex development; ten dollars ($10.00) per unit to a maximum of one hundred dollars ($100.00) per acre for multiple-family development; one hundred dollars ($100.00) per acre for all industrial or business uses.

Governmental agencies and applications for tree removals in areas dedicated to public use shall be exempted from permit fees but shall be subject to all other provisions of this section.

Recognizing that the production of food is essential for the existence and health of the population, and that agricultural use of land is continuous and can provide employment and income for the population indefinitely, and whereas, South Florida's agriculture plays a major role in the country's economy and provides a substantial portion of our nation's winter food crops, and also taking note of the large number of tree removals which agricultural use by its nature necessitates, the fee to be charged applicants who seek to destroy trees in conjunction with an agricultural purpose shall be charged at a rate of two dollars ($2.00) per tree destroyed, up to a maximum of twenty-five dollars ($25.00) per acre. This reduced fee, however, is to be charged only upon the applicant's submitting to the city a covenant running with the land for a term of not less than five (5) years indicating that the land noted therein shall not be utilized by the owner for any purpose other than an agricultural purpose. Said

covenant shall be promptly filed with the appropriate officer for recording in the same manner as any other instrument affecting the title to real property and may only be released prior to its termination by a written instrument of the City Commissioners releasing the owner from the terms of the covenant and which instrument must be promptly recorded in the same manner as any other instrument affecting the title to real property. The release shall only be made to the owner, however, upon payment to the city of the permit fees that would have been charged for a non-agricultural tree removal permit less the amounts actually paid at the time of application.

(2) Application for said permit may also be required to contain a legible plot or site plan, in as many copies as required by the city for review and processing, drawn to the largest practical scale showing the following:

- location of all existing or proposed buildings, structures, improvements and site uses, properly dimensioned and referenced as to property lines, yard setback areas and spatial relationships;

- location of existing or proposed utility services;

- location of all existing trees, designating those to be removed, relocated or replaced. Groups of trees in close proximity may be designated as "clusters" with the estimated total number noted. The name, common or botanical, height and caliper size of those trees to be removed, relocated or replaced shall be shown on the site plan;

- information required above for trees proposed to be removed, relocated or replaced shall be summarized in tabular form on the plan, and shall include a statement of reasons for such removal, relocation or replacement.

(3) Application for permit shall be reviewed by the city, which may include visual inspection of the subject plot or site and referral of the application to such city departments or other agencies having interest to determine the effect upon the public welfare, adjacent properties or public services and facilities.

4-4.4 CONDITIONS FOR PERMIT

(1) No permit shall be issued for tree removal unless one of the following conditions, as determined by the city, exists:

- a site plan submitted by the applicant shows that a proposed structure, permissible under all applicable laws and regulations, can be situated on the subject parcel only if specific trees are removed or relocated;

- the tree is located in such proximity to existing or proposed structures that the utility or structural integrity of such structures is materially impaired;

- the tree materially interferes with the location, servicing or functioning of public utility lines or service;

- the tree obstructs views of oncoming traffic or otherwise creates a substantial traffic hazard;

- any law or regulation requires such removal.

(2) As a condition to granting a permit, the city shall have the option to require the applicant to relocate or replace a tree being removed at his expense, either within the site, or with the concurrence of the city, on public or private land within reasonable proximity of the site, including the relocation to any public land in the city, retaining for future use, or donating to any citizen or group of citizens, for any purposes in the public interest and welfare, as approved by the City Commission.

(3) A replacement tree shall be of a type and species having shade potential and other values, at least equal to that of the tree being removed, and shall be a minimum of ten (10) feet in height when planted. The planted tree shall not be of the nuisance type listed in Section 4-4.2 above. The following are specifically recommended as replacement trees, but one is not limited to these recommendations:

- Mahogany (Swietenia mahogani);
- Black olive (Bucida buceras);
- Live oak (Quercus virginia);
- Laurel oak (Quercus laurifolia);

- Sea grape (Coccoloba uvifera);
- Gumbo-limbo (Bursera simaruba);
- Satinleaf (Chrysophyllum oliviforme);
- Sapodilla (Achras zapota);
- Geiger tree (Cordia sebestena);
- Pigeon plum (Coccoloba diversifolia);
- Silver buttonwood (Conocarpus erectus var. sericeus);
- Slash pine (Pinue elliottii var. densa);
- Cypress (Taxodium distichum).

4-4.5 PROTECTION OF TREES

(1) During any construction or land development protective barriers, of specifications approved by the city, shall be placed and maintained around all trees to be retained on the site to prevent their destruction or damage; and the developer shall use every precaution possible to avoid damaging such trees, by preventing the use or storage of materials or equipment, or the contamination of soil with such materials as paint, oil, solvents, asphalt, concrete, mortar, etc., within the drip line.

(2) No attachments, other than those of a protective or non-damaging nature, shall be attached to any tree except those trees approved by the city to be eliminated and not be retained or relocated.

4-4.6 REMOVAL ON PUBLIC LANDS

No trees shall be removed from any public land, including but not limited to, street right-of-way and swale areas, without the approval of the city according to Sections 4-4.2 and 4-4.4, or any other appropriate sections of this code.

4-4.7 ADMINISTRATION

The City Manager shall designate city personnel to be responsible for implementing and enforcing the provisions of this section and any pertinent policies of the City Commission and shall prescribe the duties thereof.

4-4.8 VARIANCES; APPEALS

(1) The preservation of any tree may be considered as the basis for the granting of a variance from the literal application of the provisions of the city's zoning or subdivision regulations. If, in the determination of the City Manager or his designate, the sole basis for the request for a variance is to preserve any tree which would otherwise have to be removed, he may direct the required variance fee to be waived.

(2) Any person or party aggrieved by an administrative decision or order of city personnel in the implementation and enforcement of the provisions of this article may appeal to the Board of Adjustment, setting forth the facts and reasons why they feel such administrative decision or order is not reasonable or in the public interest, according to the spirit and intent of this article.

4-4.9 VIOLATIONS; PENALTIES

(1) Generally. Any person who violates any provision of this article shall be punished as provided by law. Each and every "tree," as defined by this article, which shall be damaged, defaced, destroyed or removed in violation of this article shall constitute a separate and distinct violation.

(2) Failure to relocate and replace. An individual shall be in violation of this article if the trees are not relocated or replaced as specified by this article within sixty (60) days of the granting of the tree removal permit; provided, however, if the trees are to be removed to facilitate construction, said relocation or replacement must be completed prior to issuance of a certificate of occupancy.

(3) Failure to maintain relocated or replaced trees. An individual shall be in violation of this article if the trees to be relocated or replaced are not maintained in a healthy condition for a period of one year.

4-4.10 INJUNCTION PROCEEDINGS AUTHORIZED

The City Attorney's office is hereby authorized to seek, in any court of competent jurisdiction, an injunction or restraining order of either a temporary or permanent nature, restraining any person from violating any provision of this article.

(7) It shall be unlawful for an owner or operator of any building, structure or use affected by this code to discontinue, change, or dispense with, or to cause the discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this code. It shall be unlawful for any person, firm or corporation to utilize such building, structure or use without providing the off-street parking facilities to meet the requirements of and be in compliance with this code.

(8) Nothing in this code shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operations, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this code.

(9) No part of an off-street parking area required for any building or use by this code shall be included as part of an off-street parking area similarly required for another building or use, unless the type of use indicates that the period of usage will not overlap or be concurrent with each other.

(10) Off-street parking facilities supplied by the owner or operator to meet the requirements of this code shall not be used by commercial vehicles owned, operated or used in the business of such owner or operator during regular hours of business.

4-5.2 LOCATION; CHARACTER; SIZE

(1) The off-street parking facilities required under this article shall be located on the same plot or parcel of land such facilities are intended to serve, or upon a plot of land, the nearest property line of which is located within seven hundred (700) feet, airline measurement, of the nearest property line of the premises it is intended to serve. All off-street parking facilities required under this article shall be located on the property whereon such off-street parking use is a permissible use and shall be designed, developed and maintained in accordance with all applicable provisions of Ordinance 1500.00 of the City of Margate.

(2) All off-street parking facilities required by this article shall be used for the parking of vehicles which are capable of being driven and in operating order. Said facilities shall not be used for storage of disabled vehicles nor for repair of same except in an emergency situation and for no longer than forty-eight (48) hours.

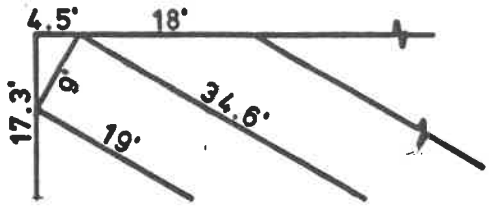
(3) Each parking space required and provided, pursuant to the provisions of this code, shall be accessible to a street or alley via an aisle or driveway and shall not be of a lesser dimension than specified in Figure 4.1. Stall lengths may be reduced in accordance with Section 4-3.6(1) of these regulations. Wheel stops are required for each stall adjacent to a sidewalk or wall, or in an interlocking pattern. Driveways leading to parking areas shall not be less than three (3) feet from any building or structure, not less than two (2) feet and six (6) inches from any property line and not less than five (5) feet from any public street right-of-way. The areas of separation for the driveway shall be landscaped and protected from vehicular encroachment.

(4) Minimum driveway width is ten (10) feet for one-way traffic and twenty (20) feet for two-way traffic, or as otherwise required by the Margate Fire Department. The minimum width shall be kept free of obstruction. In the case of single-family dwellings, the first driveway shall be ten (10) feet by twenty (20) feet, and the second driveway shall be six (6) feet by twenty (20) feet. Said driveways shall be no closer than one and one half (1-1/2) feet from the property line.

(5) The required off-street parking facilities shall be identified as to purpose and as to location when not clearly evident from a street or alley. Off-street parking facilities, including access aisles and driveways, shall be surfaced with a minimum of one inch of asphaltic concrete over a six (6) inch limerock base and shall be maintained in a smooth, well-graded condition, provided that driveways, access aisles and parking spaces for churches and for public and private schools offering acedemic courses may be surfaced with grass or lawn.

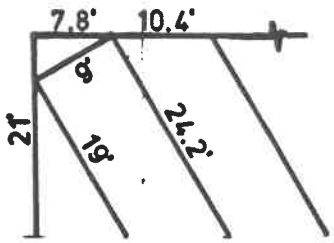
(6) All parking facilities required by this code shall be drained so as not to cause any nuisance from runoff on adjacent or public property. Drainage will be provided by the most efficient and practical structure appropriate to the physical conditions of the site. Minimum standards shall be those established by the drainage district having jurisdiction over the area unless standards developed and adopted by this code are more stringent, in which case the more restrictive standards shall apply. A plan for on-site drainage shall be approved by the City Engineer prior to the issuance of a building permit.

30°



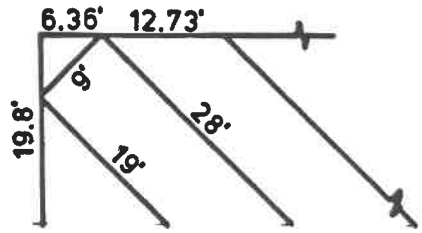
AISLE < 12' ONE WAY
22' TWO WAY

60°



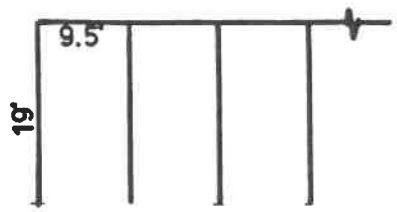
AISLE < 17' ONE WAY
22' TWO WAY

45°



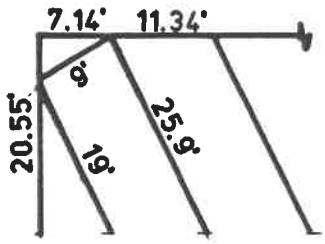
AISLE < 14' ONE WAY
22' TWO WAY

90°



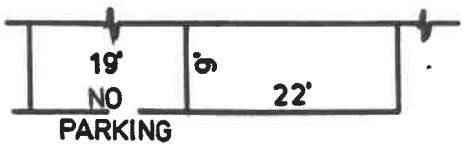
AISLE < 23' ONE WAY
23' TWO WAY

52.5°



AISLE < 16' ONE WAY
22' TWO WAY

PARALLEL



AISLE < 13' ONE WAY
22' TWO WAY

OFF-STREET PARKING STANDARDS

(FIGURE 4.1)

(7) All parking facilities required by this code in R-3 and R-3A multiple-family dwelling districts shall be illuminated according to the following standards:

(a) For the purposes of this code, parking facilities shall include the parking surface of parking lots and the driveways and private streets leading thereto. The intensity of illumination shall be a minimum of 0.5 footcandles for all driveways and private streets and a minimum of 1.0 footcandles for all parking areas.

(b) All required illumination shall be controlled by automatic timing devices which will assure that the required illumination is provided from dusk until at least 9:30 p.m., after which the illumination shall be provided only for the driveways (private streets) and where needed for safety and security purposes.

(c) Parking facility lighting provided on private property in all zoning districts shall have the source of illumination recessed in the fixture in which it is located. All lighting shall be shaded or screened or aimed in such a fashion that excessive glare will not be a nuisance to any residential unit or adjacent property.

(d) The current edition of the IES Lighting Handbook, published by the Illuminating Engineers Society, is hereby adopted for reference. This standard shall be used as a guide for the design and testing of parking facility lighting and the standards contained therein shall apply unless standards developed by this code are more stringent, in which case the more restrictive standards shall apply.

(8) A plan shall be submitted with every application for a building permit for any use or structure required to provide off-street parking under this code. Said plan shall clearly and accurately designate the required parking spaces, drainage, lighting, access aisles, driveways and relation to the uses or structures these off-street parking facilities are intended to serve. Such facilities shall be arranged for the convenient access and safety of pedestrians, bicyclists and vehicles.

4-5.3 AMOUNT REQUIRED

The off-street parking required by this code shall be provided and maintained on the basis of the following minimum requirements:

(1) Dwelling, single-family and duplex: Two (2) parking spaces for each dwelling unit. Any combination of indoor garage, carport or driveway parking facilities is to be considered as complying with this section.

(2) Dwelling, multiple-family: One and one-half (1-1/2) parking spaces for each efficiency and one-bedroom dwelling unit; two (2) parking spaces for each dwelling unit of two (2) or more bedrooms; one (1) guest parking space for each seven (7) dwelling units. Housing which is zoned or deed restricted for exclusive use by persons sixty-two (62) years of age or older, one (1) parking space for each dwelling unit plus an additional one (1) space for each five (5) dwelling units for guest parking.

(3) Rooming houses, lodging houses, boarding houses: One (1) parking space for each two (2) rental sleeping rooms, plus one (1) parking space for the owner or operator.

(4) Dormitories, fraternities: One (1) parking space for each two (2) beds, one (1) parking space for the manager or operator and one (1) parking space for each two (2) employees.

(5) Hotels, including clubs: Three (3) parking spaces for each four (4) sleeping rooms, or three (3) parking spaces for each four (4) bathrooms, whichever may be greater. If, in addition to sleeping rooms, there are other uses operated in conjuction with and/or as part of the hotel, additional off-street parking spaces shall be provided for such other uses as would be required by this section if such uses were separate from the hotel, to the extent of sixty-five (65) per cent of the off-street parking specified herein.

(6) Motels, guest cabins, villas: One (1) parking space for each guest room, cabin or rental unit, plus one (1) parking space for the owner or manager. If, in addition to dwelling units, there are other uses operated in conjunction with and/or as part of the principle use, additional off-street parking spaces shall be provided for such other uses as would be required by this section if such uses were separate from the principle use, to the extent of thirty-five (35) per cent of the off-street parking specified herein.

(7) Trailer courts, camps or parks: One (1) parking space for each trailer.

(8) Hospitals: One (1) parking space for each two (2) beds for patients and one (1) parking space for each employee. Bassinets shall not count as beds.

(9) Sanitariums, asylums, orphanages, convalescent homes, nursing homes, retirement homes, etc.: One (1) parking space for each five (5) beds for patients or inmates and one (1) parking space for each employee.

(10) Theatres and other places of assembly having fixed seats: One (1) parking space for each five (5) seats.

(11) Places of public assembly, exhibition halls, convention halls, dance halls, skating rinks, sport arenas, community centers, libraries and museums: One (1) parking space for each five (5) seats or one (1) parking space for each one hundred (100) square feet of gross floor area occupied by guests, customers, patrons, members or other occupants, whichever may be greater.

(12) Private clubs, lodges, fraternal buildings, union halls: One (1) parking space for each one hundred (100) square feet of assembly hall and auditorium, or one (1) parking space for each three hundred (300) square feet of gross floor area occupied by guests, customers, patrons, members or other occupants, whichever may be greater.

(13) Churches: One (1) parking space for each thirty (30) square feet of auditorium or chapel area, not including Sunday school classrooms.

(14) Stadiums, race tracks, fairgrounds, circuses: One (1) parking space for each five (5) seats.

(15) Bowling alleys: Five (5) parking spaces for each alley.

(16) Mortuaries: One (1) parking space for each five (5) seats in public rooms.

(17) Medical, dental, chiropractic, etc. offices and/or clinics: One (1) parking space for each one hundred fifty (150) square feet of gross building area.

(18) Business, professional and governmental offices: One (1) parking space for each two hundred (200) square feet of floor area for office purposes only.

(19) Restaurants, bars, beer gardens, night clubs: One (1) parking space for each thirty (30) square feet of floor area in rooms for customer service.

(20) Elementary schools, public, private or parochial: One (1) parking space for each classroom, one (1) parking space for each employee and additional parking spaces for rooms used for public assembly as otherwise required by this section.

(21) Junior and senior high schools and colleges, public, private or parochial, and tutor, acedemic - limited to major subject areas: One (1) parking space for each classroom, plus one (1) parking space for each two (2) students and each employee or one-half (1/2) of the additional parking spaces for rooms used for public assembly as otherwise required by this section, whichever is greater.

(22) Retail stores, personal-service shops, household repairs or equipment shops, interior decoration shops: One (1) parking space for each three hundred (300) square feet of non-storage area.

(23) Shopping centers: For all new and existing shopping centers and strip stores, five and one-half (5-1/2) parking spaces for each one thousand (1,000) square feet of building area. If any existing center or strip does not meet the above, said center or strip of stores shall be considered a conforming use if they meet the parking requirements of specific uses.

(24) Manufacturing and industrial uses, research and testing laboratories, bottling plants, printing and engraving plants, warehouses, wholesale stores, laundries and storage buildings: One (1) parking space for each five hundred (500) square feet of building area.

(25) Warehouse, mixed-use: Three and one-tenth (3.1) parking spaces for each one thousand (1,000) square feet of building area.

(26) Telephone exchange buildings and other buildings housing automatic or specialized equipment where no customers or patrons are served on the premises or are permitted to visit the premises: One (1) parking space for each six hundred fifty (650) square feet of building area.

(27) Terminal facilities including airports, railroad passenger and freight stations, bus depots and truck terminals; also, charter, sightseeing or fishing boat docks, commercial bathing beaches, commercial swimming pools and the like: One (1) parking space for each two (2) employees, plus one (1) parking space for each four (4) persons of the normal capacity of use, as customers, patrons and visitors.

(28) New and used car sales agencies, lots and related establishments: Off-street parking space shall be provided for all cars for sale and all cars being serviced for sale or awaiting delivery; in addition, one (1) parking space shall be provided for each principle and executive and for each two (2) salesmen and mechanics.

(29) Self-service storage facilities: Self-service storage facilities wherein no sales, service, repair or outside storage shall be conducted on the site and no other occupational license shall be issued therein. The following restrictions shall apply for the life of the building(s). The requirements shall supersede otherwise applicable provisions of this section:

(a) Perimeter within the complex shall maintain a two-directional drive and provide a minimum forty-eight-foot outside and thirty-five-foot inside turning radius.

(b) Every door leading to a bay of ten (10) feet or less in depth shall be accessed from a loading aisle at least fifteen (15) feet wide. For the purposes of this section, the depth of a bay shall be measured from the exterior wall surface.

(c) Every door leading to a bay greater than ten (10) feet and less than twenty (20) feet in depth shall be accessed from a loading aisle at least twenty (20) feet in width.

(d) Every overhead door leading to a bay of twenty (20) feet or greater in depth shall be accessed from a loading aisle of at least thirty (30) feet in width.

(e) Interior accessed buildings shall provide at least one (1) loading space for each three thousand (3,000) square feet of gross building area or fraction thereof. Each space shall be a minimum of eleven (11) feet in width and twenty-four (24) feet in depth and shall be separated from the building by a five (5) foot sidewalk.

(f) Rental office/manager's quarters shall provide one (1) parking space for each one hundred fifty (150) square feet of gross building area.

(30) Uses not specifically mentioned: The requirements for off-street parking for any uses not specifically mentioned shall be the same as provided in this section for the use most similar to the one sought, it being the intent to require all uses except agriculture to provide off-street parking facilities.

(31) Mixed uses: In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately, and off-street parking space for one use shall not be considered as providing the required off-street parking for any other use.

(32) Fractional measurements: When units or measurements determining number of required off-street parking spaces result in requirements of fractional space, any such fraction equal to or greater than one-half (1/2) shall require a full off-street parking space.

(33) Measurement: For the purpose of this section, floor area shall mean the gross floor area inside of the exterior walls. In stadiums, sport arenas, churches and other places of assembly in which occupants utilize benches, pews or other similar seating facilities, each twenty (20) lineal inches of such seating facilities shall be counted as one (1) seat for the purpose of computing off-street parking requirements.

4-5.4 MODIFICATION OF REQUIREMENTS

In specific cases, the Board of Adjustment may authorize a reduction in the minimum requirements of Section 4-5.3 when:

(1) There is a public parking lot within four hundred (400) feet of the site judged adequate to handle the present and probable future parking demand of the proposed use; or

(2) There is on-street parking judged adequate to handle the present and probable future parking demand of the proposed use in the neighborhood; or

(3) There are adequate commercial or private parking lots within four hundred (400) feet of the site judged adequate to handle the present and probable future parking demand of the proposed use.

Provided, however, that the Board of Adjustment shall find that such reduction of the parking requirements will not create a parking problem due to customers or employees using on-street parking in the neighborhood, and that traffic problems in the neighborhood will not be materially increased.

4-5.5 HANDICAPPED PARKING REQUIRED

(1) One (1) parking space shall be provided in the immediate vicinity of any building maintained and operated for the public whether said building shall be a public or quasi-public building or intended for use by the public, which parking space shall be designated for use by disabled persons only.

(2) Said parking space shall be accessible to a curb-ramp or curb-cut, when necessary, to allow access to the building served, or shopping center or other buildings served, and shall be located so that users will not be compelled to wheel behind parked vehicles.

(3) Parallel parking spaces shall be located either at the beginning or end of a block or adjacent alley entrances. Said parking spaces shall be located in the corners, ends or beginnings of the parking area immediately adjacent to the buildings or as close thereto as the first parking space may be. In the absence of being able to reasonably comply with the location of the parking space required by this section, such shall be designated by the building department of the City of Margate.

