

EXHIBIT A

Section 1, Changes:

Chapter 2 – Administration

Chapter 11 – Drainage and Waterway Structures

Chapter 31 – Platting, Subdivision and Other Land Use Regulations

Chapter 35 – Streets, Sidewalks and Other Public Places

Section 2, New Chapter:

Chapter 40: Land Development Code

- Article 1 – Purpose
- Article 2 – Definitions
- Article 3 – Administration
- Article 4 – Subdivision
- Article 7 – Zoning & Development Regulations



Section 1

Chapter 2 – Administration

Chapter 11 – Drainage and Waterway Structures

Chapter 31 – Platting, Subdivision and Other Land Use Regulations

Chapter 35 – Streets, Sidewalks and Other Public Places



Chapter 2 – ADMINISTRATION

ARTICLE I. - IN GENERAL

Sec. 2-1. - Regular meeting of Ceity Ceommission.

The regular meetings of the Ceity Ceommission shall be held at least twice each month as established by the Ceity Ceommission, unless cancelled by affirmative majority vote of Commission. The Mayor is authorized to change the beginning time of the regular City Commission meetings when he or she deems necessary with reasonable notice to the public and Ceommissioners.

Sec. 2-2. - Rules governing conduct of Ceommission meetings.

- (a) The Ceity Ceommission shall adopt and shall have the right to amend formal rules of procedure for all meetings of said body.
- (b) Rules governing the procedure of the Ceity Ceommission shall be adopted by resolution as soon as practicable following the annual election and official seating of the commissioners of the Ceity.
- (c) In order to preserve the public's confidence in the fairness and objectivity of the Ceity Ceommission and to avoid even the appearance of conflicts of interest, Ceity Ceommissioners shall abstain not only from voting; but also, from participation in discussion, at Ceity Ceommission meetings, on matters in which they would be required to abstain from voting pursuant to F.S. 112.3143(3).

Sec. 2-3. - Rules governing conduct of spectators at all public Ceity meetings.

- (a) The Ceity Ceommission shall adopt and shall have the right to amend formal rules governing conduct of public speakers and spectators at all public Ceity meetings by resolution.
- (b) It shall be unlawful and a violation of this Code for any person to violate the rules of conduct at public Ceity meetings adopted by the Ceity Ceommission.

Sec. 2-4. - Written communication to city—False signing.

It shall be unlawful for any person to falsely affix or cause to be affixed the sign or signature of any other person without his or her express authority to any petition, application, letter or written communication sent, delivered, given, addressed or intended to be sent, delivered, given or addressed to the Ceity, its officers, Ceommissioners, employees or agents, relating to any aspect of municipal government of said Ceity.

Sec. 2-5. - Same—Unauthorized signatures.

It shall be unlawful for any person to send, deliver, give, address or present to the Ceity, its officers, Ceommissioners, employees or agents any written document specified in section 2-4, which such person knows bears one (1) or more signs or signatures of any person affixed thereto without the express authority of such person.

Sec. 2-6. - Same—Conspiracy to violate sections 2-4 and 2-5.

It shall be unlawful for any person to conspire with one (1) or more other persons to commit any unlawful act specified in sections 2-4 and 2-5.

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~~Sec. 2-7. - No smoking in commission chambers.~~

~~There shall be no smoking allowed anywhere in the commission chambers during any meeting of the city commission nor during any meeting of any official board or committee of the city.~~

Sec. 2-8. - Political campaigns.

(a) It shall be unlawful for any elected official, appointed official, employee or agent of the Ceity to utilize Ceity resources in any political campaign, whether partisan or nonpartisan.

(b) City resources shall be defined as any:

(1) City employees during duty hours;

(2) City property, supplies, purchases, or any other tangible or intangible thing owned by the Ceity.

The above shall not limit the right of the use of Ceity-owned real property for political campaigns if said Ceity property or buildings are regularly used in the course of business of the Ceity for civic, charitable or other similar functions.

(c) Prohibition on campaign activities. The Ceity Mmanager, Assistant City Manager, Ceity Celerk, Ppolice Cehief, Fire Chief, Ceity Aattorney and any assistant city attorneys shall not participate in a campaign involving any candidate for or incumbent City of Margate Commissioner, including being a member of an election or re-election committee for a candidate; public endorsement with or without financial support of a candidate; holding campaign signs, wearing a campaign tee-shirt, or other public display of support for a candidate; signing an endorsement card for a candidate; attending a candidate's campaign fundraiser; chairing or co-chairing an ongoing election campaign or fundraiser for a candidate; or providing financial campaign contribution. Nothing in this section shall be deemed to prohibit the Ceity Mmanager, Assistant City Manager, Ceity Celerk, Ppolice Cehief, Fire Chief, Ceity Aattorney and any assistant city attorneys from expressing his or her opinions on any candidate or issues during the employee's off-duty hours.

Sec. 2-9. - Duplication charges. The following shall be charged for any request from the general public in regard to utilization of data stored by computer by the Ceity:

Computer rate per hour\$36.00

(Minimum charge of \$36.00)

Operator rate per hour17.00

(Minimum charge of \$17.00)

Programming rate per hour32.00

(Minimum charge of \$32.00)

Miscellaneous costs (electricity, ribbons, equipment maintenance charges)5.00

(Minimum charge of \$5.00)

Total minimum charge90.00

Paper rate per sheet/page0.15

Diskette cost per disk5.00

Sec. 2-10. - City seal.

Pursuant to F.S. 165.043, as amended, the Ceity does hereby designate an official municipal seal. A copy of the official seal as designated by this section is attached to Ordinance No. 91-21 and shall remain in the offices of the Ceity Celerk.

No person or entity may use or display the City's logo or slogan except the City and businesses directly affiliated with the City, such as the Community Redevelopment Agency and the Northwest Focal Point Center, as well as those entities having a sponsorship relationship with the City, such as City sponsored sports leagues. This section shall be effective and apply retroactively, and therefore, any person or entity currently using the City's logo or slogan must immediately cease such use.

A violation of this section shall be punishable as provided in sections 1-8, 1-8.1 and 1-8.2 of the Code.

Sec. 2-11. - Requests for research and information concerning outstanding city liens.

Whenever the Ceity receives a request for an accounting of the amounts of any outstanding Ceity liens, a minimum service fee of seventy-five dollars (\$75.00) per request shall be charged to the person making the request. For requests requiring rush service, to be produced in one (1) business day, a minimum service fee of one hundred fifty dollars (\$150.00) per request shall be charged to the person making the request. Additional charges at the rate of twenty-five dollars (\$25.00) per hour shall be charged if the request requires more than one (1) hour of staff time.

Sec. 2-12. - Charges for preparing and recording liens and lien satisfactions.

The following charges are imposed in connection with liens and lien satisfactions:

Abatement liens and utility liens:

Lien preparation and recording\$55.00

Lien release and recording50.00

Special magistrate liens:

Lien preparation and recording by city100.00

Lien satisfaction preparation and recording by city50.00

Sec. 2-13. - Costs of publication.

(a) Where any individual, corporation, partnership, organization, or concern requests the enactment of an ordinance of the Ceity, same shall reimburse the Ceity for all costs associated with the publication and the consideration and enactment of said ordinance.

(b) The administration is directed to formulate a procedure to provide for the reimbursement, as provided for in subsection (a) above.

(c) Excepted from subsection (a) above shall be every officer and employee of the Ceity acting in their official capacity.

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115 Sec. 2-14. - Additional cost to Ccity.

116 (a) Where any individual, corporation, partnership, organization, or concern applies or requests any
117 development permit as defined in section 31-32 of the Code of the Ccity, or otherwise applies for any
118 relief or official action of the Ccity, said individual, corporation, partnership, organization, or concern
119 shall reimburse the Ccity for all costs determined by the administration to be other than routine
120 operating costs which are associated with said application or request.

121 (b) The administration is directed to formulate a procedure to provide for the reimbursement, , as provided
122 for in subsection (a) above.

123 (c) Excepted from subsection (a) above shall be every officer and employee of the Ccity acting in their
124 official capacity.

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126 ~~Sec. 2-15. - Procedures for quasi-judicial land use matters.~~

127 ~~(a) Definition. As used in this subsection, the term "land use matter" shall mean any zoning ordinance, or~~
128 ~~amendment to a zoning ordinance, any variance, any special exception, any conditional use, or any~~
129 ~~appeal from the determination of a zoning official.~~

130 ~~(b) Any city commissioner or any member of the board of adjustment, planning and zoning board, or land~~
131 ~~planning agency, may discuss the merits of any land use matter with any individual, group or entity on~~
132 ~~which action may be taken outside of a hearing; however, the following must be adhered to:~~

133 ~~(1) The substance of any communication regarding land use matters made outside of any~~
134 ~~commission, board of adjustment, planning and zoning board, or land planning agency meeting~~
135 ~~which may come before the commissioner or board member at any meeting shall not be~~
136 ~~presumed prejudicial to the matter being considered if the subject of the communication to the~~
137 ~~commissioner or board member, and the identity of the person, group or entity with whom the~~
138 ~~communication took place, is disclosed and made a part of the record before final action on the~~
139 ~~matter;~~

140 ~~(2) Any commissioner, board of adjustment member, planning and zoning board, or land planning~~
141 ~~agency member may read any written communication from any person; however, a written~~
142 ~~communication that relates to any action which may come before the commission, board of~~
143 ~~adjustment, planning and zoning board or land planning agency relating to a land use matter,~~
144 ~~shall not be presumed prejudicial to the determination of the action if such written communication~~
145 ~~is made a part of the record before final action is taken on the land use matter;~~

146 ~~(3) City commissioners, board of adjustment members, planning and zoning board members and~~
147 ~~land planning agency members may conduct investigations and site visits, and may receive~~
148 ~~expert opinions regarding land use matters pending before them. Such activities shall not be~~
149 ~~presumed prejudicial to the action if the existence of the investigation, site visit or expert opinion~~
150 ~~is made a part of the record before final action on the matter;~~

151 ~~(4) Disclosures pursuant to subsections (1), (2), and (3) above must be made before or during the~~
152 ~~commission meeting, board of adjustment meeting, planning and zoning board meeting or land~~
153 ~~planning agency where a vote is taken on the land use matter such that the persons who have~~
154 ~~opinions contrary to those expressed to the commissioner, board of adjustment member, planning~~
155 ~~and zoning board member or land planning agency member are given a reasonable opportunity~~
156 ~~to refute or respond to the communication.~~

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158 Sec. 2-16. - Private covenants, rules and restrictions.

159 In consideration of any variance, special exception, conditional use, waiver, or other discretionary permit
160 land use matter, the Ccity Commission, board of adjustment, planning and zoning board, development
161 review committee, land planning agency, and any other board or committee of the City of Margate shall
162 take into consideration any covenant, restriction, rule or bylaw of any condominium, homeowner's
163 association, community development district, mobile home park, or any other organized property
164 association in the granting or denying of the land use matter under consideration.

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166 Sec. 2-17. - Administrative fee.

167 An administrative fee of twenty dollars (\$20.00) will be applied when an original occupational license
168 application is submitted for review. Such fee shall be deposited into the general fund.

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170 ~~Sec. 2-18. - Official zoning confirmation letters. Reserved.~~

171 ~~(a) An administrative fee of seventy five dollars (\$75.00) as specified in the Fee Schedule adopted by~~
172 ~~Resolution of the City Commission of the City of Margate, Florida will be applied to all requests for an~~
173 ~~official zoning confirmation letter issued by the Ccity. Such fee shall be deposited into the general~~
174 ~~fund.~~

175 ~~(1) Each official zoning confirmation letter shall only include zoning and land use information for a~~
176 ~~single property. If multiple properties are included in a single request for an official zoning~~
177 ~~confirmation letter, the administrative fee shall be applied for each letter issued by the Ccity.~~

178 ~~(b) All requests for an official zoning confirmation letter must be submitted to the Ddevelopment Sservices~~
179 ~~Ddepartment in writing and include the following:~~

180 ~~(1) Administrative fee;~~

181 ~~(2) Address of property for which the official zoning confirmation letter shall provide current zoning~~
182 ~~and land use information;~~

183 ~~(3) Current use of property;~~

184 ~~(4) Proposed use of property, if any;~~

185 ~~(5) Current telephone number, e-mail address, and mailing address of person or organization that~~
186 ~~has requested the official zoning confirmation letter.~~

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188 Sec. 2-19. - Lobbying and lobbyists.

189 In conformity with section 1-19 of the Code of Broward County entitled the code of ethics for elected
190 officials, the Ccity hereby creates the Ccity registration system for lobbyists and lobbying.

191 (1) Definitions.

192 *Contractor* means a person or entity having contract with the local government.

193 *Covered individual* means a member of the governing body of any municipality; any member of
194 a final decision making body under the jurisdiction of any municipality; chief legal officer; chief
195 administrative officer; any member of a procurement committee; head of any department of
196 municipal government that makes final recommendations to decision-making authority that
197 ranks or evaluates for recommendation to a final decision-making authority.

198 *Elected official* means a municipal official as defined below.

Filed for public inspection means form is completed legibly and filed with applicable Ceity's administrative official or clerk, inputted into the Ceity's database which is searchable by Internet or if not inputted into a database maintained by the Broward League of Cities.

Final decision making authority means the governing body of the Ceity; final decision-making bodies under the jurisdiction of the Ceity; any employee official or committee of the Ceity that has authority to make a final decision to select a vendor or provider in connection with a public procurement.

Immediate family member means a parent, spouse, child, sibling, or registered domestic partner.

Lobbying or lobbying activities mean communication by any means from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority which the communication seeks to influence convince or persuade the covered individual to support or oppose. It does not include communications at a duly noticed public meeting or attorney to attorney representing the Ceity regarding a pending or imminent judicial or adversarial administrative proceeding against the Ceity.

Lobbyist means a person retained with or without compensation for the purpose of lobbying or a person employed by another person or entity on a full or part-time basis principally to lobby on behalf of that other person or entity. It does not include elected official, employee, or appointee of Broward County or any municipality communicating in his official capacity; an individual who communicates on his or her own behalf or on behalf of a person or entity employing the individual on a full or part-time basis unless the person is employed to lobby. It excludes any employee officer or board member of a homeowners' association condo or neighborhood Association addressing an issue impacting the Condo Association. It also does not include the employer officer of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) addressing an issue impacting the entity.

Municipal official means individual serving as a member of the governing body of the municipality.

Vendor means actual or potential supplier of goods or services to the Ceity.

Words or terms not defined shall in order of priority be defined as provided in Part III of F.S. ch. 112, the Broward County Code of Ordinances, and the Broward Administrative Code. The term "relative" shall be as defined in F.S. § 112.3135.

(2) No lobbyist shall engage in any lobbying activity of a covered individual of the Ceity prior to registering as a lobbyist with the Ceity pursuant to the Ceity registration system for lobbyists. The lobbyist registration and contact log shall be in a form prescribed by the Ceity Clerk and be in conformity with section 1-19 of the Code of Broward County. Said system shall be available for registration through the city clerk's office.

(3) Fee. There shall be an annual fee, based upon the Ceity's fiscal year, of one hundred dollars (\$100.00) for the registration of each lobbyist.

(4) Definitions provided for in this section shall be determined to be amended to conform with the ordinances of Broward County pursuant to section 11.01 C. of the Charter of Broward County.

~~Sec. 2-20. Prohibition on use of city logo and slogan.~~

~~No person or entity may use or display the city's logo or slogan except the city and businesses directly affiliated with the city, such as the community redevelopment agency and the Northwest Focal Point Center, as well as those entities having a sponsorship relationship with the city, such as city sponsored~~

244 ~~sports leagues. This section shall be effective and apply retroactively, and therefore, any person or entity~~
245 ~~currently using the city's logo or slogan must immediately cease such use.~~

246 ~~A violation of this section shall be punishable as provided in sections 1-8, 1-8.1 and 1-8.2 of the Code.~~

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248 Secs. 2-21, 2-22. - Reserved.

249 ARTICLE II. - FINANCES

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251 Sec. 2-26. - Purchasing restrictions; when bids, requests for proposals or letters of interest required.

252 (a) Employees and their immediate family members shall not participate or submit a bid on any Ccity
253 solicitation.

254 (b) All references herein authorizing the Ccity ~~M~~anager or administration to purchase without further
255 authority of the Ccity Commission shall be construed to limit such purchases to those items or projects
256 previously budgeted or otherwise authorized by the Ccity commission.

257 (c) Responsibilities and authority.

258 (1) Any purchase of supplies, materials or equipment not exceeding the sum of three thousand five
259 hundred dollars (\$3,500.00) shall be made by the using department director or designee, utilizing
260 a variety of sources whenever possible, without further action.

261 (2) Any purchase of supplies, materials, or equipment over the sum of three thousand five hundred
262 dollars (\$3,500.00) and not exceeding the sum of ten thousand dollars (\$10,000.00) for budgeted
263 items shall be by informal quote (phone or facsimile). Any purchase of supplies, materials,
264 equipment, or projects over the sum of ten thousand dollars (\$10,000.00) and not exceeding the
265 sum of twenty-five thousand dollars (\$25,000.00) shall be by formal written quotation. The
266 purchasing division shall endeavor to obtain a minimum of three (3) quotations unless the
267 purchasing division can demonstrate that only one (1) source is available.

268 (3) Where said purchases are in excess of twenty-five thousand dollars (\$25,000.00) for budgeted
269 items, invitations for written sealed bids or request for proposals shall be ~~publically~~ publicly
270 noticed at least once.

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273 Sec. 2-30. - Professional consulting and design services.

274 Contracts for professional consulting and design services, including professional engineering,
275 landscaping, architectural or surveying services must be procured in accordance with CCNA. Pursuant to
276 CCNA, the City of Margate promulgates the following regulations regarding the acquisition of professional
277 engineering, landscaping, architectural or surveying services:

278 (1) *Approval of project requirements.* The using department director shall submit to the city manager
279 written project requirements indicating the nature and scope of the professional services needed,
280 and shall also include, but not be limited to, the following:

281 (a) The general purpose of the service or study;

282 (b) The objectives of the service or study;

283 (c) The estimated period of time needed for the service or study;

(d) Whether the proposed service or study would or would not duplicate any prior or existing service or study;

(e) List all current contracts or prior services or studies which are related to the proposed service or study.

(2) *Distribution of project requirements.* The purchasing division will be responsible for distributing the scope of the project or study to prospective applicants and will provide for public notice.

(3) *Quotation of fees.* Administration shall require interested persons to submit a quotation of their proposed fees for the performance of the professional services unless prohibited by recognized professional codes of ethics or law.

(4) *Selection and evaluation committee (SEC).* In selecting professional services pursuant to this section, the SEC shall be comprised of five (5) members as follows:

City ~~M~~anager or designee—One (1) member;

Purchasing ~~D~~ivision—One (1) member;

Finance ~~D~~epartment—One (1) member;

Department of ~~E~~nvironmental and ~~E~~ngineering ~~S~~ervices—One (1) member;

Department involved—One (1) member.

The ~~C~~eity ~~M~~anager shall have the right to add additional members to the SEC as deemed appropriate, and determine if the members are to be voting or non-voting members. The number of voting members shall always be an odd number.

(5) *Selection procedures.*

(a) The SEC shall evaluate the statements of qualifications submitted by all proposers, shall conduct discussions with and may require presentations by no fewer than three (3) firms regarding their qualifications, approach to the project, and ability to furnish the required services; however, if less than three (3) proposals are received, the SEC may interview those firms submitting responses. All expenses, including travel expenses for interview incurred in the preparation of the proposal shall be borne by the proposer. After presentations and interviews have been completed, the SEC shall rank all responses and determine the response that is most advantageous to the ~~C~~eity.

(b) The ranking of firms shall be based on the SEC's ability to differentiate qualifications applicable to the scope and nature of the request for proposals. Such determination shall be based on but not necessarily be limited to:

1. The proposer's demonstrated understanding of the ~~C~~eity's requirements and plans for meeting those requirements;

2. The professional qualifications, related experience and adequacy of the personnel assigned to the project;

3. The prior experience and references of the proposer;

4. The prior experience, if any, that the proposer has had with the City of Margate;

5. All other statutory requirements of the CCNA as applicable to the specific procurement, including whether the firm is a certified minority business enterprise as ~~used~~ defined in F.S. 287.055 ~~288.703~~.

(c) Upon reaching ~~C~~eommission consensus on the recommendation by the SEC, the ~~C~~eity shall negotiate with the number one (1) ranked firm, and upon completion of negotiations, shall make a recommendation to the ~~C~~eity ~~C~~eommission for contract award. If negotiations are not successful with the number one (1) ranked firm, the ~~C~~eity shall terminate negotiations

328 with the number one ranked firm and negotiate with the next highest ranked firm and so on
329 until a negotiated agreement is reached.

330 (6) *Conducting of competitive negotiations.* Competitive negotiations shall be conducted by staff as
331 approved by the Ceity Ceommission.

332 (7) *Meetings of SEC.* All meetings of the SEC shall be subject to and held in conformity with the
333 requirements of the Florida Sunshine Law.

334

335 Sec. 2-31. - Design-build contracts.

336 (a) Applicability. Where the Ceity Mmanager determines to utilize a design-build concept for any Ceity
337 project, as provided by F.S. 287.055(10) (9), this section shall be applicable.

338 (b) For each design-build project, the Ceity shall provide, or have prepared for it, a design criteria package
339 as defined in F.S. 287.055.

340 (c) For each design-build project, proposals shall be requested as follows:

341 (1) The Ceity shall solicit competitive proposals pursuant to the design criteria package from qualified
342 design-build firms and shall evaluate responses submitted by said firms based upon the
343 evaluation criteria provided in the solicitation documentation.

344 (2) There shall be consultation with the individual who has sealed the design criteria package for the
345 Ceity in the selection of the design-build firm for compliance with the project construction and for
346 other advice.

347 (3) There shall be the qualification and selection of no fewer than three (3) design-build firms that are
348 deemed to be the most qualified, based upon the qualifications, availability and past work of the
349 firms, including the partners or members thereof.

350 (4) Each proposal shall be evaluated or considered on the basis of price, technical and design
351 aspects of the public improvement project as weighted for each project. For federal grants, cost
352 plus and percentage of cost must not be utilized.

353 (5) Selection of a proposal for recommendation to the Ceity Ceommission for award shall be by a
354 committee as provided for in section ~~2-28~~ 2-30.

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356 ARTICLE III. - CITY OFFICERS AND EMPLOYEES

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358 DIVISION 4. - CITY MANAGER

359 Sec. 2-70.1. - Creation of office.

360 The office of city manager is hereby created.

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362 Sec. 2-70.2. - Function.

363 The Ceity Mmanager shall be the administrative and executive head of the City of Margate.

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365 Sec. 2-70.3. - Appointment.

The Ceity Mmanager shall be appointed by an affirmative vote of three (3) members of the Ceity Ceommission for an indefinite term. He shall be chosen by the Ceommission solely on the basis of his executive and administrative qualifications with special reference to his actual experience in or his knowledge of accepted practice in respect to the duties of the office hereinafter set forth. At the time of his appointment, he need not be a resident of the City of Margate or the State of Florida, but within ninety (90) days after appointment he shall reside within Broward County. No Ceommissioner shall receive such appointment during the term for which he shall have been elected nor within one (1) year after the expiration of his term.

Sec. 2-70.4. - Compensation.

The Ceity Mmanager shall receive such compensation as the commission shall fix from time to time by ordinance or resolution.

Sec. 2-70.5. - Bond required.

The Ceity Mmanager shall be furnished a surety bond, to be provided for in the employment contract approved by the Ceommission, said bond to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the Ceity.

Sec. 2-70.6. - Removal or discharge.

The Ceity Mmanager may be removed or discharged by resolution of a three-fifths (3/5) vote by the Ceity Ceommission at any time. In such resolution the commission shall designate an acting city manager to serve in the place of the removed Ceity Mmanager, and the removed Ceity Mmanager shall vacate the office upon adoption of the resolution. Within five (5) days after the adoption of the resolution removing or discharging the Ceity Mmanager, such removed Ceity Mmanager shall have the right to have served upon him a written statement of specific reasons for his discharge, if he so desires, by filing a demand for the same with the Ceity Celerk and leaving sufficient copies with the Ceity Celerk for service upon members of the Ceity Ceommission. Such written statement of specific reasons, signed by a majority of the Ceity Ceommissioners, shall be delivered to such removed officer within five (5) days after service of such demand as aforesaid and a definite time and date fixed in such written statement for a public hearing before the Ceommission within not less than five (5) days and not more than ten (10) days after the service of such written statement. At the time and place specified, the Ceity Ceommission shall convene as a body at a special meeting for the purpose of conducting a public hearing upon such charges. The removed city manager shall have the right to appear at such hearing to answer and rebut such charges or reasons, and he shall have the right to be represented by his own private counsel. At the conclusion of such hearing the commission shall adopt a resolution confirming such a removal or reinstating such removed Ceity manager. This resolution must be approved by three (3) affirmative votes of the Ceity Ceommission. A reinstating resolution must be approved by three (3) affirmative votes. If removed, he shall be entitled to severance compensation of at least four (4) months' pay of his monthly salary, except as is hereafter specified.

In the event that the Ceity Mmanager is terminated because of his conviction of any illegal act or after his entry of a plea of guilty to a charge of committing an illegal act, then and in that event the Ceity shall have no obligation to pay any severance pay. If reinstated, he shall receive full pay for the period intervening between his removal and his reinstatement.

Sec. 2-70.7. - Reserved.

411 Sec. 2-70.8. - Vacancy in office.

412 Any vacancy in the office of Ceity Manager shall be filled within ninety (90) days after the effective date
413 of such vacancy.

