

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA,
AMENDING CHAPTER 2 - ADMINISTRATION; CHAPTER 31
-PLATTING, SUBDIVISION AND OTHER LAND USE
REGULATIONS; AND APPENDIX A ZONING; PROVIDING FOR
FEES FOR PLANNING AND ZONING RELATED APPLICATIONS
TO BE ADOPTED BY RESOLUTION OF THE CITY
COMMISSION; PROVIDING FOR REPEAL, PROVIDING FOR
SEVERABILITY, PROVIDING FOR CODIFICATION, AND
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Code of Ordinances of the City of Margate,
Florida, (hereinafter the "Code") Chapter 2 - Administration,
provides for fees for collected by the Development Services
Department for Official Zoning Confirmation Letters and Board of
Adjustment applications; and

WHEREAS, Chapter 31 - Platting, Subdivision and Other
Land Use Regulations of the Code provides for fees for collected
by the Development Services Department for various Planning and
Zoning related applications; and

WHEREAS, Appendix "A," "Zoning" of the Code, provides for
fees for collected by the Development Services Department for
various Planning and Zoning related applications; and

WHEREAS, the City Commission of the City of Margate has
found that having a fee schedule adopted by a Resolution of the
City Commission to be more effective and efficient manner to

1 publish and update to the amount of fees collected for Planning
2 and Zoning related applications; and

3 WHEREAS, the City Commission conducted a first and second
4 reading of this Ordinance at duly noticed public hearings, as
5 required by law, and after having received input from and
6 participation by interested members of the public and staff, the
7 City Commission has determined that this Ordinance is consistent
8 with the City's Comprehensive Plan and in the best interest of
9 the City, its residents, and its visitors.

10 NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
11 THE CITY OF MARGATE, FLORIDA:

12
13 **SECTION 1:** The Code of Ordinances of the City of
14 Margate, Florida, Chapter 2, Administration, ARTICLE I. - IN
15 GENERAL, Sec. 2-18. - Official zoning confirmation letters; fees
16 is hereby amended to read as follows:

17 **Sec. 2-18. - Official zoning confirmation letters.**

18 (a) An administrative fee ~~of seventy-five dollars (\$75.00)~~
19 as specified in the Fee Schedule adopted by Resolution
20 of the City Commission of the City of Margate,
21 Florida will be applied to all requests for an official
22 zoning confirmation letter issued by the Ceity. Such fee
23 shall be deposited into the general fund.

. . .

**Note to Municode: The rest of this Section shall
remain as codified.**

SECTION 2: The Code of Ordinances of the City of
Margate, Florida, Chapter 2, Administration, Article IV. -
Boards, Committees, Etc., Division 2. - Board of Adjustment,
Sec. 2-79. - Applications for variances and other appeals; fees
is hereby amended to read as follows:

Sec. 2-79. - Applications for variances and other appeals; fees.
Applications to the Board of Adjustment for variance or other
appeals shall be filed with the Development Services
Department on forms furnished by that Department. The
application or appeal shall be accompanied by the ~~following~~ fee
as specified in the Fee Schedule adopted by Resolution of the
City Commission of the City of Margate, Florida.÷

~~(1) For variances 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: The fee called for in the appropriate case
shall accompany the application or notice of appeal, and~~

1 ~~if the fees are paid in the form of a check, the check~~
2 ~~shall be made payable to the City of Margate. Said sums~~
3 ~~shall be immediately forwarded to the finance director~~
4 ~~to be placed in the appropriate account. Failure to file~~
5 ~~such sums as costs shall render the applicant's request~~
6 ~~or appeal void.~~

7 determined by the Ceity Ceommission in its sole
8 discretion.

9 **SECTION 3:** The Code of Ordinances of the City of
10 Margate, Florida, Chapter 31, Platting, Subdivision and Other
11 Land Use Regulations, Article I. - In General, Section 31-2
12 Underground wiring required, , is hereby amended to read as
13 follows:

14 **Sec. 31-2. Underground wiring required.**

15 . . .

16 (d) Underground placement of existing utilities.

17 . . .

18 (4) *Process timing and waiver.*

19 . . .

