

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, RELATED TO CITY FEES COLLECTED BY THE DEVELOPMENT SERVICES DEPARTMENT FOR PLANNING AND ZONING RELATED APPLICATIONS, BY AMENDING CHAPTER 2 - ADMINISTRATION; CHAPTER 31 - PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS; AND APPENDIX A ZONING; PROVIDING FOR THE REMOVAL OF ALL SAID FEES FROM THE CODE OF ORDINANCES AND CREATING A FEE SCHEDULE TO BE ADOPTED BY RESOLUTION BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA; PROVIDING FOR REPEAL, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

WHEREAS, the City Commission of the City of Margate has found that an update to the amount of fees collected needs to

1 amended to provide for appropriate fee amounts to cover more of
2 the costs associated with processing Planning and Zoning related
3 applications; and

4 WHEREAS, the City Commission of the City of Margate has
5 found that having a fee schedule adopted by a Resolution of the
6 City Commission to be more effective and efficient manner to
7 publish and update to the amount of fees collected for Planning
8 and Zoning related applications; and

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

16 NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
17 THE CITY OF MARGATE, FLORIDA:

18
19 **SECTION 1:** The Code of Ordinances of the City of
20 Margate, Florida, Chapter 2, Administration, Article IV. -
21 Boards, Committees, Etc., Division 2. - Board of Adjustment,
22 Sec. 2-79. - Applications for variances and other appeals; fees
23 is hereby amended to read as follows:

Sec. 2-79. - Applications for variances and other appeals; fees.

Applications to the board of adjustment for variance or other appeals shall be filed with the development services department on forms furnished by that department. The application or appeal shall be accompanied by the ~~following~~ fee as specified in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate, Florida.÷

~~(1) For variances and appeals of the zoning administrator's decisions, etc.: Two hundred dollars (\$200.00).~~

~~(2) For appeals from the board of adjustment to the city commission: The fee called for in the appropriate case shall accompany the application or notice of appeal, and if the fees are paid in the form of a check, the check shall be made payable to the City of Margate. Said sums shall be immediately forwarded to the finance director to be placed in the appropriate account. Failure to file such sums as costs shall render the applicant's request or appeal void.~~

~~determined by the city commission in its sole discretion.~~

~~.~~

Note to Municode: The rest of this Section shall

~~remain as codified.~~

SECTION 2: The Code of Ordinances of the City of Margate, Florida, Chapter 31, Platting, Subdivision and Other Land Use Regulations, Article I. In General, is hereby amended to read as follows:

Sec. 31-2. Underground wiring required.

(d) Underground placement of existing utilities.

(4) *Process timing and waiver.*

b. Any developer or owner subject to the requirements of this section may apply to the city, in a form specified by the city and accompanied by the payment of a waiver application fee ~~of four hundred dollars (\$400.00)~~ as specified in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate, Florida, seeking to be relieved of the requirements of this division. This waiver application must be submitted to the city prior to the time specified in subsection a., above. If the developer or owner claims that technical reasons are the basis for the waiver application, the application shall contain a detailed statement by a professional engineer licensed in the State of Florida, qualified with respect to utility issues, explaining why, in the engineer's professional opinion, it is technically

1 infeasible to locate such utilities underground. The
2 waiver application shall include a detailed line-item
3 estimate prepared by a professional engineer licensed in
4 the State of Florida, qualified with respect to utility
5 issues. The estimate shall clearly identify the scope of
6 the project and include all related costs associated with
7 the undergrounding project, including, but not limited
8 to, all labor, materials, transitional equipment,
9 provisions for maintenance of traffic, etc. The director
10 of environmental and engineering services and the
11 development services director shall review such
12 application and shall make a recommendation to the city
13 commission. The city commission shall have the authority
14 to grant or deny a waiver. The city may grant a waiver
15 if the application is supported by information detailing
16 justifiable reasons for not pursuing the subject
17 undergrounding, including, by way of example and not
18 limitation, technical infeasibility or impracticability,
19 practical infeasibility or impracticability, or the cost
20 to relocate the utilities underground outweighs the
21 documented benefits to the city and the public, as
22 determined by the city commission in its sole discretion.