414

415 Sec. 2-70.9. - Powers and duties generally.

416 The Ceity Manager shall perform all duties consistent with his office and as may be imposed by the
417 Ceity Commission. He may make recommendations from time to time to the Ceity Commission for the
418 enactment of such laws or the adoption of such rules and regulations for the government of the various
419 Ceity departments as will in his judgment best promote the interests of the Ceity, and shall do and
420 perform all duties imposed upon him by ordinances and resolutions of the Ceity and by the Charter.

421

422 Sec. 2-70.10. - Specific powers and duties.

423 The Ceity Manager shall be the chief administrative and executive officer of the Ccity. He may head one
424 or more departments and shall be responsible to the city commission for the proper administration of all
425 affairs of the Ceity. To that end he shall have the power and shall be required to:

426 (a) Appoint and, when necessary for the good of the Ceity, suspend or remove all employees of the
427 Ceity, including department directors, except as otherwise provided by the City Charter or law
428 and except as he may authorize the head of a department or office to suspend or remove
429 subordinates in such department or office.

430 ~~This power of appointment, suspension and removal shall include the power to appoint and~~
431 ~~suspend or remove all department heads of the city, except that the city commission reserves to~~
432 ~~itself the power of appointment, suspension and removal of the attorneys for the city.~~

433 (b) Prepare the budget annually and submit it to the Commission for approval, together with a
434 message describing the important features, and be responsible for administration after adoption
435 by the commission. As part of the budget process, the City Manager shall report to the City
436 Commission on the finances and administrative activities of the city for the preceding year.

437 ~~(c) Prepare and submit to the commission at the end of the fiscal year a complete report on the~~
438 ~~finances and administrative activities of the city for the preceding year.~~

439 ~~(cd)~~ Keep the commission advised of the financial condition and future needs of the Ceity, on a
440 monthly basis, and make such recommendations as he may deem desirable.

441 ~~(de)~~ Recommend to the governing body a standard schedule of pay for each appointive office and
442 position in the Ceity service, including minimum, intermediate and maximum rates.

443 ~~(ef)~~ Recommend to the governing body, from time to time, the adoption of such measures as he may
444 deem necessary or expedient for the health, safety or welfare of the community or for the
445 improvement of administrative services.

446 ~~(fg)~~ Consolidate or combine offices, positions, departments or units under his jurisdiction, with prior
447 approval of the Ceity Commission.

448 ~~(gh)~~ Attend all meetings of the Ceity Commission, unless excused therefrom, and take part in the
449 discussion of all matters coming before the Commission, but he shall not vote. He shall be
450 entitled to notice of all regular and special meetings of the commission, and shall have the power
451 to call special meetings of the Ceity Commission.

452 ~~(hi)~~ Ensure that ~~investigate and determine whether~~ purchases of current supplies and contractual
453 services are made in accordance with regulations prescribed by charter and ordinance and
454 whether competitive conditions are maintained in a fair and impartial manner.

- (ij) See that all laws and ordinances are duly enforced.
- (jk) Investigate the affairs of the Ceity or any department or division thereof; investigate all complaints in relation to matters concerning the administration of the government of the Ceity and in regard to service maintained by the public utilities in the Ceity, and see that all franchises, permits and privileges granted by the Ceity are faithfully observed and, upon knowledge of any violation thereof, to call the same to the attention of the Ceity Aattorney and the Ceity Ceommission.
- (kl) Devote his ~~entire~~ all the time necessary to provide for the discharge of his official duties.
- (lm) Perform such other duties as may be required by the Ceommission, not inconsistent with the City Charter, law or ordinances.
- (mn) ~~Be responsible for supervising the~~ to provide for application, administration, and supervision acquisition of all available grants.
- (n) Pursuant to any declared emergency or at anytime during the duration of such emergency, the city manager shall have the power to impose by declaration any and all of the following regulations which are necessary to preserve or restore the peace and order of this City:
- (1) Curfew: Impose a curfew upon all or any portion of the city, thereby requiring all persons in such designated curfew areas, except those whose presence is authorized by law enforcement officials, to remove themselves forthwith from the public streets, alleys, parks or other public places;
- Contents of declaration; curfew.
- Such declaration by the City Manager of the existence of the emergencies shall:
- (a) Specify the emergency or the basis thereof;
- (b) Designate by appropriate boundaries the area or areas affected;
- (c) Prescribe the hours during which no person, other than as hereafter excepted, shall be upon the public streets, alleys, ways, sidewalks or other public places within the designated area or areas;
- (d) Designate the type of business establishments that are to be closed and the area or areas affected;
- (e) Prescribe the period during which such emergency and curfew shall remain in effect;
- (f) Recite such additional matter as is deemed necessary to effectuate the emergency powers prescribed herein.
- (2) Closing of business establishments: Order the closing of any business establishments anywhere within the City for the period of the emergency, such businesses to include, but not be limited to, those selling intoxicating liquors, beer, or gasoline.
- (3) Closing of streets, etc.: Authorize the Chief of Police to designate any public street, alley, sidewalk, or other public place, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic; and
- (4) Declaration of emergency during public disturbance: Whenever there shall occur within the City any civil disorder or disturbance and whenever there shall occur any event, occurrence or overt act by reason of which any civil disorder or disturbance is present, the City Manager is hereby empowered and authorized to declare that an emergency exists.
- (5) Other orders: Issue such other orders as are required under the circumstances for maintenance of peace and order and are necessary for the protection of life or property.

499

500 Sec. 2-70.11. - Commission not to interfere with appointments or removals by Ceity administration.

501 Neither the Ceommission nor any of its members shall direct or request the appointment of any person to
 502 or his removal from office by the Ceity Manager or any of his subordinates or in any manner take part in
 503 the appointment or removal of department heads and employees in the administrative services of the
 504 Ceity. Except for the purpose of inquiry, the Ceommission and its members shall deal with the
 505 administrative service solely through the Ceity Manager, and neither the Ceommission nor any member
 506 thereof shall give orders to any subordinates of the Ceity manager, either publicly or privately.

507

508 Sec. 2-70.12. - Emergency powers.

509 In case of accident, disaster or other circumstances creating a public emergency, the Ceity Manager
 510 may award contracts and make purchases for the purpose of meeting said emergency; but he shall file
 511 within a twenty-four-hour period, with the Ceommission, a certificate showing such emergency and the
 512 necessity for such action, together with an itemized account of all expenditures.

513

514 Sec. 2-70.13. - Bond signing responsibility.

515 The Ceity Manager and the Mayor or Vice-Mayor shall sign all bonds of the Ceity.

516

517 Sec. 2-70.14. — ~~Active participation in political campaigns limited.~~ Reserved.

518 ~~The city manager of the City of Margate shall take no active part in the campaign or candidacy of any~~
 519 ~~person who is a candidate for the office of city commissioner or in any recall election, upon penalty of~~
 520 ~~immediate suspension from office or dismissal from employment.~~

521

522 Sec. 2-70.15. - Savings clause.

523 If any section, subsection or sentence, clause or phrase of this division is for any reason held invalid,
 524 such decision or decisions shall not affect the validity of the remaining portions of this division. All
 525 ordinances of the Ceity prescribing the duties of heads of departments shall remain in full force and effect,
 526 except insofar as they conflict with the provisions of this division, in which case the provisions of this
 527 division shall govern.

528

529 Sec. 2-70.16. - Offices of Ceity Clerk and Ceity Attorney.

530 (a) Sections 3.12, 3.13 and the second paragraph of section 4.08 of the City Charter is hereby deemed
 531 to be interpreted to require the independence of not only the individual officers who are the Ceity Clerk
 532 and Ceity Attorney, but also their respective Ceharter offices.

533 (b) No employees that are budgeted by the Ceity Ceommission for the offices of Ceity Clerk or Ceity
 534 Attorney shall be hired, disciplined, terminated, or directed without the concurrence of the Charter
 535 officers who are the heads of their respective offices.

536

537 ARTICLE IV. - BOARDS, COMMITTEES, ETC.

538 DIVISION 1. - GENERALLY

539 Secs. 2-71, 2-72. - Reserved.

540 Sec. 2-72. – List of Boards and Committees

541 a. Affordable Housing Advisory Committee

542 b. Board of Adjustment

543 c. Charter Review Committee

544 d. Civil Service Board

545 e. Community Redevelopment Board

546 f. Development Review Committee

547 g. Employee Benefit Trust Fund

548 h. Northwest Focal Point Senior Center

549 i. Planning and Zoning Board

550 j. Unsafe Structures Board

551

552 Sec. 2-73. - Appointment and application procedures for boards and committees.

553 A. *Appointment procedures.*

554 (1) All boards and committees of the Ceity shall be appointed by majority vote of the Ceity
555 Ceommission utilizing the procedure provided in subsection B. below.

556 ~~(2) Simultaneous with the second commission meeting in March 2013, the term of each individual~~
557 ~~sitting on any board or committee of the city shall be deemed to have expired.~~

558 ~~(32)~~ (32) At the second Ceity Ceommission meeting in March 2013, and every year thereafter the Ceity
559 commission shall appoint five (5) members of each Ceity board for a term of one (1) year.

560 (43) Upon a vacancy of any board or committee, prior to the full term of any board member or
561 committee member, a vacancy shall be filled as provided in subsection B.

562 ~~(54)~~ (54) Exempted from the above shall be any board or committee appointed by the administration or
563 composed solely of Ceity-employed staff, or any board or committee appointed or elected as
564 provided for by federal law, state statute or the City Charter; the Ceommission Redevelopment
565 Agency Board of the Ceity; the Board of the Northwest Focal Point Senior Center District; or
566 the Recreation Foundation.

567 ~~(65)~~ (65) Temporary boards or committees that are formed by resolution of the Ceity Ceommission shall
568 also be exempt from this section.

569 B. *Application procedures.*

570 (1) Individuals wishing to be considered for any vacancy on any board or committee, shall submit an
571 application to the office of the Ceity Clerk not later than fourteen (14) days prior to the meeting
572 in which the Ceity Ceommission shall fill said vacancy. The application shall include a request for
573 qualification specific to the board or committee to which the individual is applying.

574 (2) Incumbents who wish to be considered for reappointment to a particular board must comply with
575 the preceding subsection.

576 (3) Applications ~~shall not be considered for any applicant to any board or committee who was~~ which
577 ~~were~~ submitted more than two (2) years prior to the ~~date which an applicant could be appointed~~
578 proposed date of appointment shall not be considered.

579

580 Sec. 2-74. - Absences from board or committees of the City of Margate.

581 If any member of any Ccity board or committee of the City of Margate fails to attend three (3) regular
582 board or committee meetings during any one (1) calendar year, said member shall automatically be
583 deemed to have resigned from said board or committee and a new member shall be appointed by the
584 Ccity Commission for the remainder of the term of said member. This shall not preclude the Ccity
585 Commission from reappointing the same member to the same board or committee for the remainder of
586 the unexpired term.

587

588 Sec. 2-75. - Restriction of appointment/election to boards or committees of the City of Margate.

589 (a) No person shall be appointed nor elected to more than one (1) permanently established board or
590 committee of the City of Margate.

591 (b) Any person who is serving on a permanently established board or committee shall submit with an
592 application for a position on another board or committee a signed resignation from the permanently
593 established board(s) or committee(s) on which the person is serving at the time of application to the
594 city commission of the City of Margate. Said resignation shall be regularly put on the agenda for
595 acceptance at a commission meeting of the City of Margate. Should an individual not be appointed to
596 the board or committee for which application was made, the resignation from the first board or
597 committee shall not be effective.

598 (c) Every person appointed to a board or committee of the City of Margate shall be a resident of the City
599 of Margate for six (6) months immediately preceding their appointment.

600 (d) Subsection (c) shall not apply if the statute, ordinance or resolution creating the applicable board or
601 committee requires or permits nonresidents to be appointed to said board. However, where a statute,
602 ordinance or resolution which requires that a board member be either an owner or operator or be
603 employed by a business within the City of Margate, said board member shall hold such status for six
604 (6) months immediately preceding their appointment, unless there is a contrary intent by the approved
605 statute, ordinance or resolution.

606

607 ~~DIVISION 2. - BOARD OF ADJUSTMENT~~

608 ~~Sec. 2-76. - Created; appointment; terms; officers; advisors.~~

609 ~~A board of adjustment for the city is hereby created and established consisting of five (5) members. The~~
610 ~~board members shall be appointed by the city commission and shall serve without compensation and at~~
611 ~~the pleasure of said city commission. All appointments shall be for a one-year period. The members of said~~
612 ~~board shall elect a chairperson, a vice chairperson, and a secretary from its membership. The city manager,~~
613 ~~city building inspector, city attorney and such other officers and officials of the city as the board may require~~
614 ~~shall be considered as advisors to the city board of adjustment and may be called upon from time to time~~
615 ~~to meet with said board.~~

616 ~~Sec. 2-76.1. - Substitute members.~~

617 ~~In case of the temporary absence or disqualification of any member of the board of adjustment, the~~
618 ~~chairperson of the board shall have the right and authority to designate any member of the city planning~~
619 ~~and zoning board to serve as a substitute on the board of adjustment during the continuance of such~~
620 ~~absence or disqualification; but no substitute shall serve in such capacity for a longer period than three~~
621 ~~(3) months, nor shall more than one (1) substitute member serve on the board of adjustment at any one~~
622 ~~time. The chairperson shall seek a temporary board member substitute from the planning and zoning~~

board in the following hierarchical order: Chairperson; vice-chairperson; secretary; and then a standard board member. In cases where substitutes are designated to serve for such limited periods, such fact shall be recorded in the official minutes of the board of adjustment before such substitute shall act in any matter presented to the board; and while serving, substitutes shall have the same powers as regular members.

~~Sec. 2-76.2. Rules of procedure; meetings to be public; minutes.~~

~~The city commission may by ordinance fix and determine procedure before the board of adjustment, and such board shall adopt reasonable rules and regulations consistent with the provisions of such ordinance for the presentation of matters before such board, for notifying interested parties, for charging and collecting an application fee, for conducting and holding hearings, and for calling in advisors or assistants from time to time. All meetings of the board shall be open to the public, and the board shall keep minutes of its proceedings showing the vote of each member upon each question submitted to it; or if a member is absent or fails to vote, such fact shall appear upon its minutes. Copies of its minutes shall be immediately filed with the city clerk and shall become a public record.~~

~~Sec. 2-77. When meetings to be held.~~

~~Meetings of the board of adjustment may be held once per month unless canceled by the chair for lack of agenda items. Meetings of the board of adjustment may be held at the call of the chair and at such other times as the board may determine. The board may, by the adoption of its own rules and regulations consistent with the provisions of this division, establish a regular meeting night and rules for the calling of regular and special meetings of the board. Meetings shall be held in the commission chambers of the city hall of the City of Margate unless said chambers are unavailable.~~

~~Sec. 2-78. Powers and duties.~~

~~a) The board shall have the following powers:~~

~~(1) To hear and determine appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning regulations of the city.~~

~~(2) To hear and grant or deny such variances from the terms of any zoning ordinances of the city. To hear or deny such variances from the Code of the city as will not be contrary to the public interest or the general purposes sought to be accomplished by the zoning ordinances and where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinances will result in unnecessary hardship in the use of the property involved.~~

~~(b) In exercising said powers and duties, they shall not grant a variance unless:~~

~~(1) It shall be demonstrated that special conditions and circumstances exist which, if there is a literal and strict enforcement of the provisions of a zoning ordinance, would constitute a hardship or practical difficulty in the use of the property involved.~~

~~(2) The board shall find that the granting of the variance will not be contrary to the public interest or the general purpose sought to be accomplished by the zoning ordinances~~

~~(3) In granting any variance, the board shall record in its minutes the circumstances and conditions constituting the hardship or practical difficulties upon which the variance is based.~~

~~(c) The board shall not have jurisdiction to consider any variance allowing any use of buildings or lands not permitted within any designated zoning classification.~~

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

668 ~~Applications to the board of adjustment for variance or other appeals shall be filed with the development~~
669 ~~services department on forms furnished by that department. The application or appeal shall be~~
670 ~~accompanied by the following fee:~~

671 ~~(1) For variances and appeals of the zoning administrator's decisions, etc.: Two hundred dollars~~
672 ~~(\$200.00).~~

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

678 ~~Sec. 2-80. Proceedings on applications for variances or other appeals.~~

679 ~~Upon the filing of an application for a variance or other appeal in proper form and the payment of the~~
680 ~~appropriate costs to the City of Margate the procedure to be followed shall be in accordance with the~~
681 ~~following appropriate regulations:~~

682 ~~(a) If the appeal is from a decision of an administrative officer in the enforcement of zoning~~
683 ~~regulations, said appeal shall be filed within thirty (30) days of the administrative officer's decision.~~
684 ~~A copy of the appeal shall be furnished to the administrative officer who shall within two (2) 14~~
685 ~~days prepare a statement in writing of points involved and his interpretation of the ordinances or~~
686 ~~regulations governing same and his ruling thereof and shall furnish copies of such statement to~~
687 ~~the board of adjustment and to the manager of the city.~~

688 ~~(b) In the event the appeal or application is filed for the purpose of seeking a variance to the terms of~~
689 ~~any zoning ordinance, all public notice requirements of shall comply with Chapter 31, Section 31-~~
690 ~~55 of this Code shall be complied with.~~

691 ~~(c) Where an appeal or application is filed for the purpose of seeking a variance, and in addition to~~
692 ~~the foregoing, the date and time of the hearing shall be published at least ten (10) days prior to~~
693 ~~such hearing in a daily newspaper of general circulation in the municipality.~~

694 ~~(d) Reserved.~~

695

696 ~~Sec. 2-81. Decisions of the board.~~

697 ~~(a) The concurring vote of a majority of the members of the board present shall be necessary to reverse~~
698 ~~any order, requirement, decision or determination of any officer or official upon zoning matters, or to~~
699 ~~grant a variance to the provisions of an existing zoning regulation.~~

700 ~~(b) Orders and decisions of the board shall be in writing, one (1) copy of which shall be kept by the board,~~
701 ~~one (1) copy shall be forwarded to the city clerk and shall become a public record, and one (1) copy~~
702 ~~shall be given to the applicant or appellant.~~

703 ~~(c) A decision of the board wherein a variance to a zoning regulation is granted or denied or a ruling of the~~
704 ~~administrative official charged with the enforcement of the zoning regulations is confirmed or overruled~~
705 ~~shall be final and binding unless an appeal is taken to the city commission.~~

706 ~~Any aggrieved person or entity may appeal a variance or appeal a ruling of an administrative official if a~~
707 ~~request for an appeal is made with the city clerk's office within seven (7) days after the written decision of~~
708 ~~the board of adjustment is transmitted to the city clerk. After action of the city commission, the decision of~~
709 ~~the board of adjustment shall be deemed either confirmed or, depending on the motion reversed. The~~
710 ~~affirmative vote of three (3) members of the city commission shall be necessary in order to reverse the~~
711 ~~recommendation on the board of adjustment.~~

712 ~~No person or entity aggrieved by the grant or denial of any variance, appeal of the ruling of any~~
713 ~~administrative official, or any other quasi-judicial determination made by the board of adjustment may~~
714 ~~apply to the court for relief unless he/she has first exhausted the remedies provided for herein and taken~~
715 ~~all available steps provided for in this section.~~

716

717 ~~Sec. 2-82. Meetings of the planning and zoning board.~~

718 ~~Meetings of the planning and zoning board shall be held once per month unless canceled by the chair and~~
719 ~~meetings of the planning and zoning board may be held at the call of the chair and and at such other times~~
720 ~~as the board may determine. Meetings shall be held in the commission chambers of the city hall of the City~~
721 ~~of Margate unless said chambers are unavailable. The board may, by the adoption of its own rules and~~
722 ~~regulations consistent with the provisions of this division, establish a regular meeting night and rules for the~~
723 ~~calling of regular and special meetings of the board.~~

724

725

726 ~~Secs. 2-83~~73~~—2-85. - Reserved.~~

727 ~~DIVISION 3. PLANNING AND ZONING BOARD~~

728 ~~Sec. 2-86. Creation; appointment; terms; officers; advisors.~~

729 ~~A city planning and zoning board for the City of Margate is hereby created and established, consisting of~~
730 ~~five (5) members. The board members shall be appointed by the city commissioners, and shall serve~~
731 ~~without compensation and at the pleasure of said city commission.~~

732 ~~All appointments shall be for a one-year period.~~

733 ~~The members of the said board shall elect a chairman, a vice chairman, and a secretary from its~~
734 ~~membership.~~

735 ~~The city manager, city building inspector, city attorney, and such other officers and officials of the city as~~
736 ~~the board may require, shall be considered as advisors to the city planning and zoning board and may be~~
737 ~~called upon from time to time to meet with said board.~~

738

739 ~~Sec. 2-87. Rules of procedure.~~

740 ~~The city commission may fix establish and determine procedure before the city planning and zoning~~
741 ~~board, and such board shall adopt reasonable rules and regulations consistent with the provisions of such~~
742 ~~ordinance for presentation of matters before such board, for notifying interested parties, for charging and~~
743 ~~collecting an application fee, for conducting and holding hearings, and for calling advisers and assistants~~
744 ~~from time to time.~~

745

746 ~~Sec. 2-88. Duties generally.~~

747 ~~The duties of the planning and zoning board shall be as follows:~~

748 ~~1) To act in an advisory capacity to the city commission on questions relating to zoning, and conduct~~
749 ~~investigations and hold public hearings on all matters or proposals to change zoning regulations~~
750 ~~and report its findings and recommendations on such matters and proposals to the city commission.~~

- 2) ~~To study proposed city plans, with a view to improving same so as to provide for the development, general improvement and probable future growth of the city and, from time to time, make recommendations to the city commission relating to a city plan and new developments or for the adoption of a city plan.~~
- 3) ~~To investigate and recommend approval or disapproval of all new plats to be presented to the city commission.~~
- 4) ~~To act in an advisory capacity on all matters on proposals or applications to change zoning on real property located in the city.~~
- 5) ~~To perform such other duties as may from time to time be assigned to such board by the city commission.~~

~~DIVISION 4. LOCAL PLANNING AGENCY~~

~~Sec. 2-101. Authority; designation.~~

~~Pursuant to and in accordance with Section 163.3174, Florida Statutes (The Local Government Comprehensive Planning Act of 1975), the members of the local planning agency for the City of Margate shall be the planning and zoning board.~~

~~Sec. 2-102. Administrative head.~~

~~The city planner shall be designated as administrative head of the local planning agency and perform all duties as required by this designation. The administrative head shall stand in an advisory capacity to the local planning agency, the city commission and the city manager.~~

~~Sec. 2-103. Duties and responsibilities.~~

~~The duties and responsibilities of the local planning agency, in accordance with The Local Government Comprehensive Planning Act of 1975, Section 163.3161—163.3211 3174, Florida Statutes, shall be to:~~

- (1) ~~Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the City of Margate;~~
- (2) ~~Coordinate said comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the State of Florida;~~
- (3) ~~Recommend said comprehensive plan or elements or portions thereof to the city commission and city manager for adoption; and~~
- (4) ~~Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the city commission and city manager such changes in the comprehensive plan as may be required from time to time.~~

~~Sec. 2-104. Funding.~~

~~The city commission and city manager shall appropriate funds at their discretion to the local planning agency for expenses necessary in the conduct of its work. The local planning agency may, in order to accomplish the purpose and activities required by The Local Government Comprehensive Planning Act of 1975, expend all sums so appropriated and other sums made available for use from fees, gifts, states or federal grants, and other sources, provided acceptance of the loan or grants is approved by the city commission or city manager.~~

~~Sec. 2-105. Substitute members.~~

~~In case of the temporary absence or disqualification of any member of the planning and zoning board, the chairperson of the planning and zoning board shall have the right and authority to designate any member of the city board of adjustment to serve as a substitute on the planning and zoning board during the continuance of such absence or disqualification; but no substitute shall serve in such capacity for a longer period than three (3) months, nor shall more than one (1) substitute members serve on the planning and zoning board at any one time. The chairperson shall seek a temporary board member substitute from the board of adjustment in the following hierarchical order: Chairperson; vice chairperson; secretary; and then a standard board member. In cases where substitutes are designated to serve for such limited periods, such fact shall be recorded in the official minutes of the planning and zoning board before such substitute shall act in any matter presented to the board; and while serving, substitutes shall have the same powers as regular members.~~

DIVISION 5. - COMMUNITY REDEVELOPMENT AGENCY

Sec. 2-106. - Creation.

- (a) Intent. There is hereby established the City of Margate Community Redevelopment Agency, a public body corporate and politic, having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of Part III, Chapter 163, Florida Statutes, and this division, subject to all limitations set out therein. The City of Margate Community Redevelopment Agency shall be referred to hereinafter as "the Agency".
- (b) Organization of the Community Redevelopment Agency. The agency shall be governed by a board of commissioners consisting of five (5) persons appointed by the Ceity Commission. The terms of office of the Commissioners shall be for four (4) years, except that three (3) of the members first appointed shall be designated to serve terms of one (1), two (2) and three (3) years respectively, from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term by appointment by the Ceity Commission. Commissioners who continue to be eligible for appointment may be reappointed.
- (c) Any person may be appointed as a commissioner if he or she resides or is engaged in business within the Ceity. "Engaged in business" shall mean owning a business, practicing a profession, performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged within the Ceity.
- (d) A majority of the Commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the Agency upon a vote of the majority of the Commissioners present, unless in any case the bylaws shall require a larger number.
- (e) A commissioner shall receive no compensation for his/her services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his/her business.
- (f) Pursuant to this division, a separate resolution shall be adopted naming the individuals who shall constitute commissioners of the Margate Community Redevelopment Agency, and same shall hold their authority pursuant to this division.
- (g) The Ceity Commission shall designate a chair and vice-chair, who shall serve until the end of their terms, or unless a chair or vice-chair is otherwise designated by resolution of the Ceity Commission.

Sec. 2-107. - Community redevelopment plan.

The Agency shall prepare or cause to be prepared a community redevelopment plan as described in F. S. § 163.360 for any area that the Ceity Commission has, by resolution, determined to be a slum area, a blighted area or an area in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, or a combination thereof.

