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CITY OF MARGATE, FLORIDA

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

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING APPENDIX-A ZONING; ARTICLE XXVIII - OPEN SPACE S-2 DISTRICT; SECTION 28.2 USES PERMITTED; SECTION 28.3 USES PROHIBITED; CREATING SECTION 28.7 LANDSCAPING, SECTION 28.8 YARDS, AND SECTION 28.9 FENCES, WALLS, AND HEDGES; PROVIDING FOR OPEN SPACE S-2 DISTRICT PERMITTED USES AND DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

**SECTION 1:** The Code of Ordinances of the City of Margate, Florida, Appendix-A Zoning, ARTICLE XXVIII - OPEN SPACE S-2 DISTRICT, Section 28.2. Uses permitted, is hereby amended to read as follows<sup>1</sup>:

**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 ~~28.4~~ 27.4 of this Code following:

- (1) Boat ramp.
- (2) Bridle, foot or bicycle path.
- (3) Open land areas or commons.
- (4) Open water areas.

<sup>1</sup>CODING: Words in ~~struck through~~ text are deletions from existing text, words in underscored text are additions to existing text, and **shaded** text are changes between First and Second Readings.

1 (5) Picnic area.

2  
3 (6) Country club.

4  
5 (7) Golf course (18 hole, 9 hole, par 3 course, pitch and  
6 putt, executive, etc.), excluding miniature golf  
7 course.

8  
9 (8) Municipal structures intended to provide for the  
10 health, safety, and welfare of the community.

11  
12 (96) Accessory uses or structures to uses permitted in this  
13 section.

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16 **SECTION 2:** The Code of Ordinances of the City of  
17 Margate, Florida, Appendix-A Zoning, ARTICLE XXVIII - OPEN  
18 SPACE S-2 DISTRICT, Section 28.3. Uses prohibited, is  
19 hereby amended to read as follows<sup>1</sup>:

20  
21 **Section 28.3. - Uses prohibited.**  
22

23 The permissible uses enumerated in Section 28.2 above shall  
24 not be construed to include either as a principal or accessory  
25 use any of the following which are listed for emphasis:

26 ~~Any commercial, industrial, manufacturing, and~~  
27 ~~residential uses.~~

28 (1) Any business or commercial use not permitted  
29 as a principal use except when meeting the  
30 requirements of an accessory use.

31  
32 (2) Any industrial or manufacturing use.

33  
34 (3) Drive-in theatre, drive-in restaurant, or  
35 drive-in refreshment stand.

36  
37 (4) Any residential use.

1           **SECTION 3:** The Code of Ordinances of the City of  
2 Margate, Florida, Appendix-A Zoning, ARTICLE XXVIII - OPEN  
3 SPACE S-2 DISTRICT, Section 28.7. Landscaping, is hereby  
4 created to read as follows<sup>1</sup>:  
5

6 **Section 28.7. - Landscaping.**  
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8           All required yards and open spaces adjacent to streets and  
9 contiguous to residential property shall be planted and properly  
10 maintained with suitable planting in the form of grass, shrubs,  
11 hedges and trees to present an attractive appearance appropriate  
12 to the neighborhood. Parking areas shall be planted in  
13 accordance with Section 23-8 of this Code.  
14

15  
16           **SECTION 4:** The Code of Ordinances of the City of  
17 Margate, Florida, Appendix-A Zoning, ARTICLE XXVIII - OPEN  
18 SPACE S-2 DISTRICT, Section 28.8. Yards, is hereby created  
19 to read as follows<sup>1</sup>:  
20

21 **Section 28.8. - Yards.**  
22

23           (A) No parking area shall be located within 15 feet of  
24 any residential plot.

25  
26           (B) No structure, except municipal structures, fences or  
27 walls as hereinafter provided for, shall be located  
28 within 20 feet of any residentially zoned property  
29 nor within 25 feet of any public or private street.

30  
31           (C) No building or roofed portion of any structure,  
32 except municipal structures, shall be located within  
33 ten (10) feet of any plot line.

34  
35           (D) No required open space, yard, or setback area shall  
36 be used or developed for any purpose other than  
37 landscaping and walkways and/or driveways needed to  
38 serve the permitted use.  
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41           **SECTION 5:** The Code of Ordinances of the City of  
42 Margate, Florida, Appendix-A Zoning, ARTICLE XXVIII - OPEN  
43 SPACE S-2 DISTRICT, Section 28.9. Fences, walls, and hedges,  
44 is hereby created to read as follows<sup>1</sup>:  
45  
46

1 **Section 28.9. - Fences, walls, and hedges.**

2  
3 (A) No fence, wall, or hedge located within ten (10) feet  
4 of any residentially zoned property shall exceed six  
5 feet in height.

6  
7 (B) Fences, walls, and hedges located within twenty-five  
8 (25) feet of any public right-of-way shall conform to  
9 Section 3.14(16) and 3.14 (19) of this Code.

10  
11  
12 **SECTION 6:** All ordinances or parts of ordinances  
13 in conflict herewith are and the same is hereby repealed to  
14 the extent of such conflict.

15  
16 **SECTION 7:** If any section, sentence, clause, or  
17 phrase of this ordinance is held to be invalid or  
18 unconstitutional by a court of competent jurisdiction, then  
19 said holding shall in no way affect the validity of the  
20 remaining portions of this ordinance.

21  
22 **SECTION 8:** It is the intention of the City  
23 Commission that the provisions of this ordinance shall become  
24 and be made a part of the City of Margate Code, and that the  
25 sections of this ordinance may be renumbered or relettered  
26 and the word "ordinance" may be changed to "section",  
27 "article" or such other appropriate word or phrase in order  
28 to accomplish such intentions.

29  
30 **SECTION 9:** This ordinance shall become effective  
31 immediately upon adoption at its second reading.

32  
33 PASSED ON FIRST READING THIS 20<sup>TH</sup> DAY OF MAY, 2020.

34 PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

35  
36 ATTEST:

37  
38  
39 \_\_\_\_\_  
40 JOSEPH J. KAVANAGH  
41 CITY CLERK

42  
43 \_\_\_\_\_  
MAYOR TOMMY RUZZANO

RECORD OF VOTE - 1<sup>ST</sup> READING RECORD OF VOTE - 2<sup>ND</sup> READING

1				
2	Caggiano	YES	Caggiano	_____
3	Simone	YES	Simone	_____
4	Arserio	YES	Arserio	_____
5	Schwartz	YES	Schwartz	_____
6	Ruzzano	YES	Ruzzano	_____