

*CGA Update – 9-7-2023*

## **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.

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(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~~

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## 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<sup>1</sup>**

### 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

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<sup>1</sup>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.

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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)

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## 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) percent 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)

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## 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.

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(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<sup>2</sup>**

### **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. The ~~se~~ 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

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<sup>2</sup>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.

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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;



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~~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, craftsman, 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.

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Check cashing including Payday Loans. (Not permitted within ~~1,000~~<sup>one thousand</sup> 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~~
- ~~(ae)~~ Ventilation shall direct exhaust away from residential districts and uses; and
- ~~(be)~~ 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.

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~~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.

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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 (100)~~ 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.~~

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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.~~

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- (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.

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- (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~~<sup>3</sup>**

**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.

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<sup>3</sup>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.

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Artisans, studio or workshop. A workshop or studio of an artist, sculptor, photographer, jeweler, potter, craftsman, 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:



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~~(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).

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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.~~

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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~~

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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<sup>4</sup>**

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<sup>4</sup>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).

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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.

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## 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.~~

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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.

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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).

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- ~~(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.~~



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~~(c)~~ Commercial recreation (indoor).

~~(d)~~ Drive-through facilities (with a permitted use).

~~(ce)~~ 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.

~~(df)~~ Massage services.

~~(eg)~~ 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.~~

~~(fh)~~ 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.

~~(hi)~~ 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.~~

~~(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.~~

~~(jk)~~ Theater, outdoor. ~~Subject to requirements of section 33.11 of this Code.~~

~~(jl)~~ 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.*

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- (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.

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(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

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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:

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- 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.~~

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## 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.~~

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- ~~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.~~

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~~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



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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.

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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~~

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~~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.

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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 linear 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.~~

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4. Minimum parking requirements are described in Article XXXI ~~[NEW]~~III 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:

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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<sup>5</sup>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.~~

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<sup>5</sup>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.

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(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.

(45) 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 ( <del>per cent</del> 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.



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- (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 <sup>6</sup>**

### **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:

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<sup>6</sup>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.

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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 sections ~~s-22.9 through 22.12~~ 31-54 of this Code.

Power plants.

Solid waste disposal facility.

Waste transfer station.

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(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:

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- (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.~~

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- (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.
- (56) 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.
- (67) 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.
- (78) 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

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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.~~

- (89) 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.
- (910) Home occupations as defined in section 2.2, excluding retail sales allowed by this Code.
- (1011) Community residential home, Type 1 as defined in Section 2.2.
- (1112) 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)~~

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**~~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}~~

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**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.**

<u>District</u>	<u>Lot Size<sup>1</sup></u> <u>(square</u> <u>feet)</u>	<u>Lot</u> <u>Width<sup>1</sup></u> <u>(feet)</u>	<u>Height<sup>2</sup></u> <u>(feet)</u>	<u>Front</u> <u>Setback<sup>1</sup></u> <u>(feet)</u>	<u>Side</u> <u>Setback<sup>1</sup></u> <u>(feet)</u>	<u>Street Side</u> <u>Setback<sup>1</sup></u> <u>(feet)</u>	<u>Rear</u> <u>Setback<sup>1</sup></u> <u>(feet)</u>	<u>Floor Area<sup>1</sup></u> <u>(square feet)</u>
<u>R-1<sup>3</sup></u>	<u>10,000</u>	<u>100</u>	<u>35</u>	<u>25</u>	<u>10</u>	<u>15</u>	<u>15</u>	<u>1,500</u>
<u>R-1<sup>3</sup></u>	<u>7,500</u>	<u>75</u>	<u>35</u>	<u>25</u>	<u>7.5</u>	<u>15</u>	<u>15</u>	<u>1,000</u>
<u>R-1<sup>3</sup></u>	<u>6,000</u>	<u>60</u>	<u>35</u>	<u>25</u>	<u>7.5</u>	<u>15</u>	<u>15</u>	<u>750</u>
<u>R-1<sup>3</sup></u>	<u>3,600</u>	<u>45</u>	<u>35</u>	<u>20</u>	<u>5</u>	<u>10</u>	<u>10</u>	<u>600</u>
<u>R-1A</u>	<u>10,000</u>	<u>100</u>	<u>35</u>	<u>25</u>	<u>10</u>	<u>15</u>	<u>15</u>	<u>1,500</u>
<u>R-1B</u>	<u>7,500</u>	<u>75</u>	<u>35</u>	<u>25</u>	<u>7.5</u>	<u>15</u>	<u>15</u>	<u>1,000</u>
<u>R-1C</u>	<u>6,000</u>	<u>60</u>	<u>35</u>	<u>25</u>	<u>7.5</u>	<u>15</u>	<u>15</u>	<u>750</u>
<u>R-1D</u>	<u>3,600</u>	<u>45</u>	<u>35</u>	<u>20</u>	<u>5</u>	<u>10</u>	<u>10</u>	<u>600</u>