838 Sec. 2-108. - Delegation of power.

839 The Ceity Ceommission hereby delegates to the City of Margate Community Redevelopment Agency
840 each of the powers set forth in section 163.370 (excluding however those powers enumerated in F.S.
841 163.358). Provided, however, that the Ceity retains the right to exercise any of the powers delegated
842 herein to the City of Margate Community Redevelopment Agency, and such powers shall not be deemed
843 to be vested exclusively in the Agency.

844 Sec. 2-109. - Procedures for requests for exemptions from obligation to appropriate annual increment
845 payment.

846 Florida Statutes, § 163.387(2)(d)1. as amended by Chapter 2002-294, Laws of Florida, allows a local
847 governing body that creates a community redevelopment agency under F.S. § 163.356, to exempt a
848 special district that levies ad valorem taxes within that community redevelopment area from the annual
849 obligation under F.S. § 163.387(1), to appropriate and deposit to the community redevelopment trust fund
850 the amount of the increment revenues (the "payment obligation"). The Ceity Ceommission, as the local
851 governing body that created the Margate Community Redevelopment Agency, may grant the exemption
852 either in its sole discretion or in response to the request of the special district.

853 (1) The special district seeking an exemption from the payment obligation shall submit a written
854 request for such exemption, which shall be in writing addressed to and delivered to the Ceity
855 Manager no later than sixty (60) days prior to the start of the initial fiscal year of the period for
856 which he special district is seeking to be exempted. The application shall be accompanied by a
857 check payable to the Ceity in the amount of five hundred dollars (\$500.00), plus the cost of any
858 advertisement(s) required under this subsection, which shall be used by the Ceity to pay
859 expenses it incurs in reviewing the application. The application shall address the considerations
860 by the Ceity Ceommission set forth below in deciding whether to grant the exemption.

861 (2) In deciding whether to deny or grant a special district's request for exemption from the payment
862 obligation, the Ceity Ceommission shall consider:

863 a. Any additional revenue sources of the Ceommissiony Redevelopment Agency which could be
864 used in lieu of the special district's tax increment.

865 b. The fiscal and operational impact on the Ceommissiony Redevelopment Agency.

866 c. The fiscal and operational impact on the special district.

867 d. The benefit to the specific purpose for which the special district was created. The benefit to
868 the special district must be based on specific projects contained in the approved community
869 redevelopment plan for the community redevelopment area.

870 e. The impact of the exemption on incurred debt and whether such exemption will impair any
871 outstanding bonds that have pledged tax increment revenues to the repayment of the bonds.

872 f. The benefit of the activities of the special district to the approved community redevelopment
873 plan.

874 g. The benefit of the activities of the special district to the area of operation of the Ceity
875 Ceommission.

876 (3) The Ceity Ceommission shall hold a public hearing on a special district's request for exemption
877 after public notice of the hearing is published in a newspaper having a general circulation in the
878 Ceity. The notice shall describe the time, date, place, and purpose of the hearing and must identify
879 generally the community redevelopment area covered by the plan and the impact of the plan on
880 the special district that requested the exemption.

881 (4) If the Ceity Ceommission grants an exemption to a special district, the Ceity and the special district
882 shall promptly enter into an interlocal agreement that establishes the conditions of the exemption,
883 including, but not limited to, the period of time for which the exemption is granted.

(5) If the Ceity Ceommission denies a request for exemption by a special district, the Ceity Ceommission shall provide to the special district a written analysis specifying the rationale for such denial. This written analysis must include, but is not limited to, the following information:

a. A separate, detailed examination of each consideration listed in subsection (2).

b. Specific examples of how the approved community redevelopment plan will benefit, and has already benefited the purpose for which the special district was created.

(6) The decision to either deny or grant an exemption must be made by the Ceity Ceommission within one hundred twenty (120) days after the date the request for exemption by the special district was filed with the Ceity.

Sec. 2-110. - Reserved.

DIVISION 6. - CIVIL SERVICE BOARD

Sec. 2-111. - Creation of board.

A civil service board for the City of Margate is hereby created. This board shall be composed of five (5) members who shall take office as follows:

Two (2) members shall be appointed by the Ceity Ceommission;

One (1) member shall be elected by the employees of the City of Margate;

One (1) member shall be elected by the employees of the City of Margate and shall be an employee of the City of Margate;

One (1) member shall be appointed by the four (4) previously appointed and elected members.

Each member shall be appointed or elected for a term of two (2) years.

Additional information regarding this board can be found in Chapter 30 of the Ceity Ceode.

~~DIVISION 7. - MARGATE ADVISORY COMMITTEE FOR THE DISABLED - Reserved.~~

~~Sec. 2-112. - Establishment.~~

~~(a) Creation. There is hereby created the Margate Advisory Committee for the Disabled.~~

~~(b) Composition. The Margate Advisory Committee for the Disabled shall be composed of the same members that sit on the development review committee of the city.~~

~~(c) Duties. The duties of the Margate Advisory Committee for the Disabled shall consist of the following:~~

~~(1) To act in an advisory capacity to the city commission on all matters relating to removing impediments and providing a better standard of living for all individuals with a recognized disability;~~

~~(2) To initiate and formulate proposals, designs, laws and regulations benefitting the disabled within the city;~~

~~(3) To review proposed city legislation which will affect the disabled;~~

~~(4) To coordinate and act as a liaison between the disabled people of the city and the administration of the city;~~

~~(5) To monitor and oversee the effectiveness of the present ordinances, rules and regulations of the city regarding disabled individuals, and make known to the administration of the city the status of same.~~

924 ~~(d) *Conduct of meetings.* The Margate Advisory Committee for the Disabled shall have the right to adopt~~
925 ~~such reasonable rules governing the conduct of its meetings as are agreed upon by a majority of the~~
926 ~~committee.~~

927 DIVISION 8. - RESERVED

928 Secs. 2-113—2-117. - Reserved.

929 DIVISION 9. - MARGATE HOUSING ASSISTANCE PROGRAM

930 Sec. 2-118. - Established; operation.

931 (a) *Definitions.* For the purpose of the section, the definitions contained in chapter 420, part VII of the
932 Florida Statutes (Act), and chapter ~~91-37~~ 67-37, Florida Administrative Code, as they may be amended
933 from time to time, are adopted herein by reference.

934 (b) *Legislative intent.* The purpose of this section is to implement the act, including, without limitation, the
935 following:

936 (1) To increase the availability of affordable housing by combining local resources and cost saving
937 measures using a local housing partnership(s), as applicable, and by using private and public
938 funds to reduce the cost of housing;

939 (2) To promote more compact urban development and to assist in achieving the growth management
940 goals contained in the adopted local comprehensive plan by allowing more efficient use of land
941 so as to provide housing units that are more affordable;

942 (3) To establish a strong sense of community through increased social and economic integration;

943 (4) To build the organizational and technical capacity of community-based organizations in the
944 production of affordable housing;

945 (5) To promote innovative design of eligible housing, and its supporting infrastructure, to provide for
946 cost savings in the provision of such housing;

947 (6) To promote expedited permit processing systems for affordable housing; and

948 (7) To promote review procedure for plan provision that impacts affordable housing.

949 (c) *Establishment of program.*

950 (1) There is hereby created and established the Margate Housing Assistance Program ("program")
951 by the Ceity, to be implemented and administered by the Ceity.

952 (2) The Ceity shall implement the program, within the Ceity, consistently with the requirements of the
953 Act. The strategies of the program will be outlined in the Ceity's SHIP housing assistance plan.

954 (d) *Establishment of fund.*

955 (1) Pursuant to the requirements of the Act, the Ceity agrees to establish an affordable housing
956 assistance trust fund ("fund") within the official and fiscal accounting records of the Ceity. All
957 monies deposited in the fund shall be subject to the requirements of the Act, and this section
958 establishing the fund.

959 (2) The Ceity shall cause the fund to be audited, and shall report the results of such audit as required
960 by the Act.

961 (e) *Establishment of affordable housing advisory committee.* There is hereby created and established an
962 affordable housing advisory committee ("committee"). Composition of the committee shall be as
963 required by the Act. Members of the committee shall be appointed by resolution pursuant to the
964 requirements of the Act within thirty (30) days of the effective date of Ordinance No. 97-24.

965 (f) *Review and approval of the plan.*

- (1) Upon adoption of the housing assistance plan, the Ceity shall forward, or cause to be forwarded, a copy of the adopted housing assistance plan to the appropriate agencies pursuant to the requirements of the Act; and
- (2) Within twelve (12) months after the original adoption of the housing assistance plan, amend the plan to include local housing incentive strategies as defined in Section 420.9071 (16) Florida Statutes.

~~DIVISION 10. -MARGATE CODE REVIEW COMMITTEE~~ Reserved.

~~Sec. 2-119. -Creation.~~

~~There is hereby created the Margate Code Review Committee.~~

~~Sec. 2-120. -Composition and appointment of members and chairperson.~~

~~The Margate Code Review Committee shall be composed of seven (7) members who shall be appointed by the city commission as follows:~~

- (a) ~~Six (6) members will be residents of the City of Margate. No member of the committee may be appointed who resides within the same code enforcement zone as any other member; however, if the city does not receive an application from a resident of any other city code enforcement zone, a member of another zone may be appointed to fill a vacancy in said zone.~~
- (b) ~~One (1) member shall either own, operate or be employed by a business within the City of Margate. There shall be no restriction for the residence of this member.~~

~~Sec. 2-121. -Chair/rules.~~

~~The seven (7) members appointed by the city commission shall choose among themselves a chair who shall be the presiding officer of the Margate Code Review Committee, and a vice chair, who may chair meetings in the absence of the chairperson.~~

- (1) ~~Both the city attorney and a representative of the code enforcement division of the police department shall attend all meetings unless excused by the chair.~~
- (2) ~~Committee members may be removed by the commission at will.~~
- (3) ~~The committee shall be governed by Roberts Rules of Order except for rules or procedure otherwise adopted by the committee.~~
- (4) ~~Meetings shall be monthly except for recesses during July and August if determined by a majority of the committee.~~

~~Sec. 2-122. -Duties of the Margate Code Review Committee.~~

- (1) ~~The Margate Code Review Committee shall review and make recommendations to the City Commission of the City of Margate as to Margate codes which directly regulate the residences and businesses of the city.~~

1004 ~~(2) Recommendations transmitted to the city commission shall be transmitted by not less than a majority~~
1005 ~~of the vote of the full committee.~~

1006 ~~(3) The City Commission of the City of Margate may direct the committee to review certain sections and~~
1007 ~~chapters of the Code of Ordinances of the City of Margate, and when so directed, the committee shall~~
1008 ~~make recommendation on said chapters and sections of Margate codes before considering additional~~
1009 ~~chapters and sections of the codes of the City of Margate.~~

1010

1011 ~~Sec. 2-123. Duration of the committee.~~

1012 ~~(1) All recommendations of the City of Margate Code Review Committee shall be transmitted to the city~~
1013 ~~commission not later than June 1, 2006.~~

1014 ~~(2) The City of Margate Code Review Committee shall cease to operate on June 1, 2006, unless otherwise~~
1015 ~~extended by ordinance of the City of Margate.~~

1016

1017 Secs. 2-124~~119~~—2-140. - Reserved.

1018 ARTICLE V. - CITY DEPARTMENTS

1019 Sec. 2-141. - Building and code services department.

1020 (a) There shall be a building and code services department of the City of Margate.

1021 (b) The ~~B~~uilding and Code Services ~~D~~epartment shall be charged with enforcing the building codes of
1022 the City of Margate, and such other responsibilities as determined by the ~~C~~eity ~~C~~ommission and the
1023 administration of the City of Margate.

1024

1025 Sec. 2-142. - Finance, utility-finance departments.

1026 There should be the following departments of the ~~C~~eity:

1027 (a) *Finance department.* The ~~F~~inance ~~D~~epartment shall be responsible for all financial operations
1028 of the ~~C~~eity, excluding those as to the water and sewer system of the ~~C~~eity.

1029 (b) *Utility-finance department.* The ~~U~~tility-~~F~~inance ~~D~~epartment shall be responsible for the
1030 financial operations of the water and sewer system of the ~~C~~eity.

1031 (c) The above department may be separate or combined by the ~~C~~eity ~~M~~anager as confirmed by
1032 the ~~C~~eity ~~C~~ommission by resolution.

1033

1034 Sec. 2-143. - Department of environmental and engineering services.

1035 (a) The utility department of the ~~C~~eity and the engineering department of the ~~C~~eity shall be abolished and
1036 shall be merged into the ~~D~~epartment of ~~E~~nvironmental and ~~E~~ngineering ~~S~~ervices of the ~~C~~eity.

1037 ~~(b) The department of environmental and engineering services shall perform such functions as had been~~
1038 ~~previously performed by the utility department of the city and the engineering department of the city.~~

1039 (b) The Department of Environmental and Engineering Services (DEES) is responsible for the day-to-day
1040 operations of the City's utilities division (water and wastewater systems), engineering division, and the
1041 solid waste and recycling program.

1042

1043 Sec. 2-144. – 2-145 - Reserved.

1044

1045 ~~Sec. 2-145. – Department of records management systems.~~

1046 ~~(a) There is hereby established the department of records management systems.~~

1047 ~~(b) The department of records management systems shall have a department head who shall be~~
1048 ~~responsible for the day-to-day operation of the department who is answerable to the city manager.~~

1049 ~~(c) The department of records management systems shall be responsible for the management and~~
1050 ~~maintenance of all public records of the city excluding the official originals of all ordinances, resolutions~~
1051 ~~and minutes of the city commission and the backup materials for same; and all other subordinate~~
1052 ~~boards and committees of the city.~~

1053 ~~(d) For the records contained in subsection (c) above, the director of records management systems shall~~
1054 ~~advise and coordinate the management and maintenance of said records with the office of the city~~
1055 ~~clerk.~~

1056 ~~(e) The department of records management systems shall be responsible for the disposal of all public~~
1057 ~~records within the city.~~

1058

1059 Sec. 2-146. - Development services department.

1060 (a) There is hereby established the Development Services Department.

1061 (b) The Development Services Department shall have a department head who shall be responsible
1062 for the day-to-day operations of the department and who is accountable to the Ceity Manager.

1063 (c) The Development Services Department shall be primarily responsible for stimulating the economic
1064 development of the Ceity by attracting, retaining and expanding targeted industries, including a special
1065 focus on small business growth, expanding the local tax base, and promoting job opportunities for
1066 residents.

1067 (d) The Development Services Department shall include all planning and zoning functions, ~~federal~~
1068 ~~grant compliance~~ local business tax receipts, and business development Ceitywide.

1069 (e) All employees of the Ceity whose primary job responsibilities include the functions provided in
1070 subsection (d) above, shall be a part of the Development Services Department and shall be under
1071 the direction of the director of the Development Services Department.

Chapter 11 - DRAINAGE AND WATERWAY STRUCTURES^[1]

Sec. 11-1. – Purpose and Applicability.

(a) The purpose of this chapter is to promote public health, safety and general welfare of the residents of the City of Margate and to minimize public and private losses due to flood conditions in flood hazard areas by provisions designed to:

- (1) Require that buildings vulnerable to floods, including facilities which serve such buildings, be protected against flood damages at the time of construction or substantial improvement.
- (2) Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- (3) Control filling or grading which may increase erosion or flood damage.

(b) This Chapter applies to the City of Margate, those areas within the City that fall within the Cocomar Water Control District shall adhere to the regulations applicable to the Cocomar Water Control should there be any conflict with this Chapter.

(c) Areas within the City that fall within the C-14 Canal which is maintained by the South Florida Water Management District shall adhere to the regulations applicable should there be any conflict within this Chapter.

(d) It shall be unlawful for any person to construct or erect docks, boat ramps, canal retaining walls, or any other structure on or in canals, waterways, lakes or basins without first obtaining permits from the City Engineer and Building and Code Services Department. The property owner or his agent shall be required to seek necessary approvals and/or permits from other governmental agencies as applicable to certain navigable waterways.

Sec. 11-2. - Definitions.

The following definitions shall apply to this chapter:

- (a) *Mean sea level.* Mean sea level shall be the average high tide plus the average low tide divided by two (2) and as determined by the United States Coast and Geodetic Survey (USCGS).
- (b) *Design water surface.* The design water surface shall be equal in elevation to the design water surface level as established for the C-14 (Cypress Creek) Canal by the South Florida Water Management District (SFWMD).
- (c) *Mean sea level in Margate.* The mean sea level in the City of Margate shall be determined by reference to National Geodetic Survey (NGS)-USCGS datum.
- (d) *Single-family home.* Single-family home shall mean any detached residential structure constructed with the intention that said structure be occupied by one family as a separate housekeeping unit.
- (e) *Habitable floor.* The term "habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation or combinations thereof.
- (f) *Flood insurance rate map.* The term "flood insurance rate map" shall mean the map of the City of Margate, Florida, on which the Federal Insurance Administration has delineated both the areas as a special flood hazard and the risk premium zones applicable to the areas within the City of Margate, Florida.
- (g) *City engineer.* The Director, Department of Engineering and Environmental Services (DEES)~~city engineer~~ of the City of Margate, Florida.

1115 (h) Cocomar Water Control District. A special water control district that falls within the City of Margate
1116 that was created to adequately provide for drainage and reclamation, protection against flood
1117 damage, water supply and irrigation, prevention of salt water intrusion, water pollution abatement,
1118 and other allied functions.

1119 (i) South Florida Water Management District (SFWMD). A regional governmental agency
1120 that manages the water resources in the southern half of the state, SFWMD is responsible for
1121 managing and protecting water resources of South Florida by balancing and improving flood
1122 control, water supply, water quality and natural systems.

1123 (j) Canal retaining wall. Structure constructed along the banks of a canal or waterway to retain the
1124 soil and prevent erosion while providing stability to the canal banks.

1125
1126 Sec. 11-3. - Minimum elevations.

1127 The basic requirements for minimum elevations in the City of Margate are hereby established in Sec. 17-
1128 10. - Flood-resistant development within Chapter 17 Floodplain Management, as follows:

1129 (1) ~~Single family and duplex residential structures must be constructed so that the lowest habitable~~
1130 ~~floor is located no lower than the minimum finished floor elevation permitted by the South Florida~~
1131 ~~Water Management District (SFWMD) and at least eighteen (18) inches above the crown of the~~
1132 ~~street or road abutting the structure. (Florida Building code?) Whichever measurement results in~~
1133 ~~a higher elevation shall be applicable.~~

1134 (2) ~~For any structures other than single family and duplex residential, where the crown of the abutting~~
1135 ~~road is at or above the minimum finished floor elevation permitted by the SFWMD, the lowest~~
1136 ~~habitable floor shall be no lower than the SFWMD permitted elevation, (Florida Building code?)~~
1137 ~~provided a positive drainage system shall be constructed meeting the approval of the city~~
1138 ~~engineer.~~

1139 ~~For any structures other than single family and duplex residential, where the crown of the abutting~~
1140 ~~road is below the minimum finished floor elevation permitted by the SFWMD, the lowest habitable~~
1141 ~~floor shall be no lower than the SFWMD permitted elevation and at least six (6) inches above the~~
1142 ~~crown of the abutting road (Florida Building code?). Whichever measurement results in a higher~~
1143 ~~finished floor elevation shall be applicable.~~

1144 (3) ~~Elevation of the minimum finished floor permitted by the SFWMD (Florida Building code?) shall~~
1145 ~~be furnished with each application for approval of any subdivision plat and site development plans~~
1146 ~~reviewed by the development review committee.~~

1147
1148 Sec. 11-4. - Adoption by reference.

1149 (a) The current editions of the South Florida Water Management District's SWERP: Environmental
1150 Resource Permitting Manual, the Applicant's Handbook I and Applicant's Handbook II Groundwater
1151 Rule to Stormwater Discharges, including the basis of review for surface water management permit
1152 applications, is are hereby adopted as the minimum requirements for the City of Margate and said
1153 publications is are made a part hereof as if set out herein verbatim.

1154 (b) The flood insurance rate map, for Community Number 120047, ~~Panel Numbers 0115F and 0205F,~~
1155 prepared by the Federal Emergency Management Agency, dated August 18, ~~1992,~~2014, or as may
1156 be amended and updated, is hereby adopted by reference.

1157 (c) The Cocomar Water Control District is partially within the City of Margate and is authorized under
1158 Broward County Ordinances 80-23, 109-80 and 80-17 and Florida Statute Chapter 36.

1160 Sec. 11-5. - Building permits; street requirements prior to issuance.

1161 No building permits will be issued by the Margate Building and Code Services Department, except in areas
 1162 where standard paved streets are installed in accordance with recorded plats, unless and until complete
 1163 engineering drawings pertaining to undeveloped properties are furnished as required in Section 11-3;
 1164 provided, these requirements may be waived when complete engineering data have previously been
 1165 furnished in accordance with Section 11-3 and such data are available in the files of the Margate Building
 1166 and Code Services Department.

1167 Sec. 11-6. - Design criteria.

1168 (a) Designs shall provide drainage and flood protection of roads and parking lots in accordance with the
 1169 latest City of Margate Comprehensive Plan or published South Florida Water Management District
 1170 criteria, whichever is more restrictive, or as follows:

1171 Frequency = five-year storm

1172 Duration = one day (road centerlines); one hour (parking lots served by exfiltration systems)

1173 (b) Building floors shall be above the 100-year flood elevations, as determined by the South Florida
 1174 Water Management and the federal flood insurance rate map. The 100-year three-day storm event
 1175 shall be considered in determining elevations, consistent with the flood resistant development
 1176 requirements of Section 17-10 of this code.

1177

1178 Sec. 11-7. - One-Mile Canal; specifications.

1179 (a) The One-Mile Canal shall have a total right-of-way width of not less than one hundred (100) feet and
 1180 shall in general conform to the section line one mile west of the present eastern boundary of the City
 1181 of Margate. Necessary slight adjustments in curvature will be permitted in the general north-south
 1182 direction of the One-Mile Canal.

1183 (b) Minimum depth of the One-Mile Canal shall be not less than twelve (12) feet below the design water
 1184 surface.

1185 (c) Channel sections of the One-Mile Canal shall be not less than five hundred (500) square feet below
 1186 the design water surface.

1187 (d) Lateral drainage canals constructed to the One-Mile Canal shall have a minimum depth of not less
 1188 than twelve (12) feet below the design water surface after completion of excavation. Hydraulic and
 1189 hydrologic analysis shall be submitted for new lateral drainage canals constructed to the One-Mile
 1190 Canal.

1191 (e) The crown elevation of outfall pipes at the headwall shall be not more than one foot higher than the
 1192 design water surface and consistent with requirements set forth in Chapter 17 of this code.

1193

1194 Sec. 11-8. - Bridges spanning canals and other waterways.

1195 (a) It is hereby required in all cases where it is necessary for a canal or other waterway to be spanned by
 1196 some type of construction in order to allow foot or vehicular traffic to cross a canal that such be done
 1197 by the building of a bridge and in no instances will or culverts be hereafter permitted to be constructed
 1198 or built within the City limits of the City of Margate.

1199 I. All bridge structures shall conform to the following minimum requirements:

1200 (1) Loading. H-15-44, except when the department of transportation or Broward County
 1201 requirements dictate a higher loading.

1202 (2) *Span*. Total overall length of any bridge shall ~~not~~ be such that the water surface width is
1203 not reduced at the structure. This width, at normal water elevation, shall not be less than
1204 the width of the water surface in the typical canal section adjacent to the bridge.

1205 (43) *Horizontal clearance*. At least one (1) span of any bridge shall have a minimum horizontal
1206 clearance of twenty (20) feet.

1207 (34) *Vertical clearance*. The low member of the center span of any bridge shall be not less
1208 than six (6) feet above the normal water elevation in the canal. The normal water elevation
1209 of canals in Margate is assumed to be +7.5 mean sea level unless controlled by a
1210 structure other than CSFFCD S37B.

1211 (5) *Roadway width*. The clear roadway between curbs shall have a width of not less than
1212 four (4) feet greater than the approach pavement.

1213 (6) ~~*Sidewalks*. Sidewalks having a clear unobstructed width of not less than four (4) feet shall~~
1214 ~~be constructed at each side of the roadway.~~

1215 (76) *Handrails*. Handrails shall be constructed at each side of the bridge and shall ~~be of~~
1216 ~~reinforced concrete, stainless steel or structural aluminum. Masonry handrails shall not~~
1217 ~~be permitted.~~ and shall comply with Florida Building Code.

1218 (87) *Approach slabs*. Reinforced concrete approach slabs with a minimum centerline length
1219 of fifteen (15) feet shall be incorporated in each bridge design.

1220 II. All culvert structures shall conform to the following minimum requirements:

1221 (1) Minimum size of 24-inches unless approved by the Director of DEES.

1222 (2) Pipe material shall not be corrugated metal pipe.

1223 (3) Minimum clearances from utilities shall follow City of Margate standards.

1224 (4) Culverts shapes can be circular, elliptical, rectangular or square.

1225 In all instances the guidelines for the construction of bridges and/or culverts pursuant to this section
1226 shall be in accordance with the above minimum standards and good engineering practices with regard
1227 to the general policy established by the minimum standards set forth in this section.

1228

1229 (b) It shall be unlawful for any person, organization, firm or corporation to construct any bridge within the
1230 City of Margate without first submitting to the City, plans and specifications in accordance with the
1231 specifications required in this section and otherwise in accordance with good engineering practices,
1232 showing the work to be done and receiving a permit from the City prior to the commencement of any
1233 work in connection with the construction of a bridge or bridges.

1234 In all instances, construction of bridges and permit applicants for construction of bridges shall be
1235 restricted to be performed and issued only to licensed Florida engineering contractors and only
1236 licensed Florida engineering contractors shall be issued permits for the construction of bridges.