20 b. Any developer or owner subject to the requirements
21 of this Section may apply to the Ceity, in a form
22 specified by the Ceity and accompanied by the payment of
23 a waiver application fee ~~of four hundred dollars~~

1 ~~(\$400.00)~~ as specified in the Fee Schedule adopted by
2 Resolution of the City Commission of the City of Margate,
3 Florida, seeking to be relieved of the requirements of
4 this Section~~division~~. This waiver application must be
5 submitted to the Ceity prior to the time specified in
6 subsection a., above. If the developer or owner claims
7 that technical reasons are the basis for the waiver
8 application, the application shall contain a detailed
9 statement by a professional engineer licensed in the
10 State of Florida, qualified with respect to utility
11 issues, explaining why, in the engineer's professional
12 opinion, it is technically infeasible to locate such
13 utilities underground. The waiver application shall
14 include a detailed line-item estimate prepared by a
15 professional engineer licensed in the State of Florida,
16 qualified with respect to utility issues. The estimate
17 shall clearly identify the scope of the project and
18 include all related costs associated with the
19 undergrounding project, including, but not limited to,
20 all labor, materials, transitional equipment, provisions
21 for maintenance of traffic, etc. The Director of
22 Environmental and Engineering Services and the
23 Development Services Director shall review such

1 application and shall make a recommendation to the Ceity
2 Ceommission. The Ceity Ceommission shall have the
3 authority to grant or deny a waiver. The Ceity may grant
4 a waiver if the application is supported by information
5 detailing justifiable reasons for not pursuing the
6 subject undergrounding, including, by way of example and
7 not limitation, technical infeasibility or
8 impracticability, practical infeasibility or
9 impracticability, or the cost to relocate the utilities
10 underground outweighs the documented benefits to the
11 Ceity and the public, as determined by the Ceity
12 Ceommission in its sole discretion.

13 . . .

14 **Note to Municode: The rest of this Section shall**
15 **remain as codified.**

16 **SECTION 4:** The Code of Ordinances of the City of
17 Margate, Florida, Chapter 31, Platting, Subdivision and Other
18 Land Use Regulations, Article III. Development Review, Section
19 31-39 - Development review committee fees, is hereby amended to
20 read as follows:

21 **Sec. 31-39. Development review committee fees.**

22 The following fees shall apply for submittal to the Development
23 Review Ceommittee and shall be payable to the Ceity:

1 ~~Plat, nonresidential \$ 1,000.00~~

2 ~~..... + \$50.00 per acre~~

3 ~~Plat, residential 750.00~~

4 ~~..... + \$5.00 per dwelling unit~~

5 ~~Plat amendment 500.00~~

6 ~~Rezoning 1,500.00~~

7 ~~Land use plan amendment 3,500.00~~

8 ~~Special exception use 500.00~~

9 ~~Change of occupancy 250.00~~

10 ~~Site plan, nonresidential 500.00~~

11 ~~..... + \$1.00 per 25 square feet of new construction~~

12 ~~Site plan, residential 500.00~~

13 ~~..... + \$5.00 per unit~~

14 ~~Amended site plan 250.00~~

15 ~~Resubmittal (other) 250.00~~

16 ~~Telecommunications site development 4,000.00~~

17 as specified in the Fee Schedule adopted by Resolution of the

18 City Commission of the City of Margate, Florida

19 determined by the Ceity Ceommission in its sole
20 discretion.

21 . . .

22 **Note to Municode: The rest of this Section shall**

23 **remain as codified.**

1 **SECTION 5:** The Code of Ordinances of the City of
2 Margate, Florida, Chapter 31, Platting, Subdivision and Other
3 Land Use Regulations, Article VI. Quasi-Judicial Proceedings,
4 Section 31-54 - Special exceptions, is hereby amended to read as
5 follows:

6 **Sec. 31-54. Special exceptions.**

7 . . .

8 (b) Application requirements for new construction or major
9 renovation. No use designated as a special exception
10 shall be established until after such use has received
11 approval under the provisions of this section and has
12 received all permits required by this Code of Ordinances
13 and the Florida Building Code. An application for special
14 exception approval involving new construction, or any
15 application for special exception that proposes to
16 redevelop, substantially redevelop or reconstruct an
17 existing building, as defined in this Code, shall be
18 filed with the Development Services Department on
19 forms provided. The application shall include:

20 . . .

21 (2) The required application fee, ~~as provided in section~~
22 ~~31-39 of this Code.~~ as specified in the Fee Schedule
23 adopted by Resolution of the City Commission of the City

1 of Margate, Florida.

2 . . .