(4) All handicapped parking spaces shall be a minimum of twelve (12) feet wide. Each space shall be prominently outlined with blue paint and posted at the middle head with an individual non-moveable sign of a color and design bearing the internationally accepted wheelchair symbol and the caption, "Parking by Disabled Permit Only." Below the sign and caption an additional caption shall state the amount of the fine for unlawful parking in a space for the disabled. The language shall state "Fine-Amount." (The amount shall be that which is approved by ordinance of the City of Margate.) Sign shall be a minimum size of twelve (12) inches in width and eighteen (18) inches in height with lettering at a minimum of one (1) inch in height. The lettering designating the amount of fine shall be a minimum size of two (2) inches in height. Said sign should be no less than five (5) feet nor more than seven (7) feet from the ground.

(5) It shall be unlawful for any person to utilize the above-designated parking spaces except those with the following: License plate issued by the State of Florida having the designated wheelchair symbol or any other state symbol or design denoting that the driver or owner of said vehicle is a handicapped individual. Violation of this section shall be a municipal violation punishable by a fine of two hundred fifty dollars ($250.00).

(6) This section shall be deemed to retroactively apply to all existing buildings within the confines of the City of Margate:

(a) That all owners and on-site managers, or other agents on-site, responsible for the maintenance of the parking lots governed hereunder, shall be responsible for compliance herein.

(b) The city hereby agrees to waive any permit or construction fees for any improvements necessitated by this ordinance within the City of Margate.

(c) For any construction necessitated by this section, should same necessitate the utilization of parking spaces which would cause any parking to fall below the minimum number of parking spaces necessary pursuant to this code, same shall not be deemed a violation of the code.

4-5.6 OFF-STREET LOADING

(1) On the same plot with every structure or use hereafter erected or created, there shall be provided and maintained adequate space for loading and unloading of materials or goods and for delivery and shipping, so that vehicles for these services may use this space without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

(2) Where any structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading space under this section, the full amount of off-street loading space shall be supplied and maintained to comply with this section.

(3) For the purposes of this section, an off-street loading space shall be an area at the grade level at least twelve (12) feet wide by forty-five (45) feet long with a fourteen and a half (14-1/2) foot vertical clearance. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space and arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Such loading space shall also be accessible from the interior of any building it is intended to serve.

(4) For each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, mortuary, laundry, dry cleaning establishment or similar use which has an aggregate gross floor area of:

(a) Over 10,000 square feet but not over 25,000 square feet - 1 space.

(b) Over 25,000 square feet but not over 60,000 square feet - 2 spaces.

(c) Over 60,000 square feet but not over 120,000 square feet - 3 spaces.

(d) Over 120,000 square feet but not over 200,000 square feet - 4 spaces.

(e) Over 200,000 square feet but not over 290,000 square feet - 5 spaces.

(f) Plus for each additional 90,000 square feet over 290,000 square feet or major fraction thereof - 1 space.

(5) For each multiple dwelling or apartment having at least fifty (50) dwelling units but not over one hundred (100) dwelling units - 1 space. For each multiple dwelling having over one hundred (100) dwelling units - 1 space plus 1 space for each additional one hundred (100) dwelling units or major fraction thereof.

(6) For each auditorium, convention hall, exhibition hall, museum, hotel, office building, sports arena, stadium, hospital, sanitarium, welfare institution or similar use which has an aggregate gross floor area of:

(a) Over 20,000 square feet but not over 40,000 square feet - 1 space.

(b) Plus for each additional 60,000 square feet over 40,000 square feet or major fraction thereof - 1 space.

(7) For any use not specifically mentioned in this section, the requirements for off-street loading for a use which is so mentioned and to which the unmentioned use is similar shall apply.

(8) Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting the off-street loading needs of any other use.

(9) No area of facilities supplied to meet the required off-street parking facilities for a use shall be utilized for or be deemed to meet the requirements of this section for off-street loading facilities.

(10) Nothing in this section shall prevent the collective, joint or combined provision of off-street loading facilities for two (2) or more buildings or uses, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.

(11) Plans for buildings or uses requiring off-street loading facilities under the provision of this section shall clearly indicate the location, dimensions, clearances and access of all such required off-street loading facilities.

4-5.7 RESERVOIR AREAS FOR DRIVE-THROUGH FACILITIES

(1) All facilities which render goods and/or services directly to patrons within vehicles shall be required to provide reservoir areas for inbound vehicles. The purpose of these areas is to ensure that vehicles using the facility do not interfere with the flow of vehicular and pedestrian traffic within public rights-of-way, nor interfere with parking circulation or loading within the facility.

(2) Each reservoir area required pursuant to this article shall be a minimum of ten (10) feet wide by twenty (20) feet long and shall not block parking stalls, parking aisles, driveways or pedestrian ways. For the purposes of this section the space occupied by the vehicle being served by the facility is considered one reservoir area.

(3) The number of reservoir areas required shall be provided and maintained on the basis of the following minimum requirements:

USE	NUMBER
Automatic car wash, spaces per service lane	6
Child care center, nursery school, spaces at drop-off point	3
Drive-through beverage or food sales, spaces per service lane	3
Drive-in bank, savings and loan, spaces per service lane	4
Dry cleaning pickup station, spaces per service lane	2
Filling station, spaces per side, each island	3
Gatehouse or ticket booth, spaces inbound and outbound	3
Package stores, spaces per service lane	2
Photograph developing, spaces per service lane	2
Self-service car wash, spaces per wash stall	2
Skating rink, bowling alley, spaces at drop-off point	3
Valet parking, spaces at drop-off point	3

4-6 SIGN ORDINANCE

The Sign Code of the City of Margate, Article XXII, including all amendments, is hereby adopted by reference. This code attempts to adapt sign regulations into a legal framework that is compatible with the land use practices in the City of Margate, Florida.

CHAPTER 5

RESOURCE PROTECTION STANDARDS

5-1 PURPOSE AND INTENT

The purpose of this chapter is to provide those standards and regulations necessary to protect important resources of the City of Margate, to ensure for current and future residents clean and plentiful water, protection from flood damage and preservation of environmentally sensitive lands, and to protect the health, safety and general welfare of the public. This chapter specifically protects residents against the potentially adverse impacts of urbanization which may threaten the natural character, scenic beauty and quality of resources in the City of Margate.

5-2 FLOODPLAIN MANAGEMENT

The flood hazard areas of the City of Margate are subject to periodic inundation which results in loss of life; loss of property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood protection; and relief and impairment of the tax base, all of which adversly affect the public health, safety and general welfare of the residents of the City of Margate.

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed or otherwise protected from flood damages.

5-2.1 PURPOSE

It is the purpose of this section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or increases in flood heights or velocities;
- require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters;

- control filling, grading, dredging and other development which may increase erosion or flood damage;
- prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

5-2.2 OBJECTIVES

The objectives of this section are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood-plains;

(6) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and

(7) To insure that potential home buyers are notified that a property is in a flood area.

5-2.3 DEFINITIONS

Unless specifically defined below, words or phrases used in Section 5-2 shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Appeal: A request for a review of the City Manager's, or his designee's, interpretation of any provision of Section 5-2 on a request for a variance.

Area of shallow flooding: A designated AO or VO zone on a community's flood insurance rate map (FIRM), with base flood depths from one to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

Area of special flood hazard: The land in the floodplain within a community subject to a one per cent or greater chance of flooding in any given year.

Base flood: The flood having a one per cent chance of being equalled or exceeded in any given year.

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building: Any structure built for support, shelter or enclosure for any occupancy or storage.

Coastal high hazard area: The area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone VI-3, VE or V.

Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or permanent storage of materials.

Elevated building: A non-basement building constructed to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; or

(2) The unusual and rapid accumulation of runoff or surface waters from any source.

Flood hazard boundary map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

Flood insurance rate map (FIRM): An official map of a community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study: The official report provided by the Federal Insurance Administration; the report contains flood profiles, as well as the flood hazard boundary-floodway map and the water surface elevation of the base flood.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor: The top surface of an enclosed area in a building, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally dependent facility: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

Highest adjacent grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Mangrove stand: An assemblage of mangrove trees which is primarily low trees noted for a copius development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (Avicennia nitida); red mangrove (Rhizophora mangle); white mangrove (Languncularia racemosa); and buttonwood (Conocarpus erecta).

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on site for 180 consecutive days or longer and intended to be improved property.

Mean sea level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum.

National Geodetic Vertical Datum (NGVD): A vertical control used as a reference for establishing varying elevations within the floodplain (as corrected in 1929).

New construction: Structures for which the "start of construction" commenced on or after the effective date of this code.

New mobile home park or mobile home subdivision: A parcel or contiguous parcels of land divided into two (2) or more mobile home lots, for rent or sale, for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this code.

Sand dunes: Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Start of construction: The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds, not occupied as dwelling units or not a part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure, or any part thereof, on its piling or foundation. For mobile homes not within a mobile home park or subdivision, "start of construction" means the affixing of the mobile home to its permanent site; otherwise "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and the installation of utilities) is completed.

Structure: A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank or other man-made facilities or infrastructures.

Substantial improvement: Any combination of repair, reconstruction, alteration or improvement to a structure, taking place during the life of a structure, the cumulative cost of which equals or exceeds fifty (50) per cent of the market value of the structure. The market value of the structure should be the appraised value prior to the start of the initial repair or improvement, or in the case of damage, the value prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

Variance: A grant of relief to a person from the requirements of Section 5-2 which permits construction in a manner otherwise prohibited by this code where specific enforcement would result in unnecessary hardship.

5-2.4 APPLICABILITY

This section shall apply to all areas of special flood hazards within the jurisdiction of the City of Margate. The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for the City of Margate," to be dated (as per publication date of the flood insurance rate map), with accompanying flood insurance rate maps and any revision thereto, are hereby adopted by reference and declared to be a part of these regulations.

5-2.5 COMPLIANCE; ABROGATION; INTERPRETATION

(1) No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this section and other applicable regulations.

(2) These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where these regulations and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(3) In the interpretation and application of this section all provisions shall be:

- considered as minimum requirements;
- liberally construed in favor of the governing body; and
- deemed neither to limit nor repeal any other powers granted under state statutes.

5-2.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the City of Margate, or any officer or employee thereof, for any flood damages that result from reliance on this code or any administrative decision lawfully made thereunder.

5-2.7 PENALTIES FOR VIOLATIONS

Violation of the provisions of this regulation or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with the granting of variances or special exceptions, shall constitute a misdemeanor. Any person who violates this code or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars ($500.00) or imprisoned for not more than sixty (60) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Margate from taking such other lawful action as is necessary to prevent or remedy any violation.

5-2.8 ADMINISTRATION

The City Manager or his designee is hereby appointed to administer and implement the provisions of this section. Duties of the City Manager or his designee shall include, but not be limited to, the following:

(1) To review all development permits to assure that the permit requirements herein have been satisfied.

(2) To advise applicant that issuance of a city permit does not in any way relieve the applicant of the responsibility of obtaining all necessary permits from those federal, state and local governmental agencies from which approval is required.

(3) To notify adjacent communities and the Department of Community Affairs prior to any alteration or relocation of a watercourse; the City Manager or his designee shall submit evidence of such notification to the Federal Insurance Administration.

(4) To assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) To verify and record the actual elevation in relation to mean sea level of the lowest floor of all new or substantially improved structures.

(6) To verify and record the actual elevation in relation to mean sea level to which the new or substantially improved structures have been floodproofed.

(7) When floodproofing is utilized for a particular structure, the City Manager or his designee shall obtain certification from a registered professional engineer or architect.

(8) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (i.e., where there appears to be a conflict between a mapped boundary and actual field conditions), the City Manager or his designee shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.

(9) When base flood elevation data has not been provided in accordance with Section 5-2.4, then the City Manager or his designee shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of this code.

(10) All records pertaining to the provisions of this section shall be maintained in the office of the City Engineer and shall be open for public inspection.

5-2.9 PERMIT PROCEDURE

Application for a development permit shall be made to the City Manager or his designee on forms furnished by the Engineering Department, and may include, but not be limited to, the following plans in duplicate, drawn to scale, and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill storage of materials; drainage facilities and the location of the foregoing. Specifically, the following information is required:

(1) Application stage.

(a) Elevation in relation to mean sea level of the lowest floor of all structures.

(b) Elevation in relation to mean sea level to which any non-residential structure has been floodproofed.

(c) A certificate from a registered professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria of this code.

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) Construction stage.

Provide a floor elevation or floodproofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations pertaining to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the City Manager or his designee a certification of the elevation of the lowest floor, floodproofed elevation or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit

holder's risk. The City Manager or his designee shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

5-2.10 VARIANCES

(1) The Board of Adjustment, as established by the City of Margate, shall hear and decide appeals and requests for variances from the requirements this section.

(2) The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the City Manager in the enforcement or administration of this section.

(3) Any person aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decision to the curcuit court, as provided in the Florida Statutes.

(4) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section, and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.

(5) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in this code and:

- the danger that materials may be swept onto other lands causing injury to others;

- the danger to life and property due to flooding or erosion damage;

- the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- the importance of the services provided by the proposed facility to the community;

- the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

- the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- the compatibility of the proposed use with existing and anticipated development;

- the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- the safety of access to the property in times of flood for ordinary and emergency vehicles;

- the expected height, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

- the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(6) Upon consideration of the factors listed above and the purposes of this section, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.

(7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(8) Conditions for variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. In the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(b) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship to the applicant and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety and extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built, and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(d) The City Engineer shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

5-2.11 CONSTRUCTION STANDARDS (GENERAL)

In all areas of special flood hazard the following provisions are required:

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(3) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(4) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(7) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate both infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

(8) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

(9) Any alteration, repair, reconstruction or improvement to a structure which is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this section.

5-2.12 CONSTRUCTION STANDARDS (SPECIFIC)

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Sections 5-2.4 and 5-2.8(9), the following provisions are required:

(1) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor elevated no lower than the basic requirements for minimum elevations in the City of Margate as established in Chapter 7 of the City Code. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movement of floodwaters shall be provided in accordance with standards of Section 5-2.9.

(2) Non-residential construction. New construction or substantial improvement of any commercial, industrial or non-residential structure shall have the lowest floor elevated no lower than the basic requirements for minimum elevations in the City of Margate as established in Chapter 7 of the City Code. Structures located in all A-zones may be floodproofed in lieu of being elevated provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of bouyancy. A registered professional engineer or architect shall certify that the standards of this section are satisfied. Such certification shall be provided to the official as set forth in Section 5-2.9.

(3) Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(a) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all openings shall be no higher than one foot above grade; and

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(4) Floodways. Located within areas of special flood hazard established in Section 5-2.4 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

(a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;

(b) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions.

(c) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of paragraph 5-2.11(2) and the elevation standards of paragraph 5-2.12(3) above are met.

(5) Mobile homes.

(a) No mobile home shall be placed in a floodway or coastal high hazard area, except in an existing mobile home park or subdivision.

(b) All mobile homes shall be anchored to resist flotation, collapse or lateral movement, by the providing of over-the-top and frame ties to ground anchors. Specific requirements shall be that:

- over-the-top ties be provided at each of the four (4) corners of the mobile home with two (2) additional ties per side at intermediate locations (mobile homes less than fifty (50) feet long requiring one additional tie per side);

- frame ties be provided at each corner of the mobile home with five (5) additional ties per side at intermediate points (mobile homes less than fifty (50) feet long requiring four (4) additional ties per side);

- all components of the anchoring system be capable of carrying a force of four thousand eight hundred (4800) pounds; and

- any additions to the mobile home be similarly anchored.

(c) For new and existing mobile home parks and subdivisions and for expansions to existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) per cent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, and for mobile homes not placed in a mobile home park or subdivision, specific requirements shall be that:

- stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

- adequate surface drainage and access for a hauler are provided; and

- in the instance of elevation on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten (10) feet apart and reinforcement shall be provided for pilings more than six (6) feet above the ground level.

5-2.13 CONSTRUCTION STANDARDS IN SHALLOW FLOOD ZONES

Located within the areas of special flood hazard established in Section 5-2.4 are areas of shallow flooding. These areas have special flood hazards associated with base flood depths of one to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions shall apply:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor elevated above the crown of the nearest street to or above the depth number specified on the community's flood insurance rate map.

(2) All new construction and substantial improvements of non-residential structures shall:

(a) Have the lowest floor elevated to the depth number specified on the flood insurance rate map, in feet above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least two (2) feet above the highest adjacent grade; or

(b) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of bouyancy.

5-2.14 STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.

5-3 STORMWATER MANAGEMENT

5-3.1 PURPOSE

The purpose of this section is to promote public health, safety and general welfare of the residents of the City of Margate and to minimize public and private losses due to the accumulation of stormwater in flood hazard areas by provisions designed to require that buildings vulnerable to floods, including facilities which serve such buildings, be protected against any accumulation of stormwater at the time of construction or substantial improvement.

5-3.2 DEFINITIONS

Design water surface: The design water surface shall be equal in elevation to the design water surface level as established for the C-14 Canal by the South Florida Water Management District (SFWMD).

Habitable floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation or combinations thereof.

Mean sea level: The average high tide plus the average low tide divided by two (2) and as determined by the United States Coast and Geodetic Survey (USCGS).

Single-family home: Any detached residential structure constructed with the intention that said structure be occupied by one family as a separate housekeeping unit.

5-3.3 ADOPTION BY REFERENCE

(1) The current edition of the South Florida Water Management District's Groundwater Rule to Stormwater Discharges, including the basis of review for surface water management permit applications, is hereby adopted as the minimum requirements for the City of Margate and said publication is made part of this section as if set out herein verbatim.

(2) The flood insurance rate map, Community Number 120047 0001B, prepared by the United States Department of Housing and Urban Development, dated January 19, 1978, is hereby adopted by reference.

5-3.4 MINIMUM ELEVATIONS

The basic requirements for minimum elevations in the City of Margate are hereby established as follows:

(1) Single-family and duplex residential structures must be constructed so that the lowest habitable floor is located no lower than the minimum finished floor elevation permitted by the SFWMD and at least eighteen (18) inches above the crown of the street or road abutting the structure. Whichever results in a higher elevation shall be applicable.

(2) For any structures other than single-family and duplex residential, where the crown of the abutting road is at or above the minimum finished floor elevation permitted by the SFWMD, the lowest habitable floor shall be no lower than the SFWMD permitted elevation, provided a positive drainage system shall be constructed meeting approval of the City Engineer.

(3) For any structures other than single-family and duplex residential, where the crown of the abutting road is below the minimum finished floor elevation permitted by the SFWMD, the lowest habitable floor shall be no lower than the SFWMD permitted elevation and at least six (6) inches above the crown of the abutting road. Whichever measurement results in a higher finished floor elevation shall be applicable.

(4) Elevation of the minimum finished floor permitted by the SFWMD shall be furnished with each application for approval of any subdivision plat and site development plans reviewed by the Development Review Committee.

5-3.5 BUILDING PERMITS

No building permits shall be issued by the Margate Building Department, except in areas where standard paved streets are installed in accordance with recorded plats, unless and until complete engineering drawings pertaining to undeveloped properties are furnished as required in Section 5-3.4 above; provided these requirements may be waived when complete engineering data have previously been furnished in accordance with Section 5-3.4 and such data are available in the files of the Margate Building Department.

5-3.6 DESIGN CRITERIA

(1) Designs shall provide drainage and flood protection in accordance with published South Florida Water Management criteria, or as follows:

Frequency	=	Five-year storm
Duration	=	One day (road centerlines) or One hour (parking lots served by exfiltration systems)

(2) Building floors shall be above the one hundred-year flood elevations, as determined by the SFWMD and the federal flood insurance rate map. The one hundred-year three-day storm event shall be considered in determining elevations.

5-4 WETLANDS PROTECTION

The City of Margate hereby establishes that wetlands serve many vital functions in serving the community. Wetlands have a great capacity for holding water, thereby reducing the impacts of flooding in developed areas; wetlands also act as a groundwater recharge area and have the ability to filter pollutants from surface water before it enters the Biscayne Aquifer; wetlands are among the most productive natural systems for wildlife; and wetlands have great passive recreation value.

The City of Margate has set aside six (6) conservation areas making up approximately twenty-five (25) acres. An additional twenty (20) acres of cypress-dominated wetlands have been set aside through conservation easements.

5-4.1 DEVELOPMENT IMPACTS

(1) No development shall be permitted which includes all or any part of any lands identified on the Future Land Use Map as conservation.

(2) If a proposed development is adjacent to any part of any lands identified as conservation, the developer shall provide for the preparation of an environmental impact report identifying the effects that the proposed development would have on the unique natural qualities and resources of the area and identifying strategies to protect the resource or mitigate unavoidable adverse impacts on the resource. The environmental impact report is to be completed within six (6) months of the date the application for a development permit is accepted. The following guidelines shall be used in assessing the impact of the proposed development on conservation areas:

(a) Identify the types of impacts expected for the proposed development on the unique natural qualities and resources of the site. This step is based on the activities related to the development and the environmental attributes which will be affected by them.

(b) Describe the impacts and the significance of the impacts expected to occur. Impact categories to be included are water resources, vegetation, soil, air, wildlife, aesthetics, open space, outdoor recreation and land use. Interpret the impacts both individually and by aggregating them into an over-all assessment of the development's affects on the site.

(c) Identify conservation measures to minimize or alleviate adverse environmental impacts of the proposed development.

(d) Should a proposed development negatively impact the resource, appropriate mitigation will be required. Mitigation measures or techniques may include, but are not limited to the following:

1) Recreation of wetland habitat through the construction of freshwater marsh and freshwater swamp environments adjacent to existing or proposed water bodies.

2) Rewatering of wetland habitat to historic levels through appropriate engineering or water management techniques.

3) Open space buffer zones between potentially incompatible land uses, such as the use of vegetated buffer zones between wetlands and developed areas.

4) Habitat enhancement through the controlled removal of exotic vegetation and the replanting of native indigenous trees, shrubs and groundcovers.

5) Such other mitigation techniques as are approved by the City Commission.

(3) If a proposed development is otherwise in compliance with the applicable standards and minimum requirements of this section, the application for a development permit may be approved subject to those conditions which have been determined by the City Commission to be reasonably necessary to minimize adverse environmental impact.

5-5 WELLFIELD PROTECTION

In order to assure clean, potable water for the current and future residents of the City of Margate, the zone of influence, as delineated by the Broward County Water Resources Management Division, shall be protected to the fullest extent possible. The City of Margate shall control the handling, storage, use and production of all toxic substances within the zone of influence.

5-5.1 DEVELOPMENT IMPACTS

(1) No proposed development located within an identified wellfield zone of influence shall be permitted which is in conflict with the Broward County Wellfield Protection Ordinance.

(2) If a proposed development is otherwise in compliance with the Wellfield Protection Ordinance, an application for a development permit shall be reviewed to determine the adequacy of hazardous material treatment and disposal services, as well as the proposed development's impact on the city's well-field zone of influence. Review shall be pursuant to the Broward County Environmental Quality Control Board's Code of Regulations, and any other standards which may be adopted by the City Commission.