1237 (c) It shall be the duty of the City engineer and the Building and Code Services Department to review
1238 said plans and specifications ~~se~~ submitted prior to the issuance of a building or engineering permit,
1239 and if the plans and specifications meet the minimum requirements set forth in this section and are in
1240 accordance with good engineering practices in the City Engineer's sole discretion and opinion and
1241 after consultation with the engineers for the applicant or builder then the City Engineer shall approve
1242 said plans, whereupon the City of Margate, through its City Engineer shall issue a building
1243 engineering permit from the Department of Engineering and Environmental Services.

1244 The City Engineer, Building Official, or their designee, shall periodically inspect the construction of
1245 the bridge to assure that the bridge or bridges are constructed in accordance with the approved plans
1246 and specifications. In the event that the City engineer's inspection reveals that the construction is not
1247 in accordance with the plans and specifications then the City engineer shall notify the party to whom
1248 the permits ~~is~~ are issued of such violation, and in the event such violation is not cured immediately,

1249 then the Ceity shall order that all work on the bridge cease until such arrangements satisfactory to the
1250 Ceity engineer are made to correct said violation. The City Building and Code Services Department
1251 shall review, issue and inspect the City Building permit.

1252 (d) There is hereby established in the City of Margate, a permit and inspection fee for the construction of
1253 bridges which fees shall be payable to the city prior to the permit being issued in the amount of two
1254 and one-half (2½) per cent of the estimated construction cost.

1255 The engineering contractor applying for the permit for the construction of a bridge pursuant to this
1256 section may provide a detailed construction cost estimate which may be used by the Ceity Engineer
1257 or consulting engineer in determining the amount of the permit and inspection fees; ~~unless a detailed~~
1258 ~~construction cost estimate is furnished as aforesaid by the permit applicant the fee shall be based on~~
1259 ~~an estimated unit cost of twenty five dollars (\$25.00) per square foot of bridge deck as shown by the~~
1260 ~~plans and specifications submitted.~~

1261

1262 Sec. 11-8.1. - Damming up canals and waterways; permit required.

1263 (a) It shall be unlawful for any person, firm, corporation, builder, contractor, developer or other individual
1264 to in any way dam up or build any dam or bulkhead which dams up any canal or waterway within the
1265 Ceity limits of the City of Margate without first submitting specifications for said dam or bulkhead and
1266 receiving a permit therefor from ~~the building department~~ DEES of the city or any other regulatory
1267 agency.

1268 ~~(b) As part of the specifications there shall be at least one (1) culvert pipe of a diameter of at least forty-~~
1269 ~~eight (48) inches permitting free flow of water through said bulkhead or dam.~~

1270 (c) Violation of or failure to comply with any provision of this section shall constitute an offense against
1271 the City of Margate and subject the offender to a fine of not to exceed five hundred dollars (\$500.00)
1272 or imprisonment for a period not to exceed ninety (90) days or by both such fine and imprisonment.

1273

1274 Sec. 11-9. – Bulkheads of bridges.

1275 All bulkheads or headwalls of bridges shall be evaluated to determine whether ~~protected by~~ wingwalls on
1276 both the upstream and downstream sides shall be required.

1277 Sec. 11-10. - Reserved.

1278 Sec. 11-11. - Duty of design engineer.

1279 The design engineer for the developer shall furnish to the Ceity a certificate stating that he has inspected
1280 the development during construction and after completion of the work and certifying that the complete work
1281 is in ~~substantial~~ conformance with the approved plat, engineering plans and construction drawings.

1282

1283 Sec. 11-12. - Permit required for Construction or Realignment of Canals.

1284 (a) It shall be unlawful for any person, organization, firm or corporation to construct or realign any
1285 canals within the City of Margate without first submitting to the Ceity plans, ~~and specifications,~~ and
1286 hydraulic/hydrologic analysis in conformity with the ~~city zoning ordinances~~ Code of Ordinances of
1287 the City of Margate and the requirements of the building department and the Department of
1288 Environmental and Engineering Services, showing the work to be done and receiving a permit from
1289 the ~~city-DEES~~ prior to the commencement of any work in connection with the construction of canals.

1290 (b) The applicant shall also provide copies of all issued Federal, State and/or County permits also
1291 required for the project, prior to issuance of the City Engineering permit from DEES.

1292

1293 Sec. 11-13. - Review of plans by Ceity engineer; periodic inspection; violations; procedure.

1294 It shall be the duty of the Ceity engineer, in conformity with the ~~zoning ordinance~~ Code of the City of
1295 Margate, to review said plans and specifications so submitted prior to the issuance of ~~an a-building permit~~
1296 engineering permit, and if the plans and specifications meet the minimum requirements set forth in this
1297 Cehapter and the Ceity zoning ordinance and are in accordance with the overall drainage requirements of
1298 the Ceity, he shall approve said plans, whereupon the Ceity through its proper authority shall issue said
1299 permit. The Ceity engineer, or designees, shall periodically inspect the construction of the canals to assure
1300 that the canals are constructed in accordance with the plans and specifications. In the event that the Ceity
1301 Engineer's inspection reveals that the construction is not in accordance with the plans and specifications
1302 and requirements of this Cehapter and the Ceity zoning ordinance, then the Ceity Engineer shall notify the
1303 party to whom the permit is issued of such violation, and in the event such violation is not cured immediately,
1304 then he shall order that all work on the canals cease until such arrangements satisfactory to the Ceity are
1305 made to correct said violation.

1306

1307 Sec. 11-14. - Canals, ditches and swales; minimum standards.

1308 All canal construction in the City of Margate shall conform to the minimum standards and requirements as
1309 follows:

1310 (1) *Definitions:*

1311 (a) Canals. Any open channel, the bottom of which is below elevation minus 2.0 mean sea level
1312 datum plane.

1313 (b) Ditch or swale. Any open channel for the collection and/or flow of surface water, the bottom
1314 of which is at or above elevation minus 2.0 mean sea level datum plane.

1315 (2) *Design standards—Canals:*

1316 (a) Right-of-way. Where canals are to be dedicated to the public, right-of-way width shall be
1317 sufficient for the designed canal width, but no canal shall be less than fifty (50) feet in width.

1318 (b) Maintenance easements. There shall be an easement twenty (20) feet in width for
1319 maintenance purposes provided along one (1) side of all canals sixty (60) feet and less in
1320 width. Where the canal section exceeds sixty (60) feet, there shall be fifteen (15) feet
1321 maintenance easements on both sides of the canal dedication.

1322 (c) Width. The minimum acceptable canal section shall be such, that the width at +9.0 mean
1323 sea level is not less than fifty (50) feet.

1324 (d) Side slopes. The side slopes of the canal above elevation 9.0 mean sea level shall be no
1325 steeper than four (4) horizontal to one (1) vertical, and below this elevation shall be no
1326 steeper than two (2) horizontal to one (1) vertical, unless rock is encountered, in which case
1327 the city engineer may authorize the use of steeper slopes. All banks shall be left in a true,
1328 straight line.

1329 (e) Grassing. The banks of the canal above elevation 4.0 mean sea level shall be stabilized with
1330 a stand of perennial grass. No paving and drainage construction shall be considered final
1331 until the stand of grass has become permanently established.

1332 (3) *Design standards—Ditches and swales:*

1333 (a) Ditches and swales as defined in subsection (1)(b) will not be approved for new development
1334 unless approved by the DEES Director. ~~except for road side swales where the requirements~~
1335 ~~for curb and gutter has been expressly omitted by the city council.~~

1336 Final acceptance. All canals shall be kept clean and free of debris and aquatic growth until final inspection
1337 and approval by the Ceity Engineer.

1338 No final inspection will be made until "as-built" cross sections prepared by the designing engineer are
1339 submitted to the Ceity Engineer.

1340 Sec. 11-15. - Permit and inspection fees for Construction or Realignment of Canals.

1341 (a) There is hereby established in the City of Margate a permit fee for the construction of canals. ~~The fee~~
1342 ~~is specified in the fee schedule as adopted by Resolution by the City Commission, as may be~~
1343 ~~amended.~~ of two dollars and fifty cents (\$2.50) per one hundred (100) feet of canal up to one thousand
1344 (1,000) feet. Thereafter, the charge shall be one dollar and fifty cents (\$1.50) per one hundred (100)
1345 feet.

1346 (b) There is hereby established in the City of Margate an inspection fee of five and one-half (5.5) per cent
1347 of the estimated construction cost.

1348

1349 Sec. 11-16. - Certificate of occupancy.

1350 Before issuance of a certificate of occupancy on property bordering on any canal, all such canals shall have
1351 received the final inspection as provided for in section 11-14.

1352

1353 Sec. 11-17. - Canal retaining walls.

1354 The minimum specifications for canal retaining walls as set forth in this section be and the same hereby
1355 are adopted:

1356 A. *Scope:*

1357 (1) No canal retaining wall, ~~bulkhead~~, or other structure, the purpose of which is to produce a
1358 vertical drop in elevation at the edge of a canal, shall be constructed within the Ceity limits
1359 of Margate, Florida, without a permit for said construction being first obtained from the Ceity.

1360 (2) The necessity for obtaining a permit prior to construction shall apply to all privately and
1361 governmentally owned, as well as publicly dedicated, canals situate in, or adjacent to, the
1362 city limits of Margate, Florida.

1363 (3) Any owner, ~~or a licensed, qualified Contractor developer, contractor, engineer, architect or~~
1364 ~~other authorized person, firm or corporation~~ may apply for and obtain a construction permit
1365 provided all regulations herein set forth are complied with.

1366 (4) It is understood that the specifications set forth below are "minimum" specifications, and that
1367 special conditions may warrant special design and construction procedures and techniques.
1368 It is further understood that the design engineer and the contractor, individually and
1369 collectively, will be held accountable for any degree of structural or functional failure;
1370 however, the Ceity does not assume any responsibility for either correcting or forcing the
1371 correction of any structural or functional failures; nor does the Ceity, by issuing a construction
1372 permit, inspecting the construction or other act, assume any obligation or responsibility for
1373 the structural or functional adequacy of the structure.

1374 B. *Permit:*

1375 (1) The applicant for permit shall furnish ~~four (4) prints eight and one half (8½) inches by~~
1376 ~~fourteen (14) inches (or multiples thereof)~~ copies of the construction plans showing all
1377 details and dimensions necessary for the proper execution of the work, said plans to also
1378 show the following:

- 1379 (a) A location sketch of sufficient scope to accurately and quickly locate the site of the work.
1380 (b) Accurate ties to land lines or existing platted property lines.
1381 (c) The total length of the construction in feet.
1382 (d) The mean low water elevation, the mean high water elevation, and the elevation of the
1383 top of the cap, all referenced to National Geodetic Survey (NGS) ~~USC & GS~~-mean sea
1384 level datum plane reported in NAVD88, or as may be amended.
1385 (e) The seal and signature of a professional civil engineer registered to practice in the State
1386 of Florida.
1387 (f) The applicant shall identify the current owner of the structure during construction and
1388 shall identify the future owner who will own the structure upon completion of the project,
1389 and who will maintain the structure once completed.
1390 (2) In issuing the permit the Ceity does not assume any responsibility for the accuracy or
1391 reliability of the information shown by the construction plans or their conformity with the
1392 minimum specifications set forth below.
1393 (3) The applicant shall obtain a permit before completing any construction work. All work to be
1394 performed under the permit shall be in compliance with all rules and regulations of all
1395 governing agencies having jurisdiction.
1396 C. *Minimum specifications:*
1397 (1) Construction permits will be issued only for the following types of canal retaining walls:
1398 (a) Precast reinforced concrete. (T-pile and slab.)
1399 (b) ~~Aluminum and asbestos cement.~~ Sheet piling.
1400 (2) Minimum specifications for all approved canal retaining walls:
1401 (a) Minimum elevation at top of cap; two (2) feet above normal water elevation, or as
1402 determined by the engineering department.
1403 (b) Construct minimum one (1) foot wide berm in front of canal retaining wall placed no
1404 higher than mean low water mark and construct a swale landward of the berm.
1405 ~~(c) Minimum material specifications: Kaiser aluminum or approved equal; GAF asbestos~~
1406 ~~cement or approved equal.~~
1407 D. *Minimum design criteria:*
1408 (1) Canal retaining walls shall be designed to resist pressures of the retained material, including
1409 both dead and live load surcharge to which they may be subjected.
1410 (2) Canal retaining walls shall be designed for stability against overturning, sliding, maximum
1411 soil pressure, as well as for moment, shear, bond, and maximum pressure at sections of the
1412 wall at regular intervals of height.
1413 (3) For stability against sliding, resistance shall be provided for at least twice the computed
1414 active horizontal thrust on the wall.
1415 (4) The city may, at its discretion, require the design engineer to submit additional drawings,
1416 calculations, test results or other data considered necessary to properly evaluate the
1417 proposed work.
1418 (5) Specific minimum specifications for precast reinforced concrete (T-pile and slab) and
1419 reinforced concrete sheet piling walls:
1420 (a) Slab thickness—Five (5) inches.
1421 (b) Cap width—Sixteen (16) inches.

- 1422 (c) Slab penetration—Three (3) feet below berm elevation.
- 1423 (d) Pile penetration (T-pile and slab)—As required for bearing, but not less than ten (10)
- 1424 feet below berm elevation, except that piling may be terminated at point of refusal.
- 1425 (e) Concrete sheet piling penetration—As required for bearing, but not less than five (5)
- 1426 feet below berm elevation, except that sheeting may terminate at point of refusal.
- 1427 (f) Geotechnical and all other design criteria to meet requirements of the Florida Building
- 1428 Code and standards established by the City Department of Environmental and
- 1429 Engineering Services.
- 1430

1431 Sec. 11-18. - Same—Permit required, fee; inspection fee.

- 1432 (a) *Permit fee.* It shall be necessary for any person desiring to erect, repair or conduct maintenance on a
- 1433 canal retaining wall within the municipal limits of the City to apply to the City of Margate Department
- 1434 of Environmental and Engineering Services Department and the Building and Code Services
- 1435 Department for the issuance of a permit prior to commencing construction of said retaining wall, and it
- 1436 is further provided that the permit fees for the construction of any canal retaining wall in the city shall
- 1437 be established.

1438 0 to 60 lineal feet inclusive (minimum fee) \$35.00

1439 plus, for each additional 10 lineal feet or fraction thereof over 60 3.50

- 1440 (b) ~~Seawall~~ Canal retaining wall inspection fee. There is hereby established ~~seawall~~ canal retaining wall
- 1441 inspection fees in accordance with the following formula, which inspection fees shall be placed and
- 1442 paid to the City of Margate at the time of application for permit for installation of ~~seawalls~~ canal retaining
- 1443 walls:

1444 Per 100 lineal feet \$25.00

1445

1446 Sec. 11-19. - Reserved.

1447 Sec. 11-19.1. - Retaining wall ladders.

- 1448 (a) *Purpose.* The purpose of this section is to provide a reasonable and effective means of escape from
- 1449 any canal, either in an emergency situation or as a means of normal egress from any canal or boat.

1450 Any person, firm or corporation desiring to replace, conduct substantial improvements on, or erect a

1451 new canal retaining wall shall construct retaining wall ladders, according to the provisions and

1452 specifications hereof.

- 1453 (b) *Location and spacing.* Every retaining wall ladder shall be attached parallel to the canal retaining wall
- 1454 with a minimum of seven (7) inches between the headwall and the ladder. Such ladders shall be
- 1455 spaced every one hundred (100) feet, as measured from the centerline of the ladder. The spacing for
- 1456 retaining wall ladders shall be staggered on opposite sides of the canal, so as to provide one ladder
- 1457 for every fifty (50) feet of canal space. For those parcels with less than one hundred (100) feet of length,
- 1458 a retaining wall ladder shall be installed with any new, replaced or substantially improved wall, a ladder
- 1459 shall be required on every parcel with any new, replaced or substantially improved wall regardless of
- 1460 lot length.

- 1461 (c) *Materials.* Retaining wall ladders and appurtenant hardware shall be constructed from material
- 1462 resistant to rot, rust, and/or erosion. (Examples: stainless steel, aluminum, galvanized carbon steel,
- 1463 fiberglass, etc.) The design for same shall conform as closely as possible to the attached diagram.

1464 - Editor's Note: This diagram is not included herein but is on file in the office of the City Clerk.

- 1465 (d) Minimal Dimensions Required. (nominal).
- 1466 (1) Side rails: Side rails shall be not less than a three-fourths ($\frac{3}{4}$) square inch cross section. If angle
- 1467 side rails are constructed, they shall be equivalent in strength and durability to a three-eighths (
- 1468 $\frac{3}{8}$) inch by two (2) inch steel bar. If pipe is used, the minimum diameter shall be one and one-
- 1469 half ($1\frac{1}{2}$) inch standard pipe, Schedule 40.
- 1470 (2) Rungs: Pipe, flats, or rounds rungs shall not be less than three-fourths ($\frac{3}{4}$) inch diameter and
- 1471 secured so as to prevent turning and twisting, and shall be spaced twelve (12) inches apart.
- 1472 (3) Rail spacing: The spacing between rails shall be a minimum of eighteen (18) inches.
- 1473 (4) Position: The position shall in all instances be vertical.
- 1474 (5) The bottom of the ladder shall extend at a minimum at least thirty (30) inches below the mean low
- 1475 water level.
- 1476 (e) Fastenings. Fastenings shall be equivalent to rail strength. They shall be attached to permanent
- 1477 structure by welding, building in or through bolts, grouted and leaded. Fastenings shall be not more
- 1478 than six (6) feet apart. The side rails shall extend at least thirty (30) inches above the cap of the
- 1479 retaining wall, and extend at least two (2) rungs into the water, where possible. Each ladder shall be
- 1480 attached to the retaining wall in at least four (4) places. The two (2) top attachments shall be into the
- 1481 cap of the wall and the two (2) lower attachments shall be as close to the low water line as possible.
- 1482 (f) Permit and approval. It shall be necessary for any person, firm or corporation erecting a canal retaining
- 1483 wall ladder within the municipal limits of the City of Margate to apply to the City of Margate ~~Engineering~~
- 1484 Department of Environmental and Engineering Services for the issuance of a permit prior to
- 1485 commencing construction of said retaining wall ladder. Upon completion of construction, a
- 1486 representative of the engineering department will make an inspection to determine if the installation is
- 1487 in compliance with the provisions of this section.
- 1488 (g) Permit fee cost. The cost of an Engineering permit and Building permit for the installation of a retaining
- 1489 wall ladder shall be five dollars (\$5.00), payable to the City of Margate.

1490

1491 Sec. 11-20. – Construction In and Upon Waterways and Use of Property Abutting Waterways .

1492

- 1493 (a) Intent. The intent of this section is to permit construction in and upon the public canals, lakes and
- 1494 waterways of docks, boat ramps, or canal retaining walls, which do not interfere with the free use of
- 1495 the canals, lakes and waterways, endanger life or property, or deny the public reasonable viable
- 1496 access to public waterways. Structures not similar in nature to those listed herein shall be prohibited.
- 1497 Buildings are not allowed.

1498 All improvements such as docks, canal retaining walls, boat ramps and other related structures which

1499 are made or placed upon or abut such public property or public waterways by a private person or entity

1500 shall be constructed by permit obtained from the City Department of Environmental and Engineering

1501 Services. All maintenance and repairs shall be performed according to City engineering standards and

1502 in compliance with such permits. The private person or entity, or their successors or assigns, having

1503 obtained such permits shall be responsible for all maintenance and repairs for the improvements.

1504 The holder of the permit shall be responsible for maintaining improvements to the area and for

1505 beautifying a reasonable area in and around the dock location to be specified, and failure to do so

1506 shall be grounds for revocation of permission.

1507 The holder of such permits shall not charge or collect any rent or fees from anyone using such dock

1508 constructed on or abutting public property or public waterways.

1509 A permit to a private individual or entity to construct a dock, boat ramp or canal retaining wall upon or

1510 abutting public property or public waterways and the acceptance and use of same by such private

1511 person shall constitute a guarantee from such private person to the City to indemnify and hold the City

1512 harmless for any damage or injury to any person using such facilities.

1513 Fencing within the lands abutting the waterway shall not extended over open water. A gate shall be
1514 installed in any fencing installed in a right-of-way or easement.

1515 (b) Permit required.

1516 (1) The application shall be accompanied by detailed plans and specifications for the structure at the
1517 proposed site, together with a plot plan or survey showing the location of the proposed structure
1518 in conjunction with adjoining lands, waters and lakes. Said plan shall provide for all proposed
1519 landscaping and the name of the person or entity maintaining same. The above shall be prepared
1520 by a professional engineer registered in the state. As-built drawings and final certification of
1521 completion and compliance to that engineer's design shall be submitted to the City prior to the
1522 City's certificate of completion being issued.

1523 (2) Before the issuance of the permit, the owner of the abutting private property shall execute an
1524 agreement that he/she shall indemnify or hold the City harmless for any claim or suit arising out
1525 of the operation of maintenance of the structure to be constructed extending into or abutting a
1526 public waterway and that same shall be binding on the heirs, assigns and successors of the owner
1527 of record. Said document shall be recorded in the public records of Broward County.

1528 (3) The Building and Code Services Department and Engineering fee for a permit shall be specified
1529 in the fee scheduled as adopted by the City Commission, as may be amended. The Engineering
1530 fee for a permit shall be five and one-half (5½) per cent of the cost of the proposed work with a
1531 minimum fee of one hundred dollars (\$100.00).

1532 (c) Minimum requirements.

1533 (1) No dock, pier or piling on any canal, lake or waterway within the City shall extend from the canal
1534 retaining wall more than ten (10) percent of the width of the canal adjacent to the property, and
1535 up to a maximum of ten (10) feet in width. When there is no canal retaining wall, the distance
1536 shall be measured from the property line unless same is not submerged, in which case the
1537 measurement shall be from the average high-water line. In no case shall a dock, pier or piling be
1538 constructed or installed in such a manner that it would impede the free use of the canal, lake or
1539 waterways for public recreational purposes, navigation, or free flow of water for drainage
1540 purposes as determined by the City. Reflectors shall also be required for this construction.

1541 (2) The dock shall not extend closer than ten (10) feet to the property line of the adjacent property.

1542 (3) Neither finger piers nor floating docks shall be permitted within the City.

1543 (4) No dock or pier shall be constructed to a height greater than the height of a canal retaining wall.
1544 In the event a canal retaining wall is not constructed, a dock or pier shall be limited in height to
1545 four (4) feet, six (6) inches above mean high water level.

1546 (5) Any structure erected pursuant to this section shall be kept in good repair by the owner thereof
1547 and shall be subject to removal by the City in the event that it is unsafe or creates a hazard as
1548 determined by the City Building Official, the cost thereof to be assessed against the owner.

1549 (6) Any new, replacement or substantially improved dock constructed on an existing canal retaining
1550 wall shall provide an Engineers certification of the capacity and integrity of the existing canal
1551 retaining wall.

1552 (d) The City shall be exempt from the regulations set forth in this section pertaining to construction of
1553 docks, boat ramps, canal retaining walls or similar structures on City-owned property for official
1554 government purposes.

1555

1556 Sec. 11-201. - Penalty for violations.

1557 Any person, firm or corporation violating any of the provisions of this chapter, including the minimum
1558 specifications, shall be guilty of a misdemeanor and shall, upon conviction, be punished as provided by
1559 law.