3 (c) *Application requirements for a special exception use of*
4 *an existing building.* No use designated as a special
5 exception shall be established within an existing
6 building or structure until after such use has received
7 approval under the provisions of this section and has
8 received all permits required by this Code of Ordinances
9 and the Florida Building Code. An application for special
10 exception approval which proposes to utilize an existing
11 building substantially in its current form shall be filed
12 with the Development Services Department on forms
13 provided. The application shall include:

14 . . .

15 (8) The required application fee, ~~as provided in~~
16 ~~section 31-39 of this Code.~~ as specified in the Fee
17 Schedule adopted by Resolution of the City
18 Commission of the City of Margate, Florida.

19 . . .

20 **Note to Municode: The rest of this Section shall**
21 **remain as codified.**

22 **SECTION 6:** The Code of Ordinances of the City of
23 Margate, Florida, "Appendix" "A" Zoning, Article III. General

Provisions, Section 3.11 - Subdivision resurvey required, is hereby amended to read as follows:

Section 3.11. Subdivision resurvey required.

. . .

(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, Florida and all recording fees.

. . .

Note to Municode: The rest of this Section shall remain as codified.

SECTION 7: The Code of Ordinances of the City of Margate, Florida, "Appendix" "A" Zoning, Article III. General Provisions, Section 3.23.15 Permit fees, application and inspection fees required, is hereby amended to read as follows:

Section 3.23. Wireless communications facilities.

. . .

3.23.15. Permit fees, application and inspection fees required.

. . .

(b) *Application fee required.* A filing fee in the amount ~~of four thousand dollars (\$4,000.00)~~ 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 ~~of one thousand dollars (\$1,000.00)~~ as specified in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate, is due the Ceity at the time of inspection.

• • •

Note to Municode: The rest of this Section shall
remain as codified.

SECTION 8: The Code of Ordinances of the City of Margate, Florida, "Appendix" "A" Zoning, Article III. General Provisions, Section 3.24 - Temporary use permits, is hereby amended to read as follows:

Section 3.24. Temporary use permits.

• • •

(F) *General criteria and limitations:*

• • •

(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

1 an application with the Development Services Department
2 at least 90 calendar days prior to such event. The
3 applicant, at a minimum, must submit the following with
4 the application:

5 (a) A notarized affidavit from the owner of the land
6 where the event is to be held which grants
7 permission for the event;

8 (b) A detailed description of the event, including
9 dates, hours of operation, provision of water and/or
10 electric service, access to restrooms, and the
11 provision of security;

12 (c) A site plan providing detailed information about the
13 site and the surrounding area(s) to be impacted,
14 including a diagram of the event set-up, cooking
15 areas, tents, vendors, seating areas, shows, parking
16 areas, restroom facilities, garbage collection, and
17 where any other activities are to take place;

18 (d) A hold harmless agreement indemnifying the City of
19 any liability;

20 (e) Proof of insurance, including a certificate that
21 names the City of Margate as additional insured; and

22 (f) Temporary Use Permit Application Fees~~+~~

1 ~~i. TUPs which require City Commission approval:~~

2 ~~\$250.00~~

3 ~~ii. All others: \$75.00~~

4 shall be provided upon submission of a complete
5 application as specified in the Fee Schedule adopted by
6 Resolution of the City Commission of the City of Margate.

7 . . .

8 **Note to Municode: The rest of this Section shall**
9 **remain as codified.**

10 **SECTION 9:** The Code of Ordinances of the City of
11 Margate, Florida, "Appendix" "A" Zoning, Article V. Zoning
12 Districts, Section 5.4 - Change of zoning, is hereby amended to
13 read as follows:

14 **Section 5.4. Change of zoning.**

15 (A) The owner of any property within the City of Margate may
16 request a change of zoning on said property by filing such
17 request with the planning and zoning board in writing, stating
18 the reasons for the requested change and shall include the sum
19 ~~of two hundred fifty dollars (\$250.00) to defray all costs of~~
20 ~~advertising, administrative and other costs of the hearings.~~
21 as specified in the Fee Schedule adopted by Resolution of the
22 City Commission of the City of Margate, Florida.

23 . . .

Note to Municode: The rest of this Section shall remain as codified.

SECTION 10: The Code of Ordinances of the City of Margate, Florida, "Appendix" "A" Zoning, Article XXXIX. Sign Code, Section 39.7 - Temporary signs, is hereby amended to read as follows:

Section 39.7. Temporary signs.

• • •

(B) The following temporary signs shall be permitted in residential and nonresidential districts.

(1) Residential districts.