CITY OF MARGATE, FLORIDA

ORDINANCE NO. 94-19

AN ORDINANCE AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, WHEREBY THE LAND DEVELOPMENT CODE WILL BE MOVED TO CHAPTER 16 1/2 AND NEW LANGUAGE REGARDING CONCURRENCY SHALL BE ADDED; PROVIDING FOR THE CODIFICATION OF THE LAND DEVELOPMENT CODE OF THE CITY OF MARGATE; PROVIDING FOR TITLE CHANGES; PROVIDING FOR CORRECTION OF GRAMMAR; PROVIDING FOR VESTED RIGHTS REVIEW BY THE CITY ATTORNEY; PROVIDING FOR REVISED CRITERIA FOR MEASUREMENT OF CAPACITIES FOR COMPLIANCE WITH TRAFFICWAYS PLAN; PROVIDING FOR VESTED RIGHTS DETERMINATION; PROVIDING FOR LEVEL OF SERVICE STANDARDS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

SECTION 1: That the Code of Ordinances of the City of Margate, Florida, Chapter 16 1/2. Platting, Subdivision and Other Land Use Regulations, is hereby amended to read as follows:

CHAPTER 16-1/2

PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS

ARTICLE IV. CONCURRENCY MANAGEMENT SYSTEM

Section 16-1/2.40. Purpose.

The purpose of this article ~~chapter~~ is to assure that all development activity in the City of Margate is concurrent, consistent and in substantial conformity with the City of Margate and the Broward County Comprehensive Plans; and to assure that no new development be approved unless there is sufficient capacity available at the prescribed levels of service established in the City of Margate Comprehensive Plan.

Section 16-1/2.41. Definitions.

Building. Any permanent structure having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind.

Building permit.

(1) Any permit for the erection or construction of a new building required by Section 310.1 of the South Florida Building Code, 1984, Broward Edition, as amended.

(2) Any permit for an addition to an existing building which would:

- create one or more additional dwelling units; or
- be required for the nonresidential operations included in Section 301.1(a), South Florida Building Code, 1984, Broward Edition, as amended.

(3) Any permit involving a change in the occupancy of a building as described in Section 104.7 of the South Florida Building Code, 1984, Broward Edition, as amended.

Certified land use plan. The City of Margate Land Use Plan which has been certified by the Broward County Planning Council as being in substantial conformity with the County Land Use Plan and which has been adopted by the City Commission in compliance with the Comprehensive Planning Act of 1975, Section 163.3161, et seq., Florida Statutes.

Committed trip. A trip generated with the TRIPS model from an approved but not yet built development.

Compact deferral area. The geographic area which is "a two (2) mile band having a centerline which is coincident with the centerline of the congested link, extending parallel to the congested link for a distance of one-half (1/2) mile beyond each end point of the congested link."

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Concurrency. A provision that public facilities and services needed to support development shall be available at the same time or coincidental with the impacts of such development.

Concurrency management system. The provisions in the City of Margate Comprehensive Plan including implementation regulations, encompassing the restrictions, methods, resources, timing and solutions intended to be compatible with and further compliance with the statutory requirement to provide public facilities and services needed to support development concurrent with the impacts of such development.

Constrained facility. A road segment which is not planned for a capacity improvement in the adopted 2010 Highway Network Plan of Broward County.

Development. The meaning given in Section 380.04, Florida Statutes.

Development order. An order authorizing the granting, denying or granting with conditions of an application for a development permit.

Development permit. Any building permit, zoning permit, subdivision or plat approval or site plan approval, including amendment to the notation on the face of a plat, special exception, variance or other official action of the City of Margate, but does not include any variance or other official action necessary solely for the purpose of issuing a permit, other than a building permit, pursuant to the South Florida Building Code, 1984, Broward Edition, as amended.

Drainage facilities. A system of man-made structures designed to collect, convey, hold, divert or discharge stormwater, <u>including</u> ~~and includes~~ stormwater sewers, canals, detention structures and retention structures.

Duplex. Two (2) attached dwelling units in one (1) building.

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Dwelling unit. A house, apartment or condominium unit, trailer, group of rooms or a single room intended for occupancy as a separate living quarter with direct access from the outside of the building or through a common hall and with complete kitchen facilities for the exclusive use of the structure or complex which are licensed by the State Department of Business Regulation, Division of Hotels and Restaurants, as "apartments", "rental condominiums" and "retirement housing."

Infrastructure. Those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; solid waste disposal sites or retention areas; stormwater systems; utilities; docks; breakwaters; bulkheads; seawalls; causeways; bridges; and roadways.

~~*Land--development--code.*---The--various--types--of regulations-for-the-development-of-land-within-the City--of--Margate--when--combined--into--a--single document.~~

Land development regulations. Ordinances enacted by governing bodies for the regulation of any aspect of development including: zoning, rezoning, subdivision, building construction, ~~or~~ sign regulations or any other regulations controlling the development of land.

Level of service. An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and regulated to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility. Level of service may also be referred to as "LOS."

Net traffic impact of development. The total trips to be generated by a proposed development, as measured by the TRIPS model, less the trips, if any, estimated to be generated by the existing development to be replaced or generated by a previously approved plat.

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Parcel ~~of land~~. Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as a unit or which has been used or developed as a unit.

Planned improvement facility. A road segment for which a capacity improvement is planned in the adopted 2010 Highway Network Plan of Broward County.

Platted land. Any land which can be referenced to an official plat book and page number.

Potable water. Water which is satisfactory for drinking, culinary and domestic purposes and which meets the quality standards of the Florida Department of Environmental Protection ~~Regulation~~, Chapter 17-22, Florida Administrative Code.

Potable water facilities. A system of structures designed to collect, treat or distribute potable water, including ~~and--includes~~ water wells, treatment plants, reservoirs and distribution mains.

Principal building. A building which is occupied by, or devoted to, a principal use or an addition to an existing principal building which is larger than the original existing building. In determining whether a building is of primary importance, the use of the entire parcel shall be considered. There may be more than one principal building on a parcel.

Principal use. The primary use of a parcel of land as distinguished from secondary or accessory uses. There may be more than one principal or main use on a parcel of land.

Public facilities. Major capital improvements including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational facilities, park and recreational facilities and health systems.

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Public utility. Any public or private utility such as, but not limited to, storm drainage, sanitary sewers, electrical power, water service, gas service or telephone lines, whether underground or overhead.

Regional transportation network. Those roadways shown on the Broward County Trafficways Plan promulgated by the Broward County Planning Council, or on the Broward County 2010 Plan promulgated by the Broward County Metropolitan Planning Organization, or for which right-of-way has been delineated by the Board of County Commissioners.

Reserve strip. A piece of land or line on one side of a street in the control of the owner of the land on the opposite side of the street which prevents access to the street by development immediately beyond the piece of land or line.

Sanitary sewer facilities. Structures or systems designed for the collection, transmission, treatment or disposal of sewage, including trunk mains, interceptors, treatment plants and disposal systems.

Solid waste. Sludge from a wastewater treatment plant, water supply treatment plant or air pollution control facility or garbage, rubbish, refuse or other discarded material including solid, liquefied, semi-solid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations.

Solid waste facilities. Structures or systems designed for the collection, processing or disposal of solid wastes including hazardous wastes, and also including transfer stations, processing plants, recycling plants and disposal systems.

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Structure. Anything constructed, installed or portable, the use of which requires a location on a parcel of land, such as buildings, trailers, fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks and advertising signs.

Surface water management. The collection of devices, improvements or natural systems whereby surface waters are controlled, impounded or obstructed. The term includes dams, impoundments, reservoirs and appurtenant works as defined in subsections 373.403 (1-4), Florida Statutes, as well as all artificial structures including, but not limited to, ditches, canals, conduits, channels, culverts, pipes and all other construction that conveys, impounds or controls surface water.

Section 16-1/2.42. Development subject to adequacy determination.

(1) For plats or replats, or for site plans or building permits where the property is unplatted or was platted, with plat approval received before March 20, 1979, all development of previously vacant land except that specified in subsection (3) below, shall be subject to an adequacy determination unless a site plan has been approved prior to December 1, 1989 and development activity has occurred within the plat or replat area.

(2) All development of previously improved lands shall be subject to an adequacy determination for the additional trips that equal the difference between the trips to be generated by the development specified in the proposed note on the plat and <u>one hundred ten percent (110%) of</u> the trips generated by any existing development. Existing development shall be construed to include previous development demolished no earlier than eighteen (18) months previous to the date the final plat application is submitted, or the application for a site plan or building permit approval is submitted.

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(3) For a replat, or an amendment to a note on a plat, or a requirement to place a note on a plat, where property was platted after March 20, 1979, an adequacy determination shall be required for those additional trips that equal the difference between the previous plat and the replat; or the previous note and the proposed amendment to the note; or the development approved by the County Commission at the time of plat approval and the proposed note to be placed on the plat.

(4) Except as exempted above, all plats approved after October 1, 1989 by the Broward County Commission and all development permits approved after December 1, 1989 by the City of Margate must undergo adequacy determinations to meet concurrency.

Section 16-1/2.43. Vested rights.

The City of Margate recognizes that certain property owners or developers may have a claim to a vested right to complete a development notwithstanding that such development would otherwise be required to undergo an adequacy determination pursuant to Section 16-1/2.42 ~~2-3.1~~ above. If a property owner or developer makes such a claim of vested rights to the City, the following procedure shall apply:

(1) The property owner's or the developer's request for a vested rights determination shall be submitted to the Development Review Committee. Such request shall be accompanied by a description of the parcel of land for which the vested rights determination is sought and an explanation of the basis for the vested rights claim.

(2) The request for a vested rights determination shall be forwarded to the Office of the City Attorney and City Manager for review. The City Attorney and City Manager shall review the vested rights claim and make a written recommendation to the City Commission as to whether the vested rights claim should be granted, denied or granted with conditions.

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(3) Following issuance of the City Attorney's ~~Manager's~~ written recommendation, the City Commission shall schedule the vested rights claim on its agenda for consideration. The City Commission shall take action on the vested rights claim to grant the claim, deny the claim or grant the claim with conditions. Such action shall be in the form of a resolution.

Section 16-1/2.44. Action plans.

(1) An Action Plan is a program of transportation improvements designed at a minimum to accommodate the net traffic impact of the development to the extent that the regional road network lacks available capacity to provide for the net traffic impact of development. The Action Plan shall provide substantiation in the form of engineering studies or other data acceptable to the city to demonstrate the anticipated effect of the proposed program of improvements and/or innovations; shall provide for a source of funding for the improvements and/or innovations; and shall provide for monitoring of the program to ensure implementation of the program or improvements as necessary at or before the time the impacts of development occur.

(2) An Action Plan Review Committee is hereby established consisting of the members of the Development Review Committee.

(3) The Action Plan Review Committee shall make a recommendation to the City Commission regarding approval of the Action Plan. The recommendation shall give the reasons for the approval or disapproval of the Action Plan, which may include, but are not limited to, determinations regarding the trips created by the proposed development; the feasibility of the proposed facility or program; the adequacy of the data to demonstrate the ability of the Action Plan to accommodate the net impact of development; the City's ability to ensure that the program or facility is maintained; the date by which the facility or program will be implemented and the plan for funding the improvement or facility.

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(4) *Guidelines for the Development of Action Plans* and *Procedures for the Preparation of Action Plans for Pre-1979 Municipality Plats*, as prepared and amended from time to time by the Broward County Department of Strategic Planning and Growth Management ~~Office of Planning~~, may be used in the preparation of the required Action Plans.

Section 16-1/2.45. Measurement of capacities.

(A) Trafficways:

The procedure for the initial measuring of highway capacities is the *Florida Department of Transportation Table of Generalized Daily Level of Service Maximum Volumes*. The measurement of capacity may also be determined by substantiation in the form of engineering studies or other data. Traffic analysis techniques must be technically sound and justifiable as determined by the Broward County Department of Strategic Planning and Growth Management ~~Office of Planning~~ and the City Department of Environmental and Engineering Services ~~Engineer~~. Alterations to capacity on the State Highway Network shall require the opportunity for FDOT review. Measurement of county and state roads shall be in accordance with the development review requirements of the Broward County Land Development Code, Section 5-198. Before a development permit is approved, the following findings shall be made:

(1) A determination shall be required that the proposed development is not within the compact deferral area for a road segment operating below the adopted level of service, or that subsection (3) below is met. Traffic studies submitted by an applicant shall be considered in reaching this determination.

(2) A determination shall be required that the proposed development would not create a compact deferral area, including the development, or that subsection (3) below is met.

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(3) If the proposed development is within a compact deferral area, or will be within a compact deferral area if the development is approved, one of the following conditions applies:

(a) The proposed development does not place any trips on the over-capacity link.

(b) There is an approved action plan to accommodate the traffic impact of the development; or

(c) The necessary improvements to provide a level of service as provided for in Section 16-1/2.48 (C) ~~2-8.3~~ are under construction at the time the permit is issued; or

(d) The necessary improvements to provide a level of service as provided for in Section 16-1/2.48 (C) ~~2-8.3~~ are the subject of an executed contract with a road contractor for the immediate construction of the facilities; or

(e) The necessary improvements for a level of service as provided for in Section 16-1/2.48 (C) ~~2-8.3~~ have been included in the first two (2) years of the adopted state, county or local five (5) year schedule of transportation improvements ~~Broward County's or Margate's capital improvement program~~ at the time a development permit is issued and although the facilities are not yet the subject of a binding contract for construction, the Board of County Commissioners and the City Commissioners makes a good faith determination that a binding contract for construction of the improvement will be executed no later than the final day of the second fiscal year of the original schedule ~~within one year~~; or

(f) The necessary improvements for the applicable level of service are provided for in an enforceable development agreement and will be available prior to certificates of occupancy that require those facilities. These may include,

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but not be limited to, development agreements pursuant to Section 163.3220, Florida Statutes, provided that road improvements required by an agreement shall not be considered for concurrency for property outside the boundaries of the property subject to a development agreement unless provisions b), c), d) or e) above are met; or

(g) The development is authorized by an approved Development of Regional Impact (DRI); or

(h) The proposed development is a single family unit or a duplex dwelling unit on a lot or parcel of record prior to May 30, 1990; provided that the traffic generated by the proposed development on the over-capacity link does not exceed one-tenth of one percent (0.1%) of the capacity of the over-capacity link at its assigned LOS. The cumulative impact of such exemptions shall not exceed one percent of the capacity of any over-capacity link during one calendar year or a cumulative total cap of three percent (3%) of the capacity of any over-capacity link; or ~~March 1, 1989 and the lot or parcel is in an infill area.~~

~~(i) This determination may not be satisfied by the transfer of committed trips from a previously approved plat or DRI to another parcel of land not included within the previous plat or DRI, except under the following conditions:~~

~~1) The City and Developer enter into an agreement providing for such transfer. If the parcel receiving the transfer is being platted or replatted, then Broward County must also be a party to the agreement;~~

~~2) The parcel from which the trips are being transferred and the parcel to which the trips are being transferred must be part of the same unified development (such as a dashed line area on the City Land Use Plan Map);~~

~~3) The parcel from which the trips are being transferred must be built out at a density or intensity lower than the density or intensity approved by the City Commission at the time the plat, including such parcel, was approved;~~

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~~4)---The--number--of-trips--which--may--be transferred--shall-be-calculated-using--the--TRIPS Model-based-on-the-difference-between-the--density or--intensity--of--development--approved--for--the parcel-by-the-City-Commission-at-the-time-of--plat approval--and-the-actual-density-or--intensity--of development-at-which-such-parcel-was-built-out.~~

(i) The proposed development is found to have vested rights with regard to any affected road segments. The proposed development must meet concurrency for any road segment for which a vested rights determination has not been made; or

(j) The proposed development is within an area designated on the Broward County Land Use Plan for urban infill, urban redevelopment or downtown revitalization; or

(k) De minimus exception: The proposed development meets all of the following criteria:

1. For the proposed development on vacant land, the residential density shall not exceed an average of four (4) dwelling units per gross acre and the non-residential floor area shall not exceed ten percent (10%) of the gross land area.

2. For the proposed redevelopment of developed property, the number of proposed dwelling units shall not exceed twice the number of existing dwelling units, and the proposed gross floor areas for non-residential use shall not exceed twice the existing floor area. Conversions between residential and non-residential uses shall not exceed twice the floor area of the original use.

3. The traffic generated by the proposed development on the over-capacity link does not exceed one-tenth of one percent (0.1%) of the capacity of that link at the adopted level of service.

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4. The cumulative impact of such exemptions shall not exceed three (3) percent of the capacity of any over-capacity link at its adopted level of service.

5. The total traffic generated by the proposed development shall not exceed 500 trips per day. If this provision is applied more than once on a parcel of land, then the cumulative total traffic generated by all such applications shall not exceed 500 trips per day, per plat, or per parcel of land for unplatted property which was a parcel of record as of March 20, 1979.

6. A notation is placed on the face of the plat, or is recorded against the property via separate document if the application is not for a plat, stating that if a building permit for a principal building is not issued on the subject property within three (3) years of the issuance of the development permit, that any finding of adequacy of the regional road network has expired, and that no additional building permits shall be issued unless the Board of County Commission and the City Commission makes a new finding that the application satisfies the adequacy requirements of the regional road network.

7. If development is approved pursuant to this provision, in order to retain its de minimis exception designation, the use for which such development is approved may only be amended provided such development continues to be consistent with the criteria contained within this subsection.

(l) Transfer of committed trips:

1. Committed trips may be transferred between two (2) contiguous parcels (i.e., a "donor parcel" and a "receiving parcel," based on the following criteria:

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a. The donor parcel must be a recorded plat, with plat approval received on or after March 20, 1979. At the time of the approval of the transfer of the committed trips, the receiving parcel must have a pending or approved final application for a development permit filed with the County or the City (e.g., plat, site plan, rezoning, note amendment);

b. The number of committed trips available for transfer by the donor parcel shall be the currently approved trip generation rate applied to the use approved for the parcel by the Board of County Commissioners, less any development which has been constructed, or for which building permits have been approved, within the donor parcel. In no case shall a transfer of trips result in no development being permitted on the donor plat;

c. Simultaneously with the approval of the transfer of committed trips by the Board of County Commissioners, a notation shall be placed on the face of the plat of the parcels of record involved indicating the change in development levels associated with the transfer of such committed trips. Impact fees shall be recalculated based on the transfer of committed trips for both the donor and receiving parcels so that such impact fees are consistent with the modifications to development levels. All other provisions of the Land Development Code which are applicable to note amendments and the placement of notes shall be enforced; and

d. As a condition of the approval of a transfer of committed trips, an agreement shall be recorded in the public records against the receiving parcel stating that, if a building permit for a principal building representing some or all of the donated trips is not issued on the subject property within three (3) years of the approval of the transfer of committed trips, the County's finding of adequacy of the regional

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road network relative to the donated trips shall expire and no building permits for the donated trips shall be issued until such time as the Board of County Commissioners makes a subsequent finding that the application satisfies the adequacy requirements of the regional road network. The City of Margate shall also be a party to such agreement.

2. The receiving parcel shall not be a donor parcel in a subsequent transfer of trips.

3. The donor parcel shall not be entitled to apply for an amendment to the note on the face of the plat to increase the number of trips for a period of three (3) years from the date of approval of a transfer of committed trips.

4. For the purpose of this provision, a parcel of land separated by a right-of-way for a highway, road or utility, or by a waterbody or watercourse which does not exceed 300 feet in width, shall be deemed contiguous.

5. Parcels of land within a DRI shall not donate trips to parcels of land outside the particular DRI.

6. Parcels of land within a concurrency exception area shall not be eligible to participate in a transfer of trips.

7. Transfers are limited to trips approved or vested prior to February 1, 1994.

(4) Determination of Concurrency for Transportation:

(a) The determination of concurrency with the regional transportation network shall be made by Broward County when a development is subject to concurrency review under the Broward County Land Development Code. However, when Broward County approves an Action Plan, the City Commission shall also review and approve that Action Plan before recordation of that plat.

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(b) The determination of concurrency with the regional transportation network for developments which are not reviewed under the Broward County Land Development Code shall be made by the City through the required traffic analysis. If a development lies within a compact deferral area or its impacts would create a compact deferral area, it shall not be approved for concurrency purposes unless an Action Plan, as provided for in this article ~~chapter~~, is submitted and approved by the City Commission.

(c) The determination of concurrency for impacts on local collector roads will be made by the City either at the time of platting for areas subject to the Broward County Land Development Code or at the time of site plan review for developments not subject to the Broward County Land Development Code through the required traffic analysis. Developments subject to concurrency shall design all local streets for level of service "C".

(B) Potable water and wastewater:

Measurement of potable water and wastewater facilities shall be based on design capacities and service flows. Usage and discharge will be based on adopted level of service standards. These levels may be amended after consideration and substantiation of engineering studies and/or an amendment to the City of Margate Comprehensive Plan.

(C) Drainage:

(1) Measurement of drainage facilities shall be based on the water management district basin design standards. Variations may exist for specific parcels but the overall effect of an area's drainage system must meet established water management practices criteria.

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(2) Where the City of Margate is not the service provider, the City shall rely on documentation provided by the applicable water control/improvement district. However, determination of concurrency for drainage capacity for building pads, streets and parking lots shall be the responsibility of the Department of Environmental and Engineering Services ~~City Engineer~~. The documentation shall identify:

(a) That the water control/improvement district will accept stormwater runoff from the proposed development;

(b) That the district has the capacity to satisfy drainage of the proposed development at the required level of service;

(c) That the district has improvements that will provide capacity at the required level of service;

(d) Conditions or phasing exist that the City should incorporate in its approval to ensure adequate capacity.

(D) Solid Waste

Measurement of solid waste shall be based on assumed generation rates and the design capacity of the landfill and the Solid Waste Energy Recovery facilities developed by the County. The City shall rely on the obligations established in the City's franchise agreement for solid waste collection and disposal services to provide the required level of service.

(E) Recreation:

Measurement of recreation and open space shall be based on the requirement of three (3) acres per one thousand (1,000) residents.

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Section 16-1/2.46. Level of service standards.

(1) No development activity may be approved unless it meets the following requirements designed to ensure that certain public services are available at prescribed levels of service concurrent with the impacts of development.

(2) Notwithstanding the foregoing, the prescribed levels of service may be degraded during construction of new facilities in a specific area if upon completion of the new facilities the prescribed levels of service will be met.