~~Chapter 31— PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS~~

~~ARTICLE I. — IN GENERAL~~

~~Sec. 31-1. — Requirements generally.~~

~~(a) No structure, except as provided by section 31-15(b) below, shall hereafter be erected within the city limits without its being erected upon a lot shown on a plat which has been duly accepted and approved by the city commission and duly recorded in the public records of Broward County, Florida.~~

~~(b) All plats shall conform with and be processed in accordance with the requirements of "City of Margate Platting Regulations" attached hereto and specifically made a part of this section.~~

~~(c) All public improvements within subdivisions, including, but not limited to, street pavement, curbs, gutters, sidewalks, storm drainage, canals, bridges, bulkheads, sanitary sewers and water distribution systems shall be provided for all platted areas in accordance with the requirements of "City of Margate Subdivision Improvement Regulations" as per article II.~~

~~When in the judgement of the city engineer, it is determined that curbs and gutters are not required in certain subdivisions, he shall submit such recommendation in writing to the city commission for their approval.~~

~~This section does not require any additional developer's performance bonds or inspection fees not otherwise provided for by city ordinance.~~

~~(d) Notwithstanding the provisions of this section, structures may be constructed on unplatted property which structures are to be used exclusively and temporarily as models for sales purposes, provided that the "models" meet all other requirements of the building code and that the developer has received prior approval of the planning and zoning board of the city for such structure or model.~~

~~(e) Provided, however, that no part of the deeded or dedicated area required by this platting ordinance shall be part of or in any way encumbered by or located in any easement or right-of-way.~~

~~Sec. 31-2. — Underground wiring required.~~

~~(a) Definitions:~~

~~(1) *Utilities.* "Utilities" shall mean all utilities and similar facilities, including, but not limited to, gas, telephone, cable, fiber, internet, broadband, telecommunications, and other communications and electrical distribution and transmission facilities.~~

~~(2) *Substantially redevelop or reconstruct.* "Substantially redevelop or reconstruct" shall mean the cost of rebuilding, repair or reconstruction will be fifty (50) percent of the replacement cost of the building or structure.~~

~~(b) Easements shall be provided for the installation of underground utilities or relocating existing facilities in conformance with such size and location of easements as may be determined by the city's engineer to be compatible with the requirements of all utility companies involved with respect to a particular utility service.~~

~~(c) The subdivider or developer shall submit written evidence of a satisfactory arrangement with each of the persons, firms or corporations furnishing utility services involved with respect to a particular development before the final plat of the subdivision is submitted to the city commission for its approval.~~

~~(d) Underground placement of existing utilities:~~

~~(1) *Applicability.*~~

~~a. For any new commercial, industrial, retail development, mixed use application or any other development application other than a residential development application approved after the effective date of this ordinance, all utilities to be located within or in the public rights-of-way adjacent to the development and within that development even if not in the public rights-of-way shall be installed underground at the developer's and/or owner's cost. Existing overhead utilities on public rights-of-way adjacent to the new development and within that~~

development, even if not in the public rights-of-way, shall be converted to underground utilities at the developer's and/or owner's cost, provided that, where applicable, such cost is determined pursuant to a utility's tariffs, such as those of Florida Power and Light Company, that are approved and enforceable by the Florida Public Service Commission. Where the costs are not subject to tariffs enforceable by the Florida Public Service Commission, it is the intent of this section that the city will not be responsible for any such costs, and that the apportionment of such costs between the developer, owner, and any utility shall be pursuant to a written agreement between the involved parties. For a project parcel located at a roadway intersection, the developer and/or owner shall be responsible to continue the underground conversion across the intersection to the nearest point/points of connection at no cost to the city. No overhead poles shall be allowed to stay adjacent to any parcel that is required to have underground utilities pursuant to this section of the City Code.

b. ~~If any application is submitted after the effective date hereof for a permit to substantially redevelop or reconstruct an existing commercial, industrial, retail, mixed use or any project other than a residential development that occupies one (1) acre or more or that requires site plan approval, all utilities located within or in the public rights-of-way adjacent to that development and within that development, even if not in the public rights-of-way, shall be installed underground at the developer's and/or owner's cost. Existing overhead utilities shall be converted to underground utilities at the developer's and/or owner's cost. For a project parcel located at a roadway intersection, the developer and/or owner shall be responsible to continue the underground conversion across the intersection to the nearest point/points of connection at no cost to the city. No overhead poles shall be allowed to stay adjacent to any parcel that is required to have underground utilities pursuant to this section of the City Code.~~

c. ~~1. For any redevelopment or reconstruction of a residential project of five (5) acres or more or any new development or reconstruction of a residential project of five (5) units or more approved after the effective date hereof, all utilities located within or in the public rights-of-way adjacent to that development and all utilities located within the project site shall be installed underground at the developer's and/or owner's cost. All existing overhead utilities, including "service laterals" and "service drops" that serve individual residences, units, or commercial establishments in the public rights-of-way and in the project area, regardless whether such utility facilities are located in the rights-of-way or on private property, shall be converted to underground utilities at the developer's and/or owner's cost. When an area is converted to underground service for a project in which the city participates and front ends the costs to obtain benefits available from any utility (including, without limitation, the reduced cost available from Florida Power and Light Company through that company's governmental adjustment factor waiver tariffs), each property owner in the affected area shall complete the conversion of his or her services, including service laterals or service drops, within ninety (90) days after the new underground facilities have been energized. For a project parcel located at a roadway intersection, the developer and/or owner shall be responsible to continue the underground conversion across the intersection to the nearest point/points of connection at no cost to the city. No overhead poles shall be allowed to stay adjacent to any parcel that is required to have underground utilities pursuant to this section of the City Code.~~

2. ~~This section shall not be applicable to the remodeling or reconstruction of an individual single family home, situated alone with no other residences on the same parcel, on any sized parcel of property existing on the property as of the effective date of this section. The intent of this subsection is to allow remodeling of an existing single family home anywhere in the city that was constructed before the effective date of this section.~~

(2) ~~Exception. Electrical transmission or distribution lines with a rated load of more than twenty-seven (27) kV (twenty seven thousand (27,000) volts) shall be exempt from the requirements of this section. All electrical transmission or distribution lines with a rated load of twenty-seven (27) kV (twenty seven thousand (27,000) volts) or less shall not be exempted from the requirements of this section.~~

1662 ~~(3) City participation. Upon application and execution of an agreement by a developer or property~~
1663 ~~owner consistent with this section, the city may participate as an applicant or co-applicant for~~
1664 ~~undergrounding projects in order to take advantage of benefits that may be available from the~~
1665 ~~utility to local government applicants. The developer or property owner shall agree to reimburse~~
1666 ~~the city for the city's costs, including without limitation attorney's costs, incurred in the city's~~
1667 ~~participation in the project as contemplated by this section. In certain areas or projects where the~~
1668 ~~city participates to underground utilities and pays all costs up front to obtain benefits available~~
1669 ~~from any utility, including without limitation from Florida Power and Light Company, AT&T,~~
1670 ~~Comcast, etc., each owner and/or developer who benefits from this conversion or undergrounding~~
1671 ~~shall pay the city all expenses related to the conversion or undergrounding, including, but not~~
1672 ~~limited to, design construction and/or any fees in a pro-rated manner as determined by the city~~
1673 ~~commission.~~

1674 ~~(4) Process timing and waiver.~~

1675 ~~a. The developer and/or owner shall evidence compliance with the requirements in this division~~
1676 ~~by providing to the city a signed agreement between the developer and/or the owner and~~
1677 ~~each relevant utility showing that the utility has agreed, at the developer or owner's cost, to~~
1678 ~~place or convert the relevant utilities underground, or the developer and/or owner has~~
1679 ~~established an agreement with the city indicating their intent to comply with the~~
1680 ~~undergrounding requirements of subsection (1)c.1., above. This evidence or application for~~
1681 ~~waiver shall be submitted with the development application; if not thus submitted, then the~~
1682 ~~development application shall be deemed incomplete. The city shall require this evidence or~~
1683 ~~an application for waiver, as described in subsection b., below, to accompany the review of~~
1684 ~~the development application by the development review committee. The city commission~~
1685 ~~shall be the final authority to grant or deny said waiver application.~~

1686 ~~b. Any developer or owner subject to the requirements of this section may apply to the city, in~~
1687 ~~a form specified by the city and accompanied by the payment of a waiver application fee~~
1688 ~~seeking to be relieved of the requirements of this division. This waiver application must be~~
1689 ~~submitted to the city prior to the time specified in subsection a., above. If the developer or~~
1690 ~~owner claims that technical reasons are the basis for the waiver application, the application~~
1691 ~~shall contain a detailed statement by a state licensed professional engineer, qualified with~~
1692 ~~respect to utility issues, explaining why, in the engineer's professional opinion, it is technically~~
1693 ~~infeasible to locate such utilities underground. The director of environmental and engineering~~
1694 ~~services and the development services director shall review such application and shall make~~
1695 ~~a recommendation to the city commission. The city commission shall have the authority to~~
1696 ~~grant or deny a waiver. The city may grant a waiver if the application is supported by~~
1697 ~~information detailing justifiable reasons for not pursuing the subject undergrounding,~~
1698 ~~including, by way of example and not limitation, technical infeasibility or impracticability,~~
1699 ~~practical infeasibility or impracticability, or costs outweigh perceived benefits, as determined~~
1700 ~~by the city.~~

1701 ~~c. If a waiver is granted, a dollar amount equal to the cost of placing the utilities underground,~~
1702 ~~as determined by an estimate established by the relevant utilities and as agreed upon by the~~
1703 ~~city, shall be required to be paid into the city's underground utility trust fund prior to the~~
1704 ~~development permits being issued.~~

1705
1706 ~~Sec. 31-3. Underground utility trust fund—Established.~~

1707 ~~There is hereby established an underground utility trust fund. Contributions generated from the~~
1708 ~~waiver provision of section 31-2 of this Code, entitled "Underground utilities; required", shall be deposited~~
1709 ~~into the underground utility trust fund. The city commission may, by resolution, designate other additional~~
1710 ~~funds to be deposited into the underground utility trust fund as deemed to be in the best interest of the~~
1711 ~~city.~~

1712 ~~(a) Restriction on expending funds.~~

1713 ~~(1) Funds deposited into the underground utility trust fund shall be restricted and shall be~~
1714 ~~expended solely for projects that place existing or future utility lines underground as may be~~
1715 ~~approved by the city commission from time to time. Projects that are eligible for the~~
1716 ~~expenditure of such funds include, but are not limited to:~~

1717 ~~a. The underground placement of all utilities lines and appurtenances, including, but not~~
1718 ~~limited to, gas, telephone, cable, fiber, communications and electrical distribution and~~
1719 ~~transmission facilities on public rights of way.~~

1720 ~~b. Public property beautification projects, including, but not limited to, median~~
1721 ~~improvements, which are occasioned by the placement of utility lines underground.~~

1722 ~~c. Payment for any loan, bond, or other debt incurred for any project authorized by this~~
1723 ~~section, including debt service, if any.~~

1724 ~~(2) Funds deposited into the underground utility trust fund are intended to be used for projects~~
1725 ~~with a rational nexus to the project or projects contributing the funds into the trust, where~~
1726 ~~feasible or practicable. The rational nexus may be based on location, system integrity or~~
1727 ~~other matters as determined in the discretion of the city commission.~~

1728 ~~(b) Prohibition against expending funds.~~

1729 ~~(1) Funds deposited into the underground utility trust fund shall not be used as a source of~~
1730 ~~revenue to meet operating needs of the City of Margate.~~

1731 ~~(2) Funds deposited into the underground utility trust fund shall not be commingled with general~~
1732 ~~fund revenue, and shall not be used to supplement the general fund budget.~~

1733 ~~(3) All interest earnings resulting from funds deposited into the underground utility trust fund~~
1734 ~~shall be transferred back into the underground utility fund on an annual basis on or by~~
1735 ~~September 30 of every year.~~

1736 ~~(c) Authority to expend funds. Any project which meets the criteria for funding from the underground~~
1737 ~~utility trust fund as set forth in subsection (a) above, shall be approved by a separate, specific~~
1738 ~~resolution of the city commission for that project. Said resolution shall be separate and apart from~~
1739 ~~the annual budget process.~~

1740 ~~(d) Amendments to or rescission of underground utility trust fund.~~

1741 ~~(1) The city commission may, by ordinance, temporarily cease depositing contributions from~~
1742 ~~the waiver provisions of section 31-2 of this Code into the underground utility trust fund. Any~~
1743 ~~ordinance that approves the temporary cessation of said contributions to the underground~~
1744 ~~utility trust fund shall be effective for a period that shall not exceed one (1) year.~~

1745 ~~(2) The city commission may, by ordinance, amend or rescind the underground utility trust fund.~~

1746 ~~(3) In the event the underground utility trust fund is rescinded by subsequent ordinance, it is~~
1747 ~~the intention of this subsection that all existing underground utility trust fund funds be used~~
1748 ~~for the purposes contained in subsection (a) above.~~

1749
1750 ~~Secs. 31-4 - 31-14. Reserved.~~

1751 ~~ARTICLE II. PLATTING REGULATIONS~~

1752
1753 ~~Sec. 31-15. Platting required.~~

1754 ~~(a) No application for construction of a principal building on a parcel of land shall be granted unless a plat~~
1755 ~~including the parcel or parcels of land have been approved by the city commission of the City of~~
1756 ~~Margate and the county commission and recorded in the official records of Broward County~~
1757 ~~subsequent to May 30, 1955.~~

1758 ~~(b) This provision will not apply to applications for a building permit for the construction of a building or~~
1759 ~~structure on any specifically delineated single family lot or parcel or on any specifically delineated~~

~~multifamily or nonresidential lot or parcel less than five (5) acres in size which has been platted, provided that the city commission determines that the following conditions have been met:~~

~~(1) A property development plan containing all of the applicable information requirements of section 31-18 of this chapter shall be prepared by a registered engineer or surveyor.~~

~~(2) Any land within the lot or parcel which is necessary to comply with the Broward County and/or Margate trafficways plan and needed for the realization of any improvements proposed within which has been conveyed to the public by fee simple deed or grant of easement.~~

~~Sec. 31-16. Purpose of platting regulations.~~

~~(1) To assure that orderly and efficient development of the City of Margate.~~

~~(2) To establish uniform standards for the preparation of subdivision plats.~~

~~(3) To assure consistent and equitable treatment for engineers, surveyors and subdividers in the review and processing of their plats.~~

~~(4) To coordinate the zoning and subdivision improvement regulations of the City of Margate.~~

~~Sec. 31-17. Definitions.~~

~~(1) Definitions. As used in these regulations, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof". The word "street" includes avenue, boulevard, parkway, court, highway, lane, road, terrace, causeway, way and expressway. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, stream and canal, but does not include a lake, pond or pool without outlet. The word "may" is permissive; the words "shall" and "will" are mandatory and not merely directory.~~

~~(2) Definitions of terms.~~

~~*Alley.* A minor right of way providing secondary vehicular access to the side or rear of properties otherwise abutting on a street.~~

~~*Approval, tentative.* The official action taken on a proposed plat, subdivision or dedication by the board, generally on a preliminary plat, committing the board to final approval on a final plat incorporating the design arrangements and provisions which are the basis for tentative approval.~~

~~*Approval, final.* The official action of the board on a final plat which incorporates all features and provisions of a plat which has previously been given tentative approval.~~

~~*Board.* Shall mean the city planning and zoning board.~~

~~*Council.* Shall mean the city council.~~

~~*Cul-de-sac.* A minor street intersecting another street at one end and terminated at the other end by vehicular turnaround.~~

~~*Developer.* A person or his agent, who undertakes the activities covered by these regulations, particularly the preparation and presentation of a subdivision plat showing the layout of the land and the public improvements involved therein. Inasmuch as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term "developer" is intended to include the term "subdivider", even though the persons involved in successive stages of the project may vary.~~

~~*Easement.* A right-of-way acquired by public authority to use or control property for a designated purpose.~~

~~*Half or partial street.* A street, generally parallel and adjacent to the boundary line of a tract, having a lesser right-of-way width than that required for full development of the type of street involved.~~

1805 ~~*P.C.P.* Shall mean permanent control point, each of which shall consist of a nail in a disc stamped~~
1806 ~~with surveyor's registration number or brass marker, marked PCP, and shall be located as required by~~
1807 ~~Broward County.~~

1808 ~~*Improvement, public.* Any of the following: street pavement, with or without curbs and gutters;~~
1809 ~~sidewalks, alley pavement; walkway pavements; water mains; sanitary sewers; storm drains; street name~~
1810 ~~signs, street trees; permanent reference monuments (PRM); permanent control points (PCP).~~

1811 ~~*Lot.* A tract or parcel of land identified as a single unit in a subdivision, and intended for transfer of~~
1812 ~~ownership, use or improvement.~~

1813 ~~*Lot depth.* The mean horizontal distance between the front and rear lines of a lot.~~

1814 ~~*Lot width.* The horizontal distance between the side lines of a lot at the front yard line or at the front~~
1815 ~~lot line where no front setback is required.~~

1816 ~~*Multiple dwelling.* A building which provides separate living quarters for two (2) or more families.~~

1817 ~~*Over-all plan.* A plan depicting a general layout of streets, blocks, lots, waterways, etc., for the future~~
1818 ~~subdividing of an area, which may be platted in sections for each of which a preliminary plat will be filed.~~

1819 ~~*Permanent reference monuments (PRM).* Monuments as defined by Chapter 177, Florida Statutes.~~

1820 ~~*Plat, final.* A complete and exact subdivision plan, prepared for official recording as required by~~
1821 ~~statute, to identify and define property rights, dedications and public improvements, and incorporating all~~
1822 ~~corrections required by the city planning and zoning board and city engineer upon review of the~~
1823 ~~preliminary plat.~~

1824 ~~*Plat, preliminary.* A tentative subdivision plan, in the same detail as final plat, and showing proposed~~
1825 ~~street and lot layout as a basis for consideration prior to submission of the original tracing of a final plat.~~
1826 ~~This could also be called a "Preliminary Final Plat".~~

1827 ~~*Plat, sketch.* An informal plan, not necessarily to scale, indicating salient existing features of a tract~~
1828 ~~and its surroundings and the general layout of the proposed subdivision.~~

1829 ~~*Reverse frontage lot.* A lot extending between and having frontage on a trafficway and a minor street~~
1830 ~~and with no vehicular access from the trafficway.~~

1831 ~~*Right-of-way.* Land reserved, used or to be used for a street, alley, walkway, drainage facility or other~~
1832 ~~public purpose.~~

1833 ~~*Setback or base building line.* The line within a property defining the required minimum distance~~
1834 ~~between any enclosed structure and the adjacent right-of-way.~~

1835 ~~*Sight distance.* The minimum extent of unobstructed vision (in a horizontal or vertical plan) along a~~
1836 ~~street from a vehicle located at any given point on the street.~~

1837 ~~*Street.* A public thoroughfare which normally affords principal means of access to abutting property.~~

1838 ~~*Street, minor.* A street used primarily for access to abutting property.~~

1839 ~~*Street, collector.* A street which, in addition to giving access to abutting properties, carries traffic from~~
1840 ~~minor streets to the major system of arterial streets and highways, including the principal entrance street~~
1841 ~~of a residential development and streets for circulation within such a development.~~

1842 ~~*Street, marginal access.* A minor street parallel to and adjacent to a traffic way, and which provides~~
1843 ~~access to abutting property and protection from through traffic.~~

1844 ~~*Subdivider.* See "Developer".~~

1845 ~~*Subdivision.* The division of land into two (2) or more lots or parcels for purpose of transfer of~~
1846 ~~ownership or development, or if a new street is involved, any division of a parcel of land.~~

1847 ~~*Trafficway.* A street other than minor or collector streets, which is intended primarily for through~~
1848 ~~travel by all types of traffic for considerable distances, including freeways, expressways, primary arterial~~
1849 ~~highways, major thoroughfares and secondary thoroughfares, or as identified on a trafficway plan.~~

~~*Trafficway, freeway.* Freeways are fully controlled access highways whose function is to carry high-speed, high-volume, continuous through traffic for trips of appreciable length. These highways shall be free of conflicting traffic, give no service to adjacent property and have no provisions for pedestrians or parking. Frontage or service roads may be included for access to abutting property.~~

~~*Trafficway, expressway.* Expressways are limited access highways whose function is to carry high-speed, medium high-volume, through traffic. Expressways may have some at-grade signalized intersections, but will give no service to adjacent property. Frontage or service roads may be included for access to abutting property.~~

~~*Trafficway, primary, arterial highway.* Primary arterial highways are highways whose principal function is to carry through traffic over considerable distances. The secondary function of these highways is to give service to adjacent property. Points of intersection and crossing of other streets should be limited so that major function, carrying through traffic, will not be unduly impaired.~~

~~*Traffic, major thoroughfare.* Major thoroughfares are highways whose primary function is carrying through traffic but in lesser volumes and over shorter distances than a primary arterial. These highways also provide, as a secondary function, access to adjacent property.~~

~~*Trafficway, secondary thoroughfare.* Secondary thoroughfares are highways carrying through traffic over relatively short distances. These highways usually connect with primary arterials or major thoroughfares and provide service to adjacent property.~~

~~*Walkway.* A right of way intended primarily for pedestrians, excluding self-propelled vehicles, which cuts across a block to improve circulation and access to adjacent street, services or properties.~~

~~Sec. 31-18. Procedure for preparation and filing of plats.~~

~~(A) Sketch plat.~~

~~(1) Submission.~~

~~(a) A sketch plat may be submitted by a subdivider for review by the board with nine (9) prints being supplied to the board at least seven (7) calendar days prior to their meeting.~~

~~(b) With the initial filing of the sketch or preliminary plat as called for herein the subdivider shall include the sum of one hundred dollars (\$100.00) to defray all costs of the city and the board in reviewing the plat. This fee is not refundable in the event the plat is withdrawn or otherwise not followed through to completion by the subdivider.~~

~~(2) Processing.~~

~~(a) Such sketch plats will be considered as submitted for informal discussion between the subdivider and/or his engineer and the board. Submission of a subdivision sketch plat shall not constitute formal filing of a plat.~~

~~(b) As far as may be practicable on the basis of a sketch plat, the board will informally advise the subdivider as promptly as possible of the sketch plat's compliance with pertinent regulations and will discuss possible modifications necessary to secure conformance with said regulations.~~

~~(3) Requirements.~~

~~(a) Data furnished on a sketch plat shall include, but not be limited to, the following:~~

~~(1) Tract boundaries, clearly identified on all sides;~~

~~(2) Location with respect to one (1) or more land lines, identifying the section lines or other land lines shown;~~

~~(3) Streets on or adjacent to the tract including street layout;~~

~~(4) Lots and blocks of adjacent recorded plats, giving plat book and page number along with names of such plats;~~

- 1896 ~~(5) Significant physical features such as canals, lakes, etc.~~
- 1897 ~~(6) Proposed general lot layout with typical lot sizes;~~
- 1898 ~~(7) All existing easements including Florida Power and Light Company; gas, water, or~~
- 1899 ~~other pipe line easements or other utility easements;~~
- 1900 ~~(8) Any proposed canals, lakes and/or rock pits;~~
- 1901 ~~(9) A location sketch as required on the final plat;~~
- 1902 ~~(10) The approximate legal description of the property being platted.~~
- 1903 ~~(b) A sketch plat should be closely approximate scale, but precise dimensions are not required.~~
- 1904 ~~(B) Over-all plan.~~
- 1905 ~~(1) Submission.~~
- 1906 ~~(a) An over-all plan for any proposed subdivision which is to be recorded in sections shall be~~
- 1907 ~~filed with the board for review in advance of preliminary plats or with the first sketch plat for~~
- 1908 ~~a part of the area.~~
- 1909 ~~(b) The plan will then be considered by the board at its next regular meeting.~~
- 1910 ~~(c) Approval of over-all plan. Where an over-all plan is submitted for approval and provided that~~
- 1911 ~~the plan meets all of the requirements of the city ordinances, such approval shall be given~~
- 1912 ~~tentatively by the planning and zoning board. All plats submitted following such over-all plan~~
- 1913 ~~approved shall meet all of the requirements of the city ordinances and shall be in substantial~~
- 1914 ~~conformity with the over-all plan. Such over-all plan approval shall be valid for no longer than~~
- 1915 ~~one hundred eighty (180) days following approval. However, the subdivider or developer~~
- 1916 ~~may apply for and receive an extension of the tentative approval upon showing that the over-~~
- 1917 ~~all plan is in conformity with all city ordinances and that he intends to make any necessary~~
- 1918 ~~changes to assure that any and all future developments within the pervue of the over-all plan~~
- 1919 ~~shall be in accordance with all city ordinances in existence at the time the extension of the~~
- 1920 ~~tentative approval is requested.~~
- 1921 ~~(2) Processing.~~
- 1922 ~~(a) A subdivider seeking approval of an over-all plan shall submit nine (9) copies of the plan to~~
- 1923 ~~the board. Copies of the plat shall be referred to the city engineer, the utility department, any~~
- 1924 ~~drainage district in which the plan may lie, and any municipality adjacent to the proposed~~
- 1925 ~~plan. The agencies involved shall report their comments and recommendations to the board~~
- 1926 ~~at its next regular meeting.~~
- 1927 ~~(1) The city engineer shall check the plan for general engineering and drainage~~
- 1928 ~~requirements, and conformity with the over-all city trafficways plan.~~
- 1929 ~~(2) The city utility department shall determine any utility easements that may be required.~~
- 1930 ~~(3) The planning and zoning board shall check the plat for general conformance to the~~
- 1931 ~~zoning requirements and assign correct street names to the plan.~~
- 1932 ~~(3) Requirements for over-all plan if one is prepared.~~
- 1933 ~~(a) The over-all plan shall be of a scale of not more than two hundred (200) feet to the inch~~
- 1934 ~~except that a scale of three hundred (300) feet to the inch may be used for very large areas.~~
- 1935 ~~(b) The over-all plan shall show or be accompanied by the following information:~~
- 1936 ~~(1) Proposed subdivision name.~~
- 1937 ~~(2) North arrow, scale, and date.~~
- 1938 ~~(3) Name of registered engineer or surveyor responsible for the plan.~~
- 1939 ~~(4) Subdivision boundaries.~~

- 1940 ~~(5) All existing watercourses, canals, bodies of water and major drainage districts.~~
- 1941 ~~(6) All existing streets and alleys on, or adjacent to, the tract.~~
- 1942 ~~(7) All existing property lines, easements and rights-of-way.~~
- 1943 ~~(8) Location and width of all proposed streets, alleys, rights-of-way and proposed lot lines,~~
- 1944 ~~playgrounds, public areas and parcels of land reserved for public use.~~
- 1945 ~~(9) A location sketch for easy identification of the area covered.~~
- 1946 ~~(10) Relationship to section corners, section lines, or any other major land line(s) including~~
- 1947 ~~approximate distances from such known points or lines.~~
- 1948 ~~(C) Preliminary plats.~~
- 1949 ~~(1) Submission.~~
- 1950 ~~(a) Preliminary plats for all proposed subdivisions of land lying within the City of Margate, shall~~
- 1951 ~~be filed with the board for review.~~
- 1952 ~~(b) Plats will be considered by the board at the next regular meeting occurring at least seven~~
- 1953 ~~(7) calendar days subsequent to filing.~~
- 1954 ~~(2) Processing.~~
- 1955 ~~(a) A subdivider seeking approval of a subdivision plat shall transmit nine (9) copies of the~~
- 1956 ~~preliminary plat to the board. Copies of the plat shall then be referred by the board, to the~~
- 1957 ~~city engineer, utility department and any drainage district in which the plat may lie and the~~
- 1958 ~~area planning board and any municipality adjacent to the proposed plat.~~
- 1959 ~~(1) The city engineer shall examine and check the preliminary plat for general engineering~~
- 1960 ~~and drainage requirements, and conformity to the over-all city trafficways plan.~~
- 1961 ~~(2) The utility department shall check against known utility facilities and easements, or~~
- 1962 ~~such new ones as may be required.~~
- 1963 ~~(3) The drainage district shall check to make sure all drainage needs are fulfilled, and that~~
- 1964 ~~no trafficway proposed on the plat interferes with present drainage facilities, or those~~
- 1965 ~~planned for the future.~~
- 1966 ~~(4) The Broward County planning and zoning board shall assign correct street numbers to~~
- 1967 ~~the preliminary plat.~~
- 1968 ~~(5) The city planning and zoning board shall check lot sizes to assure conformity with~~
- 1969 ~~minimum standards set forth by the zoning requirements, and shall coordinate the~~
- 1970 ~~recommendations of the several agencies above mentioned.~~
- 1971 ~~(6) The area planning board of the county shall submit a certificate with its approval or~~
- 1972 ~~disapproval with appropriate comments and recommendations.~~
- 1973 ~~(7) The city building department shall assign street addresses to the lots.~~
- 1974 ~~(3) Requirements.~~
- 1975 ~~(a) The preliminary plat shall be at a scale of not more than one hundred (100) feet to the inch,~~
- 1976 ~~provided that a scale of two hundred (200) feet to the inch may be used for large areas.~~
- 1977 ~~(b) The preliminary plat shall show or be accompanied by the following information:~~
- 1978 ~~(1) Proposed subdivision name or identifying title which shall not duplicate nor closely~~
- 1979 ~~approximate the name of any other subdivision in the county except in cases where the~~
- 1980 ~~subdivision is an added section to a former subdivision or where it is a re-plat of a~~
- 1981 ~~portion or all of a former subdivision.~~
- 1982 ~~(2) Location sketch with section.~~