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.**



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(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)

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## 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<sup>7</sup>

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<sup>7</sup>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

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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

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## 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)

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### 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.

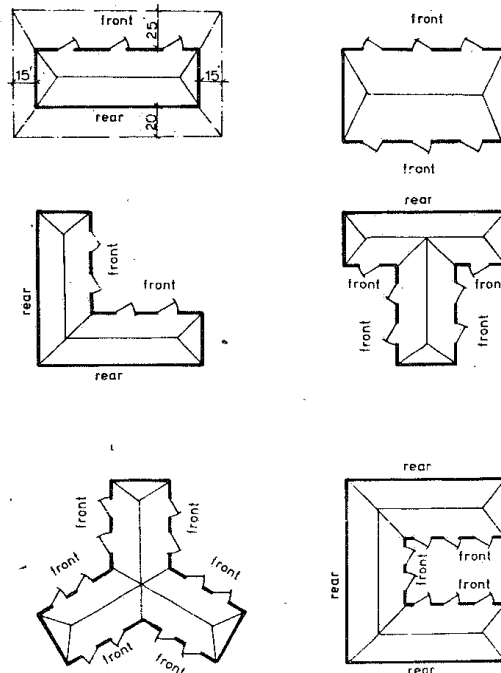
- (A) For purposes of determining the ~~yards~~ setbacks required in Section 16.6, the front of a multiple dwelling is defined as any side or facade of the building which contains a door, other than a sliding glass door which opens to a patio or terrace, that is used for ingress and egress to one or 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



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## 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<sup>8</sup>**

**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:

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<sup>8</sup>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.

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(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.

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### **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

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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;

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- (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.

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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



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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.

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- (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<sup>9</sup>**

### **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.~~

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<sup>9</sup>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.

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~~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.

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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)~~ percent ~~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	<u>39</u>
		Total Units		<u>315</u>

(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

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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]III 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.

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If more than ~~sixty (60)~~ percent of the residential dwelling units about 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.



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(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,~~

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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)~~

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## 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.~~

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- ~~(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.~~

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~~(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.~~

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~~(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.~~

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~~(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<sup>10</sup>**

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<sup>10</sup>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

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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



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### 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, craftsman, 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.~~

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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~~

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~~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.

~~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.~~

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(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. 1500.534, § 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)

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### 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<sup>11</sup>

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<sup>11</sup>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:

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;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

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### 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.



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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.

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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.

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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~~~~

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~~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.~~

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- ~~(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.

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~~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~~

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~~(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~~



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~~(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.

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(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)

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## **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.

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(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.

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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.

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- (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.

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(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<sup>12</sup>***

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<sup>12</sup>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

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1500.209	3	7- 8- 1981
1500.217	2	5-19- 1982
1500.226	2	11- 3- 1982



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## 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.

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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.

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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.

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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):

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(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.

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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.

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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-



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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 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.

(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<sup>13</sup>**

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<sup>13</sup>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

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1500.203	1	4- 1- 1981
1500.209	4	7- 8- 1981
1500.216	1	4-21- 1982
1500.226	3	11- 3- 1982

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### 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.

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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.

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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.

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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.

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- (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<sup>14</sup>**

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<sup>14</sup>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.

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### 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.

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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.

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(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<sup>15</sup>**

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<sup>15</sup>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.

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## 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:

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- (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)

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## 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<sup>16</sup>**

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<sup>16</sup>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.



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### 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)

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## 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) percent of 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)

## **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.

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#### **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 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.

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### **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.

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- (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:

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- (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.*

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- 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



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- 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

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- (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.
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- (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 solely 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:

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(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:

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- (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.

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- (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 facade: 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.
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- (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:*

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- 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.



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- 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

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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.

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- (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-iii) 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,

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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 institution, 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.**

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- (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.

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- (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

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- 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;

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(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.



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- (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.