(3) For the purposes of these regulations the available capacity of a facility shall be determined by:

(A) Adding together:

(a) the total design capacity of existing facilities operating at the required level of service; and

(b) the total design capacity of new facilities that will come available concurrent with the impact of the development. The capacity of new facilities may be counted only if it meets the criteria of subsection 16-1/2.45(A)(3) above. ~~one or more of the following is shown:~~

~~1) The necessary facilities are in place at the time a plat approval is issued, or a plat approval is issued subject to the condition that the necessary facilities will be in place when the impacts of development occur.~~

~~2) Construction of new facilities is under way at the time of application.~~

~~3) The new facilities are the subject of a binding executed contract for the construction of the facilities to be constructed within a period of time as stipulated in the contract or the provision of services at the time the development permit is issued.~~

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~~4.---The--new--facilities--have--been included--in--the--City-of--Margate's--or--Broward County's---capital--improvement---program---annual budget.~~

~~5.--The-new-facilities-are-guaranteed at--a-specific-time-in-an-enforceable--development agreement.----An-enforceable-development--agreement may--include,-but-not-be-limited--to,--development agreements--pursuant-to-Section-163.3220,--Florida Statutes,--or--an-agreement-or--development--order pursuant--to-Chapter-380,-Florida-Statutes.---Such facilities--must--be-consistent-with--the--Capital Improvements--Element-of-the-City-of--Margate--and Broward-County-Comprehensive-Plan-and-approved--by the-City/County-Engineer.~~

~~6.----The-developer--has--contributed funds-to-the-City-or-any-other-governmental-entity necessary--to--provide-new--facilities--consistent with-the-Capital-Improvements-Element-of-the--City of--Margate-Comprehensive-Plan.---Commitment--that the-facilities-will-be-built-must-be-evidenced--by an-appropriate-budget-amendment-and--appropriation by-the-City-or-other-governmental-entity.~~

~~7.--The-proposed-development-does-not place--any--trips-on-the--over---capacity--roadway link.~~

~~8.--There-is-an-approved-action--plan to---accommodate---the--traffic--impact---of---the development.~~

~~9.----The--subject--area---has---been determined--to--be-a-Special--Transportation--Area (STA)-relating-to-roadway-concurrency-issues.~~

~~10.--The-development-is-authorized-by an-approved-Development-of-Regional-Impact-(DRI).~~

~~11.--The-proposed-development-is--one single--family--or-duplex-dwellings-on-a--lot,--or parcel--of-record-prior-to-March-1,-1989--and--the lot-or-parcel-is-in-an-infill-area.~~

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~~12)--This--determination-may--not--be satisfied--by-the-transfer-of--committed--capacity from-a-previously-approved-plat-or-DRI-to--another parcel--of-land-not-included-within--the--previous plat-or-DRI.~~

(B) Subtracting from that number the sum of:

(a) The design demand for the service created by existing development; and

(b) The new design demand for the service (by phase or otherwise) that will be created concurrent with the impacts of the proposed development by the anticipated completion of other presently approved developments.

(4) The burden of showing compliance with these levels of service requirements shall be upon the developer. Applications for development approval shall provide sufficient and verifiable information showing compliance with these standards.

Section 16-1/2.47. Concurrency monitoring system.

(1) The Director of Environmental and Engineering Services, through his duties and authority of Chairman of the Development Review Committee, shall be responsible for monitoring development activity to ensure the development is consistent with the City of Margate Comprehensive Plan.

(2) Applications for all development permits shall be submitted to the Development Review Committee. Processing shall be in accordance with regularly scheduled meetings of the Development Review Committee, Planning and Zoning Board and City Commission.

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(3) Compliance will be calculated and capacity reserved at time of final action of an approved site plan or enforceable developer's agreement for those concurrency matters within the authority of the City of Margate. Applications for development approval shall be chronologically logged to determine rights to available capacity.

(4) The effective time limit for site plans shall be one year. An extension of one year may be issued by administrative approval. At each annual renewal of public performance bonds, the City of Margate shall make a determination if the bonds shall be drawn upon for construction. Building and engineering permits shall have a concurrency time limit of 180 days as long as construction and inspections continue.

(5) Development permits shall be processed to the fullest degree possible. If adequacy determinations of a project show unacceptable levels of service in any one of the necessary public facility or service standards, the project shall be tabled during final action of the development permit approval. If capacity conditions change at some time in the future, concurrency shall be rechecked to verify compliance with adopted levels of service. If compliance is found the development shall be rescheduled for final action.

Section 16-1/2.48. Levels of service.

(A) Potable water:

New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for potable water as established in the Potable Water Subelement of the City of Margate Comprehensive Plan. The level of service standards for the City's potable water facilities is 335 ~~365~~ gallons per day (gpd) per equivalent residential connection (ERC) for capacity and 3,000 gallons per minute (gpm) with a residual pressure of 20 pounds per square inch (psi) for storage and distribution. All other levels of service standards are as follows:

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Type of Use	Use in Gallons
Residential:	
Per capita per day	100
Per single family unit	350
Office - per square foot	0.2
Retail - per square foot	0.1
Other non-residential	
Per capita	20

(B) Wastewater:

New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for wastewater treatment as established in the Sanitary Sewer Subelement of the City of Margate Comprehensive Plan. The level of service standard for the City's sanitary facilities is 335 ~~365~~ gallons per day (gpd) per equivalent residential connection (ERC). All other levels of service standards are as follows:

Type of Structure	Design Flow per Unit (gpd)
Assembly halls per seat	2
Bar and cocktail lounge (no food service)	20
Beauty parlors (per 100 sq. ft. of work space)	30
Bowling alleys per lane (including bar & food svc.)	200
Churches per sanctuary seat	7
Dance halls per person	2
Factories per person per shift	15
Hospitals and nursing homes	
(per bed space)	200
(each resident staff)	100

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Type of Structure	Design Flow per Unit (gpd)
Institutions (per person, including resident staff)	100
Laundries per machine	400
Office buildings per employee (allow 100 sq. ft. net per employee)	20
Public parks (with toilets per person)	10
Recreation buildings (per person)	2
Residences	
Single-family, detached	350 each unit
Multi-family	250 per bedroom
Hotel/Motel	150 per bedroom
Bedroom additions to SFR	150 per bedroom
Mobile Homes	100 each
Restaurants	
24-hour runoff, per seat (including bar)	50
Less than 24-hour per seat (including bar)	30
Drive-in's per space	15
Carry-out facilities (per 100 sq. ft.)	50 plus 10 per employee (in addition to seat and drive-in charges)

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Type of Structure	Design Flow per Unit (gpd)	
Schools	Elementary	High
Each pupil per day	10	15
Add for shower/pupil	5	5
Add for cafeteria/pupil	5	5
Boarding each pupil	100	100
Service stations (Full)		
First two bays		750
Each additional bay		300
Per fuel pump		100
Service stations (Self)		
Per fuel pump		50
Shopping centers		
Per sq. ft. of floor space (no food service or laundry)		0.1
Theatres		
Indoor, per seat		5
Outdoor, per speaker		10
Warehouses (per sq. ft. of storage space)		0.1

(C) Transportation:
New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for transportation systems as established in the Traffic Circulation Element of the City of Margate Comprehensive Plan.

Type of Facility	Peak Hour Level of Service
Principal Arterial	D
Collector Street	D
Local Road	C

(1) The area of impact of the development (a traffic shed) shall be determined. The limits of the effected traffic shed shall be determined in accordance with the Broward County Land Development Code Trafficways Plan criteria. The

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traffic shed shall be that area where the primary impact of traffic to and from the site occurs. If the City/County has designated sectors of the City for determining development impacts and planning capital improvements, such sectors or planning areas may be used. If the application is for a building permit for a single-family or duplex development, the impact shall be presumed to be limited to the collector or arterial serving the local street giving access to the lot, or to the collector or arterial giving direct access to the lot.

(2) The projected level of service for arterials and collectors within the traffic shed shall be calculated based upon estimated trips to be generated by the project, or where applicable, the first phase of the project, and taking into consideration the impact of other approved but not yet completed developments within the traffic shed. Information on committed development within the traffic shed shall be provided by Broward County.

(D) Drainage:

New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for the drainage system as established in the Drainage Subelement of the City of Margate Comprehensive Plan.

Subject/Level of Service

Road Protection: Residential streets not greater than fifty (50) feet to have crown elevations no lower than the elevation for the respected area depicted on the ten (10) year "Flood Criteria Map."

Rights-of-way greater than fifty (50) feet to have an ultimate edge of pavement no lower than the elevation for the respective area depicted on the ten (10) year "Flood Criteria Map."

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Buildings: To have the lowest floor elevation no lower than the elevation for the respective area depicted on the "100 Year Flood Elevation Map."

Off-site Discharge: Not to exceed the inflow limit of SFWMD primary receiving canal or the local conveyance system, whichever is less.

Storm Sewers: Design frequency minimum to be three (3) year rainfall intensity off the State DOT Zone 10 Rainfall curves.

Floodplain Routing: Calculated flood elevations based on the ten (10) year and one hundred (100) year return frequency rainfall of three (3) day duration shall not exceed the corresponding elevations of the ten (10) year "Flood Criteria Map" and the "100 Year Flood Elevation Map."

Antecedent Water Level: The higher elevation of either the control elevation or the elevation depicted on the map "Average Wet Season Water Levels."

On-site Storage: Minimum capacity above antecedent water level and below floodplain routing elevations to be design rainfall volumes minus off-site discharge occurring during design rainfall.

Best Management Practices (BMP): Prior to discharge to surface or ground water, BMP's will be used to reduce pollutant discharge.

(E) Solid waste:

New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for solid waste as established in the Solid Waste Subelement of the City of Margate Comprehensive Plan.

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Type of Use	Level of Service
Residential	8.9 lbs. per unit/day
Office	1.0 lbs. per 100 sq. ft./day
Factory/Warehouse	2.0 lbs. per 100 sq. ft./day
Supermarket	9.0 lbs. per 100 sq. ft./day
Department Store	4.0 lbs. per 100 sq. ft./day
Restaurant	2.0 lbs. per meal/day
Grade School	10.0 lbs. per room and 1/4 lbs. per pupil per day
Middle/High School	8.0 lbs. per room and 1/4 lbs. per student per day
Nurse or Intern Home	3.0 lbs. per person/day
Hospital	8.0 lbs. per bed/day
Home for Aged	3.0 lbs. per person/day
Rest Home	3.0 lbs. per person/day

(F) Recreation:

New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreational facilities in the Recreation and Open Space Element of the City of Margate Comprehensive Plan.

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Type of Facility	Level of Service
Local Parks	3 acres per 1,000 residents

Section 16-1/2.49. Application requirements for concurrency determination.

An application for a development permit that is subject to concurrency review shall be accompanied by the following information in addition to any other requirements contained within the City Code.

(1) Project description: Applicant, location, land use and zoning, density or intensity, project phasing and other pertinent information as determined by the applicant needed to properly review the application.

(2) Transportation system: An analysis performed by Broward County or prepared in accordance with the Broward County TRIPS model, as amended from time to time.

(3) Drainage, solid waste, water and wastewater: Documentation from the appropriate service provider regarding provision of services.

Section 16-1/2.50. Development permit approval.

The City of Margate shall make determinations that there are adequate facilities to service the proposed development and that the proposed development will not degrade those facilities below the minimum level of service established herein. Development permits will be processed to the fullest degree possible. The City will make a concurrency determination for: (a) approval, (b) approval with conditions including phasing, (c) approval subject to further review of a subsequent development permit as allowed elsewhere in this article ~~chapter~~, or (d) denial with notice of the reasons for same. Approval of a development for concurrency does not remove any obligation a property owner or successor may have to satisfy other requirements contained within the City Code ~~or the Land Development Code~~.

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SECTION 2: That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 3: That if any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4: That it is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the City of Margate Code, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5: That this ordinance shall become effective immediately upon adoption at its second reading.

PASSED ON FIRST READING THIS 21ST day of SEPTEMBER, 19 94.

PASSED ON SECOND READING THIS 28TH day of SEPTEMBER, 19 94.

ATTEST:

Shirley J. Laughman
CITY CLERK

MAYOR MITCH ANTON

RECORD OF VOTE - 1ST READING		RECORD OF VOTE - 2ND READING	
Varsallone	AYE	Varsallone	AYE
Talerico	AYE	Talerico	AYE
Donovan	AYE	Donovan	AYE
Bross	AYE	Bross	AYE
Anton	AYE	Anton	AYE

Chapter 23 LANDSCAPING

ARTICLE I. IN GENERAL

Sec. 23-1. Objectives.

The objectives of these regulations are to beautify the city, and improve the quality of life for its citizens by requiring Florida friendly landscaping that will conserve water, soften the hardscape of modern development, provide tree canopy, natural habitat, and shade areas. These objectives further include the maintenance of high quality air and water resources, the provision of buffer areas between and among various land uses, the preservation of residential property values, the revitalization of existing commercial areas, and the preservation of indigenous vegetation.

Sec. 23-2. Definitions.

For the purpose of this article, the following terms and words shall have the meaning herein prescribed unless the context clearly requires otherwise:

Building. Any structure used for the shelter or enclosure of persons, animals or property of any kind.

Diameter breast height (DBH). The diameter of the trunk of a tree measured at breast height. The DBH of trees with multiple trunks shall be the sum of the individual trunk diameters at breast height. Trees with less than four and one-half (4½) feet of clear trunk shall be measured as the diameter of the largest vertical branch or leader at breast height.

Directly abutting. To share a common property line without any intervening canal or roadway at least fifty (50) feet in width located along said common property line.

Drip line. The peripheral limits of the horizontal crown of a tree spread vertically to the ground; provided, however, that the same shall not be less than a circle with a five-foot radius measured from the center of the tree.

Driveway. A private road connecting a vehicular use area (defined below) to a right-of-way, private road or another site.

Drought tolerant species. Any plant species that will survive extended periods without rain or supplemental irrigation, while remaining healthy and retaining an acceptable appearance.

Encroachment. Any extension by any part of a vehicle, boat or trailer into a landscaped area.

Florida native species. ~~Any plant species found in Florida before the arrival of European settlers.~~ Means native plant species shall be those plant species indigenous to the ecological communities of South Florida, as indicated on lists provided by City of Margate, or that can be scientifically documented to be native to South Florida.

Florida Friendly Landscaping. As defined Under Chapter 373, Florida Statutes (as may be amended from time to time) this addresses landscaping including, but not limited to, planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protections. Additional components of Florida-friendly landscape include planning and design, soil analysis, the uses of solid waste compost, practical use of sod, and proper maintenance.

Ground cover. A planting of low growing plants that covers the ground in place of ~~turf~~ sod and which naturally grows to a height of two and one-half (2½) feet or less.

Hedge. A close planting of shrubs which forms a compact, dense, visually opaque, living barrier when mature.

Landscaping. ~~Turf,~~ Sod, ground covers, shrubs, vines, accents, hedges, trees, and other decorative forms of live vegetation.

Landscaping element. Nonliving material commonly used in landscaping, including but not limited to, statues, walls, fences, trellises, decorative benches, pergolas, arbors, curbing, fountains, ponds, and boulders, etc. However, not synthetic turf. All proposed ponds or water bodies must meet the South Florida Drainage District specification, guidelines and standards.

~~*Lawn.* An area of maintained turf.~~

Mulch. An arsenic-free organic soil covering such as compost, wood chips, bark or straw used to reduce evaporation, prevent erosion, control weeds, enrich the soil, and lower soil temperature for around trees, palms, accents, shrubs and ground covers per code and not to be utilized as mulch beds only.

Nonresidential property. All land that is used for commercial, industrial, and/or community facility uses~~, and does not permit persons to reside on said land~~.

Pervious area. A natural ground surface area that allows the penetration of water.

Right-of-way. Land, usually in a strip, acquired for or devoted to transportation purposes.

Scalping. Cutting lawn grass low so that you expose the stems of your grass blades due to operator error or improperly maintained equipment.

Shade tree. A category 1 tree as specified in section 23-23, appendix 1.

Shrub. A multi-stemmed woody plant with several permanent stems instead of a single trunk and usually not over ten (10) feet in height.

Site. An area of land consisting of a lot, tract, parcel or other unit of land recorded in the public records, or combinations thereof, and having a common development scheme presented to the city as a single project whether simultaneously or in phases.

Sod or Lawn. Means a mat layer of living monocotyledonous grass plants such as, but not limited to, Bahia, Bermuda, Centipede, Seaside Paspalum, St Augustine, and Zoysia and their cultivars. However, this definition does not include any type of synthetic/artificial turf.

Synthetic turf. Means a dense and continuous surface of synthetic fibers mounted on a permeable backing and of sufficient density and green color to replicate the appearance of healthy, natural grass.

Tree. Any living, self-supporting, dicotyledonous or monocotyledonous woody perennial plant which has a DBH of no less than three (3) inches at maturity and which normally grows to an overall height of no less than ten (10) feet in southeast Florida.

~~*Turf.* The upper layer of soil bound by grassy plant roots.~~

Vehicular use area. Any area used by vehicles, except public rights-of-way, to include, but not be limited to, areas for parking, display or traverse of any and all types of vehicles, cars, motorcycles, buses, boats, trailers, campers or heavy construction equipment. Also included are areas paved or compacted for outdoor storage, display or sales.

Vine. A plant which produces climbing, meandering stems and which will grow only as tall as their supporting object.

Weed. An uncultivated plant of rapid growth, generally characterized by the production of large quantities of seeds, which tends to overgrow or choke out more desirable plants.

All definitions provided herein shall be read in conjunction with those definitions provided in article II of this chapter of the Code, except that should a conflict exist between the definitions in this article and article II of this chapter that are irreconcilable, then as to matters relating to this article, the definitions within this article shall prevail.

Sec. 23-3. Application of landscaping code.

(A) No new building or vehicular use area shall be erected or paved, unless in conformity with the regulations specified herein.

(B) The provisions of this landscaping code regarding the installation of new landscaping material (other than replacement landscaping material) shall apply in the following instances:

(1) When any existing building or vehicular use area is expanded, extended, redeveloped, or enlarged; however, single-family homes undergoing driveway expansion or repave shall not be required to install new landscaping at the time of permitting.

(2) For any special exception use application that involves new construction, redevelopment, or substantially redeveloping or reconstructing an existing building.

(3) Any exterior affected areas related to an application.

(C) The standards for landscaping maintenance shall be applicable to all landscaping within the city regardless of when same was installed.

Sec. 23-4. Plan required.

(A) A landscaping plan and irrigation plan shall be submitted with every DRC application for site plan approval, ~~or~~ amendment, ~~change of occupancy group~~, ~~or~~ special exception~~.~~, or any other building permit application for a new building, expansion of building, or building permit to substantially redevelop or reconstruct a building or principal structure. Said landscaping plan shall be prepared by a Florida registered landscape architect ~~or a recognized landscape designer in good standing with the Florida Nurseryman and Growers Association~~.

(B) Landscaping plan specifications. Landscaping plans shall be required to be submitted as follows:

1. The landscaping plan must be drawn to scale and show the location and dimensions of all existing and proposed structures and infrastructure, including, but not limited to, vehicular use areas, driveways, surface water areas, site lighting, walls, fences, gates, signs, transformers, berms, utilities, and fire lanes, zones and hydrants.

2. The landscaping plan shall indicate the location, size, grade and specifications of all existing and proposed landscaping materials, including common and botanical names, planting instructions, soil and fertilizer requirements, mulch specifications, berm elevations, protective curbs or other devices, existing trees, and the description of any adjacent conditions which affect the landscaping of the subject site. Also, provide planting and staking details including, but not limited to, planting and staking specifications, general notes, and tree protection barricade details.

3. Plant species and materials shall be selected and located on the plan so that plant groupings are organized by water, light, and soil condition requirements.

4. An irrigation plan signed and sealed by a State of Florida Registered Landscape Architect for all landscaped areas within the site shall be submitted simultaneously with the landscaping plan. Said irrigation plan shall show the source of water, pumps, valves, pipe sizes, rain sensors, head types, locations and spray patterns.

5. The landscape plan shall also include any trees or landscaping on adjacent properties within twenty-five (25) feet that may impact the landscape plan.

6. Such other information that may be required to give a complete understanding of the proposed plans.

(C) The department of development services shall review the landscaping plan for compliance with the minimum requirements of this code. All landscaping shall be installed pursuant to the landscaping plan as approved by the department of development services before a final certificate of occupancy will be issued. Substitutions of comparable plant material are permitted if first approved by the department of development services.

(D) ~~A separate permit is not needed for any landscaping required by this article. However, a~~Applicable permits for irrigation systems, tree removal, and the planting of trees in a swale must be obtained. Additionally, permits may be required by the City in conjunction with expansions of structures, redevelopment, and new construction as determined by the Department of Development Services during site plan approval.

Sec. 23-5. Materials, installation and irrigation requirements.

(A) *Materials:*

(1) All required landscaping installed after the effective date of this article shall be drought tolerant and or Florida Friendly. A minimum of fifty (50) ~~per cent~~ percent of all required landscaping installed after the effective date of this article shall be South Florida native species. All plant material utilized shall be Florida ~~No. 1~~ Fancy or better, as specified by Grades and Standards for Nursery Plants, Parts I and II, Florida Department of Agriculture and Consumer Services, as amended.

(2) Tree size ~~and percentage of tree requirement~~ at the time of planting shall be as follows:

(a) ~~*Category 1*~~ 60%: Minimum of twelve (12) feet in height and two (2) inches DBH.

~~(b) *Category 2:* Minimum of eight (8) feet height.~~

~~(c) *Category 3:* Minimum of six (6) feet in height.~~

~~(d)~~(b) *Palms:* Minimum of ~~six (6)~~ eight (8) feet of clear trunk or greywood. A grouping of three (3) palms may be substituted for one (1) shade tree, subject to the following:

(i) Sabal, Washingtonia, and Chinese Fan palms must be planted in clusters of three (3) or more at staggered heights. Royal palms shall be only planted in areas that will not be utilized by pedestrian or vehicular traffic.

(~~i~~ii) When grouping palms, each palm shall be spaced no greater than ~~nine (9)~~ six (6) to twelve (12) feet from the nearest palm in the cluster depending on the palm species.

(~~ii~~iii) Nonresidential, mixed use, and multifamily properties shall not be permitted to substitute palm trees for no more than twenty ~~thirty~~ five (~~3~~25) ~~per cent~~ percent of the shade trees required by this chapter.

(iii) A palm with multiple trunks shall be counted as a single palm.

(c) Tree size requirements shall only be applied to landscaping required through processes outlined in this code.

(3) Shrubs and hedges shall be mulched and installed at a minimum of two (2) feet in height after planting. Where hedges are required, shrubs must be planted every (3) feet on centers. Shrubs used for hedges shall be woody, evergreen species.

(4) Ground covers shall be mulched and planted at 75% coverage in sufficient quantity as to present a finished appearance and to provide complete coverage within three (3) months.

(5) Lawns areas ~~and other required areas of turf~~ shall be sodded, with Bahia sod prohibited, ~~with the following exceptions~~ except as permitted below:

(i) Shrubs, ground covers, and planting beds may be substituted for any area otherwise required to provide lawns or ~~turf~~ sod. Landscapes made entirely of rock, mulch, shell, or other similar materials are not permitted.

(ii) Landscape elements may be substituted for up to twenty-five (25) ~~per cent~~ percent of any area otherwise required to provide lawns or sod. ~~turf~~

(iii) Bahia sod may be permitted in specific approved retention areas.

(6) Plant species listed as prohibited within the South Zone as provided in the University of Florida's Institute of Food and Agricultural Sciences biennial Assessment of Non-Native Plants shall hereby be prohibited from use and installation within the city.

(B) *Installation:*

(1) All landscaped areas shall be protected from vehicular encroachment by curbing or other durable barriers. All ~~shade~~ trees, except palms, installed within six (6) feet of public infrastructure, including, but not limited to, utility lines, sidewalks, curbing, asphalt and paved rights-of-way, shall utilize at least a 24" deep root barrier system, structure soil or suspended pavement system as approved by the department of environmental and engineering services. The front of parked vehicles may overhang a protected landscaped area if said area is at least seven (7) feet wide.

(2) Planting holes shall be a minimum of twice the diameter of the root ball or container and shall be free of limerock, rocks, asphalt or other debris. All planting holes shall be back-filled with a suitable soil, free of clay, stone, plants, roots, and other debris. The root flare shall be visible at time of planting.

(3) Slow release general fertilizer shall be applied at the time of planting and contain trace elements iron and manganese in addition to N-P-K. However, fertilizer shall not be applied within ten (10) feet of any body of water.