• • •

(f) *Grand opening sign:*

• • •

9. A ~~\$75.00~~ bond deposit as specified in the
Fee Schedule adopted by Resolution of the
City Commission of the City of Margate,
Florida, shall be collected to ensure the
grand opening signs are removed after the
approved display period.

10. Any grand opening signs found to be displayed after the approved display period shall result in forfeiture of the

1 deposit ~~\$75.00 bond to the City.~~

2 . . .

3 (2) Nonresidential districts.

4 . . .

5 (g) Grand opening signs:

6 . . .

7
8 9. A ~~\$75.00 bond~~ deposit as specified in the
9 Fee Schedule adopted by Resolution of the
10 City Commission of the City of Margate,
11 Florida, shall be collected to ensure the
12 banner, inflatable sign, and feather banners
13 are removed after the approved display period.

14
15 10. Any grand opening signs found to be displayed
16 after the approved display period shall result
17 in forfeiture of the deposit ~~\$75.00 bond to the~~
18 ~~city.~~

19
20 11. Any grand opening signs found to be installed
21 without approval shall be immediately removed
22 until such time that approval is granted.

12. A fee of ~~\$150.00~~ as specified in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate, Florida, shall be charged for all rental or pre-constructed grand opening ground sign frames. Businesses shall be responsible for providing the City with individualized portion of grand opening ground sign (copy), at their expense.

. . .

Note to Municode: The rest of this Section shall remain as codified.

SECTION 11: The Code of Ordinances of the City of Margate, Florida, "Appendix" "A" Zoning, Article XXXIX. Sign Code, Section 39.10 - Uniform sign plan, is hereby amended to read as follows:

Section 39.10. Uniform sign plan.

- (A) All projects with more than two (2) tenants and hospitals shall adopt a uniform sign plan, indicating the sign type and size to be utilized for all permanent wall signs on the subject property.
- (B) New or revised uniform sign plans shall be submitted by the property owner(s) or their agent to the development services

1 department for review. A ~~one hundred dollar (\$100.00)~~
2 ~~administrative fee shall be applied to all applications as~~
3 ~~specified in the Fee Schedule adopted by Resolution of the~~
4 ~~City Commission of the City of Margate, Florida, shall be~~
5 ~~collected.~~

6 . . .

7 **Note to Municode: The rest of this Section shall**
8 **remain as codified.**

9
10 **SECTION 12:** The Code of Ordinances of the City of
11 Margate, Florida, "Appendix" "A" Zoning, Article XL. - Property
12 Maintenance Standards, Section 40.5 Exterior building or
13 structure color, is hereby amended to read as follows:

14
15 **Section 40.5. Exterior building or structure color.**

16 (A)

17 . . .

18
19 (5) Fee. There shall be a fee as specified in the Fee Schedule
20 adopted by Resolution of the City Commission of the City of Margate,
21 Florida, of two hundred dollars (\$200.00) payable to the City of
22 Margate for each application for color palette waiver.

23 . . .

1 **Note to Municode: The rest of this Section shall**

2 **remain as codified.**

3 **SECTION 13:** The prior fee schedule, stricken through above
4 and previously approved by Ordinance of the City Commission,
5 shall be utilized until such time as a Resolution setting the
6 fees is approved by the City Commission.

7 **SECTION 14:** All ordinances or parts of ordinances in
8 conflict are repealed to the extent of such conflict.

9 **SECTION 15:** If any section, sentence, clause, or phrase of
10 this Ordinance is held to be invalid or unconstitutional by a
11 court of competent jurisdiction, then said holding shall in no
12 way affect the validity of the remaining portions of this
13 Ordinance.

14 **SECTION 16:** It is the intention of the City Commission that
15 the provisions of this Ordinance shall become and be made a part
16 of the City of Margate Code, and that the sections of this
17 Ordinance may be renumbered or relettered and the word
18 "ordinance" may be changed to "section", "article" or such other
19 appropriate word or phrase in order to accomplish such
20 intentions.

21 **SECTION 17:** This Ordinance shall become effective
22 immediately upon adoption at its second reading.

23
24 PASSED ON FIRST READING THIS __ day of _____ 2023.

PASSED ON SECOND READING THIS __ day of _____ 2023.

ATTEST:

_____ JENNIFER JOHNSON CITY CLERK	_____ MAYOR ANTONY N. CAGGIANO
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RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

Arserio	_____	Arserio	_____
Ruzzano	_____	Ruzzano	_____
Caggiano	_____	Caggiano	_____
Schwartz	_____	Schwartz	_____
Simone	_____	Simone	_____