

CITY OF MARGATE, FLORIDA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, RELATED TO PARKING REGULATIONS, AMENDING CHAPTER 40- "THE MARGATE UNIFIED LAND DEVELOPMENT CODE," ARTICLE 7 - ZONING AND DEVELOPMENT REGULATIONS, DIVISION 1, "GENERAL SUPPLEMENTAL REGULATIONS," SECTION 40.705, "OFF-STREET PARKING, LOADING, AND DRIVEWAYS" OF THE CODE OF THE CITY OF MARGATE; TO PROVIDE FOR THE PROHIBITION OF PARKING VEHICLES IN THE FRONT YARD OF RESIDENTIAL STRUCTURES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Code of Ordinances of the City of Margate, Florida, (hereinafter the "Code"), Chapter 40, "The Margate Unified Land Development Code," Article 7 - "ZONING AND DEVELOPMENT REGULATIONS," Division 1 "GENERAL SUPPLEMENTAL REGULATIONS," Section 40.705 "Off-street Parking, Loading, and Driveways," provides requirements for parking area design criteria and the manner in which vehicles may be parked; and

WHEREAS, the City Commission of the City of Margate has found that certain Code requirements need to be amended to adjust the manner in which vehicles and related apparatuses may be parked; and

WHEREAS, the City of Margate Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the Code revisions contained in this Ordinance at a duly noticed public hearing on July 1<sup>st</sup>, 2025, and recommended TBD of this Code revision; and

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

1  
2 NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF  
3 THE CITY OF MARGATE, FLORIDA:  
4

5 **SECTION 1:** That Chapter 40, "The Margate Unified Land  
6 Development Code," Article 7 - "ZONING AND DEVELOPMENT  
7 REGULATIONS," Division 1, "GENERAL SUPPLEMENTAL REGULATIONS,"  
8 Section 40.705, "Off-street Parking, Loading, and Driveways" of  
9 the Code of the City of Margate is hereby amended to read as  
10 follows:  
11

12 **40.705. Off-street Parking, Loading, and Driveways.**

13 (A) *Off-street parking required.*

- 14 1. Every building, use or structure, instituted or erected  
15 after the effective date of this chapter shall be provided  
16 with off-street parking facilities in accordance with the  
17 provisions of this article for the use of occupants,  
18 employees, visitors or patrons.
- 19 2. Such off-street parking facilities shall be maintained and  
20 continued as an accessory use as long as the main use is  
21 continued.
- 22 3. Where a building existed at the effective date of this  
23 chapter such building may be modernized, altered or  
24 repaired, provided there is no increase in floor area or  
25 capacity and there is no change of occupancy use, without  
26 providing additional off-street parking facilities.
- 27 4. Where a building or use, which existed at the effective  
28 date of this chapter, is enlarged in floor area, volume,  
29 capacity, or space occupied, off-street parking facilities  
30 as specified herein shall be provided for the additional  
31 floor area, volume, capacity or space so created or  
32 occupied.
- 33 5. It shall be unlawful for an owner or operator of any  
34 building, structure or use affected by this article to  
35 discontinue, change or dispense with, or to cause the  
36 discontinuance or reduction of the required parking  
37 facilities apart from the discontinuance, sale or transfer  
38 of such structure or use, without establishing alternative  
39 vehicle parking facilities which meet the requirements of  
40 this article. It shall be unlawful for any person, firm, or  
41 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.

6. Areas where parking is permitted.

a. Vehicles may only be parked in parking spaces meeting the design standards of this Code. The Pparking of vehicles on grass, in landscaped areas, in drive aisles, and/or loading zones is prohibited.

b. Exception. Vehicles may be parked in the backyard and/or side yard of Ssingle-family and two-family dwellings and where permitted in the swales of local roads when there are no curbs.

7. The off-street parking facilities required under this article shall be located on the same lot or parcel of land such facilities are intended to serve, or upon an additional 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 for Corridor, Gateway, and City Center Districts.

8. All off-street parking facilities required under this article that are to be provided upon an additional lot of land as hereinbefore provided shall be permitted through the Engineering Department, and requires that the owner of such additional 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 lot or lots complying with the provisions of the zoning ordinance and subject to a recorded agreement as above specified may be substituted for the additional 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 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.

9. 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 nonresidential or mixed-use buildings or uses by two (2) or more owners or operations.

10. 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.

11. *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.

. . .

[Note to Municipal Code: The rest of this section shall remain as codified.]

**SECTION 2:** All ordinances or parts of ordinances in conflict are repealed to the extent of such conflict.

**SECTION 3:** 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:** 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:** This Ordinance shall become effective immediately upon adoption at its second reading.

PASSED ON FIRST READING THIS 9<sup>th</sup> day of July 2025.

PASSED ON SECOND READING THIS 20<sup>th</sup> day of August 2025.

ATTEST:

\_\_\_\_\_  
JENNIFER JOHNSON  
CITY CLERK

\_\_\_\_\_  
ARLENE SCHWARTZ  
MAYOR

RECORD OF VOTE - 1ST READING      RECORD OF VOTE - 2ND READING

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