(4) Trees.

(i) All trees shall be stabilized in a workmanlike manner at the time of planting. The use of nails, wire, rope, or any other method which damages the tree is prohibited. Trees shall remain stabilized until establishment, but in no instance shall a tree remain stabilized for more than twelve (12) months. Trees shall be restaked in the event of blow over or other failures of the stabilization.

(ii) All proposed Trees and palms shall not be planted under Roof, overhangs, and balconies.

(iii) All proposed Trees and palms within or overhanging pedestrian areas shall have a Clear Trunk high enough to allow unobstructed pedestrian movement under or around.

(iv) All proposed tot lots or swimming pools, except for a Single-Family home, shall be required to have a minimum shade requirement to allow Persons to seek refuge from the sun.

(v) The use of very poisonous, thorny, spiny, deciduous, messy fruit or an aggressive root system Tree or palm shall be reviewed case by case.

(vi) All Trees and palms shall be a minimum of four feet from all underground Utility lines.

(vii) All shade trees shall be installed a minimum of 15 feet away from light Poles. All small Trees and palms shall be installed a minimum of seven and one-half feet away from light Poles.

(viii) All Trees and palms shall be installed seven and one-half feet from the front and sides of fire hydrants, and fire department connection (FDC) and four feet from the rear.

(ix) All proposed multi-trunk Trees shall have a minimum of three trunks with no more than five trunks of equal diameters originating from the ground with angles no greater than 45 degrees and no crossing branches. (The City can require either multi-trunk or single trunk on certain Trees.)

(x) All proposed coconut palms shall be certified to be resistant to lethal yellowing.

(xi) The use of wind tolerant Trees and palms is required due to the high risk of hurricanes in South Florida. Every effort shall be utilized to reduce the risk of damage and liability by utilizing more wind tolerant Landscaping.

(5) Shrubs and Hedges.

(i) Shrubs shall be planted in a manner that prevents branches from touching the Building walls or walkways at time of planting.

(ii) Shrubs shall be installed seven and one-half feet from the front and sides of fire hydrants, and fire department connection (FDC) and four feet from the rear.

(iii) Planting Shrubs around Trees shall be done in a manner that prevents trunk damage.

(iv) Planting Shrubs in layers shall be done in a manner that promotes plant species diversity and the City's aesthetics with taller Shrubs in the back and shorter Shrubs in the front.

(v) Shrubs shall be multi-stem with a minimum of three stems originating from the ground.

(vi) The use of plant material that can be hazardous to Persons, pets or property shall be reviewed on a case-by-case basis.

(vii) Where run off into drains is evident, the city may require a suitable barrier to keep the landscape mulch from going into drains.

(6) ***Vines***. Vines used for vertical screening shall be a minimum 60 inches in supported height immediately after planting. The method of Attachment shall be indicated on the Landscape plans. The use of very poisonous, thorny, spiny, deciduous, or messy fruit Vines shall be subject to the approval of the City. Support Structures, including, such as, but not limited to, pergolas, trellises and arbors, require Vines.

(7) Where mulch is applied in landscape areas, it shall be laid so that it is a minimum of three (3) inches thick. Trees ~~in sodded areas~~ shall be mulched under the drip line, except that no mulch shall be laid within ~~six (6)~~ three (3) inches of any tree trunk.

(8) ~~Sod shall be laid with alternating and abutting joints.~~ All sod areas, including but not limited to, Swales, lake maintenance easements, and Retention Areas, shall be solid St. Augustine Floratam, Palmetto or Bermuda laid on a smooth planting base with tight joints at 100% coverage at time of planting and cut to fit all Landscape planters and curb areas. Sod shall be green, healthy, clean, and visibly free of weeds, pests, and diseases. Sod areas shall be identified and labeled on the Landscape plans. Seeding and plugs are prohibited.

(9) Hedges, trees, and palms shall be planted no closer than two (2) feet from any plot line. The planting of hedges, trees, or palms within any easement of record shall be permitted only when written permission is granted by the applicable departments and/or utility companies.

(C) *Irrigation:*

(1) ~~Exclusive of one or two family dwellings, all~~ All landscaping required by this code shall be supplied with water through an underground irrigation system. Said irrigation system shall deliver one hundred (100) ~~per cent~~ percent coverage and one hundred (100) percent overlap of all landscaping plants, including

swale ~~turf~~ sod. Irrigation systems shall not spray upon abutting property, adjoining sidewalks and streets, or any other impervious surfaces.

(2) Trees, shrubs, flowers, and ground covers may be irrigated with low volume drip, micro-spray, or bubbler emitters.

(3) All irrigation systems installed after the effective date of this article shall properly install, maintain, and operate technology that inhibits or interrupts operation of the system during period of sufficient moisture in accordance with Section 373.62, Florida Statutes, as amended. Such technologies include, but are not limited to, rain sensors, also called rain shutoff devices, and soil moisture sensors.

(4) A zone layout plan (minimum scale one (1) inch equals twenty (20) feet).

(5) Indication of water source, valves, pumps, backflow preventers, controllers, main line, lateral lines, sleeves, headtypes, specifications, and spacing.

(6) All irrigation systems utilizing non-potable water shall include a treatment system to prevent rust stains.

(7) An indication of methods used to achieve compliance with University of Florida's The Florida Friendly Landscaping Guide to Plant Selection and Landscape Design as required by F.S. Statute 373.185, unless provided for herein.

(8) A non-potable water source must be used, if available.

(9) Such other information that may be required to give a complete understanding of the proposed plan.

(D) Florida-Friendly Landscaping

(A) *General Provisions.* Within the City of Margate, the principles of Florida-friendly landscaping shall be incorporated into all landscape designs. These include the following:

1. Preserving existing native trees and vegetation, if feasible. Where established natural vegetation is incorporated into the landscape design, irrigation of those areas shall not be required.

2. The plant palette and irrigation system shall be appropriate for site conditions, taking into account that, in some cases, soil improvements can enhance water use efficiency. Drought resistant plants are emphasized.

3. Plants shall be grouped together by irrigation demand.

4. The percentage of landscaped area in irrigated high water use hydrozones shall be minimized. The maximum percentage of irrigated landscape area that may be included in high water use hydrozones, excluding sod, shall not exceed twenty (20) percent. These high water use limits shall not apply to landscaped areas requiring large amounts of sod for their primary functions, e.g., ball fields and playgrounds.

5. Soil improvements are encouraged to improve the soil with organic materials prior to the installation of any irrigation system.

6. An efficient irrigation system shall be required and designed according to the water needs of the planting groups.

7. Reclaimed or non-potable water should be used for irrigation if an acceptable source is determined to be available by the City Utilities Department. If such reclaimed water or non-potable water is available from the City to service a site, a local water provider, if different than the City, shall allow such use of reclaimed water, unless prohibited by Statute.

8. Low impact design principles such as bio-swales, bio-retention areas and other creative stormwater management techniques.

Sec. 23-6. Driveway limitations, landscaping abutting right-of-way, visual clearance.

(A) *Driveways.* The following regulations shall apply to all driveways constructed or modified after the effective date of this article:

(1) In multifamily residential development, the maximum driveway widths shall be as follows:

(a) Sixty-five (65) feet for two-way traffic with a center island.

(b) Thirty-six (36) feet for two-way traffic.

(c) Fourteen (14) feet for one-way traffic.

(2) Driveway design standards for single-family attached and detached dwellings. Existing permitted driveways may be reconstructed exactly as they were permitted regardless of these regulations, and any parts may be expanded so long as the new expanded area(s) complies with this section. All portions of any driveway are subject to these limitations:

(a) *General standards.*

(i) Side setbacks: Eighteen (18) inches.

(ii) Rear setback: Five (5) feet.

(iii) The width of driveways on the plot may not exceed the maximum width allowed at the frontage.

(iv) Between driveway connections on the same lot: Twenty (20) feet.

(v) Circular driveways shall have a landscaped area between each connection. The curve of the circular driveway shall be setback at least eight (8) feet at the midpoint between connections.

(vi) Driveways may have flares at the point of intersection with the abutting roadway. Flares may be a maximum of five (5) feet in width, and may have a zero (0) setback measured from a straight line extended from the property line to the abutting roadway.

(vii) Turn-in or similar design where the driveway turns to be parallel or almost parallel to the adjacent street, eight (8) feet from the adjacent property line.

(viii) All driveways shall be located as far away from street intersections as possible.

(ix) A driveway may only connect to another driveway in front of a home.

(b) *Frontage.* For the purposes of this section, the property owner may designate which frontage is the primary frontage and which is the secondary frontage for the property on which the driveway is located, subject to the undivided local street highway classification map requirements of subsection (c)(ii); only one (1) frontage may be considered the primary frontage.

(c) *Driveway regulations for lots with fifty-four (54) feet or less street frontage.*

(i) Primary frontage: Maximum of two (2) driveways with a maximum total width of twenty-seven (27) feet.

(ii) Secondary frontage: If located on an undivided local street, as classified by the Broward County Metropolitan Organization's Broward Highway Functional Classifications Map, may have a maximum of one (1) driveway with a minimum depth of twenty (20) feet entirely on the property, maximum twenty (20) ~~per cent~~ percent of the width of the frontage, not less than nine (9) feet in width.

(d) *Driveway regulations for lots with more than fifty-four (54) feet street frontage.*

(i) Primary frontage: Maximum of three (3) driveways with a maximum total width of sixty (60) ~~per cent~~ percent of the frontage~~, not less than twenty-seven (27) feet in width~~.

(ii) Secondary frontage: If located on an undivided local street, as classified by the Broward County Metropolitan Organization's Broward Highway Functional Classifications Map, may have a maximum of two (2) driveways with a minimum depth of twenty (20) feet entirely on the properly, maximum twenty (20) per cent of the width of the frontage not less than nine (9) feet in width.

(e) *Summary of single-family attached and detached dwellings driveway regulations.* The driveway requirements of this section are summarized in the table below:

Lot Frontage	Maximum Width on Primary Frontage	Maximum Width on Secondary Frontage	Side Setbacks	Rear Setbacks	Distance Between Driveways
Less than 54 feet	27 feet	20 ~~per cent~~ percent per cent of the frontage, not less than 9 feet	18 inches	5 feet	20 feet
Greater than 54 feet	60 ~~per cent~~ percent~~, not less than 27 feet~~	20 ~~per cent~~ percent, not less than 9 feet	18 inches	5 feet	20 feet

(3) Driveway design standards for nonresidential and mixed use development driveway design standards:

(a) Maximum width of forty (40) feet for two-way traffic.

(b) Maximum width of fourteen (14) feet for one-way traffic.

(c) Abutting properties are strongly encouraged to share driveway connections where possible.

(d) When a driveway for the property's only legal access cannot comply with the spacing requirements of this section, a driveway shall be allowed as far as possible from other driveways without the need to apply for a variance, subject to the requirements of the Florida Department of Transportation or Broward County as applicable, and the limitations below. This requirement applies to both vacant and lots being redeveloped.

(e) When a driveway for the property cannot comply with the spacing requirements of this section, and has legal access from a nonresidential street or alley, or has a cross-access easement with an abutting property, a driveway on that frontage shall be prohibited.

(4) In multifamily nonresidential, and mixed use districts, the following shall apply:

(a) Maximum of one (1) two-way or two (2) one-way driveways for any street frontage of two hundred (200) feet or less.

(b) Driveways shall be located as far away from a street intersections as possible.

(c) Minimum spacing between two-way driveways of two hundred (200) feet from any other driveway.

(d) Minimum spacing for one-way driveways of eighty (80) feet from any other driveway.

(5) All driveways shall be located as far away from street intersections as possible.

(6) Backout parking, i.e. a parking lot design which forces vehicles to use a public right-of-way to maneuver into or out of a parking stall, is prohibited except for one- and two-family sites fronting on local streets.

Driveways connecting same are considered to be one-way. This provision is not intended to regulate on-street parking.

(B) *Required landscaping abutting rights-of-way.* On the site of a building or vehicular use area directly fronting on a public right-of-way, with the exception of single-family detached dwellings and duplex detached dwellings, there shall be landscaping provided between the site and the right-of-way as follows:

(1) In nonresidential districts, mixed-use and multi-family residential districts, a strip of land at least ten (10) feet in width, adjacent to and parallel with the right-of-way, shall be landscaped. Within said strip there shall be planted at least one (1) shade tree for every forty (40) lineal feet of frontage or portion thereof. In addition, a hedge shall be planted within the landscape strip and parallel with the street. All hedges must be planted a minimum of two (2) feet back from any public sidewalk. The remaining area of this strip shall be covered with additional shrubs, ground covers, ~~and~~ or sod ~~turf. Ground covers shall cover at least fifty (50) per cent of the landscaping strip not occupied by trees and shrubs.~~

a. Mixed-use developments are permitted to encroach into this landscaped area for facilities related pedestrian-friendly amenities.

b. Mixed-use developments are permitted to utilize smaller trees in these landscaped areas where a structure abuts the landscaped area.

(2) In mixed-use districts, where developments are required to provide an urban greenway of varying widths based on the size of the abutting roadway. The following provisions shall apply:

a. An eight-foot-wide planting strip measured from the curb or edge of pavement inward toward the private development, running parallel with the right-of-way shall be provided.

b. Within said planting strip, one (1) shade tree shall be planted within a minimum eighty (80) square foot pervious area every thirty (30) lineal feet of frontage. Sod, shrubs or ~~G~~ground covers shall fill areas of the pervious area not occupied by the required shade tree.

c. Where a substitution for a smaller tree is necessary because of existing overhead utility lines, each category 2 tree shall be planted within a minimum sixty-four (64) square foot pervious area, and each category tree shall be planted within a minimum forty (40) square foot pervious area.

d. Palm trees are permitted within the urban greenway but shall not be credited toward the urban greenway tree requirement.

e. Public amenities requested by the development review committee shall be provided within the planting strip at the time of development, including but not limited to, paved connections to the right-of-way, benches and other public seating, waste receptacles, bicycle racks or lockers, etc.

(3) Where overhead utilities are pre-existing and in conflict with the installation of required trees, a smaller category of tree may be planted at an increased frequency in lieu of the category 1 shade tree requirement, in accordance with subsection 23-6(C) and as follows:

a. One (1) category 2 tree, as provided in appendix 1 of chapter 23 of this Code, shall be planted for every ~~eighteen (18)~~ twenty-four (24) lineal feet of frontage; or

b. One (1) category 3 tree, as provided in appendix 1 of chapter 23 of this Code, shall be planted for every ~~twelve (12)~~ eighteen (18) lineal feet of frontage.

(C) *Requirements for planting of trees under or adjacent to utilities.*

(1) *Small trees.* Defined as less than twenty (20) feet in height at maturity and may be planted adjacent to, or under, power lines.

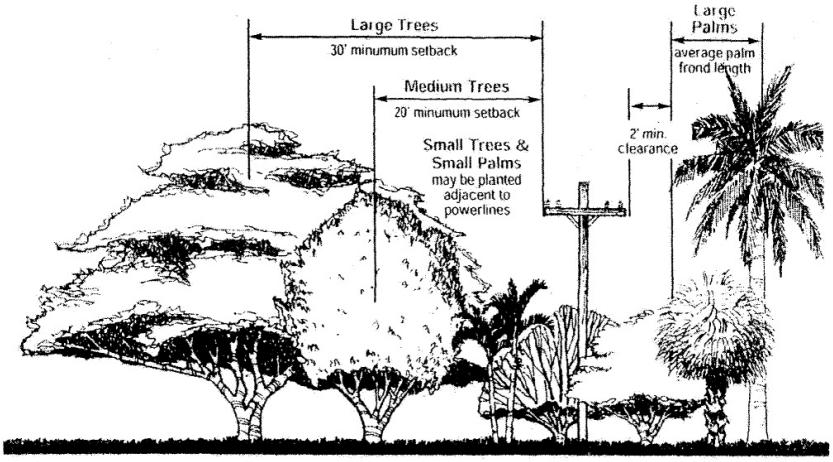
(2) *Medium trees.* Defined as twenty (20) feet to thirty (30) feet in height at maturity, and must have a setback of twenty (20) feet from the crossbar of the power-line poles, as depicted in Exhibit "A."

(3) *Large trees.* Greater than thirty (30) feet in height at maturity and must have a setback of thirty (30) feet from the crossbars of the power-line pole, as depicted in Exhibit ~~"A."~~ "A".

(4) *[Small palms.]* Small palms shall be defined as less than twenty (20) feet in height and can be planted adjacent to, or under, power lines.

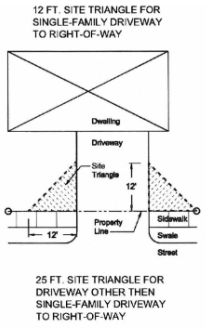
(5) *[Large palms.]* Large palms shall be defined as greater than twenty (20) feet in height at maturity and shall be planted at the average frond length plus two (2) feet for minimum clearance from the crossbar of the power poles as depicted in Exhibit "A."

Exhibit "A"



(D) *Visual clearance.*

(1) *Public rights-of-way.* When a site abuts the intersection of two (2) public rights-of-way, landscaping shall be maintained within the safety sight triangle to provide adequate visibility. The public right-of-way ~~site~~ sight triangle is the triangular area formed by the chord connecting thirty-five (35) feet from the intersection of the right-of-way lines or tangent extensions thereof. The following provisions shall apply within the ~~site~~ sight triangle:



(a) Hedges and any other low-growing vegetation shall be maintained to a maximum height of twenty-four (24) inches.

(b) ~~Trees~~ Tree limbs shall be properly pruned to provide a minimum of eight (8) feet of vertical clearance.

(c) When problems with visibility persist due to unique circumstances of the site, such as a road curvature or varying elevations, the property owner may be required to maintain landscaping to a stricter standard or remove certain problematic landscaping.

(d) The preceding provisions and restrictions shall not apply to single-family detached dwellings or duplex detached dwellings. However, a 10' by 10' sight triangle is required with sections (a), (b), and (c).

(2) *Private driveways.* Where a private driveway intersects with a public right-of-way, landscaping shall be maintained within the safety sight triangle to provide adequate visibility. The private driveway ~~site~~ sight triangle is the triangular area formed by the chord connecting twenty-five (25) feet from the intersection of the right-of-way line and a perpendicular line formed by the outer edge of the driveway pavement. The following provisions shall apply within the ~~site~~ sight triangle:

(a) Hedges and any other low-growing vegetation shall be maintained to a maximum height of twenty-four (24) inches.

(b) ~~Trees~~ Tree limbs shall be properly pruned to provide a minimum of eight (8) feet of vertical clearance.

(c) When problems with visibility persist due to unique circumstances of the site, such as a road curvature or varying elevations, the property owner may be required to maintain landscaping to a stricter standard or remove certain problematic landscaping.

(d) The preceding provisions and restrictions shall not apply to single-family detached dwellings or duplex detached dwellings. However, a 10' by 10' sight triangle is required with sections (a), (b), and (c).

Sec. 23-7. Required landscaping adjacent to other perimeters.

(A) *Abutting properties.* All sites of buildings or vehicular use areas, except single-family detached dwellings and duplex detached dwellings, shall provide a perimeter landscape strip not less than five (5) feet in width along parcel lines that do not directly abut a public right-of-way or residential property. At the time both abutting properties are developed according to these standards, there will be a landscape strip of no less than ten (10) feet in width, both properties considered.

Within the perimeter landscape strip described above, each abutting property shall plant one (1) shade tree along the common property line for ~~for~~ every seventy-five (75) lineal feet or fractional part thereof. Such shade

trees shall be located with consideration given to the trees provided by the abutting property, so that adequate spacing is provided between the trees.

The remaining area of the perimeter landscape strip shall be planted with small ornamental trees, shrubs, ground covers, and ~~turf~~ sod. Not more than ~~thirty (30)~~ fifty (50) ~~per cent~~ percent of the perimeter landscape strip may be sodded ~~with turf~~.

The provisions of this section shall be modified in the following instances:

(1) Where buildings are located along a common property line, the requirements of this section shall not apply to those portions of the perimeter covered by such buildings.

(2) Where an agreement to operate abutting properties as a joint parking area or a cross access agreement is in force, the perimeter landscape strip requirements between said properties shall be waived for the portions of the perimeter used for vehicular access until the agreement is terminated.

(B) *Property owner responsibility for* ~~*Waterway*~~ *waterway frontage.* All canals, lakes and retention areas shall be kept clear of any and all bushes, trees, vegetation, or debris of any sort emanating from adjacent banks that interfere with the free flow of water within such canals, lakes and retention areas. Where tree limbs overhang into a canal right-of-way or over any other body of water, said tree limbs shall be properly pruned to provide a minimum of eight (8) feet of vertical clearance measured from the mean water level or top of sea wall. The banks adjacent to all canals, lakes and retention areas not containing seawalls shall be cleared, and kept clear, of all Florida Holly, Australian pines, weeds, and other noxious species. Such banks shall be graded at a slope no steeper than four (4) horizontal to one (1) vertical and shall be covered with sod ~~turf~~ down to the design water elevation.

Sec. 23-8. Parking area and pedestrian zone interior landscaping.

(A) ~~Off-street parking areas shall provide at least twenty (20) square feet of interior landscaping for each parking space~~. Interior landscaping shall be located within the vehicular use area~~.~~, subject to the following requirements: ~~Each such interior landscaping area shall contain at least one hundred (100) square feet with at least a dimension of seven (7) feet.~~

(1) *Terminal islands.* Landscaped terminal islands of at least 11 feet in width (including curbs) and 18 feet in length shall be provided at the end of each parking row. All islands of less than 11 feet due to turning radii requirements shall have polyethylene root barriers installed against the full perimeter of the island. All limerock shall be excavated from islands to a depth of two and one-half feet and backfilled with the specified planting mix.

(2) *Interior islands.* At least one landscaped interior island shall be provided for every ten parking spaces. Interior islands shall measure at least 11 feet in width (including curbs) and 18 feet in length. All limerock shall be excavated from islands to a depth of two and one-half feet and backfilled with the specified planting mix.

(3) *Landscape treatment.* All interior planting areas not dedicated to trees, shrubs, or existing vegetation shall be landscaped with sod, ground cover, or other appropriate landscape treatment (no sand, rock, pavement, or base soil). In no instance shall there be less than one tree for each landscaped island.

(4) *Site lighting and trees.* No light poles shall be located within 15 feet of a canopy tree or within seven and one-half feet of a palm species or small tree. All final light pole locations shall be illustrated on planting plans. Light fixtures installed in such areas that provided adequate vertical clearance from trees/landscaping may be permitted.

(5) When provided, divider medians shall be a minimum of eleven feet in width, including Type D curbs

(B) There shall be one (1) shade tree ~~and five (5) shrubs~~ per two hundred (200) square feet, or fraction thereof, of interior landscaping in the VUA minus the landscape islands. Trees used shall provide visual and vertical clearance for automobiles, emergency vehicles and service trucks. In addition to the tree requirement, all such areas shall be landscaped with sod ~~turf~~, ground covers, and shrubs. Not more than ~~thirty (30)~~ seventy (70) ~~per cent~~ percent of the parking area interior landscaping may be sodded. ~~with turf.~~

(C) In mixed use districts, all building frontages not directly abutting a public road shall provide landscaped pedestrian zones immediately adjacent to the building. The pedestrian zones shall provide a sidewalk no less than eight (8) feet in width, and a landscape area no less than ~~four (4)~~ five (5) feet in width lying between the sidewalk and building. The landscape area provided in the pedestrian zone shall accommodate such landscaping materials as groundcovers, shrubs, and small trees and palms. Larger landscaping may be accommodated as the width of the landscaping area increases, if desired by the property owner.