23 . . .

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

SECTION 3: The Code of Ordinances of the City of
Margate, Florida, Chapter 31, Platting, Subdivision and Other
Land Use Regulations, Article III. Development Review, is hereby
amended to read as follows:

Sec. 31-39. Development review committee fees.

~~The following f~~ Fees shall apply for submittal to the development
review committee ~~and shall be payable to the city:~~

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

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

~~Plat, residential750.00~~

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

~~Plat amendment500.00~~

~~Rezoning1,500.00~~

~~Land use plan amendment3,500.00~~

~~Special exception use500.00~~

~~Change of occupancy250.00~~

~~Site plan, nonresidential500.00~~

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

~~Site plan, residential500.00~~

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

~~Amended site plan250.00~~

1 ~~Resubmittal (other) 250.00~~

2 ~~Telecommunications site development 4,000.00~~

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

4 City Commission of the City of Margate, Florida

5 ~~determined by the city commission in its sole discretion.~~

6 . . .

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

8 **remain as codified.**

9 **SECTION 4:** The Code of Ordinances of the City of
10 Margate, Florida, Chapter 31, Platting, Subdivision and Other
11 Land Use Regulations, Article VI. Quasi-Judicial Proceedings, is
12 hereby amended to read as follows:

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

14 (b) Application requirements for new construction or major
15 renovation. No use designated as a special exception
16 shall be established until after such use has received
17 approval under the provisions of this section and has
18 received all permits required by this Code of Ordinances
19 and the Florida Building Code. An application for special
20 exception approval involving new construction, or any
21 application for special exception that proposes to
22 redevelop, substantially redevelop or reconstruct an
23 existing building, as defined in this Code, shall be

1 filed with the development services department on forms
2 provided. The application shall include:

3 (2) The required application fee, ~~as provided in section~~
4 ~~31-39 of this Code.~~ as specified in the Fee Schedule
5 adopted by Resolution of the City Commission of the City
6 of Margate, Florida.

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

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

22 . . .

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

1 **remain as codified.**

2 **SECTION 5:** The Code of Ordinances of the City of
3 Margate, Florida, "Appendix" "A" Zoning, Article III. General
4 Provisions, is hereby amended to read as follows:

5 **Section 3.11. Subdivision resurvey required.**

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

11 . . .

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

14 **SECTION 6:** The Code of Ordinances of the City of
15 Margate, Florida, "Appendix" "A" Zoning, Article III. General
16 Provisions, is hereby amended to read as follows:

17 **Section 3.23. Wireless communications facilities.**

18 3.23.15. *Permit fees, application and inspection fees required.*

19 (b) *Application fee required.* A filing fee in the amount ~~of~~
20 ~~four thousand dollars (\$4,000.00)~~ as specified in the Fee
21 Schedule adopted by Resolution of the City Commission of
22 the City of Margate, shall be submitted to the DRC for any
23 application made pursuant to this section 3.23. In addition,

1 a biennial inspection fee ~~of one thousand dollars~~
2 ~~(\$1,000.00)~~ as specified in the Fee Schedule adopted by
3 Resolution of the City Commission of the City of Margate,
4 is due the city at the time of inspection.

5 . . .

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

8 **SECTION 7:** The Code of Ordinances of the City of
9 Margate, Florida, "Appendix" "A" Zoning, Article III. General
10 Provisions, is hereby amended to read as follows:

11 **Section 3.24. Temporary use permits.**

12 (F) *General criteria and limitations:*

13 (4) Applicants for a TUP requiring administrative approval
14 per Section 3.24(B)(1) shall file an application with the
15 Development Services Department at least 30 calendar days
16 prior to said event, together with an application fee.
17 Any applicant applying for a TUP requiring City
18 Commission approval per Section 3.24(B)(2) shall submit
19 an application with the Development Services Department
20 at least 90 calendar days prior to such event. The
21 applicant, at a minimum, must submit the following with
22 the application:

- 1 (a) A notarized affidavit from the owner of the land
2 where the event is to be held which grants
3 permission for the event;
- 4 (b) A detailed description of the event, including
5 dates, hours of operation, provision of water and/or
6 electric service, access to restrooms, and the
7 provision of security;
- 8 (c) A site plan providing detailed information about the
9 site and the surrounding area(s) to be impacted,
10 including a diagram of the event set-up, cooking
11 areas, tents, vendors, seating areas, shows, parking
12 areas, restroom facilities, garbage collection, and
13 where any other activities are to take place;
- 14 (d) A hold harmless agreement indemnifying the City of
15 any liability;
- 16 (e) Proof of insurance, including a certificate that
17 names the City of Margate as additional insured; and
- 18 (f) Temporary Use Permit Application Fees:
- 19 ~~i. TUPs which require City Commission approval:~~
20 ~~\$250.00~~
21 ~~ii. All others: \$75.00~~

1 shall be provided upon submission of a complete
2 application as specified in the Fee Schedule adopted by
3 Resolution of the City Commission of the City of Margate.

4 . . .

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

7 **SECTION 8:** The Code of Ordinances of the City of
8 Margate, Florida, "Appendix" "A" Zoning, Article V. Zoning
9 Districts, is hereby amended to read as follows:

10 **Section 5.4. Change of zoning.**

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

19 . . .

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

22 **SECTION 9:** The Code of Ordinances of the City of
23 Margate, Florida, "Appendix" "A" Zoning, Article XXXIX. Sign

Code, is hereby amended to read as follows:

Section 39.7. Temporary signs.

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

(1) Residential districts.

(f) *Grand opening sign:*

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

10. Any grand opening signs found to be displayed after the approved display period shall result in forfeiture of the deposit ~~\$75.00 bond to the City.~~

(2) Nonresidential districts.

(g) Grand opening signs:

9. A ~~\$75.00 bond~~ deposit as specified in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate, Florida, shall be collected to ensure the

1 banner, inflatable sign, and feather banners
2 are removed after the approved display period.
3

4 10. Any grand opening signs found to be displayed
5 after the approved display period shall result
6 in forfeiture of the deposit ~~\$75.00 bond to the~~
7 ~~city~~.

8
9 11. Any grand opening signs found to be installed
10 without approval shall be immediately removed
11 until such time that approval is granted.
12

13 12. A fee ~~of \$150.00~~ as specified in the Fee
14 Schedule adopted by Resolution of the City
15 Commission of the City of Margate, Florida,
16 shall be charged for all rental or pre-
17 constructed grand opening ground sign frames.
18 Businesses shall be responsible for providing
19 the City with individualized portion of grand
20 opening ground sign (copy), at their expense.
21

22 . . .

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

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

Section 39.10. Uniform sign plan.

- (A) All projects with more than two (2) tenants and hospitals shall adopt a uniform sign plan, indicating the sign type and size to be utilized for all permanent wall signs on the subject property.
- (B) New or revised uniform sign plans shall be submitted by the property owner(s) or their agent to the development services department for review. along with A the fee ~~one hundred dollar (\$100.00) administrative fee shall be applied to all applications as specified in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate, Florida, shall be collected.~~

. . .

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

SECTION 11: The Code of Ordinances of the City of Margate, Florida, "Appendix" "A" Zoning, Article XL. - Property Maintenance Standards, is hereby amended to read as follows:

1
2 **Section 40.5. Exterior building or structure color.**

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

7 . . .

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

10
11 **SECTION 12:** All ordinances or parts of ordinances in
12 conflict are repealed to the extent of such conflict.

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

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

intentions.

SECTION 15: This Ordinance shall become effective immediately upon adoption at its second reading.

PASSED ON FIRST READING THIS __ day of _____ 2023.

PASSED ON SECOND READING THIS __ day of _____ 2023.

ATTEST:

JENNIFER JOHNSON
CITY CLERK

MAYOR ANTHONY N. CAGGIANO

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

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