1983 ~~(3) North arrow, scale and date.~~

1984 ~~(4) Name of the owner of the property or his authorized agent.~~

1985 ~~(5) Name of the registered engineer or surveyor responsible for the plat.~~

1986 ~~(6) Locations and names of adjacent subdivisions.~~

1987 ~~(7) Subdivision boundaries with angles and distances. Boundaries must be clearly marked~~

1988 ~~with heavy line.~~

1989 ~~(8) All existing watercourses, canals, and bodies of water.~~

1990 ~~(9) All existing streets and alleys on or adjacent to the tract, including name and right-of-~~

1991 ~~way width.~~

1992 ~~(10) All existing property lines, easements and rights of way and the purpose for which~~

1993 ~~the easements or rights of way have been established, where known to the engineer~~

1994 ~~or surveyor.~~

1995 ~~(11) Location and width of all proposed streets, alleys, right-of-way easements; proposed~~

1996 ~~lot lines with dimensions, playgrounds, public areas, and parcels of land proposed or~~

1997 ~~reserved for public use.~~

1998 ~~(4) Limitations on plat approval.~~

1999 ~~(a) The following limitations and conditions are placed on the preliminary plat approvals given~~

2000 ~~by the board:~~

2001 ~~(1) The approval of the board shall have full force and effect for a period of six months~~

2002 ~~from the date of approval.~~

2003 ~~(2) If no final plat has been filed for the area covered by the preliminary plat before the~~

2004 ~~approval period has elapsed, the approval shall become suspended. If final plats are~~

2005 ~~filed for only a portion of the preliminary plat, the approval on the remaining portions~~

2006 ~~shall become suspended.~~

2007 ~~(D) Final plats.~~

2008 ~~(1) Submission. The original of the final plat, together with six (6) prints shall be submitted to the~~

2009 ~~board for review at least seven (7) days prior to board meeting. The final plat shall be~~

2010 ~~accompanied by the following:~~

2011 ~~(a) Pavement and drainage plan approval.~~

2012 ~~(b) Utility plan approval (water and sewer).~~

2013 ~~(c) Drainage district approval, as applicable.~~

2014 ~~(d) Certificate of title.~~

2015 ~~(2) Processing.~~

2016 ~~(a) The city engineer shall check all final plats to verify conformity with the preliminary plat as~~

2017 ~~approved by the board.~~

2018 ~~(b) Upon consideration by the board, the final plat shall be transmitted by the board to the city~~

2019 ~~commission, for final approval.~~

2020 ~~(c) Within thirty (30) days after formal approval by the commission, the subdivider shall submit~~

2021 ~~to the city clerk:~~

2022 ~~(1) Subdivider's performance bond for subdivision improvements, as otherwise required~~

2023 ~~in the ordinances of the City of Margate.~~

2024 ~~(2) Subdivision improvement inspection fees.~~

2025

2026 ~~(d) Upon approval by the commission and affixing the corporate seal of the City of Margate and~~
 2027 ~~the signature of the mayor and city clerk, said plat shall be forwarded to the city engineer for~~
 2028 ~~his signature. The city engineer in turn shall forward said plat to the Broward County~~
 2029 ~~engineering department for further processing.~~

2030 ~~(3) Requirements.~~

2031 ~~(a) The final plat tracing, in the form of linen or dimensionally stable plastic film, shall be~~
 2032 ~~prepared in accordance with the state plat law, Chapter 177, Florida Statutes, and with these~~
 2033 ~~regulations. The over-all size shall be twenty-four inches by thirty-six inches (24" x 36") with~~
 2034 ~~borders as required by Broward County.~~

2035 ~~(b) The following features shall be incorporated in a prominent location on the plat. (If more~~
 2036 ~~than one (1) sheet is required, these items shall be placed on the first sheet or page.)~~

2037 ~~(1) Plat title (all lettering same type and size).~~

2038 ~~(2) Section, township and range.~~

2039 ~~(3) City of Margate, Broward County, Florida.~~

2040 ~~(4) Graphic scale.~~

2041 ~~(5) Legal description.~~

2042 ~~(6) Location sketch.~~

2043 ~~(c) The final plat shall exhibit the below listed certificates, signatures, and approvals in the~~
 2044 ~~currently accepted format:~~

2045 ~~(1) Dedication by owner(s) witnessed (if by corporation, two (2) designated officers'~~
 2046 ~~signatures and corporate seal).~~

2047 ~~(2) Acknowledgment of dedication by notary public.~~

2048 ~~(3) Surveyor's certificate, signature and seal.~~

2049 ~~(4) City commission's approval.~~

2050 ~~(5) City engineer's approval.~~

2051 ~~(6) County engineer's approval.~~

2052 ~~(7) Area planning board's approval.~~

2053 ~~(8) Mortgagee approval(s).~~

2054 ~~(9) Certificate of the clerk of the circuit court.~~

2055 ~~(d) The delineation of the plat at a scale no smaller than 1"=100 feet shall show the following~~
 2056 ~~information and features:~~

2057 ~~(1) Plat boundary with all courses and dimensions with ties to two (2) or more land corners,~~
 2058 ~~to a recorded subdivision corner and one (1) land corner.~~

2059 ~~(2) North arrow.~~

2060 ~~(3) Width of all streets, alleys, rights of way and easements.~~

2061 ~~(4) Street names.~~

2062 ~~(5) Lot and block numbers or designations.~~

2063 ~~(6) Permanent reference monuments.~~

2064 ~~(7) Horizontal control points.~~

2065 ~~(8) Block corner radii.~~

2066 ~~(9) Lot dimensions to the nearest hundredth of a foot, except where riparian boundaries~~
2067 ~~are involved.~~

2068 ~~(10) Arc length and central angles on all curvilinear lot dimensions.~~

2069 ~~(11) Angles or bearings indicating the direction of all lines.~~

2070 ~~(12) Centerline dimensions of all streets including arc lengths, central angles, radii and~~
2071 ~~tangents of all curves.~~

2072

2073 ~~Sec. 31-19. Design standards for subdivisions.~~

2074 ~~(A) Streets and alleys.~~

2075 ~~(1) Conformity to trafficways plan. The location, direction and width of all highways shall conform to~~
2076 ~~the official trafficways plan of the City of Margate.~~

2077 ~~(2) Relation to existing street system. The arrangement of streets in new subdivisions shall make~~
2078 ~~provisions for proper extension of existing dedicated streets in existing subdivisions where such~~
2079 ~~extension is appropriate.~~

2080 ~~(3) Provision for platting adjoining unplatted areas. The arrangement of streets in new subdivision~~
2081 ~~shall be such as to facilitate, and coordinate with the desirable future platting of adjoining~~
2082 ~~unplatted property of a similar character, and to provide for local circulation and convenient~~
2083 ~~access to neighborhood facilities.~~

2084 ~~(4) Protection from through traffic. Minor and collector residential streets shall be laid out and~~
2085 ~~arranged so as to discourage their use by through traffic. Residential streets shall not connect~~
2086 ~~with industrial areas unless unavoidable.~~

2087 ~~(5) Trafficway frontage. Where a residential subdivision or residential property abuts on existing or~~
2088 ~~proposed trafficway, the board may require marginal access streets, reverse frontage with screen~~
2089 ~~planting contained in a non-access strip along the rear property line, deep lots with or without rear~~
2090 ~~service alleys, or such other treatment as may be necessary for adequate protection of residential~~
2091 ~~properties and to minimize conflict of through and local traffic.~~

2092 ~~(6) Plats adjacent to railroad or expressway right of way. Where a subdivision borders on or contains~~
2093 ~~a right of way for a railroad, expressway, drainage canal or waterway, the board may require a~~
2094 ~~street approximately parallel to and on each side of such right of way, at a distance suitable for~~
2095 ~~the appropriate use of the intervening land. Such distances shall also be determined with due~~
2096 ~~regard for the requirements of approach grades for future grade separations.~~

2097 ~~(7) Reserve strips. Reserve strips controlling access to streets shall be prohibited except where their~~
2098 ~~control is definitely placed under conditions approved by the board.~~

2099 ~~(8) Private streets. There shall be no private streets platted in a subdivision. Every subdivided lot or~~
2100 ~~parcel shall be served from a publicly dedicated street. This requirement may be waived by the~~
2101 ~~board in special situations where the board finds public safety, convenience and welfare can be~~
2102 ~~adequately served by other means.~~

2103 ~~(9) Half streets. New half or partial streets shall not be permitted except where essential to~~
2104 ~~reasonable subdivision of a tract in conformance with these regulations or where satisfactory~~
2105 ~~assurance for dedication of the remaining part of the street is provided. Whenever a tract to be~~
2106 ~~subdivided borders on an existing half or partial street the other part of the street shall be~~
2107 ~~dedicated within such tract.~~

2108 ~~(10) Future resubdivision. If lots resulting from original subdivision are large enough to permit or~~
2109 ~~require resubdivision, or if a portion of the tract is not subdivided, adequate street right of way to~~
2110 ~~permit future subdivision shall be provided as necessary.~~

2111 ~~(11) Dead-end streets. Dead-end streets shall be prohibited, except where appropriate as stubs to~~
2112 ~~permit future street extension into adjoining unsubdivided tracts, or when designed as cul-de-~~
2113 ~~sacs.~~

- 2114 ~~(12) — Cul-de-sacs.~~
- 2115 ~~(a) — Cul-de-sacs, permanently designed as such shall not exceed four hundred (400) feet in~~
- 2116 ~~length, except in special circumstances warranting extra length.~~
- 2117 ~~(b) — Cul-de-sacs shall be provided at the closed end with a circular dedicated area not less than~~
- 2118 ~~seventy (70) feet in diameter for turnaround purposes. Turnarounds in business, commercial~~
- 2119 ~~and industrial areas shall be one hundred (100) feet in diameter.~~

2120 ~~(13) — Street rights-of-way.~~

- 2121 ~~(a) — Unless otherwise indicated or required by the trafficways plan, or specifically accepted by~~
- 2122 ~~the planning and zoning board, street rights-of-way shall not be less than the following:~~

Street type	Rights-of-way — Feet
Freeway	300
Expressway	200
Primary arterial highway	120
Major thoroughfare	106*
Secondary thoroughfare	80
Collector	60
Minor, for multiple residential, business, or industrial areas	50
Minor, for single or duplex dwelling areas	30
Marginal access	20

2123 -

- 2124 ~~*(Except trafficway previously established at one hundred (100) feet width of right-of-~~
- 2125 ~~way as shown in the Zoning Regulations of the City of Margate).~~

- 2126 ~~(b) — Additional right-of-way width may be required to promote public safety and convenience, or~~
- 2127 ~~to assure adequate access, circulation and parking in high density residential areas,~~
- 2128 ~~commercial areas and industrial areas.~~
- 2129 ~~(c) — Where a subdivision abuts or contains an existing street of inadequate right-of-way width,~~
- 2130 ~~additional right-of-way in conformance with the above standards may be required.~~

2131 ~~(14) — Alleys.~~

- 2132 ~~(a) — Alleys should be provided to serve multiple dwellings, business, commercial and industrial~~
- 2133 ~~areas, except that the board may waive this requirement where other definite and assured~~
- 2134 ~~provision is made for service access, off-street loading, unloading and parking consistent~~
- 2135 ~~with and adequate for the uses permissible on the property involved.~~
- 2136 ~~(b) — The width of an alley shall be at least twenty (20) feet.~~
- 2137 ~~(c) — Changes in alignment or intersections of alleys shall be made on a center line radius of not~~
- 2138 ~~less than thirty five (35) feet minimum.~~
- 2139 ~~(d) — Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with~~
- 2140 ~~adequate turnaround facilities for service trucks at dead-end, with a minimum external~~
- 2141 ~~diameter of one hundred (100) feet, or as determined to be adequate by the board.~~

2142 ~~(e) Block corners adjacent to alleys shall have a minimum radius of fifteen (15) feet in residential~~
2143 ~~areas and twenty five (25) feet in business, commercial and industrial areas.~~

2144 ~~(15) Easements.~~

2145 ~~(a) Easement shall be provided for public utilities where necessary and as required by the~~
2146 ~~utilities involved and shall be at least six (6) feet in total width.~~

2147 ~~(b) Where a subdivision is traversed by a watercourse, drainage way, canal, or stream, there~~
2148 ~~shall be provided a drainage easement or right of way conforming substantially with the lines~~
2149 ~~of such watercourses. Parallel streets or maintenance easements may be required where~~
2150 ~~necessary for service or maintenance.~~

2151 ~~(c) Easements may be required for drainage purposes of such size and location as may be~~
2152 ~~determined by the city engineer, or by a drainage district if the plat lies within its jurisdiction.~~

2153 ~~(16) Street alignment.~~

2154 ~~(a) Curvilinear streets are recommended for residential minor and collector streets in order to~~
2155 ~~discourage excessive vehicular speeds and to provide attractive vistas.~~

2156 ~~(b) Whenever a street changes direction, or connecting street lines deflect from each other, by~~
2157 ~~more than ten (10) degrees, there shall be a horizontal curve.~~

2158 ~~(c) To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be~~
2159 ~~as follows:~~

Major thoroughfare	750 feet
Secondary thoroughfare	500 feet
Collector streets	300 feet
Minor streets	150 feet

2160 -

2161 ~~(d) A tangent of at least one hundred (100) feet shall be inserted between horizontal curves in~~
2162 ~~opposite directions on collector streets. On secondary thoroughfares this tangent shall be~~
2163 ~~one hundred fifty (150) feet. Said tangent distances on major thoroughfares will be evaluated~~
2164 ~~considering the over-all plat layout, intersections, etc.~~

2165 ~~(17) Street intersections.~~

2166 ~~(a) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall~~
2167 ~~intersect another at an angle of less than sixty (60) degrees, except at a "Y" intersection of~~
2168 ~~two (2) minor streets.~~

2169 ~~(b) Multiple intersections involving junction of more than two (2) streets shall be prohibited~~
2170 ~~except where found to be unavoidable by the board.~~

2171 ~~(c) "T" intersections of minor and collector streets are to be encouraged.~~

2172 ~~(d) As far as possible, intersections with trafficways other than secondary thoroughfares shall~~
2173 ~~be located not less than eight hundred (800) feet apart, measured from centerline to~~
2174 ~~centerline.~~

2175 ~~(e) Street intersections shall be a minimum of one hundred twenty five (125) feet apart, except~~
2176 ~~where both centerlines are continuous through the intersection.~~

2177 ~~(f) Property line corners at intersections shall have a minimum radii of twenty five (25) feet.~~
2178 ~~Where the angle of intersection is less than sixty (60) degrees, a greater radius may be~~
2179 ~~required by the board.~~

2180 ~~(18) Excessive street widths. Streets shall not be platted to a width of more than two hundred (200)~~
2181 ~~per cent of the minimum width specified in these regulations for the type of street involved. No~~
2182 ~~street shall be platted for center island development except where such center islands may be~~
2183 ~~desirable or necessary for traffic separation and safety, as determined by the board.~~

2184 ~~(19) Connection to public streets. The street system of any area to be platted shall have a direct~~
2185 ~~connection, over public rights of way, to streets or trafficways.~~

2186 ~~(B) Blocks.~~

2187 ~~(1) The length, width and shape of blocks shall be determined with due regard to:~~

2188 ~~(a) Provision of building sites adequate for the contemplated use.~~

2189 ~~(b) Zoning requirements.~~

2190 ~~(c) Need for convenient and safe access, circulation, control of pedestrian and vehicular traffic.~~

2191 ~~(d) Limitations and opportunities of topographic features.~~

2192 ~~(2) Block length shall not exceed one thousand three hundred twenty (1,320) feet nor be less than~~
2193 ~~five hundred (500) feet, unless found unavoidable by the board.~~

2194 ~~(3) Where found necessary by the board, pedestrian crosswalks, not less than ten (10) feet in width,~~
2195 ~~may be required in blocks over one thousand (1,000) feet in length to provide safe and convenient~~
2196 ~~access to schools, playgrounds, shopping centers, transportation or other community facilities.~~

2197 ~~(C) Lots.~~

2198 ~~(1) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable~~
2199 ~~building sites, properly related to topography and to the character of the surrounding~~
2200 ~~development.~~

2201 ~~(2) Lot dimensions and areas shall not be less than specified by applicable provisions of the zoning~~
2202 ~~regulations.~~

2203 ~~(3) Corner lots shall be a minimum of five (5) feet wider than the minimum width required by the~~
2204 ~~zoning regulations for interior lots.~~

2205 ~~(4) Side lot lines shall be substantially at right angles or radial to street lines.~~

2206 ~~(5) Double frontage and reverse lots for residential use shall be avoided, except where essential to~~
2207 ~~provide separation of residential development from trafficways or to overcome specific handicaps~~
2208 ~~of topography and orientation. A planting screen strip of at least five (5) feet, and across which~~
2209 ~~there shall be no right of vehicular movement or use, shall be provided along the property line of~~
2210 ~~lots abutting such trafficway or other disadvantageous situation.~~

2211 ~~(6) Every lot shall abut upon and have permanent access to a public street and residential lots shall~~
2212 ~~have a street frontage of not less than twenty (20) feet.~~

2213 ~~(7) Lot arrangement and design shall be properly related to topography, to nature of contiguous~~
2214 ~~property and to the character of surrounding development.~~

2215 ~~(D) Canals and water areas.~~

2216 ~~(1) Canals or water areas connecting to navigable waterways accessible to the public shall not be~~
2217 ~~dedicated to the public unless a maintenance easement of twenty (20) feet is provided along each~~
2218 ~~side of the canal dedication. The minimum width of canal dedication shall be sixty (60) feet.~~

2219 ~~(2) A continuous canal retaining wall shall be constructed along both sides of the canal concurrently~~
2220 ~~with the excavation of the canal in accordance with the specifications of section 11-17.~~

2221 ~~(E) Parks and recreational areas. Any plat shall contain a park or recreational area deeded or dedicated~~
2222 ~~to the City of Margate consisting of such quantity of land as represents a minimum of five (5) per cent~~
2223 ~~of the residential area to be platted, except that where there is an overall subdivision to be developed~~
2224 ~~consisting of several individually smaller platted areas, then the deeded or dedicated area shall be five~~

~~(5) per cent of the entire subdivision and need not be five (5) per cent of the individual plats filed. This paragraph shall be construed with preference to the five (5) per cent of the overall subdivision as deeded or dedicated property rather than five (5) per cent of an individual plat. Where the area to be platted is less than sixty (60) acres, the developer shall place a sum equal to five (5) per cent of the value of the land in the city's parks and recreation fund to be held in escrow and used by the city for the purposes mentioned in subsection (4) below. Said five (5) per cent of the value of the land may be paid into the recreation trust fund at the time of plat approval or incrementally as approved by the city manager at the time building permits are issued for the construction of the units within the approved plat. The aforementioned value shall be the current appraised value of the land subdivided without improvements and shall be determined jointly by the city commission and the subdivider. If the city commission and the subdivider cannot agree on a land value, then the land value shall be established by appraisal. The city commission shall appoint a professional land appraiser, the subdivider shall appoint a professional land appraiser and these two (2) shall appoint a third. The three (3) appraisers shall then determine the value of the property for the purposes of these provisions. The fees for the appraiser shall be divided equally between the city and the developer or subdivider.~~

~~It shall be discretionary with the city commission whether or not to accept a dedication of land pursuant to this subsection where said land is encumbered by utility easements of any type.~~

~~(1) In lieu of the dedication of land area as described in paragraph (E) above, the city commission may, in its discretion, accept a cash donation to the parks and recreation fund of the city to be used only for parks and recreational purposes an amount equal to the five (5) per cent figure referred to in paragraph (E); in the event the city commission and the subdivider cannot agree on the land value then the donation amount shall be determined as hereinabove provided for by arbitration.~~

~~(2) All real property donated shall be utilized for parks and recreation sites or facilities unless the following is found:~~

~~(a) The real property donated is found to be unsuitable for a park or recreation site; or~~

~~(b) A present park or recreation facility capable of being expanded for utilization by the citizens of a new development, subdivision or project is in such close proximity to the real property that it would provide a duplication of services.~~

~~(3) In the event that either (a) or (b) [of paragraph (E)(2)] is met, the city shall have the right to sell to the highest bidder the real property donated pursuant to the recreation donation, and all monies received by the city for said sale shall be deposited in the City of Margate Parks and Recreation Trust Fund.~~

~~(4) All monies utilized in the parks and recreation trust fund shall be utilized only for the acquisition and development of new parks and recreation facilities or the expansion and addition to older parks and recreation facilities so as to allow their utilization for new residents of the city. In addition to the foregoing, money received from all telecommunication tower rentals may be utilized for improvements, enhancements or other necessary expenses for parks and recreation purposes.~~

~~Sec. 31-20. Reserved.~~

~~Secs. 31-21 - 31-30. Reserved.~~

~~ARTICLE III. DEVELOPMENT REVIEW~~

~~Sec. 31-31. Purpose.~~

~~The purpose of this article is to implement development review requirements of the city's comprehensive plan and the Broward County Land Use Plan; discourage haphazard land development; ensure that urban delivery services are not unduly overburdened by premature development; coordinate departmental review; and protect the health, safety and general welfare of the residents of the city.~~

2275
 2276 ~~Sec. 31-32. Applicability of article.~~
 2277 ~~The provisions of this article shall apply to all applications for development permits within the city,~~
 2278 ~~and no development permit shall be issued except in compliance with this article.~~

2279
 2280 ~~Sec. 31-33. Definitions.~~
 2281 ~~As used in this article:~~
 2282 ~~*Building permit* means:~~
 2283 ~~(1) Any permit for the erection or construction of a new building required by the South Florida~~
 2284 ~~Building Code, or other building code in force and effect at the time.~~
 2285 ~~(2) Any permit for an existing building which would:~~
 2286 ~~a. Create one or more additional dwelling units;~~
 2287 ~~b. Involve a change in the occupancy group of a building as described in the Florida Building~~
 2288 ~~Code, or other building code in force and effect at the time.~~
 2289 ~~(3) Any application for an occupational license at an existing development which would involve a~~
 2290 ~~separate permitted use, e.g., truck rentals at an existing filling station or gasoline pumps at an~~
 2291 ~~existing convenience store.~~

2292 ~~*City Code* means the Code of the City of Margate, Florida, as adopted on February 9, 1972, and~~
 2293 ~~amended from time to time.~~

2294 ~~*City commission* means the city commission of the City of Margate, Florida.~~

2295 ~~*County commission* means the board of county commissioners of Broward County, Florida.~~

2296 ~~*Development permit* means any building permit, as defined herein, subdivision resurvey or plat~~
 2297 ~~approval, rezoning, special exception, or other official action of the city having the effect of permitting the~~
 2298 ~~development or redevelopment of land.~~

2299 ~~This does not include any variance or other official action necessary solely for the purpose of issuing~~
 2300 ~~a permit, other than a building permit, pursuant to the South Florida Building Code, or other building code~~
 2301 ~~in force and effect at the time.~~

2302 ~~*Local street* means any publicly dedicated street used primarily for access to abutting property. This~~
 2303 ~~definition also includes collector streets which carry traffic from local streets to regional arterial roads.~~

2304 ~~*Margate Comprehensive Plan* means the comprehensive plan of the City of Margate prepared and~~
 2305 ~~adopted in conformity with Florida Statutes, Section 163.~~

2306 ~~*Plat* shall mean a map or delineated representation of a tract or parcel of land showing the~~
 2307 ~~designation of such land as lot(s), block(s), parcel(s), tract(s) or other portions thereof, however the same~~
 2308 ~~may be designated, and which, if approved, will be submitted for recording in the plat book of the Public~~
 2309 ~~Records of Broward County, Florida.~~

2310 ~~*Regional transportation network* means those trafficways designated on the Broward County~~
 2311 ~~Trafficways Plan.~~

2312 ~~*Single-family home* shall mean any detached residential structure constructed with the intention that~~
 2313 ~~said structure be occupied by one (1) family as a separate housekeeping unit.~~

2314
 2315 ~~Sec. 31-34. Development review committee.~~
 2316 ~~(a) *Establishment.* There is hereby established a development review committee comprised of~~
 2317 ~~representatives of city departments having a direct interest in new development. Membership of the~~
 2318 ~~development review committee shall include the director of development services, the director of~~
 2319 ~~environmental and engineering services, a representative from the fire department, the building official,~~

2320 the director of public works, a representative from the police department, and a representative from
2321 the community redevelopment agency or any designees of the aforesaid. The director of development
2322 services shall serve as chairman of the committee.

2323 The development review committee shall have the right to make such rules as are necessary for the
2324 orderly conduct of its meetings.