(1) Small street furnishings may be located within the pedestrian zone (including landscaped portions) provided that sidewalks maintain a minimum of five (5) feet of clear path.

(2) The pedestrian zone shall not be required for buildings, or portions thereof, that have dwelling units on the ground floor.

(3) Two (2) adjacent buildings may share a single pedestrian zone by providing a single eight-foot-wide paved sidewalk between the two (2) buildings with a ~~four-foot~~ five (5) feet landscape buffer between the sidewalk and each building.

(4) Portions of a building facade abutting loading spaces and other similar incompatible features are not required to provide a pedestrian zone.

Sec. 23-9. Dumpster and other screening requirements.

(A) All dumpsters, compactors, and sites containing five (5) or more garbage cans within the city shall be located on a reinforced concrete pad and screened by a durable opaque enclosure that is not less than six (6) feet in height. Said enclosure shall not be made of chain link or any other similar material. Each enclosure shall be equipped with durable gates. A minimum 36" tall continuous ~~combination of~~ hedges ~~and ground covers~~ shall be planted on any side of the enclosure that is visible from the right-of-way or residential property ~~three (3) sides of the enclosure~~, in a planting bed not less than three (3) feet in width.

Previously developed sites that are legally non-conforming with this section shall be required to comply at the time of any DRC application for site plan approval or amendment, ~~change of occupancy group,~~ or special exception that involves new construction, redevelopment, or substantially redeveloping or reconstructing an existing building.

To achieve the objectives of this section, existing off-street parking facilities may be reduced upon administrative review and approval of a site plan amendment by the development review committee.

(B) All mechanical, utility, or any other equipment installed outside and on the ground shall be screened from all public rights-of-way by a continuous hedge, fence or wall maintained to a height not less than six (6) inches above the height of the installed equipment. The screening ~~hedge~~ material shall be planted or installed within ten (10) feet of the equipment that it was ~~planted~~ intended to screen. ~~The hedge shall not be required if the equipment is screened by a building or other permanent structure.~~

(C) Shopping centers and strip centers shall place litter receptacles along the front walkways of said centers at an interval of two hundred (200) linear feet or a minimum of two (2) per center, whichever is greater. Freestanding commercial buildings shall contain a minimum of one (1) trash receptacle per building.

(1) For the purposes of this section, litter receptacle shall be defined as any container which is made of wood, recycled plastic, metal or stone and is a minimum of thirty (30) gallons in size. Said container shall be provided and usable for the disposal of litter, garbage or trash and same shall be collected and disposed of on a regular basis.

(2) Litter receptacles shall be architecturally compatible with the surrounding development and shall be permanently anchored to the wall or ground to prevent theft and/or vandalism.

(3) For food and beverage drive-through uses, litter receptacles shall also be placed at the exit of drive through lanes to allow for vehicular traffic to utilize receptacles.

Sec. 23-10. Planting in swales.

(A) *Certain species prohibited.* The planting of the following types of trees shall be prohibited within or nearby to the nontravelled public rights-of-way (swales, parkways, etc.) of a highway, road, street or any thoroughfare held as public property for public access within the city: the Florida Holly, Ficus, Brazilian Pepper, any tree of the Moraceae family, and any tree or shrub having an excessive root system that is considered undesirable by the ~~department of environmental and engineering services~~ City for maintenance of streets, sidewalks and public utilities.

(B) *Application required.* ~~All individuals~~ Anyone planting trees or shrubs within any portion of the nontravelled public rights-of-way (swales, parkways, etc.) within the city shall make written application for said planting to the department of environmental and engineering services, and obtain approval if there are no water mains in the swales. If a tree is planted and has not been approved by the City, it shall be removed by the property owner who planted it if not approved by the City.

(C) *Maintenance.* ~~Shrubs~~ Landscaping other than trees and sod shall be maintained to a maximum height of twenty-four (24) inches. ~~Trees~~ Tree limbs shall be properly pruned to provide a minimum of eight (8) feet of vertical clearance above grassy areas and adjacent sidewalks, and a minimum of fourteen (14) feet of vertical clearance above adjacent paved roadways. Sod shall be maintained to a maximum height of six (6) inches.

Sec. 23-11. Minimum landscape requirements for zoning districts.

The following are the minimum landscaping requirements for the designated zoning districts:

(A) Sites of s~~S~~ingle-family dwellings, ~~and~~ two-family dwellings, ~~districts, including but not limited to, R-1, R-1A, R-1B, R-1C, R-1D, R-2, PRC and PUD districts~~ and individual RV sites within an RVRP district shall provide the following minimum landscaping on site. However, right trees and right place, site specific trees, and the sustainability of the trees shall take precedence with the selection of the trees required. Not less than fifty (50) ~~per cent~~ percent of the required landscaping shall be planted in the front half of the plot.

(1) *Lawns/Sod.* Lawns shall be placed on all areas not covered by buildings, shrubs, ground covers, landscape elements, walks or drives and shall extend to any street pavement edge and to the mean waterline of any abutting lake, canal or waterway.

(2) *Trees.* Minimum tree requirements shall be based on lot size, as follows:

(a) Canopy area values considered for this section shall be the same as those specified in the table provided in subsection 23-20(I)(1) of this Code.

(b) When calculating tree requirements, fractional portions shall be rounded up to the nearest whole tree requirement.

(c) Lots of fifteen thousand (15,000) square feet or greater shall provide the canopy equivalent of twelve (12) ~~per cent~~ percent of the gross lot size.

(d) Lots ranging from six thousand (6,000) to fourteen thousand nine hundred ninety-nine (14,999) square feet or greater shall be required to provide a tree canopy equivalent of ten (10) ~~per cent~~ percent of the gross lot size.

(e) Lots of five thousand nine hundred ninety-nine (5,999) square feet or less shall provide the canopy equivalent of eight (8) ~~per cent~~ percent of the gross lot size.

(B) Multiple family dwelling districts, including but not limited to R-3, R-3A, R-3U, PRC, and PUD districts. In addition to any other landscaping required by this section, each site shall contain a minimum of six (6) shrubs and the canopy equivalent of one (1) category 2 tree per dwelling unit. Lawns shall be placed on all areas not covered by buildings, shrubs, ground covers, landscape elements, walks or drives and shall extend to any abutting street pavement edge and to the mean waterline of any abutting lake, canal, or waterway.

(C) Nonresidential districts.

(1) In cases of ~~commercial, mixed-use, or industrial~~ nonresidential development or redevelopment, on that portion of the site which is directly abutting residentially zoned or designated property, the nonresidential property owner shall create a buffer zone along the common property line in order to screen light, noise, traffic and trash from the residential parcel.

(2) The nonresidential site shall create a fifteen-foot wide unpaved strip along the common property line. This buffer strip shall provide a six-foot high unpierced ~~decorative~~ masonry wall, constructed in conformance to applicable building codes and ~~stuccoed~~ include a decorative, painted or dyed, finished surface ~~and painted~~ on both sides, and maintained in good condition. Said wall shall be located wholly on the nonresidential site adjacent to the common property line and running its full length. Walls within the same subdivision shall conform to a ~~uniform~~ compatible design and appearance. One (1) category 1 non-deciduous tree shall be planted for every twenty-five (25) lineal feet of the strip. Trees shall be planted in a staggered pattern, but in no instance shall a tree be permitted to be planted within five (5) feet of the required wall or a paved area.

(3) Where a structure within a nonresidentially zoned property has been permitted without a buffer adjacent to residentially zoned property under unified control, prior to development permits being issued on the residential property, it shall be the responsibility of the residential property owner to comply with the following conditions:

a. The residential site shall provide a six-foot high unpierced ~~decorative~~ masonry wall, constructed in conformance to applicable building codes and ~~stuccoed and painted~~ include a decorative painted finish on both sides and maintained in good condition. Such wall shall be located wholly on the residential site adjacent to the common property line and running its full length. Walls within the same subdivision shall conform to a uniform appearance. The residential site shall create a 15-foot wide landscape strip adjacent to the wall within the residential side. One (1) category 1 non-deciduous tree shall be planted for every twenty-five (25) lineal feet of the common property line. Trees shall be planted in a staggered pattern, but in no instance shall a tree be permitted to be planted within five (5) feet of the required wall or a paved area.

b. This section shall not apply to the installation of additions/alterations to previously permitted residential property.

~~(D) RVRP districts. Each RV site shall contain a minimum of three (3) shade trees and eighteen (18) shrubs. Lawns shall be placed on all areas not covered by buildings, shrubs, ground covers, landscape elements, walks or drives and shall extend to any abutting street pavement edge and the mean waterline of any abutting lake, canal or waterway. Required landscaping for RV sites within an approved RV park may be planted in any area within the RV site that is appropriate to accommodate such landscaping.~~

Sec. 23-12. Maintenance of landscaping.

(A) *General.*

(1) *Responsible party.*

(a) The owner or owners, together with their tenants and individuals or entities legally in control or responsible for real property, shall be jointly and severally responsible for the maintenance of all landscaping existing or which previously had been installed on any developed site which they own or control within the city.

(2) *Requirements.*

(a) All landscaping shall be maintained in a healthy and growing condition. Visual evidence of disease or pest damage is unacceptable, and damaged plants shall be treated immediately.

(b) All cuttings not shredded for use as mulch onsite shall be disposed of properly and removed from the site. Grass clippings and other yard waste are not permitted to be disposed of within any storm drain.

(c) All trash container and dumpster areas shall be maintained so as to prevent the ~~runover~~ spillover of refuse.

(d) Walls, fences and curbing shall be maintained free of breaks, decay and stains.

(B) *Trees.*

(1) *Pruning.*

(a) Proper pruning must be performed in accordance with the American National Standards Institute (ANSI A-300 and Broward County standards), as amended.

(b) All tree pruners which provide services in the city are required to have a valid Broward County tree trimmer license.

(c) Tree limbs found growing into street rights-of-way shall be properly pruned to provide eight (8) feet of vertical clearance above sidewalks and swales, and fourteen (14) feet of vertical clearance above paved roadways.

(d) Tree limbs found growing into a canal right-of-way shall be pruned to provide eight (8) feet of vertical clearance above the mean water level or top of seawall.

(e) Trees, or any other landscaping, located on private property or the swale of a public roadway determined to be obstructing street lights shall be properly pruned by the property owner, or adjacent property owner to restore light output of the light fixture(s).

(f) Trees, or any other landscaping, determined to be obstructing parking lot lights shall be properly pruned by the property owner to restore the required light output of the light fixture(s).

(2) *Pruning exemptions.*

(a) The removal of diseased or dead portions of one (1) tree or the removal of an interfering, obstructing or weak branch of a tree such that the result is a tree which is not a threat to public safety or to adjacent property is allowed. Proper pruning to reduce or eliminate interference with or obstruction of streetlights, stop signs or traffic signals is an example of an allowed proper pruning activity; provided tree abuse does not occur.

(b) In emergencies such as floods, hurricanes or other disasters, or in cases which a fallen tree is interrupting service or is limiting access to utility facilities, the requirements for implementing the American National Standards Institute (ANSI A-300) shall not apply to utility companies.

(C) *Shrubs and hedges.*

(1) *Pruning.*

(a) Shrubs and hedges shall be properly pruned to prevent encroachment into any sidewalk, driveway, or roadway.

(b) For all plots of single-family detached dwellings and duplex detached dwellings, hedges planted along any plot line or within the required yard setbacks (minimum 2' away from the property line) shall be maintained in a healthy and an aesthetically pleasing manner to a height not exceeding six (6) feet above the established grade.

i. As an exception to the preceding paragraph, hedges that are not located within a site triangle may be maintained to a height ~~of ten (10) feet above the established grade~~ as the maximum height for any wall or fence in side yards and rear yards abutting nonresidential property or abutting a right-of-way one hundred (100) feet in width or greater.

(D) ~~*Turf*~~*Sod and ground covers.*

(1) *Mowing.*

(a) ~~Bahia grass and St. Augustine grass shall be mowed to a height not less than three (3) inches.~~ Sod area on a developed site shall be mowed to a height, that shows signs of scalping.

(b) No lawn or sod ~~turf~~ area on a developed site shall be permitted to grow taller than six (6) inches in height.

(c) It shall be unlawful for the owner, occupant, lessee or person in control of any undeveloped land to allow grass or weeds to grow in excess of twelve (12) inches.

(2) *Edging and trimming.*

(a) All lawns and ground covers shall be trimmed or edged to prevent encroachment onto any adjacent sidewalk, driveway, roadway, or other public hardened surface.

(E) *Fertilizers, herbicides, and pesticides.*

(1) ~~*Application.*~~

(a) Fertilizers, herbicides, and pesticides shall not be applied within ten (10) feet of any body of water, or three (3) feet if a deflector shield or drop spreader is used.

(b) Fertilizers, herbicides, and pesticides shall only be applied per the manufacture's label.

(c) All fertilizer, herbicides, and pesticides shall be removed from hard surfaces, in an effort to reduce storm water runoff.

(F) *Fertilizer Management*. The provisions of this section shall apply to all fertilizer applications within the City of Margate with the following exceptions:

1. Bona fide farm operations as defined in Florida Right to Farm Act, Section 823.14, F.S., as amended, provided that fertilizers are applied in accordance with the appropriate best management practices manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question; and
2. Fertilizer application for golf courses, parks, and athletic fields shall follow the provisions as indicated in Rule 5E-1.003(2)(d), F.A.C., as amended.
3. Non-commercial applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the UF/IFAS Extension and UF/IFAS Florida Yards and Neighborhoods program when applying fertilizers.

(G) Licensing and Training of commercial fertilizer applicators.

1. Any commercial fertilizer applicator to an urban landscape must be certified by the Department of Agriculture and Consumer Services, in accordance with the NPDES operating permit, pursuant to Section 482.1562, F.S., as amended.
2. All commercial and institutional applicators of fertilizer within the City of Margate, shall successfully complete and apply fertilizers in accordance with the six-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the UF/IFAS Extension.

(H) Fertilizer content and application rates.

1. Fertilizers applied to sod and/or landscape plants within the City of Margate shall be formulated and applied in accordance with requirements and directions provided on the fertilizer bag and by Rule 5E-1.003(2), F.A.C. Nitrogen or phosphorus fertilizer shall only be applied to sod or landscape plants during growth periods, not during dormant periods. These fertilizers shall not be applied except as provided for by the directions on the fertilizer bag unless soil or plant tissue deficiency has been verified by UF/IFAS Extension or another accredited laboratory or test.

(I) Timing of fertilizer application.

1. In no case shall fertilizers containing nitrogen and/or phosphorus to sod and/or landscape plants during times which a flood, tropical storm, or hurricane watch or warning issued by the National Weather Service is in effect for any portion of Broward County.

(J) Application practices.

1. Deflector shields are required when fertilizing via rotary spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.
2. Fertilizer shall not be applied, spilled or otherwise deposited on any impervious surface.
3. Any fertilizer applied, spilled or deposited, either intentional or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
4. Fertilizer releases on an impervious surface shall be immediately contained and either legally applied to sod or any other legal site, or retuned to the original or other appropriate container.
5. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyance, or water bodies.

(K) Pesticide Management.

1. All landscape applications of pesticides, including "Weed and Feed" products, for hire should be made in accordance with State and Federal Law and with the most current version of the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries, as amended.
2. Property owners and managers are encouraged to use an Integrated Pest Management Strategy as currently recommended by the UF/IFAS Extension publications.
3. When using pesticides, all label instructions of State and Federal law should be adhered to. The Florida Department of Agriculture and Consumer Services is responsible for enforcement of pesticide laws.

(~~F~~L) *Irrigation.*

(1) Limitations.

(a) Irrigation of landscaping which has been planted in the ground for more than ninety (90) days shall be limited to two (2) days per week, as follows:

i. Residences and businesses with an odd-numbered street address may water on Wednesdays and/or Saturdays only.

ii. Residences and business with an even-numbered street address or other locations without an address may water on Thursdays and/or Sundays only.

(b) Irrigation systems shall not apply more than one (1) inch of water per cycle.

(c) Irrigation is not permitted between the hours of ~~7:00~~ 10:00 a.m. and 4:00 p.m.

(d) Irrigation overspray or flooding onto adjacent impervious areas is not permitted.

(e) All wasteful and unnecessary irrigation, including, but not limited to ~~allowing water to be dispersed without any practical purpose to the water use, allowing water to be dispersed in a grossly inefficient manner, and~~ allowing water to flow through a broken or malfunctioning water delivery or landscape irrigation system is not permitted.

(2) Exemptions.

(a) Irrigating any landscaping which has been planted and established for ninety (90) calendar days or less, "new landscaping," shall comply with the following provisions:

i. New landscaping may be irrigated once on the day it is installed without regard to the listed watering days and times. Irrigation of soil immediately prior to the installation of the new landscaping is allowed without regard to the listed watering days and times.

ii. A ninety-day establishment period begins on the day new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.

iii. Irrigation of new landscaping that has been in place for thirty (30) calendar days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and/or Sunday, but shall not occur between the hours of ~~7:00~~ 10:00 a.m. and 4:00 p.m.

iv. Irrigation of new landscaping that has been in place for thirty-one (31) to ninety (90) calendar days may be accomplished on Monday, Wednesday, Thursday, and/or Sunday, but shall not occur between the hours of ~~7:00~~ 10:00 a.m. and 4:00 p.m.

v. Irrigation of new landscaping is limited to areas containing only new landscaping. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this exemption if the zone in question is for an area that contains at least fifty (50) ~~per cent~~ percent new landscaping. If a zone contains less than fifty (50) ~~per cent~~ percent new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation. Targeted watering may be accomplished by low-volume hand watering by one (1) person, with one (1) hose, fitted with a self-cancelling or automatic shutoff nozzle, or any appropriate method with isolates and waters only the new landscaping.

(b) Agricultural businesses, including plant nurseries.

(c) Irrigation systems supplied with reclaimed water.

(d) Irrigation systems supplied with water captured in a rain barrel or other similar device.

(e) Low-volume hand watering of landscape by one (1) person, with one (1) hose, fitted with a self-cancelling or automatic shutoff nozzle.

(f) Irrigation of athletic play areas which includes golf course fairways, tees, roughs, and greens, and other athletic play surfaces; including football, baseball, soccer, polo, tennis, and lawn bowling fields, and rodeo, equestrian and livestock arenas.

(g) Irrigation systems may be operated outside restricted days and/or times for cleaning, maintenance, and repair with an attendant on-site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one (1) test should not exceed ten (10) minutes per zone.

(h) Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides, and herbicides, where such watering-in is required by the manufacturer, or by federal, state, or local law, shall be allowed under the following conditions:

i. Such watering-in shall be limited to one (1) application in the absence of specific alternative instructions from the manufacturer; and

ii. Such watering-in shall be accomplished during normal watering days and times permitted by subsection 23-12(F)(1) above, unless a professional licensed applicator has posted a temporary sign containing the date of application and the dates of needed watering-in activity.

(3) In the event the South Florida Water Management District, or its successor agency, imposes restrictions on landscape irrigation for new and existing installations which are more restrictive than those imposed by this Code, such as under the declaration of a water shortage or water shortage emergency, the more restrictive regulations shall apply for the applicable duration of the more restrictive regulations.

(4) A licensed contractor who performs work on an automatic landscape irrigation system must test for the correct operation of each device that is intended to inhibit or interrupt the operation of the system during periods of sufficient moisture. If such device or switches are not installed on the system or are not in proper operating condition, the contractor must install new ones or repair the existing ones and confirm that each device or switch is in property operating condition before completing other work on the system.

(5) Waiver application and appeal process.

(a) ~~An~~ A user of an irrigation system affected by this Code may apply for a waiver to the City of Margate Department of Environmental and Engineering Services (DEES). A waiver from specific day or days identified in subsection 23-12(F) may be granted if strict application of the restrictions would lead to unreasonable or unfair result, provided the applicant demonstrates with particularity that compliance with the schedule will result in substantial economic, health, or other hardship on the applicant, or those the applicant serves. Relief may be granted only upon a determination that such hardship exists, is peculiar to the person or affected property, is not self-imposed, and further demonstrates that granting the waiver would be consistent with the general intent and purpose of this Code.

(b) Examples of qualifying circumstances for a waiver include, but are not limited to:

i. Two (2) or more properties share a common source of water;

ii. A public or private water system is experiencing, or anticipates distribution problems;

iii. Where a user maintains an irrigation system that uses soil moisture sensors with remote monitoring and adjustment capabilities that satisfies the requirements set forth in Section 373.62(7), F.S., as may be amended;

iv. Where contiguous property is divided into different zones, a waiver may be granted so that each zone may be irrigated on day different than other zones of the property;

v. Where a user maintains, manages, or owns a nonresidential property, such as a house of worship, market (farmer/flea), where the primary day of use, operation, or attendance for the property coincides with the prescribed water day for the address.

(c) However, no single zone may be irrigated more than two (2) days per week unless a user maintains an irrigation system uses soil moisture sensors.

(d) Applicants utilizing technology (e.g., soil moisture sensor) as justification for waiver are required to provide documentation from a licensed irrigation professional that said technology ~~if~~ is fully functional and its setup meets the requirements of subsection 23-12(F) of this Code.

(e) Upon receipt of an application for waiver from the requirements of subsection 23-12(F), DEES shall render a decision on the waiver within fifteen (15) calendar days. Denials of waiver may be appealed to the city manager within fifteen (15) calendar days of the applicant's receipt of the notice of denial. Any notice of denial or subsequent appeal shall be sent by certified mail, return receipt requested.

(f) A waiver application and/or granting a waiver under provisions of this Code shall operate prospectively, shall not stay or abate the enforcement of the provisions of this Code, and shall not affect any prior or pending enforcement actions against the affected person that have been initiated pursuant to the provisions of subsection 23-12(F) of this Code.

(g) If a waiver is granted, the applicant shall be required to post a notice at each parcel to which the waiver pertains, no later than five (5) days after the waiver is granted. Said notice is subject to approval by city staff but at a minimum, shall be conspicuous and posted such that it is visible from the exterior of any building on the property.

(h) A waiver is invalid if it has expired or if the applicant or its agent violates the terms of the waiver.

(i) Approved waivers shall expire on the date specified on the approval. However, no waiver shall be valid for a term greater than two (2) years.

(j) Application fee. To be acceptable, an application for an irrigation waiver shall be accompanied by a nonrefundable application fee in the following amount, as appropriate:

Initial waiver application or re-application (waivers which have been invalidated per subsection (h) above, or were previously denied are re-applications):$100.00

Renewal of waiver (for renewal applications which have been received by the city prior to the expiration of a currently valid waiver):$50.00

Transfer of waiver to a new property owner:$50.00

(G) *Notice to abate.* Should the owner or occupant of any area where there has not been compliance with section 23-12 refuse or neglect to comply with the above subsection, or fail to repair any city improvements, abatement or repair shall be accomplished pursuant to the procedures contained in chapter 22 of the City Code.

(H) *[Violations.]* Violations of this chapter shall be enforced pursuant to section 1-8 of the City Code.

Sec. 23-13. ~~Adjustments of standards~~Synthetic Turf.

(A) Permitted locations. Synthetic Turf may be permitted only on Single-Family and Duplex properties within the rear yard between the back of a Structure to the property line or as part of an overall design within a concrete or brick paver vehicular driveway or front walkway, subject to the requirements and procedures set forth in this Section.

(1) Putting Greens. Putting Greens may consist of natural grass or Synthetic Turf. Putting Greens that consist of Synthetic Turf shall comply with the requirements of this Section of the Code.

(2) Synthetic Turf for athletic fields and public facilities shall be allowed if reviewed and approved by DSD.

(B) Design standards. Synthetic Turf shall comply with all of the following design standards and shall:

(1) Simulate the appearance of live turf, organic turf, grass, sod or lawn, and shall have a minimum eight-year "no fade" warranty.

(2) Be of a type known as cut pile infill with pile fibers of a minimum height of 1.75 inches and a maximum height of 2.5 inches, except for Putting Greens, which may have a minimum height of ¼ inch.

(3) Have a minimum face weight of 75 ounces per square yard.

(4) Be manufactured from polyethylene monofilament, dual yarn system, and manufactured in the United States.

(5) Have backing that is permeable.

(6) Be lead free and flame retardant.

(C) Installation standards. Synthetic Turf shall comply with all of the following installation standards and shall:

(1) Be installed by a Florida-licensed general contractor in a manner prescribed by the manufacturer.

(2) Be installed over an evenly graded, porous crushed rock aggregate material that is a minimum of three inches in depth.

(3) Be anchored at all edges and seams consistent with the manufacturer's specifications.

(4) Not have visible seams between multiple panels.

(5) Have seams that are joined in a tight and secure manner.

(6) Be a minimum of six feet from a Tree or palm and 12 inches from Hedges, Shrubs or Ground Cover, including the separator.

(7) Have an infill medium consisting of clean silica sand or other mixture, pursuant to the manufacturer's specifications that shall:

(a) Be brushed into the fibers to ensure that the fibers remain in an upright position;

(b) Provide ballast that will help hold the Synthetic Turf in place; and

(c) Provide a cushioning effect.

(D) Additional standards. Synthetic Turf shall comply with all of the following additional standards:

(1) Areas of living plant material shall be installed and/or maintained in conjunction with the installation of Synthetic Turf. Living plant material shall be provided per the minimum code requirements. Synthetic Turf shall not be counted towards the minimum required landscaped areas and shall not be considered part of the Pervious Area.

(2) Synthetic Turf shall be separated from planter areas and Tree wells by a concrete mow strip or other barrier with a minimum four-inch thickness to prevent the intrusion of living plant material into the Synthetic Turf.

(3) Irrigation systems proximate to the Synthetic Turf shall be directed so that no Irrigation affects the Synthetic Turf.

(4) Synthetic Turf strips of no more than four inches in width are allowed only as a part of an overall design to enhance a concrete or brick paver vehicular driveway or front walkway for Single-Family or Duplex properties.

(a) Synthetic Turf strips are allowed on Front and only as part of an overall driveway or front walkway design and shall meet all applicable Setback requirements for driveways or front walkways.

(E) Maintenance standards. Synthetic Turf shall comply with all of the following maintenance standards and shall:

(1) Be maintained in an attractive and clean condition, and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces or edges, heat degradation or excessive wear.

(2) Be maintained in a green fadeless condition and free of weeds, Debris, and impressions.

(F) Prohibitions. Except as otherwise allowed in this Section, the following are prohibited:

(1) Synthetic Turf in the Public Rights-Of-Way or Swales.

(2) Synthetic Turf shall not be used as a screening material where screening is required by the Code.

(3) Synthetic Turf shall not be within a lake maintenance easement or drainage easement.

Sec. 23-14. ~~Reserved~~ Adjustments of standards.

Application for the adjustment of landscaping requirements provided herein shall be filed with the board of adjustment pursuant to the procedures provided for said board.

ARTICLE II. PRESERVATION AND PROTECTION OF TREES[1]

Sec. 23-15. Legislative findings.

The city commissioners hereby find that trees use their leaf surfaces to trap and filter out ash, dust and pollen in the air, thereby helping to alleviate air pollution; that trees help prevent erosion of the soil, thereby helping to protect the resources of all of the city belonging to the general public; that removal of trees causes increased surface runoff, which contributes to water pollution; that protection of trees increases the value of property, enhances the economic integrity of an area, by providing a camouflage for harsh scenery and softening the outline of masonry, metal and glass, thereby being a part of comprehensive land use planning; that trees slow down forceful wind velocities and cut noise pollution; that the living communities of native trees are a valuable educational and aesthetic natural heritage; and that it is necessary to regulate the cutting, trimming and pruning of trees to help ensure that the health, function and value of these important resources are protected.

Sec. 23-16. Documents incorporated by reference.

The following documents, as amended, are adopted as standards and are incorporated into this A article by reference: The American National Standards Institute A-300, Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, and Z-133.1, Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements; Florida Department of Agriculture Division of Plant Industry, Grades and Standards for Nursery Plants; Jim Clark and Nelda Matheny, Trees and Development; Council of Tree and Landscape Appraisers, Guide for Plant Appraisal, ~~Ninth~~ Tenth Edition, ~~2000~~; 2019 Richard Harris, Arboriculture Integrated Management of Landscape Trees, Shrubs and Vines, ~~Second~~ Fourth Edition; Gary W. Watson and E.B. Himelick, Principles and Practices of Planting Trees and Shrubs; Florida Urban Forestry Council, Selecting and Planting Trees for the South Florida Urban Forest; and Florida Power and Light's Plant The Right Tree In the Right Place brochure. South Florida Version; Timothy K. Broschat & Alan W. Meerow, 49 *Betrock's Reference Guide to Florida Landscape Plants*,, Third Printing, 1994; Edward 50 F. Gilman, *Trees for Urban and Suburban Landscapes,* 1st Edition, 1997; and Dr. 51 George K. Rogers, *Landscape Plants For South Florida: A Manual For Gardeners,* 52 *Landscapers & Homeowners,*

1st Edition, 2009; and Florida Invasive Species Council's 53 *List of Invasive Plant Species* (Ord. No. 2004-13, § 2, 10-6-2004)

Sec. 23-17. Definitions.

When a word, term, or phrase is not defined herein, the definitions set forth in chapter 23 of this Code and publications recognized as authoritative in the scientific and engineering fields, as applicable, shall apply. Such publications shall include the latest edition of Trees Native to Tropical Florida by Tomlinson; 500 Plants of South Florida by Julia Morton; Dig Manual by the State of Florida; Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers; Trees and Development by Jim Clark and Nelda Matheny; Tree, Shrub and Other Woody Plant Maintenance—Standard Practices by the American National Standards Institute (ANSI A-300); Grades and Standards for Nursery Plants by the Florida Department of Agriculture and Consumer Services. South Florida Version; Timothy K. Broschat & Alan W. Meerow, 49 *Betrock's Reference Guide to Florida Landscape Plants*,, Third Printing, 1994; Edward 50 F. Gilman, *Trees for Urban and Suburban Landscapes,* 1st Edition, 1997; and Dr. 51 George K. Rogers, *Landscape Plants For South Florida: A Manual For Gardeners,* 52 *Landscapers & Homeowners,* 1st Edition, 2009; and Florida Invasive Species Council's 53 *List of Invasive Plant Species* (These publications, as amended, are adopted and incorporated into this article by reference.

The following words, phrases, and terms when used in this article shall have the indicated meanings:

Breast height means a height of four and one-half (4½) feet above the natural grade.

Canopy coverage means the areal extent of ground within the drip line of the tree.

DEES means the City of Margate Department of Environmental and Engineering Services.

Destruction of the natural habit of growth means pruning that causes irreparable damage and permanent disfigurement to a tree such that, even with regrowth, the tree will never regain the original characteristics of its tree species; or pruning which amounts to tree abuse as defined herein that results in the death of the tree.

Developed land means land upon which permanent, principal building or buildings have been constructed.

Diameter breast height (DBH) means the diameter of the trunk of a tree measured at breast height. The DBH of trees with multiple trunks shall be the sum of the individual trunk diameters at breast height. Trees with less than four and one-half (4½) feet of clear trunk shall be measured as the diameter of the largest vertical branch or leader at breast height.

Drip line means the peripheral limits of the horizontal crown of a tree spread vertically to the ground; provided, however, that the same shall not be less than a circle with a five-foot radius measured from the center of the tree.

DSD means the City of Margate Development Services Department.

Effectively destroy means to cause, suffer, allow or permit any act which will cause a tree to die or go into a period of unnatural decline within a period of one (1) year from the date of the act. Acts which may effectively destroy a tree include, but are not limited to, damage inflicted upon the root system by heavy machinery, excessive trimming, changing the natural grade above the root system or around the trunk, damage inflicted on the tree permitting infection or pest infestation, application of herbicides or other chemical agents or intentional fire damage to the tree permitting infection or pest infestation, the infliction of a trunk wound that is fifty (50) ~~per cent~~ percent or greater of the circumference of the trunk, or the removal of sufficient canopy to cause the unnatural decline of the tree.

Hatrack ~~shall~~ means to sever the leader or leaders, or to prune a tree by stubbing of mature wood.

Historical tree means a particular tree or group of trees which has historical value because of its unique relationship to the history of the region, state, nation or world as designated by the city commission.

Horizontal plane ~~shall~~ means an imaginary line that begins at the base of the live frond petioles.

Land clearing means the clearing of vegetation and soils for the purpose of land development activities. This includes, but is not limited to, construction for buildings, rights-of-way, utility easements, access or drainage ways, parking lots and other structures, rock mining, the control of weeds or the initial clearing of vegetation to enhance property value or agricultural activities that involve the removal of trees as defined by this article.

Mitigation means to compensate for impacts to tree(s).

Nuisance tree means any of the following tree species:

~~(a) Schinus terebinthifolius (Brazilian pepper tree/Florida Holly).~~

~~(b)~~ (a)Metopium toxiferum (poisonwood).

~~(c) Melaleuca quinquenervia (cajeput tree/melaleuca).~~

~~(d) Casuarina spp. (Australian pine, all species).~~

~~(e) Bischofia javanica (bischofia, bishopwood).~~

~~(f) Acacia auriculaeformis (earleaf acacia).~~

~~(g)~~ (b)Araucaria excelsia (Norfolk Island pine).

~~(h) Brassia actinophylla (schefflera).~~

~~(i)~~ (c) Leucaena leucocephala (lead tree).

~~(j) Cupaniopsis anacardiopsis (carrotwood).~~

(d) All tree species identified as Category 1 on the Florida Invasive Species Councils List of Invasive Plant Species, as may be amended.

~~(k)~~ (e) Reserved.

Owner-occupied means a dwelling in a habitable condition occupied by the owner of record, as the owner's primary residence, and holding a valid certificate of occupancy.

Overlift means the removal of the majority of the inner lateral branches and foliage thereby displacing weight and mass to the ends of the branches. The alteration of the tree's live crown ratio may be considered as evidence of overlifting.

Person means any natural person, individual, owner, operator, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public or private utilities, public officer, responsible party or any other entity whatsoever, or combination thereof, of whatever kind.

Protective barrier means conspicuously colored fences or like structures constructed of sturdy materials that are at least four (4) feet in height which prevent or obstruct passage.

Prune or *trim* means to cut away, remove, cut off or cut back parts of a tree.

Remedial action means a corrective action required to offset the impacts of tree abuse, as defined herein.

Removal means to cut down, dig up, destroy, effectively destroy, or the unlicensed relocation of any tree.

Shape means the regular and frequent shearing of outer tree branches, making pruning cuts of one (1) inch in diameter or less, for the purpose of controlling the size and shape of the tree canopy.

Shearing means the cutting of many small-diameter stems of one (1) inch in diameter or less.

Specimen tree means any tree which has a DBH of eighteen (18) inches or greater, with ~~the exception of~~ a condition rating of sixty percent (60%) or greater in accordance with the condition rating guidelines as specified in the Guide for Plant Appraisal, as amended except for the following:

(a) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to: mangos, avocados, or citrus.

(b) Species of the genus Ficus except F. aurea (strangler fig), F. laevigata (short leaf fig), F. rubiginosa (rusty fig or rusty leaf fig), F. jacquinifolia;

(c) All multitrunk palms.

(d) Trees that are in poor condition or form as determined by DEES.

Structure means anything built or constructed. Examples include, but are not limited to, buildings, trailers, fences, billboards, swimming pools, poles, pipelines, ditches, roads, utility installation, transmission lines, track and advertising signs.

Substantial deviation means any proposed modification or modification to a development, a ~~License~~ Permit or a ~~License~~ Permit application which, either individually or cumulatively with other changes, creates a reasonable likelihood of additional environmental impact, as covered by the scope of this article, or any change or proposed change that may result in any impacts on trees not previously reviewed by DEES as covered by the scope of this article.

Topiary pruning means the practice of pruning a tree into an ornamental shape by pruning branches one (1) inch in diameter or less.

Tree means any living, self-supporting, dicotyledonous or monocotyledonous woody perennial plant which has a DBH of no less than ~~three (3)~~ one and a half (1.5) inches and which normally grows to an overall height of no less than ten (10) feet in southeast Florida.

Tree abuse means:

(1) Hatracking a tree; or

(2) Destroying the natural habit of tree growth; or

(3) Pruning which leaves stubs or results in a flush cut; or splitting of limb ends; or

(4) Removing tree bark to the extent that if a line is drawn at any height around the c circumference of the tree, over one-third (⅓) of the length of the line falls on portions of the tree where bark no longer remains; or

(5) Using climbing spikes, nails or hooks, except for purposes of total tree removal or as specifically permitted by standards set by the American National Standards Institute, as amended; or

(6) Pruning that does not conform to standards or recommendations set by the American National Standards Institute, as amended; or

(7) Pruning of live palm fronds which initiate above the horizontal plane; or

(8) Overlifting a tree; or

(9) Shaping a tree.

Tree canopy means the upper portion of the tree consisting of limbs, branches, and leaves.

Tree removal ~~License~~ Permit means a written authorization with conditions issued by DEES to remove or relocate a tree.

Tree survey means a document signed and sealed by a Florida registered land surveyor meeting the requirements of F.S. § 472.025, as amended, which must provide, at a minimum, the following information:

(a) The location, plotted by accurate techniques, of all existing non-nuisance trees;

(b) The common and scientific name of each tree;

(c) The DBH of each tree, or if a multiple-trunk tree, the sum DBH for all trunks; and

(d) Canopy coverage, if required by DEES.

Sec. 23-18. General prohibitions.

Unless otherwise authorized by this article, no person shall cause, suffer, permit or allow:

(a) The removal of any historical tree without first obtaining approval from the city commission to conduct the removal.

(b) The removal of any tree without first obtaining a tree removal ~~license~~ permit from DEES as herein provided.

(c) Tree abuse as defined by this article.

(d) Any encroachments, excavations, or change of the natural grade within the drip line of a tree unless it can be demonstrated to DEES prior to the commencement of said activity, that the activity will not negatively impact any tree.

(e) Land clearing or the operation of heavy equipment in the vicinity of a tree without placing and maintaining a protective barrier around the drip line of the tree. The protective barrier shall be conspicuous enough and high enough to be seen easily by operators of trucks and other equipment.

(f) The storage or use of materials or equipment within the drip line of any tree, or attachments, other than those of a protective and nondamaging nature, to any tree.

Sec. 23-19. General exemptions.

(a) *[Emergency conditions.]* During emergency conditions caused by a hurricane or other natural disaster, the provisions of this article may be suspended by the direction of the city manager.

(b) *Nuisance trees.* Nuisance trees as defined by this A~~a~~rticle are exempt from the prohibitions set forth in this article, as amended provided that no condition is created which poses an ~~imminent threat to public safety or property~~ unacceptable risk. In such cases, the nuisance tree shall be removed to alleviate any threat. Failure to remove said tree after warning from DEES shall constitute a violation of this article.

(c) *Tree Risk.* The pruning, trimming, removal, or replanting of a tree on residential property is exempt from any notice, application, approval, permit, fee, or mitigation requirements of this Article if the property owner possesses documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger poses an unacceptable risk to persons or property. This exemption implements and adopts by reference Section 163.045, Florida Statutes, as amended, including, but not limited to the definitions of documentation and residential property, and the standards therein for determining whether a tree poses an unacceptable risk. This exemption does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to Sections 403.9321 through 403.9333, Florida Statutes, as amended.

Sec. 23-20. Tree removal ~~license~~ permit requirements and standards.

(A) ~~*License*~~ *Permit requirements.*

(1) *[~~License~~ Permit required.]* Unless otherwise exempted by this article, a person shall obtain a tree removal license prior to relocating or removing a tree.

(2) *Exemptions from ~~Licensing~~ Permitting.* Unless otherwise prohibited by the Code, the following activities are exempted from the ~~*Licensing*~~ *Permitting* requirements of this article provided that no nuisance or any condition which adversely affects the environment or public health is created, and provided that the activity does not violate any provisions of the Code, or federal, state, or local government regulations:

(a) Removal of any tree that is hazardous to the extent that its continued existence creates an imminent threat to public safety or property. In order to claim this exemption, the owner of the property must document by photographs or other evidence that such condition(s) existed prior to the removal of the tree.

(b) Pursuant to Section 163.045, Florida Statutes, as amended, pruning, trimming, removal, or replanting of, or mitigation to, tree on residential property is exempt from any notice, application, approval, permit, fee, or mitigation requirements of this section if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a damage to persons or property.

(c) Removal of trees by all county-licensed nurseries, botanical gardens and commercial grove operations, but only in relation to those trees which are planted and grown for the sale or intended sale to the general public in the ordinary course of the licensed business;

(d) Removal of trees by all governmental and private nurseries with respect to trees which have been planted and grown for future relocation;

(e) Removal of trees, except historical or specimen trees, by franchised utility companies provided that:

i. The utility company provides written notice to DEES and the record owner of the property on which the trees proposed to be removed are located of the intent to remove trees; the written notices shall be delivered, at minimum, fifteen (15) calendar days prior to the intended tree removal; and

ii. The utility company can demonstrate to DEES prior to tree removal that:

(a) The tree will cause a continual disruption of service. A specimen palm tree may be removed under this exemption;

(b) The easement or property was in actual use conveying utilities prior to the effective date of this article; and

(c) The threat of service interruption cannot be remedied by tree pruning in accordance with standards as set by the American National Standards Institute, as amended;

(f) Removal of nuisance trees.

(B) ~~*License*~~ *Permit application requirements.*

(1) *Application forms*: A ~~license~~ permit application for removing or relocating trees shall be submitted by a property owner or authorized agent of the owner, on DEES approved application form(s).

(2) *Tree removal fees.* The permit fee, except as otherwise provided, shall be the following:

Initial tree removal permit application fee on developed residential occupied property (nonrefundable)$10.00

Initial tree removal permit application fee on all other property (nonrefundable)50.00

Plus, for each tree proposed to be removed or relocated10.00

No fee shall be charged for trees which are:

1. Relocated or lie within a utility easement and are required to be removed in order to provide utility service to the property;

2. Damaging public property and where a notice of violation was issued by the code enforcement division~~.~~; or

3. Governmental agencies and applications for tree removals in areas dedicated to public use shall be exempted from permit fees but shall be subject to all other provisions of this section.

(3) *Required application data*: The ~~license~~ permit application must be accompanied by documents and drawings as required by DEES that describe the proposed activities to be performed in sufficient detail to meet the standards in this article and to clearly identify all potential impacts to the environment and public health. Application data required shall include, but is not limited to:

(a) A map showing the size and location of the site where the licensed activities are to be conducted;

(b) A starting date and duration of the proposed activities;

(c) A brief description of the work to be performed, including a drawing of the proposed work or a certified site plan, as determined by DEES, showing the location of all existing or proposed buildings, structures, and site uses;

(d) For development on undeveloped property or for redevelopment of property, a certified tree survey and site plan of identical scale designating those trees which are proposed to be preserved, relocated, or removed is required. All tree survey(s) or site plan(s) must be prepared by a person(s) qualified to do so under the Laws of Florida;

(e) The legal description of the site.

(C) ~~*Licensing*~~ *Permitting standards for tree removal, relocation and replacement.*

(1) Any person conducting tree removal activities shall only remove a tree or trees from a site as approved for removal in a DEES tree removal ~~license~~ permit.

(2) ~~Licenses~~ Permits shall be issued or denied in accordance with the provisions in chapter 23, article II of the Code, as amended.

(3) The term of a tree removal ~~Licenses~~ Permits shall be in accordance with the provisions of chapter 23, article II of the Code, as amended.

(4) Damage to any other tree or trees on the site during tree removal activity shall constitute a violation of this article.

(5) An applicant may be eligible to receive a tree removal ~~license~~ permit if one of the following criteria is present:

(a) A proposed development cannot be located on the site without tree removal;

(b) The applicant has made every reasonable effort to incorporate existing trees in the development project and to minimize the number of trees removed;

(c) A tree proposed to be removed is of poor quality and condition;

(d) A tree proposed to be removed is obstructing safe vehicular cross visibility;

(e) A tree proposed to be removed is damaging existing improvements;

(f) A tree proposed to be removed is creating ongoing safety problems for existing development; ~~or~~

(g) A tree proposed to be removed is growing too close in proximity to another tree(s) to permit normal growth and development of the affected tree(s); or

(h) A tree proposed to be removed is inhibiting the use of rooftop photovoltaic solar systems, and pruning the tree does not provide adequate remedy.

(6) If an application meets the above criteria, DEES will, prior to issuing any tree removal ~~license~~ permit, conduct a tree relocation evaluation pursuant to subsection 23-20(d).

(D) *Tree relocation evaluation.*

(1) For tree relocation, DEES shall make the following evaluations:

(a) A tree which meets the criteria for removal as specified in this section.

(b) Whether relocation is on the property or off the property, due to lack of available space on the property. Where relocation is to occur onto another property, written authorization from the property owner shall be required.

(E) *Tree relocation requirements.* Any person conducting tree relocation activities shall:

(1) Not unnecessarily damage any other tree or trees remaining on-site while relocating a tree;

(2) Relocate a tree so that it will not interfere with existing or proposed utilities, either above or below ground. A relocated tree which may reach a height of thirty (30) feet shall not be placed within twenty (20) feet of an overhead power line or as outlined in Selecting and Planting Trees for the South Florida Urban Forest;

(3) Relocate a tree to an area with adequate space for root and canopy development;

(4) Relocate a tree, where practicable, within the City of Margate;

(5) Ensure successful relocation and transplanting of trees by adhering to the following guidelines for transplanting a tree:

(a) Any tree being relocated shall not be unnecessarily damaged during removal, transport or replanting of that tree;

(b) If a tree has a dormant period, it should be transplanted during that time. A tree should not be transplanted during periods of strong, dry winter winds or during droughts;

(c) Adequate space for root and canopy development shall be provided;

(d) Prior to transplanting, the tree shall be root and canopy pruned according to sound arboricultural standards. All crown pruning shall be done in accordance with standards set by the American National Standards Institute, as amended;

(e) During and following transplanting of a tree, the root ball and trunk shall be protected. The root ball must be kept moist at all times;

(f) A transplanted tree shall be braced for at least one (1) year after its relocation; and

(g) A transplanted tree shall be fertilized as appropriate and shall be watered sufficiently until tree growth is re-established.