2325 (b) ~~Role in review of development proposals.~~ The development review committee shall meet on a regular
2326 basis for the purpose of reviewing and submitting to the planning and zoning board a report on all
2327 applications for any proposed plats, subdivision resurveys, land use plan amendments, or rezonings.
2328 The development review committee shall review all site plans other than those for a single family or
2329 two family home on a platted lot. Proposals to the development review committee shall be submitted
2330 at least thirty (30) days prior to the committee meeting considering same.

2331 The development review committee, as to all proposed plats, subdivision resurveys, land use plan
2332 amendments, and rezonings, shall make a statement to the planning and zoning board assessing the
2333 adequacy of the proposal as to all city ordinances. The statements assessing the adequacy of any
2334 proposed subdivision or rezoning shall be considered by both the planning and zoning board and the city
2335 commission.

2336 The development review committee, as to all proposed site plans submitted in conjunction with
2337 proposed plats and rezonings or submitted not in conjunction with proposed plats and rezonings, shall
2338 have the following power: Each member of the committee shall have the responsibility to approve or
2339 disapprove the submitted development based upon compliance with all applicable laws and regulations,
2340 including section 31-35, which come under his/her department's jurisdiction. The approval of all
2341 committee members shall constitute a demonstration of compliance.

2342

2343 ~~Sec. 31-35. Determinations required prior to approval of a development permit.~~

2344 A determination that adequate services will be available to serve the needs of the proposed
2345 development shall be made when the following conditions are met:

2346 (1) ~~Director of development services.~~ The director of development services determines:

2347 a. That the proposed development is consistent with the Margate Comprehensive Plan.

2348 b. That the proposed development is in conformity with the Margate Zoning Code.

2349 c. In the case of site plans, that the proposed development is in conformity with the provisions
2350 of chapter 23 of this Code.

2351 (2) ~~Director of environmental and engineering services.~~ The director of the department
2352 environmental and engineering services determines:

2353 a. That potable water service is available to serve the needs of the proposed development. A
2354 determination that potable water service is available shall be based upon one of the following
2355 two (2) criteria:

2356 1. The water treatment plant has sufficient capacity to provide the potable water needs of
2357 the proposed development, other developments in the service area which are occupied,
2358 available for occupancy, for which building permits are in effect, or for which potable
2359 water treatment capacity has been reserved; or

2360 2. The water treatment plant lacks sufficient capacity to provide the potable water needs
2361 specified in subsection (a. 1. above), but such capacity can feasibly and will be made
2362 available. A finding may also be made with an express condition as to potable water
2363 service when it is determined that potable water service is not available but will be made
2364 available. A finding that potable water service will be made available shall be based
2365 upon a demonstration that there is an economically and fiscally feasible plan to
2366 construct or expand a water treatment facility which will have sufficient capacity to
2367 provide for the potable water needs of the development proposed by the application
2368 and for other developments in the service area which are occupied, available for

2369 occupancy, for which building permits are in effect, or for which potable water treatment
 2370 capacity has been reserved.

2371 The determination that potable water service is available shall not be construed as a
 2372 reservation of capacity for the development submitted unless a developer's agreement
 2373 is executed with the city specifically reserving water capacity.

2374 b. ~~That wastewater treatment and disposal service is available to serve the needs of the~~
 2375 ~~proposed development. A determination that wastewater treatment and disposal service is~~
 2376 ~~available shall be based upon one of the two (2) following criteria:~~

2377 1. ~~The wastewater treatment plant has sufficient capacity to provide for the wastewater~~
 2378 ~~treatment and disposal needs of the proposed development, other developments in the~~
 2379 ~~service area which are occupied, available for occupancy, for which building permits~~
 2380 ~~are in effect, or for which wastewater treatment and disposal capacity has been~~
 2381 ~~reserved; or~~

2382 2. ~~The wastewater treatment plant lacks sufficient capacity to provide the wastewater~~
 2383 ~~treatment and disposal needs specified in subsection b.1. above, but such capacity can~~
 2384 ~~feasibly and will be made available. A finding may also be made with an express~~
 2385 ~~condition as to wastewater treatment and disposal services when it is determined that~~
 2386 ~~wastewater treatment and disposal services are not available but will be made~~
 2387 ~~available. A finding that wastewater and disposal services will be made available shall~~
 2388 ~~be based upon a demonstration that there is an economically and fiscally feasible plan~~
 2389 ~~to construct or expand a wastewater treatment and disposal facility which will have~~
 2390 ~~sufficient capacity to provide for the treatment and disposal needs of the development~~
 2391 ~~proposed by the application and for other developments in the service area which are~~
 2392 ~~occupied, available for occupancy, for which building permits are in effect or for which~~
 2393 ~~wastewater treatment or disposal capacity has been reserved.~~

2394 The determination that wastewater treatment and disposal service is available shall
 2395 not be construed as a reservation of capacity for the development submitted unless a
 2396 developer's agreement is executed with the city specifically reserving wastewater
 2397 treatment and disposal capacity.

2398 c. ~~That the traffic generated by the proposed development will be safely and efficiently handled~~
 2399 ~~by the regional transportation network and local streets. Roadway improvements including,~~
 2400 ~~but not limited to, additional turning lanes, median openings and/or closing, and traffic control~~
 2401 ~~devices may be required. An applicant for a development permit which will generate in~~
 2402 ~~excess of five hundred (500) trips per day according to the trip rates of the "Traffic Review~~
 2403 ~~& Impact Planning System," Broward County Office of Planning, 1983, shall be required to~~
 2404 ~~submit to the city a traffic impact statement. Any such statement shall be prepared by a~~
 2405 ~~professional engineer registered by the state and shall assess the impact of the proposed~~
 2406 ~~development on all public streets and intersections within a one-mile radius of the perimeter~~
 2407 ~~of that development.~~

2408 The director of environmental and engineering services shall use as the basis for review
 2409 the standards set forth in the current editions of the following: Manual of Uniform Minimum
 2410 Standards for Design, Construction, and Maintenance for Streets and Highways, Florida
 2411 Department of Transportation; Manual on Uniform Traffic Control Devices for Streets and
 2412 Highways, Federal Highway Administration; chapter 31 of this Code; Section 3.01(e) and
 2413 (f) of the "Future Land Use Plan" of the Margate Comprehensive Plan; and the "Traffic
 2414 Circulation Element" of the Margate Comprehensive Plan.

2415 d. ~~That adequate rights of way and easements for a surface water management system are~~
 2416 ~~provided pursuant to chapters 11 and 31 of this Code, and the "Eastern Tier Roadway and~~
 2417 ~~Drainage Plan," prepared by Mid-South Engineering Company. In the case of site plans, that~~
 2418 ~~the approved minimum design criteria of the above as well as the "Basis of Review for~~

2419 ~~Surface Water Management," South Florida Water Management District are met or~~
2420 ~~exceeded.~~

2421 ~~e. That the engineering design for streets, sidewalks and other public places meet or exceed~~
2422 ~~the minimum standards set forth in chapters 31 and 35 of this Code.~~

2423 ~~f. That the engineering design of a water distribution and wastewater collection system meets~~
2424 ~~or exceeds the applicable minimum standards and requirements of the following: chapter 39~~
2425 ~~of this Code; "AWWA Standards," American Water Works Association; Broward County~~
2426 ~~Environmental Quality Control Board; and the state division of health and rehabilitative~~
2427 ~~services.~~

2428 ~~(3) *Representative from the fire department.* The representative from the fire department~~
2429 ~~determines:~~

2430 ~~a. That the proposed development will comply with hydrant locations and a water distribution~~
2431 ~~system pursuant to chapter 14 of this Code.~~

2432 ~~b. That the proposed development provides adequate driving lanes, turning radii, vertical~~
2433 ~~clearance, and fire lanes to provide access for emergency vehicles.~~

2434 ~~c. That the proposed development will meet NFPA codes and standards.~~

2435 ~~d. That state statutes pertaining to trafficways are complied with.~~

2436 ~~e. That the fire department will be able to protect life and property within the proposed~~
2437 ~~development.~~

2438 ~~(4) *Building official.* The building official determines:~~

2439 ~~a. In the case of site plans that the location of structures on the plot, the type of construction,~~
2440 ~~and the use and occupancy of all structures on the site is in conformity with the building code~~
2441 ~~in force and effect.~~

2442 ~~b. In the case of site plans, that the proposed finished floor elevation is at or above the minimum~~
2443 ~~prescribed by this Code and the National Flood Insurance Program.~~

2444 ~~(5) *Director of public works.* The director of public works considers the potential impacts of the~~
2445 ~~proposed development to existing infrastructure; specifically:~~

2446 ~~a. Roadways and sidewalks.~~

2447 ~~b. Storm water utilities, including the city's canal system.~~

2448 ~~(6) *Representative from the police department.* The representative from the police department~~
2449 ~~considers possible public safety issues presented in proposed developments.~~

2450 ~~(7) *Representative from the Margate Community Redevelopment Agency.* The representative from~~
2451 ~~the community redevelopment agency determines that any proposed development within the~~
2452 ~~CRA boundary is consistent with the Margate Community Redevelopment Plan.~~

2453

2454 ~~Sec. 31-36. Determinations required prior to a change in zoning.~~

2455 ~~(a) *Unplatted land.* A change in zoning on unplatted land shall be made with the express condition that~~
2456 ~~upon platting of the property, the plat shall be subject to development review procedures outlined in~~
2457 ~~this article and that the city, at the time of the rezoning, makes no explicit or implied guarantees that~~
2458 ~~services or facilities are available to serve the proposed development at the time of rezoning.~~

2459 ~~(b) *Platted land:*~~

2460 ~~(1) A change in zoning on any platted land which according to Section 2.08 of the Margate Land~~
2461 ~~Use Plan, or Section 3.11 of the zoning code must be replatted or resurveyed prior to issuance~~
2462 ~~of a building permit may be approved in the same manner as a change in zoning on unplatted~~
2463 ~~land.~~

~~(2) A change in zoning on platted land which need not be replatted prior to issuance of a building permit shall be permitted after a determination has been made by the city commission that services are available to serve the development permitted in the zoning district which is being petitioned. A determination that services are available shall be made when the city commission approves a report submitted by the development review committee which indicates the conditions contained in section 31-35 of this article have been met.~~

~~Sec. 31-37. Development presumed to have maximum impact permitted; use of site plan to assess maximum impact.~~

~~(a) For the purpose of implementing sections 31-34, 31-35, and 31-36, a proposed development shall be presumed to have the maximum impact permitted under applicable land development regulations such as zoning regulations and the land use element of the Margate Comprehensive Plan.~~

~~(b) If a site plan is presented when a proposed plat, subdivision resurvey or rezoning application is submitted, it may be used as the basis to assess the maximum impact of the development. In the event that an application for a building permit is submitted which, in the opinion of the building official, provides more intensive uses than those indicated on the site plan or substantially deviates from the approved site plan, the application shall be referred to the development review committee for assessment.~~

~~Sec. 31-38. Issuance of building permits.~~

~~(a) Generally. The department of environmental and engineering services, and the building department, may issue permits when all of the requirements in subsection (b) have been met and the applicant has further met all other applicable laws and regulations of the city, county, and state. Conditions of approval by the development review committee and statements made by a developer or his/her representative shall be reduced to writing, approved by signature of the developer, incorporated into the site plan by the committee, and shall be binding on the developer during the permitting process.~~

~~It shall be a violation of the Code of the City of Margate for the use of property contrary to that provided in any site plan.~~

~~(b) Prerequisites:~~

~~(1) Buildings other than single family or two family homes: Prior to issuance of a building permit, a site plan shall be approved for any building or buildings other than a single family or two family home on a platted lot.~~

~~(2) Single family or two family homes: The director of the building department or his designee shall not approve any building permit for a single family or two family home unless he/she has determined that adequate services, as set out by the standards of section 31-35 of this article, are available.~~

~~(3) Accessory structures: Structures that are accessory to the main premises of a developed site and which require a permit pursuant to the South Florida Building Code but which do not meet the definition of a building permit set forth in section 31-33 shall not require a review pursuant to section 31-34. However, if the director of building and zoning determines that any such proposal does not meet the criteria of section 31-35 then he/she shall require a formal review of said proposal by the committee for approval.~~

~~(c) Time limitation on approvals. Any recommendation of the development review committee as to a proposed plat, subdivision resurvey, or rezoning shall be reevaluated after a period of one (1) year if final action by the city commission has not taken place on that recommendation. An approval of a site plan shall be valid for one (1) year from the date of approval by the committee. The date of site plan approval shall be the date when the site plan was reviewed at an official development review committee meeting. If a building permit has not been issued within one (1) year from the date of site plan approval then another site plan review pursuant to section 31-35 shall be required.~~

~~In the case of a site plan containing multiple buildings, whether phased or otherwise, the site plan approval shall become null and void when one (1) year elapses from the date of the last certificate of occupancy and no building permit is active for a principal structure within the site.~~

~~If a building permit has not been issued within one (1) year of site plan approval, an extension of the one-year time limit for site plan approval may be issued by administrative approval by the chairman of the development review committee, subject to the following conditions:~~

~~(1) The land use or zoning designation of the subject parcel has not changed.~~

~~(2) The governing regulations of the subject parcel have not been significantly changed since the site plan was reviewed by the development review committee.~~

~~(3) There have been no developments on adjacent or nearby properties that would create a conflict with the current zoning regulations.~~

~~(4) The proposed development is consistent with the Margate Redevelopment Plan.~~

~~(5) The time limit extension for site plan approval shall not exceed an additional one (1) year.~~

~~Sec. 31-39. Development review committee fees.~~

~~The following 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~~

~~Resubmittal (other)250.00~~

~~Telecommunications site development4,000.00~~

~~ARTICLE IV. CONCURRENCY MANAGEMENT SYSTEM~~

~~Sec. 31-40. Purpose.~~

~~The purpose of this article is to assure that all development activity in the City of Margate is concurrent, consistent and in substantial conformity with the City of Margate and the Broward County Comprehensive Plans; and to assure that no new development be approved unless there is sufficient capacity available at the prescribed levels of service established in the City of Margate Comprehensive Plan.~~

~~Sec. 31-41. Definitions.~~

2556 ~~*Building.* Any permanent structure having a roof and used or built for the shelter or enclosure of~~
2557 ~~persons, animals, chattels or property of any kind.~~

2558 ~~*Building permit.*~~

2559 ~~(1) Any permit for the erection or construction of a new building required by Section 310.1 of the~~
2560 ~~South Florida Building Code, 1984, Broward Edition, as amended.~~

2561 ~~(2) Any permit for an addition to an existing building which would: create one (1) or more additional~~
2562 ~~dwelling units; or be required for the nonresidential operations included in Section 301.1(a), South~~
2563 ~~Florida Building Code, 1984, Broward Edition, as amended.~~

2564 ~~(3) Any permit involving a change in the occupancy of a building as described in Section 104.7 of~~
2565 ~~the South Florida Building Code, 1984, Broward Edition, as amended.~~

2566 ~~*Certified land use plan.* The City of Margate Land Use Plan which has been certified by the Broward~~
2567 ~~County Planning Council as being in substantial conformity with the county land use plan and which has~~
2568 ~~been adopted by the city commission in compliance with the Comprehensive Planning Act of 1975,~~
2569 ~~Section 163.3161, et seq., Florida Statutes.~~

2570 ~~*Committed trip.* A trip generated with the TRIPS model from an approved but not yet built~~
2571 ~~development.~~

2572 ~~*Compact deferral area.* The geographic area which is "a two (2) mile band having a centerline which~~
2573 ~~is coincident with the centerline of the congested link, extending parallel to the congested link for a~~
2574 ~~distance of one half (1/2) mile beyond each end point of the congested link."~~

2575 ~~*Concurrency.* A provision that public facilities and services needed to support development shall be~~
2576 ~~available at the same time or coincidental with the impacts of such development.~~

2577 ~~*Concurrency management system.* The provisions in the City of Margate Comprehensive Plan~~
2578 ~~including implementation regulations, encompassing the restrictions, methods, resources, timing and~~
2579 ~~solutions intended to be compatible with and further compliance with the statutory requirement to provide~~
2580 ~~public facilities and services needed to support development concurrent with the impacts of such~~
2581 ~~development.~~

2582 ~~*Constrained facility.* A road segment which is not planned for a capacity improvement in the adopted~~
2583 ~~2010 Highway Network Plan of Broward County.~~

2584 ~~*Development.* The meaning given in Section 380.04, Florida Statutes.~~

2585 ~~*Development order.* An order authorizing the granting, denying or granting with conditions of an~~
2586 ~~application for a development permit.~~

2587 ~~*Development permit.* Any building permit, zoning permit, subdivision or plat approval or site plan~~
2588 ~~approval, including amendment to the notation on the face of a plat, special exception, variance or other~~
2589 ~~official action of the City of Margate, but does not include any variance or other official action necessary~~
2590 ~~solely for the purpose of issuing a permit, other than a building permit, pursuant to the South Florida~~
2591 ~~Building Code, 1984, Broward Edition, as amended.~~

2592 ~~*Drainage facilities.* A system of man-made structures designed to collect, convey, hold, divert or~~
2593 ~~discharge stormwater, including stormwater sewers, canals, detention structures and retention structures.~~

2594 ~~*Duplex.* Two (2) attached dwelling units in one (1) building.~~

2595 ~~*Dwelling unit.* A house, apartment or condominium unit, trailer, group of rooms or a single room~~
2596 ~~intended for occupancy as a separate living quarter with direct access from the outside of the building or~~
2597 ~~through a common hall and with complete kitchen facilities for the exclusive use of the structure or~~
2598 ~~complex which are licensed by the state department of business regulation, division of hotels and~~
2599 ~~restaurants, as "apartments", "rental condominiums" and "retirement housing."~~

2600 ~~*Infrastructure.* Those man-made structures which serve the common needs of the population, such~~
2601 ~~as: sewage disposal systems; potable water systems; solid waste disposal sites or retention areas;~~

2602 stormwater systems; utilities; docks; breakwaters; bulkheads; seawalls; causeways; bridges; and
 2603 roadways.

2604 ~~Land development regulations.~~ Ordinances enacted by governing bodies for the regulation of any
 2605 aspect of development including: zoning, rezoning, subdivision, building construction, sign regulations or
 2606 any other regulations controlling the development of land.

2607 ~~Level of service.~~ An indicator of the extent or degree of service provided by, or proposed to be
 2608 provided by, a facility based on and regulated to the operational characteristics of the facility. Level of
 2609 service shall indicate the capacity per unit of demand for each public facility. Level of service may also be
 2610 referred to as "LOS."

2611 ~~Net traffic impact of development.~~ The total trips to be generated by a proposed development, as
 2612 measured by the TRIPS model, less the trips, if any, estimated to be generated by the existing
 2613 development to be replaced or generated by a previously approved plat.

2614 ~~Parcel.~~ Any quantity of land capable of being described with such definiteness that its location and
 2615 boundaries may be established, which is designated by its owner or developer as a unit or which has
 2616 been used or developed as a unit.

2617 ~~Planned improvement facility.~~ A road segment for which a capacity improvement is planned in the
 2618 adopted 2010 Highway Network Plan of Broward County.

2619 ~~Platted land.~~ Any land which can be referenced to an official plat book and page number.

2620 ~~Potable water.~~ Water which is satisfactory for drinking, culinary and domestic purposes and which
 2621 meets the quality standards of the Florida Department of Environmental Protection, Chapter 17-22,
 2622 Florida Administrative Code.

2623 ~~Potable water facilities.~~ A system of structures designed to collect, treat or distribute potable water,
 2624 including water wells, treatment plants, reservoirs and distribution mains.

2625 ~~Principal building.~~ A building which is occupied by, or devoted to, a principal use or an addition to an
 2626 existing principal building which is larger than the original existing building. In determining whether a
 2627 building is of primary importance, the use of the entire parcel shall be considered. There may be more
 2628 than one principal building on a parcel.

2629 ~~Principal use.~~ The primary use of a parcel of land as distinguished from secondary or accessory
 2630 uses. There may be more than one principal or main use on a parcel of land.

2631 ~~Public facilities.~~ Major capital improvements including, but not limited to, transportation, sanitary
 2632 sewer, solid waste, drainage, potable water, educational facilities, park and recreational facilities and
 2633 health systems.

2634 ~~Public utility.~~ Any public or private utility such as, but not limited to, storm drainage, sanitary sewers,
 2635 electrical power, water service, gas service or telephone lines, whether underground or overhead.

2636 ~~Regional transportation network.~~ Those roadways shown on the Broward County Trafficways Plan
 2637 promulgated by the Broward County Planning Council, or on the Broward County 2010 Plan promulgated
 2638 by the Broward County Metropolitan Planning Organization, or for which right-of-way has been delineated
 2639 by the board of county commissioners.

2640 ~~Reserve strip.~~ A piece of land or line on one (1) side of a street in the control of the owner of the land
 2641 on the opposite side of the street which prevents access to the street by development immediately
 2642 beyond the piece of land or line.

2643 ~~Sanitary sewer facilities.~~ Structures or systems designed for the collection, transmission, treatment
 2644 or disposal of sewage, including trunk mains, interceptors, treatment plants and disposal systems.

2645 ~~Solid waste.~~ Sludge from a wastewater treatment plant, water supply treatment plant or air pollution
 2646 control facility or garbage, rubbish, refuse or other discarded material including solid, liquefied, semi-solid
 2647 or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or
 2648 governmental operations.

~~*Solid waste facilities.* Structures or systems designed for the collection, processing or disposal of solid wastes including hazardous wastes, and also including transfer stations, processing plants, recycling plants and disposal systems.~~

~~*Structure.* Anything constructed, installed or portable, the use of which requires a location on a parcel of land, such as buildings, trailers, fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks and advertising signs.~~

~~*Surface water management.* The collection of devices, improvements or natural systems whereby surface waters are controlled, impounded or obstructed. The term includes dams, impoundments, reservoirs and appurtenant works as defined in Subsections 373.403 (1—4), Florida Statutes, as well as all artificial structures including, but not limited to, ditches, canals, conduits, channels, culverts, pipes and all other construction that conveys, impounds or controls surface water.~~

~~Sec. 31-42. Development subject to adequacy determination.~~

~~(a) For plats or replats, or for site plans or building permits where the property is unplatted or was platted, with plat approval received before March 20, 1979, all development of previously vacant land except that specified in subsection (c) below, shall be subject to an adequacy determination unless a site plan has been approved prior to December 1, 1989 and development activity has occurred within the plat or replat area.~~

~~(b) All development of previously improved lands shall be subject to an adequacy determination for the additional trips that equal the difference between the trips to be generated by the development specified in the proposed note on the plat and one hundred ten (110) per cent of the trips generated by any existing development. Existing development shall be construed to include previous development demolished no earlier than eighteen (18) months previous to the date the final plat application is submitted, or the application for a site plan or building permit approval is submitted.~~

~~(c) For a replat, or an amendment to a note on a plat, or a requirement to place a note on a plat, where property was platted after March 20, 1979, an adequacy determination shall be required for those additional trips that equal the difference between the previous plat and the replat; or the previous note and the proposed amendment to the note; or the development approved by the county commission at the time of plat approval and the proposed note to be placed on the plat.~~

~~(d) Except as exempted above, all plats approved after October 1, 1989 by the Broward County Commission and all development permits approved after December 1, 1989 by the City of Margate must undergo adequacy determinations to meet concurrency.~~

~~(e) Land suitable for residential development pursuant to applicable land development regulations shall be designed to provide for the educational needs of the future residents of the developed area and shall be in compliance with subsection 5-182(m) of the Broward County Land Development Code.~~

~~Sec. 31-43. Vested rights.~~

~~The City of Margate recognizes that certain property owners or developers may have a claim to a vested right to complete a development notwithstanding that such development would otherwise be required to undergo an adequacy determination pursuant to section 31-42 above. If a property owner or developer makes such a claim of vested rights to the city, the following procedure shall apply:~~

~~(1) The property owner's or the developer's request for a vested rights determination shall be submitted to the development review committee. Such request shall be accompanied by a description of the parcel of land for which the vested rights determination is sought and an explanation of the basis for the vested rights claim.~~

~~(2) The request for a vested rights determination shall be forwarded to the office of the city attorney and city manager for review. The city attorney and city manager shall review the vested rights claim and make a written recommendation to the city commission as to whether the vested rights claim should be granted, denied or granted with conditions.~~

~~(3) Following issuance of the city attorney's written recommendation, the city commission shall schedule the vested rights claim on its agenda for consideration. The city commission shall take action on the vested rights claim to grant the claim, deny the claim or grant the claim with conditions. Such action shall be in the form of a resolution.~~

~~Sec. 31-44. Action plans.~~

~~(a) An action plan is a program of transportation improvements designed at a minimum to accommodate the net traffic impact of the development to the extent that the regional road network lacks available capacity to provide for the net traffic impact of development. The action plan shall provide substantiation in the form of engineering studies or other data acceptable to the city to demonstrate the anticipated effect of the proposed program of improvements and/or innovations; shall provide for a source of funding for the improvements and/or innovations; and shall provide for monitoring of the program to ensure implementation of the program or improvements as necessary at or before the time the impacts of development occur.~~

~~(b) An action plan review committee is hereby established consisting of the members of the development review committee.~~

~~(c) The action plan review committee shall make a recommendation to the city commission regarding approval of the action plan. The recommendation shall give the reasons for the approval or disapproval of the action plan, which may include, but are not limited to, determinations regarding the trips created by the proposed development; the feasibility of the proposed facility or program; the adequacy of the data to demonstrate the ability of the action plan to accommodate the net impact of development; the city's ability to ensure that the program or facility is maintained; the date by which the facility or program will be implemented and the plan for funding the improvement or facility.~~

~~(d) Guidelines for the development of action plans and procedures for the preparation of action plans for pre-1979 municipality plats, as prepared and amended from time to time by the Broward County Department of Strategic Planning and Growth Management, may be used in the preparation of the required action plans.~~