(F) *Tree relocation maintenance/monitoring requirements.* Any person conducting tree relocation activities shall:

(1) Maintain the health of a relocated tree for a period of one (1) year from the date of planting; and

(2) Replace, within sixty (60) calendar days, a relocated tree that dies or is determined by DEES to be effectively destroyed within one (1) year of being relocated. The one-year maintenance period shall begin anew whenever a tree is replaced. For projects that include the relocation of ten (10) or more trees, a ten (10) ~~per cent~~ percent mortality allowance will apply. If ninety (90) ~~per cent~~ percent or more of the relocated trees are determined to be viable after a period of one (1) year, the project shall be considered successful and replacement trees will not be required for the remaining ten (10) ~~per cent~~ percent of the trees that die or are in a state of decline.

(G) *Tree relocation bond requirements.*

(1) *[Bond required.]* Unless otherwise exempted by this article, any person conducting tree relocation activities involving specimen trees must post a bond to insure the survival of specimen trees designated for preservation. Said bond shall meet the approval of the city attorney's office and may be

in the form of a letter of credit drawn upon banks or savings and loan institutions legally doing business in the State of Florida, cash bonds issued by an insurance company legally doing business in Florida or other acceptable means as approved by the city attorney's office.

(2) *[Determination of bond.]* Determination of the bond amount shall be computed based upon the most current version of the Guide for Plant Appraisal, published by the International Society of Arboriculture.

(3) Government entities are exempt from bond requirements.

(4) *Release of bonds.*

(a) Tree relocation bonds will be released upon successful tree relocation as set forth in subsection 23-20(C) of this article and written approval by DEES. Bonds involving specimen trees shall be released upon completion of construction activities, if it is determined by DEES that the tree(s) is/are not effectively destroyed.

(b) Bonds may be released by the city when a tree removal ~~license~~ permit is transferred. The city may condition the release of the bond upon the posting of a new bond by the subsequent ~~licensee~~ permittee.

(5) *Drawing on bonds.* If a tree is determined by DEES to be effectively destroyed within one (1) year from the date of relocation, the bond shall be drawn upon and funds will be deposited into the City of Margate Tree Preservation Fund.

(H) *Tree replacement in lieu of tree relocation.* When it is determined by DEES that tree relocation cannot be accomplished, an applicant shall replace trees pursuant to subsection 23-20(I) of this article.

(I) *Tree replacement requirements.*

(1) *Tree replacement requirements for nonspecimen trees.*

(a) If DEES determines that a removed tree cannot be successfully relocated, said tree shall be replaced to compensate for lost tree canopy coverage.

(b) The following criteria shall be used by DEES to determine the tree replacement requirements:

(i) The tree canopy coverage of a site shall be determined using any combination of the following methods:

a) Review of aerial photography;

b) On-site inspection; and/or

c) Review of a tree survey.

(ii) A tree that is successfully relocated pursuant to subsection 23-20(F) need not be replaced.

(iii) Native trees identified in appendix 1 of this article must be planted to replace native tree canopy coverage removed.

(iv) For tree replacement requirements of one (1) to five (5) trees, a minimum of one (1) species shall be utilized as a replacement tree. For six (6) to ten (10) replacement trees required, a minimum of two (2) species shall be utilized. For eleven (11) to twenty (20) replacement trees required, a minimum of three (3) species shall be utilized. For twenty-one (21) to fifty (50) replacement trees required, a minimum of four (4) species shall be utilized. For fifty-one (51) or more replacement trees required, a minimum of five (5) species shall be utilized.

(v) For trees removed pursuant to subsections 23-20(C)(5)(a), (b), (c), an additional fifty (50) ~~per cent~~ percent tree replacement shall be required.

(vi) The number of required replacement trees shall be based upon the size of area of impact and the category of replacement trees selected by the applicant. The canopy of the replacement trees at maturity shall at least equal the canopy removed.

The following table shall be used to determine the number of required replacement trees:

Replacement Tree Category (See Appendix 1)	Replacement Canopy Area Credit (In Square Feet)
Category 1 Tree 12' tall	300
Category 1 Tree Greater or equal to 13' tall	350
Category 1 Tree Greater or equal to 16' tall	400
Category 2 Tree Greater or equal to 8' tall	150
Category 2 Tree Greater or equal to 10' tall	200
Category 3 Tree	100
Category 4 Tree	50

(2) *Tree replacement for specimen trees.*

(a) A tree appraisal will be performed by DEES to determine the dollar value of any specimen tree approved by DEES for removal pursuant to subsection 23-20(c)(5) of this article. This appraisal shall be pursuant to the Guide for Plant Appraisal, 9th Edition, as amended, by the Council of Tree and Landscape Appraisers.

(b) DEES will then calculate the number of replacement trees required to equal the appraised value of the specimen tree removed. This calculation shall include the purchase price of the replacement tree, plus installation costs. The applicant will be required to compensate the number of replacement trees indicated by DEES for the removal of the specimen tree(s).

(3) *Minimum standards for replacement trees.*

(a) All replacement trees shall be a minimum quality of Florida o. 1 grade or better, as identified in Grades and Standards, Florida Department of Agriculture;

(b) Only trees listed in appendix 1 (Replacement Tree Species) shall be used as replacement trees. The applicant shall have the option of choosing the category of trees for replacement provided at least fifty (50) ~~per cent~~ percent of the replacement trees are from category 1 or category 2 with respective size as follows:

(1) *Category 1.* ~~Minimum of twelve (12) feet in height and two (2) inches DBH at time of planting;~~ 300 (for trees greater than or equal to a 12-foot minimum height)

350 (for trees greater than or equal to a 13-foot minimum height)

400 (for trees greater than or equal to a 16-foot minimum height)

(2) *Category 2.* ~~Minimum of eight (8) feet in height at time of planting;~~ 150 (for trees greater than or equal to an 8-foot minimum height) 200 (for trees greater than or equal to a 10-foot minimum height)

(3) *Category 3.* Minimum of six (6) feet in height at time of planting.

(4) *Category 4.* For replacement palm trees, a minimum of six (6) feet clear trunk or Greywood at time of planting.

(c) If the minimum tree size is commercially unavailable, smaller trees may be substituted with the approval of DEES. Additional credit may be given for the installation of larger trees, at DEES discretion.

(4) *General requirements for replaced trees.* Any person conducting tree replacement activities shall:

(a) Refrain from unnecessarily damaging any other tree or trees remaining on site while planting or preparing the site for any replacement tree(s);

(b) Plant the replacement tree so that it will not interfere with existing or proposed utility lines or cables, either above or below ground. A tree which may reach a height of thirty (30) feet shall not be planted within twenty (20) feet of an overhead power line;

(c) Plant replacement tree species and use installation and maintenance methods that follow xeriscape principles, where practicable;

(d) Plant a replacement tree in an area with adequate space for root and canopy development following Florida Power and Light's Right Tree In The Right Place guidelines;

(e) Where practicable, plant a replacement tree within the municipality from which the original tree was removed; and

(f) Complete tree replacement within six (6) months of the issuance of a DEES tree removal ~~license~~ permit unless granted an extension by DEES.

(5) *Maintenance/monitoring requirements for replaced trees.* Any person conducting tree replacement activities shall:

(a) Maintain the health of a replacement tree for a period of one (1) year from the date of planting;

(b) Replace within sixty (60) calendar days any replaced tree that dies or is determined to be effectively destroyed within one (1) year of being planted, as determined by the city. The one-year maintenance period shall begin anew whenever a tree is replaced. For projects that include the planting of one hundred (100) or more replacement trees, a ten (10) ~~per cent~~ percent mortality allowance will apply. If ninety (90) ~~per cent~~ percent or more of the replacement trees are determined to be viable after a period of one (1) year, the project shall be considered successful and replacement trees will not be required for the remaining ten (10) ~~per cent~~ percent of the trees that die or are in a state of decline.

(6) *Remuneration in lieu of tree replacement.* If it is determined by DEES that the replacement is not feasible due to lack of available planting space, the following applies:

(a) The person conducting the tree replacement activity shall pay into the City's Tree Preservation Account a replacement contribution in lieu of actual tree replacement;

(b) The replacement contribution will be determined using a schedule for current value of replacement trees plus installation and maintenance as established by the city;

(c) Specimen tree calculations shall be in accordance with subsection 23-20(I)(2).

(7) *Tree preservation account.*

(a) *Purpose.* This account shall be used to replace or expand the tree canopy in the city.

(b) *[Use of monies in account.]* Monies in the account shall be expended, utilized, and disbursed for the planting of trees and any other ancillary costs associated with the planting of trees on public lands in the city. Ancillary costs shall not exceed twenty (20) ~~per cent~~ percent of the cost of the particular tree planting project, and shall include landscape design services, irrigation, additional landscaping, and any other items or materials necessary for the proper installation and maintenance of tree planting projects. These monies may also be used to cover the expense of relocation of trees to public lands in City of Margate and the expense of periodically distributing saplings, trees, and applicable landscape materials to the public that increase tree canopy coverage in City of Margate.

Sec. 23-21. Construction and land clearing requirements.

(a) *General requirements.* Any person engaged in construction or land clearing shall:

(1) Clear vegetation within the drip line of trees designated for preservation only by hand or with the use of light rubber-wheeled equipment, which will not damage tree roots; said equipment shall be a maximum of forty-eight (48) inches wide, tire to tire, with a maximum weight of three thousand five hundred (3,500) pounds.

(2) Utilize retaining walls and drywells to protect any tree to be preserved from severe grade changes.

(3) Promptly repair any tree designated for preservation pursuant to a tree removal ~~license~~ permit which is damaged during construction by:

(a) Corrective pruning for damage to tree canopy.

(b) Measures such as corrective root pruning, fertilization, and soil enhancements for damage to tree roots.

Sec. 23-22. Tree abuse.

(a) *Exemptions from tree abuse.* The following are exempt from the prohibition of tree abuse as set forth in this article of the Code as amended:

(1) Topiary pruning when:

(a) The trees are located on owner occupied property developed for detached single family or duplex usage; or~~;~~

(b) The trees were not installed to meet minimum landscape requirements and are identified on an approved landscape plan as appropriate for topiary pruning.

(2) Tree abuse necessary to alleviate a dangerous condition posing an imminent threat to the public or property provided that the threat cannot be remedied by pruning that is not defined as tree abuse; or

(3) Shaping of trees to protect property, such as buildings and infrastructure, in which there is adequate evidence accepted by DEES that shaping has occurred historically.

(b) *Remedial measures for tree abuse.* Any person that abuses a tree in violation of this article shall:

(1) Undertake pruning and other remedial action as determined by DEES, not limited to the removal of severely abused trees to protect public safety and property, and corrective pruning to improve the health and form of affected trees. No tree removal ~~license~~ permit is required for the removal of severely abused trees that are removed pursuant to DEES direction.

(2) Plant replacement trees pursuant to this article of the Code as amended, if the natural habit of growth of the abused tree is destroyed.

Sec. 23-23. Historical trees.

(A) *Standards for designation.* The city commission shall only designate as a historical tree a tree or group of trees that meet the following criteria:

(1) The tree is located on historically significant property and is related to a historic event; or

(2) The tree is uniquely related to the heritage of the City of Margate; or

(3) The tree is at least thirty-five (35) years old.

(B) *Request for designation.*

(1) The following entities may request that the ~~board~~ City Commission designate a particular tree or group of trees within its jurisdiction as an historical tree:

(a) State, county, municipality or any historical preservation society designated by the city commission; or

(b) Any property owner may make a similar request providing the request is for a tree or group of trees located on his/her own property.

(2) The request shall be in writing to the city manager and contain:

(a) The exact location of the tree or trees to be designated as historical.

(b) The name and address of the current owner and affected utilities of the land upon which the tree is located.

(c) The reason(s) for requesting the historical designation.

(C) *Consideration by the city commission.* The entity shall request that the city manager place the request on the city commission agenda for discussion and vote on the request. When the person requesting this designation is not the property owner, the property owner shall be notified in writing by certified mail of the request and the time, date, and place of the hearing. The city commission shall then make a determination based on the standards for designation.

APPENDIX 1

RECOMMENDED TREES FOR CANOPY REPLACEMENT 12-FOOT MINIMUM HEIGHT, 2.5 ~~2.0~~ INCH CALIPER

Replacement Canopy Area Credit: 300 square feet

RECOMMENDED TREES FOR CANOPY REPLACEMENT 13 FOOT MINIMUM HEIGHT, 2.5 INCH CALIPER

Replacement Canopy Area Credit: 350 square feet

RECOMMENDED TREES FOR CANOPY REPLACEMENT GREATOE THAN OR EQUAL TO 16' FOOT MINIMUM HEIGHT, 3.0-INCH CALIPER

Replacement Canopy Area Credit: 400 square feet

CATEGORY 1 TREES

Common Name	Latin Name
~~African mahogany~~ Apple Blossom	~~Khaya spp.~~ Cassia Javanica
~~Flame bottle tree~~	~~Brachychiton acerifolius~~
* Bald cypress	Taxodium distichum
Floss silk tree	Chorisia speciosa
~~Golden rain tree~~	~~Koelreuteria formosana~~
Golden shower tree	Cassia fistula
Green Buttonwood	Conocarpus erectus
* Gumbo limbo	Bursera simaruba
Indian tamarind	Tamarindus indica
Jacaranda	Jacaranda mimosifolia
Kapok tree	Ceiba pentandra

* Laurel oak	Quercus laurifolia
* Live oak	Quercus virginiana
* Mahogany	Swietenia mahogani
* Mastic	Mastichodendron foetidissimum
* Paradise tree	Simarouba glauca
* Pitch apple	Clusia rosea
* Pond cypress	Taxodium ascendens
* Red mulberry	Morus rubra
Red silk cotton tree	Bombax ceiba
Pongam	Pongamia pinnata
Royal poinciana	Delonix regia
* Sea grape	Cocolloba uvifera
* Shortleaf fig	Ficus citrifolia
*Slash pine	Pinus elliottii var. densa
* Soapberry	Sapindus saponaria
* Southern magnolia	Magnolia grandiflora
Spanish cherry	Mimusops elengi
* Strangler fig	Ficus aurea
* Sugarberry	Celtis laevigata
* Sweet bay	Magnolia virginiana
Weeping podocarpus	Podocarpus gracilior
* Wild tamarind	Lysiloma latisiliqua
* Willow bustic	Dipholis salicifolia
Yellow poinciana	Peltophorum pterocarpum
* Native to Florida	

CATEGORY 2 TREES
8-FOOT MINIMUM HEIGHT

Replacement canopy Area Credit: 150 square feet

Greater or equal to 10-foot minimum Replacement Canopy Area Credit: 200 square feet

Common Name	Latin Name
African tulip tree	Spathodea campanulata
Black sapote	Diospyros dignya
~~Bottlebrush~~	~~Callistemon spp.~~
Brazil beautyleaf	Calophyllum brasiliense
Buttercup tree	Cochlospermum vitifolium
* Buttonwood (silver)	Conocarpus erectus (var sericeus)
* Cherry laurel	Prunus caroliniana
* Crabwood	Gymnanthes lucida
Curly pod	Caesalpinia mexicana
* Dahoon holly	Ilex cassine
East Palatka Holly	Ilex attenuata
* Fiddlewood	Citharexylum fruticosum
Frangipani	Plumeria spp.
* Guiana plum	Drypetes lateriflora
* Jamaica dogwood	Piscidia piscipula

Japanese Blueberry	Elaeocarpus Decipiens
Japanese Fern Tree	Filicium Decipiens
* Krug's holly	Ilex krugiana
Florida lilac	Lonchocarpus
* Lancewood	Nectandra coriacea
Longan	Euphoria longan
Loquat	Eriobotrya japonica
Lychee	Litchi chinensis
Madagascar olive	Noronhia emarginata
* Persimmon	Diospyros virginiana
* Pigeon plum	Coccoloba diversifolia
Pink trumpet tree	Tabebuia heterophylla
* Pond apple	Annona glabra
Queen's crape-myrtle	Lagerstroemia speciosa
Red Geiger	Cordia sebestena
* Wild tamarind	Lysiloma sabicu
* Sand pine	Pinus clausa
* Satinleaf	Chrysophyllum oliviforme
Sausage tree	Kigelia pinnata
* Southern red cedar	Juniperus silicicola
* Sweetgum	Liquidambar styraciflua
* Sycamore	Platanus occidentalis
Tree of gold	Tabebuia caraiba
Vera Wood	Bulnesia arborea
White Geiger	Cordia boisseri
* Native to Florida	

CATEGORY 3 TREES
6-FOOT MINIMUM HEIGHT FOR TREES
6-FOOT CLEAR TRUNK FOR PALMS

Replacement Canopy Area Credit: 100 square feet

Common Name	Latin Name
Allspice	Pimenta dioica
Bahama Strongback	Bourreria succulenta
Beach acacia	Acacia cyanophylla
* Black ironwood	Krugiodendron ferreum
Bismarck palm	Bismarckia nobilis
* Blolly	Guapira discolor
Bottlebrush tree	Callistemon spp.
Brush cherry	Syzygium paniculatum
* Cabbage palm	Sabal palmetto
Canary Island date palm	Phoenix canariensis
Coconut palm	Cocos nucifera
* Cocoplum	Chrysobalanus icaco
Coral bean	Erythrina spp.
Crape myrtle	Lagerstroemia indica
Glossy privet	Ligustrum lucidum

* Jamaican caper	Capparis cynophallophora
Lignum vitae	Guaiacum sanctum
Macadamia nut	Macadamia spp.
Nelie R. Stevens	Ilex X
* Redberry stopper	Eugenia confusa
Royal palm	Roystonea spp.
* Simpson stopper	Myrcianthes fragrans
Small Leaf Pitch Apple	Clusia Guttifera
Snailseed	Cocculus laurifolius
* Spanish stopper	Eugenia foetida
* Wax myrtle	Myrica cerifera
White Geiger	Cordia boissieri
White Tabebuia	Tabebuia bahamensis
Wild Date palm	Phoenix sylvestris
* Wild lime	Zanthoxylum fagara
Yellow Geiger	Cordia lutea
* Native to Florida	

CATEGORY 4
PALMS
MINIMUM 6 FOOT CLEAR TRUNK

Replacement Canopy Area Credit: 50 square feet

Common Name	Latin Name
Alexandra palm	Archontophoenix alexandrae
Blue Latan palm	Latania loddigesii
Bottle palm	Hyophorbe lagenicaulis
Carpenter palm	Carpenteria acumenata
Chinese fan palm	Livistona chinensis
Date palm	Phoenix dactylifera
* Florida cherry palm	Pseudophoenix sargentii
* Florida silver palm	Coccothrinax argentata
* Florida thatch palm	Thrinax radiata
Foxtail palm	Wodyetia bifurcata
Hurricane palm	Dictyosperma album
Montgomery palm	Veitchia montomeryana
* Paurotis palm	Acoelorrhaphe wrightii
Pindo palm	Butia capitata
~~Queen palm~~	~~Syagrus romanzoffiana~~
Senegal date palm	Phoenix reclinata
Washington palm	Washingtonia robusta
Windmill palm	Trachycarpus fortunei

Sec. 23-24. Protection of trees from destruction, damage, etc.

(a) *[Tree abuse.]* It shall be unlawful for any person to abuse a tree in violation of this article. In the event a person abuses a tree in violation of this article, the violator shall be responsible to remove the abused tree and replace it as provided for in this chapter.

(b) *[Tree replacement.]* If the natural habit of growth of the tree is destroyed, the violator shall remove the destroyed tree and install a replacement tree, at his expense, pursuant to subsection 23-20(B). The destroyed tree shall be removed if it threatens public safety or property, and the appropriate tree removal permit fee shall apply.

(c) *[Remedial actions.]* Remedial actions and replacement required under this section shall be completed within sixty (60) calendar days of notice from the city that such actions are required. The city may require the violator to immediately undertake remedial actions in the event the abused tree is an immediate threat to the public or property.

(d) *[Protective barriers.]* During any construction or land development, protective barriers, of specifications approved by the city, shall be placed and maintained around all trees to be retained on the site to prevent their destruction or damage; and the developer shall use every precaution possible to avoid damaging such trees, by preventing the use or storage of materials or equipment, or the contamination of soil with such materials as paint, oil solvents, asphalt, concrete, mortar, etc., within the drip line.

(e) *[Attachments.]* No attachments, other than those of a protective or nondamaging nature, shall be attached to any tree except those trees approved by the city to be eliminated and not be retained or relocated.

(f) *[Nuisance trees.]* Nothing in this section shall disallow a person from shaping a nuisance tree which may be contrary to the standards of this article.

(g) *Responsibility.* The owner of the property, tenant, and agent, whether same be an individual, corporation, or other entity shall be responsible in the event that a tree is abused, contrary to this article.

(h) *[Power lines.]* Nothing in this section shall read to prohibit the shaping of trees under power lines such that they do not interfere with such power lines and cause a public safety hazard.

Sec. 23-25. Removal of trees on public lands.

No trees shall be removed from any public land, including, but not limited to, street right-of-way and swale areas, without the approval of the city according to this article or any other appropriate sections of the Code.

Sec. 23-26. Designation of administration and enforcement personnel.

The city manager shall designate city personnel to be responsible for implementing and enforcing the provisions of this section and any pertinent policies of the city commission and shall prescribe the duties thereof.

Sec. 23-27. Preservation as grounds for variance; appeals from administrative decisions.

(a) The preservation of any tree may be considered as the basis for the granting of a variance from the literal application of the provisions of the city's zoning or subdivision regulations. If, in the determination of the city manager or his designate, the sole basis for the request for a variance is to preserve any tree which would otherwise have to be removed, he may direct the required variance fee to be waived.

(b) Any person or party aggrieved by an administrative decision or order of city personnel in the implementation and enforcement of the provisions of this article may appeal to the board of adjustment, setting forth the facts and reasons why they feel such administrative decision or order is not reasonable or in the public interest, according to the spirit and intent of this article.

Sec. 23-28. Article violations; penalty.

(a) *Generally.* Any person who violates any provision of this article shall be punished as provided in section 23-20 of this code, and in accordance with section 1-8 of the City Code as may be applicable. Each and every "tree", as defined by this article, which shall be damaged, defaced, destroyed or removed in violation of this article shall constitute a separate and distinct violation.

~~(b) *Failure to relocate and replace.* An individual shall be in violation of this article if the trees are not relocated or replaced as specified by this article within sixty (60) days of the granting of the tree removal license; provided, however, if the trees are to be removed to facilitate construction, said relocation or replacement must be completed prior to issuance of a certificate of occupancy.~~

~~(c) *Failure to maintain relocated or replaced trees.* An individual shall be in violation of this article if the trees to be relocated or replaced are not maintained in a healthy condition for a period of one (1) year.~~

Sec. 23-29. Injunction proceedings authorized.

The city attorney's office is hereby authorized to seek, in any court of competent jurisdiction, an injunction or restraining order of either a temporary or permanent nature, restraining any person from violating any provision of this article.

Sec. 23-30. Stop work orders.

Whenever any work is being done by a person not in compliance with this article, a code compliance officer, as designated in section 23-26, may order that work be stopped and such persons performing such work shall immediately cease such work. The work may not resume until such time as the person is in compliance.