~~Sec. 31-45. Measurement of capacities.~~

~~(a) Trafficways. The procedure for the initial measuring of highway capacities is the Florida Department of Transportation Table of Generalized Daily Level of Service Maximum Volumes. The measurement of capacity may also be determined by substantiation in the form of engineering studies or other data. Traffic analysis techniques must be technically sound and justifiable as determined by the Broward County Department of Strategic Planning and Growth Management and the city department of environmental and engineering services. Alterations to capacity on the state highway network shall require the opportunity for FDOT review. Measurement of county and state roads shall be in accordance with the development review requirements of the Broward County Land Development Code, Section 5-198. Before a development permit is approved, the following findings shall be made:~~

~~(1) A determination shall be required that the proposed development is not within the compact deferral area for a road segment operating below the adopted level of service, or that subsection (3) below is met. Traffic studies submitted by an applicant shall be considered in reaching this determination.~~

~~(2) A determination shall be required that the proposed development would not create a compact deferral area, including the development, or that subsection (3) below is met.~~

~~(3) If the proposed development is within a compact deferral area, or will be within a compact deferral area if the development is approved, one (1) of the following conditions applies:~~

~~a. The proposed development does not place any trips on the over-capacity link; or~~

~~b. There is an approved action plan to accommodate the traffic impact of the development; or~~

- 2746 c. ~~The necessary improvements to provide a level of service as provided for in section 31-48(c)~~
2747 ~~are under construction at the time the permit is issued; or~~
- 2748 d. ~~The necessary improvements to provide a level of service as provided for in section 31-48(c)~~
2749 ~~are the subject of an executed contract with a road contractor for the immediate construction~~
2750 ~~of the facilities; or~~
- 2751 e. ~~The necessary improvements for a level of service as provided for in section 31-48 have~~
2752 ~~been included in the first two (2) years of the adopted state, county or local five-year schedule~~
2753 ~~of transportation improvements at the time a development permit is issued and although the~~
2754 ~~facilities are not yet the subject of a binding contract for construction, the board of county~~
2755 ~~commissioners and the city commissioners makes a good faith determination that a binding~~
2756 ~~contractor construction of the improvement will be executed no later than the final day of the~~
2757 ~~second fiscal year of the original schedule; or~~
- 2758 f. ~~The necessary improvements for the applicable level of service are provided for in an~~
2759 ~~enforceable development agreement and will be available prior to certificates of occupancy~~
2760 ~~that require those facilities. These may include, but not be limited to, development~~
2761 ~~agreements pursuant to Section 163.3220, Florida Statutes, provided that road~~
2762 ~~improvements required by an agreement shall not be considered for concurrency for property~~
2763 ~~outside the boundaries of the property subject to a development agreement unless~~
2764 ~~provisions b. e. above are met; or~~
- 2765 g. ~~The development is authorized by an approved development of regional impact (DRI); or~~
- 2766 h. ~~The proposed development is a single-family unit or a duplex dwelling unit on a lot or parcel~~
2767 ~~of record prior to May 30, 1990; provided that the traffic generated by the proposed~~
2768 ~~development on the over-capacity link does not exceed one-tenth (0.1) of one per cent of~~
2769 ~~the capacity of the over-capacity link at its assigned LOS. The cumulative impact of such~~
2770 ~~exemptions shall not exceed one (1) per cent of the capacity of any over-capacity link during~~
2771 ~~one (1) calendar year or a cumulative total cap of three (3) per cent of the capacity of any~~
2772 ~~over-capacity link; or~~
- 2773 i. ~~The proposed development is found to have vested rights with regard to any affected road~~
2774 ~~segments. The proposed development must meet concurrency for any road segment for~~
2775 ~~which a vested rights determination has not been made; or~~
- 2776 j. ~~The proposed development is within an area designated on the Broward County Land Use~~
2777 ~~Plan for urban infill, urban redevelopment or downtown revitalization; or~~
- 2778 k. ~~De minimus exception: The proposed development meets all of the following criteria:~~
- 2779 1. ~~For the proposed development on vacant land the residential density shall not exceed~~
2780 ~~an average of four (4) dwelling units per gross acre and the non-residential floor area~~
2781 ~~shall not exceed ten (10) per cent of the gross land area.~~
- 2782 2. ~~For the proposed redevelopment of developed property, the number of proposed~~
2783 ~~dwelling units shall not exceed twice the number of existing dwelling units, and the~~
2784 ~~proposed gross floor areas for non-residential use shall not exceed twice the existing~~
2785 ~~floor area. Conversions between residential and non-residential uses shall not exceed~~
2786 ~~twice the floor area of the original use.~~
- 2787 3. ~~The traffic generated on the proposed development on the over-capacity link does not~~
2788 ~~exceed one-tenth (0.1) of one per cent of the capacity of that link at the adopted level~~
2789 ~~of service.~~
- 2790 4. ~~The cumulative impact of such exemptions shall not exceed three (3) per cent of the~~
2791 ~~capacity of any over-capacity link at its adopted level of service.~~
- 2792 5. ~~The total traffic generated by the proposed development shall not exceed five hundred~~
2793 ~~(500) trips per day. If this provision is applied more than once on a parcel of land, then~~
2794 ~~the cumulative total traffic generated by all such applications shall not exceed five~~

2795 hundred (500) trips per day, per plat, or per parcel of land for unplatted property which
2796 was a parcel of record as of March 20, 1979.

2797 6. ~~A notation is placed on the face of the plat, or is recorded against the property via~~
2798 ~~separate document if the application is not for a plat, stating that if a building permit for~~
2799 ~~a principal building is not issued on the subject property within three (3) years of the~~
2800 ~~issuance of the development permit, that any finding of adequacy of the regional road~~
2801 ~~network has expired, and that no additional building permits shall be issued unless the~~
2802 ~~board of county commissioners and the city commission makes a new finding that the~~
2803 ~~application satisfies the adequacy requirements of the regional road network.~~

2804 7. ~~If development is approved pursuant to this provision, in order to retain its de minimus~~
2805 ~~exception designation, the use for which such development is approved may only be~~
2806 ~~amended provided such development continues to be consistent with the criteria~~
2807 ~~contained within this subsection.~~

2808 I. ~~Transfer of committed trips:~~

2809 1. ~~Committed trips may be transferred between two (2) contiguous parcels (i.e., a "donor~~
2810 ~~parcel" and a "receiving parcel,") based on the following criteria:~~

2811 (a) ~~The donor parcel must be a recorded plat, with plat approval received on or after~~
2812 ~~March 20, 1979. At the time of the approval of the transfer of the committed trips,~~
2813 ~~the receiving parcel must have a pending or approved final application for a~~
2814 ~~development permit filed with the county or the city (e.g., plat, site plan, rezoning,~~
2815 ~~note amendment);~~

2816 (b) ~~The number of committed trips available for transfer on the donor parcel shall be~~
2817 ~~the currently approved trip generation rate applied to the use approved for the~~
2818 ~~parcel by the board of county commissioners, less any development which has~~
2819 ~~been constructed, or for which building permits have been approved, within the~~
2820 ~~donor parcel. In no case shall a transfer of trips result in no development being~~
2821 ~~permitted on the donor plat;~~

2822 (c) ~~Simultaneously with the approval of the transfer of committed trips by the board~~
2823 ~~of county commissioners, a notation shall be placed on the face of the plat of the~~
2824 ~~parcels of record involved indicating the change in development levels associated~~
2825 ~~with the transfer of such committed trips. Impact fees shall be recalculated based~~
2826 ~~on the transfer of committed trips for both the donor and receiving parcels so that~~
2827 ~~such impact fees are consistent with the modifications to development levels. All~~
2828 ~~other provisions of the land development code which are applicable to note~~
2829 ~~amendments and the placement of notes shall be enforced; and~~

2830 (d) ~~As a condition of the approval of a transfer of committed trips, an agreement shall~~
2831 ~~be recorded in the public records against the receiving parcel stating that, if a~~
2832 ~~building permit for a principal building representing some or all of the donated trips~~
2833 ~~is not issued on the subject property within three (3) years of the approval of the~~
2834 ~~transfer of committed trips, the county's finding of adequacy of the regional road~~
2835 ~~network relative to the donated trips shall expire and no building permits for the~~
2836 ~~donated trips shall be issued until such time as the board of county commissioners~~
2837 ~~makes a subsequent finding that the application satisfies the adequacy~~
2838 ~~requirements of the regional road network. The City of Margate shall also be a~~
2839 ~~party to such agreement.~~

2840 2. ~~The receiving parcel shall not be a donor parcel in a subsequent transfer of trips.~~

2841 3. ~~The donor parcel shall not be entitled to apply for an amendment to the note on the face~~
2842 ~~of the plat to increase the number of trips for a period of three (3) years from the date~~
2843 ~~of approval of a transfer of committed trips.~~

2844 4. ~~For the purpose of this provision, a parcel of land separated by a right of way for a~~
2845 ~~highway, road or utility, or a waterbody or watercourse which does not exceed three~~
2846 ~~hundred (300) feet in width, shall be deemed contiguous.~~

2847 5. ~~Parcels of land within a DRI shall not donate trips to parcels of land outside the particular~~
2848 ~~DRI.~~

2849 6. ~~Parcels of land within a concurrency exception area shall not be eligible to participate~~
2850 ~~in a transfer of trips.~~

2851 7. ~~Transfers are limited to trips approved or vested prior to February 1994.~~

2852 (4) ~~Determination of concurrency for transportation:~~

2853 a. ~~The determination of concurrency with the regional transportation network shall be made by~~
2854 ~~Broward County when a development is subject to concurrency review under the Broward~~
2855 ~~County Land Development Code. However, when Broward County approves an action plan,~~
2856 ~~the city commission shall also review and approve that action plan before recordation of that~~
2857 ~~plat.~~

2858 b. ~~The determination of concurrency with the regional transportation network for developments~~
2859 ~~which are not reviewed under the Broward County Land Development Code shall be made~~
2860 ~~by the city through the required traffic analysis. If a development lies within a compact~~
2861 ~~deferral area or its impacts would create a compact deferral area, it shall not be approved~~
2862 ~~for concurrency purposes unless an action plan, as provided for in this article, is submitted~~
2863 ~~and approved by the city commission.~~

2864 c. ~~The determination of concurrency for impacts on local collector roads will be made by the~~
2865 ~~city either at the time of platting for areas subject to the Broward County Land Development~~
2866 ~~Code or at the time of site plan review for developments not subject to the Broward County~~
2867 ~~Land Development Code through the required traffic analysis. Developments subject to~~
2868 ~~concurrency shall design all local streets for level of service "C."~~

2869 (b) ~~Potable water and wastewater.~~ ~~Measurement of potable water and wastewater facilities shall be~~
2870 ~~based on design capacities and service flows. Usage and discharge will be based on adopted level of~~
2871 ~~service standards. These levels may be amended after consideration and substantiation of~~
2872 ~~engineering studies and/or an amendment to the City of Margate Comprehensive Plan.~~

2873 (c) ~~Drainage.~~

2874 (1) ~~Measurement of drainage facilities shall be based on the water management district basin design~~
2875 ~~standards. Variations may exist for specific parcels but the overall effect of an area's drainage~~
2876 ~~system must meet established water management practices criteria.~~

2877 (2) ~~Where the City of Margate is not the service provider, the city shall rely on documentation~~
2878 ~~provided by the applicable water control/improvement district. However, determination of~~
2879 ~~concurrency for drainage capacity for building pads, streets and parking lots shall be the~~
2880 ~~responsibility of the department of environmental and engineering services. The documentation~~
2881 ~~shall identify:~~

2882 a. ~~That the water control/improvement district will accept stormwater runoff from the proposed~~
2883 ~~development;~~

2884 b. ~~That the district has the capacity to satisfy drainage of the proposed development at the~~
2885 ~~required level of service;~~

2886 c. ~~That the district has improvements that will provide capacity at the required level of service;~~

2887 d. ~~Conditions or phasing exist that the city should incorporate in its approval to ensure adequate~~
2888 ~~capacity.~~

2889 (d) ~~Solid waste.~~ ~~Measurement of solid waste shall be based on assumed generation rates and the design~~
2890 ~~capacity of the landfill and the solid waste energy recovery facilities developed by the county. The city~~

2891 shall rely on the obligations' established in the city's franchise agreement for solid waste collection and
 2892 disposal services to provide the required level of service.

2893 (e) ~~Recreation.~~ Measurement of recreation and open space shall be based on the requirement of three
 2894 (3) acres per one thousand (1,000) residents.

2895

2896 ~~Sec. 31-46. Level of service standards.~~

2897 (a) ~~No development activity may be approved unless it meets the following requirements designed to~~
 2898 ~~ensure that certain public services are available at prescribed levels of service concurrent with the~~
 2899 ~~impacts of development.~~

2900 (b) ~~Notwithstanding the foregoing, the prescribed levels of service may be degraded during construction~~
 2901 ~~of new facilities in a specific area if upon completion of the new facilities the prescribed levels of service~~
 2902 ~~will be met.~~

2903 (c) ~~For the purposes of these regulations the available capacity of a facility shall be determined by:~~

2904 (1) ~~Adding together:~~

2905 a. ~~The total design capacity of existing facilities operating at the required level of service; and~~

2906 b. ~~The total design capacity of new facilities that will come available concurrent with the impact~~
 2907 ~~of the development. The capacity of new facilities may be counted only if it meets the criteria~~
 2908 ~~of section 31-45(a)(3) above.~~

2909 (2) ~~Subtracting from that number the sum of:~~

2910 a. ~~The design demand for the service created by existing development; and~~

2911 b. ~~The new design demand for the service (by phase or otherwise) that will be created~~
 2912 ~~concurrent with the impacts of the proposed development by the anticipated completion of~~
 2913 ~~other presently approved developments.~~

2914 (d) ~~The burden of showing compliance with these levels of service requirements shall be upon the~~
 2915 ~~developer. Applications for development approval shall provide sufficient and verifiable information~~
 2916 ~~showing compliance with these standards.~~

2917

2918 ~~Sec. 31-47. Concurrency monitoring system.~~

2919 (a) ~~The director of environmental and engineering services, through his duties and authority of chairman~~
 2920 ~~of the development review committee, shall be responsible for monitoring development activity to~~
 2921 ~~ensure the development is consistent with the City of Margate Comprehensive Plan.~~

2922 (b) ~~Applications for all development permits shall be submitted to the development review committee.~~
 2923 ~~Processing shall be in accordance with regularly scheduled meetings of the development review~~
 2924 ~~committee, planning and zoning board and city commission.~~

2925 (c) ~~Compliance will be calculated and capacity reserved at time of final action of an approved site plan or~~
 2926 ~~enforceable developer's agreement for those concurrency matters within the authority of the City of~~
 2927 ~~Margate. Applications for development approval shall be chronologically logged to determine rights to~~
 2928 ~~available capacity.~~

2929 (d) ~~The effective time limit for site plans shall be one (1) year. An extension of one (1) year may be issued~~
 2930 ~~by administrative approval. At each annual renewal of public performance bonds, the City of Margate~~
 2931 ~~shall make a determination if the bonds shall be drawn upon for construction. Building and engineering~~
 2932 ~~permits shall have a concurrency time limit of one hundred eighty (180) days as long as construction~~
 2933 ~~and inspections continue.~~

2934 (e) ~~Development permits shall be processed to the fullest degree possible. If adequacy determinations~~
 2935 ~~of a project show unacceptable levels of service in any one (1) of the necessary public facility or service~~
 2936 ~~standards, the project shall be tabled during final action of the development permit approval. If capacity~~
 2937 ~~conditions change at some time in the future, concurrency shall be rechecked to verify compliance~~

2938 with adopted levels of service. If compliance is found the development shall be rescheduled for final
2939 action.

2940

2941 ~~Sec. 31-48. Levels of service.~~

2942 (a) ~~Potable water.~~ New development shall not be approved unless there is sufficient available design
2943 capacity to sustain the following levels of service for potable water as established in the potable water
2944 subelement of the City of Margate Comprehensive Plan. The level of service standards for the city's
2945 potable water facilities is three hundred thirty-five (335) gallons per day (gpd) per equivalent residential
2946 connection (ERC) for capacity and three thousand (3,000) gallons per minute (gpm) with a residual
2947 pressure of twenty (20) pounds per square inch (psi) for storage and distribution. All other levels of
2948 service standards are as follows:

Type of Use	Use in Gallons
Residential:	
—Per capita per day	400
—Per single family unit	350
Office—per square foot	0.2
Retail—per square foot	0.1
Other non-residential	
—per capita	20

2949 -

2950 (b) ~~Wastewater.~~ New development shall not be approved unless there is sufficient available design
2951 capacity to sustain the following levels of service for wastewater treatment as established in the
2952 sanitary sewer subelement of the City of Margate Comprehensive Plan. The level of service standard
2953 for the city's sanitary facilities is three hundred thirty-five (335) gallons per day (gpd) per equivalent
2954 residential connection (ERC). All other levels of service standards are as follows:

Type of Structure	Design Flow per Unit (gpd)
Assembly halls per seat	2
Bar and cocktail lounge(no food service)	20
Beauty parlors (per 100 sq. ft. of work space)	30
Bowling alleys per lane (including bar & food svc.)	200
Churches, per sanctuary seat	7
Dance halls, per person	2
Factories, per person per shift	15
Hospitals and nursing homes	
—(per bed space)	200
—(each resident staff)	100

Institutions (per person, including resident staff)	100
Laundries, per machine	400
Office buildings, per employee	
(allow 100 sq. ft. net per employee)	20
Public parks (with toilets, per person)	10
Recreation buildings (per person)	2
Residences	
—Single family, detached	350 each unit
—Multi family	250 per bedroom
—Hotel/motel	150 per bedroom
—Bedroom additions to SFR	150 per bedroom
—Mobile homes	100 each
Restaurants	
—24-hour runoff, per seat (including bar)	50
—Less than 24-hour per seat (including bar)	30
—Drive-ins, per space	15
—Carry-out facilities (per 100 sq. ft.)	50 plus 10 per employee (in addition to seat and drive-in charges)
Schools	Elementary — High
—Each pupil per day	—10 — 15
—Add for shower/pupil	—5 — 5
—Add for cafeteria/pupil	—5 — 5
—Boarding each pupil	100 — 100
Service stations (Full)	750
—First two bays	300
—Each additional bay	300
—Per fuel pump	100
Service stations (Self)	
—Per fuel pump	50
Shopping centers	
—Per sq. ft. of floor space	
—(no food service or laundry)	0.1
Theatres	

Indoor, per seat	5
Outdoor, per speaker	10
Warehouses (per sq. ft. of storage space)	0.1

2955 -

2956 ~~(c) *Transportation.* New development shall not be approved unless there is sufficient available design~~
2957 ~~capacity to sustain the following levels of service for transportation systems as established in the~~
2958 ~~Traffic Circulation Element of the City of Margate Comprehensive Plan.~~

Type of Facility	Peak Hour Level of Service
Principal Arterial	D
Collector Street	D
Local Road	C

2959 -

2960 ~~(1) The area of impact of the development (a traffic shed) shall be determined. The limits of the~~
2961 ~~affected traffic shed shall be determined in accordance with the Broward County Land~~
2962 ~~Development Code Trafficways Plan criteria. The traffic shed shall be that area where the primary~~
2963 ~~impact of traffic to and from the site occurs. If the city/county has designated sectors of the city~~
2964 ~~for determining development impacts and planning capital improvements, such sectors or~~
2965 ~~planning areas may be used. If the application is for a building permit for a single family or duplex~~
2966 ~~development, the impact shall be presumed to be limited to the collector or arterial serving the~~
2967 ~~local street giving access to the lot, or to the collector or arterial giving direct access to the lot.~~

2968 ~~(2) The projected level of service for arterials and collectors within the traffic shed shall be calculated~~
2969 ~~based upon estimated trips to be generated by the project, or where applicable, the first phase of~~
2970 ~~the project, and taking into consideration the impact of other approved but not yet completed~~
2971 ~~developments within the traffic shed. Information on committed development within the traffic~~
2972 ~~shed shall be provided by Broward County.~~

2973 ~~(d) *Drainage.* New development shall not be approved unless there is sufficient available design capacity~~
2974 ~~to sustain the following levels of service for the drainage system as established in the drainage~~
2975 ~~subelement of the City of Margate Comprehensive Plan.~~

2976 ~~Subject/level of service.~~

2977 ~~*Road protection.* Residential streets not greater than fifty (50) feet to have crown elevations no~~
2978 ~~lower than the elevation for the respected area depicted on the ten (10) year "Flood Criteria~~
2979 ~~Map." Rights of way greater than fifty (50) feet to have an ultimate edge of pavement no lower~~
2980 ~~than the elevation for the respective area depicted on the ten (10) year "Flood Criteria Map."~~

2981 ~~*Buildings.* To have the lowest floor elevation no lower than the elevation for the respective area~~
2982 ~~depicted on the "100-Year Flood Elevation Map."~~

2983 ~~*Off-site discharge.* Not to exceed the inflow limit of SFWMD primary receiving canal or the local~~
2984 ~~conveyance system, whichever is less.~~

2985 ~~*Storm sewers.* Design frequency minimum to be three-year rainfall intensity off the State DOT Zone~~
2986 ~~10-Rainfall curves.~~

2987 ~~*Floodplain routing.* Calculated flood elevations based on the ten-year and 100-year return frequency~~
 2988 ~~rainfall of three-day duration shall not exceed the corresponding elevations of the ten-year "Flood Criteria~~
 2989 ~~Map" and the "100-Year Flood Elevation Map."~~

2990 ~~*Antecedent water level.* The higher elevation of either the control elevation or the elevation depicted~~
 2991 ~~on the map "Average Wet Season Water Levels."~~

2992 ~~*On-site storage.* Minimum capacity above antecedent water level and below floodplain routing~~
 2993 ~~elevations to be design rainfall volumes minus off-site discharge occurring during design rainfall.~~

2994 ~~*Best management practices (BMP).* Prior to discharge to surface or ground water, BMPs will be used~~
 2995 ~~to reduce pollutant discharge.~~

2996 (e) ~~*Solid waste.* New development shall not be approved unless there is sufficient available design~~
 2997 ~~capacity to sustain the following levels of service for solid waste as established in the solid waste~~
 2998 ~~subelement of the City of Margate Comprehensive Plan.~~

Type of Use	Level of Service
Residential	8.9 lbs. per unit/day
Office	1.0 lbs. per 100 sq. ft./day
Factory/warehouse	2.0 lbs. per 100 sq. ft./day
Supermarket	9.0 lbs. per 100 sq. ft./day
Department store	4.0 lbs. per 100 sq. ft./day
Restaurant	2.0 lbs. per meal/day
Grade school	10.0 lbs. per room and 1/4 lbs. per pupil per day
Middle/high school	8.0 lbs. per room and 1/4 lbs. per student per day
Nurse or intern home	3.0 lbs. per person/day
Hospital	8.0 lbs. per bed/day
Home for aged	3.0 lbs. per person/day
Rest home	3.0 lbs. per person/day

2999 -

3000 (f) ~~*Recreation.* New development shall not be approved unless there is sufficient available capacity to~~
 3001 ~~sustain the following levels of service for the recreational facilities in the recreation and open space~~
 3002 ~~element of the City of Margate Comprehensive Plan.~~

Type of Facility	Level of Service
Local parks	3 acres per 1,000 residents

3003 -

3004
 3005 Sec. 31-49. ~~Application requirements for concurrency determination.~~

3006 ~~An application for a development permit that is subject to concurrency review shall be accompanied~~
 3007 ~~by the following information in addition to any other requirements contained within the city Code.~~

(1) ~~Project description:~~ Applicant, location, land use and zoning, density or intensity, project phasing and other pertinent information as determined by the applicant needed to properly review the application.

(2) ~~Transportation system:~~ An analysis performed by Broward County or prepared in accordance with the Broward County TRIPS model, as amended from time to time.

(3) ~~Drainage, solid waste, water and wastewater:~~ Documentation from the appropriate service provider regarding provision of services.

~~Sec. 31-50. Development permit approval.~~

~~The City of Margate shall make determinations that there are adequate facilities to service the proposed development and that the proposed development will not degrade those facilities below the minimum level of service established herein. Development permits will be processed to the fullest degree possible. The city will make a concurrency determination for: (a) approval, (b) approval with conditions including phasing, (c) approval subject to further review of a subsequent development permit as allowed elsewhere in this article, or (d) denial with notice of the reasons for same. Approval of a development for concurrency does not remove any obligation a property owner or successor may have to satisfy other requirements contained within the city Code.~~

~~ARTICLE V. GREEN BUILDING POLICY~~

~~Sec. 31-51. General.~~

(a) ~~Definitions.~~ The following words, terms and phrases, when used in this chapter [article], shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

~~GBI means the Green Building Initiative.~~

~~Green building means generally the resource-efficient design, construction, and operation of buildings deemed to be employing environmentally sensible construction practices, systems and materials.~~

~~Green Globes means the current version of the green building rating system administered by GBI.~~

~~LEED means the current version of the USGBC's leadership in energy and environmental design rating system in effect at the time a project is registered with the USGBC.~~

~~Project means construction associated with the creation, development, major renovation, or erection of any building deemed to be eligible for an approved green building certification program.~~

~~USGBC means the United States Green Building Council.~~

(b) ~~Purpose.~~ The purpose of the city's green building policy is to provide the city with a certified-based green building program. This program will provide sustainable and environmentally friendly practices of construction and design. It shall be the policy of the city to achieve at least the minimum certification level of the USGBC LEED, GBI Green Globes green building certification programs or other equivalent certification program as determined by the city for all new city-owned and operated building construction. All renovation projects to city-owned and operated buildings including major renovation involving elements of HVAC renovation, significant envelope modifications and major interior rehabilitation, which meets the USGBC or GBI definition for major renovation, shall be brought up to "certified" status. In order to ensure that city construction projects meet the green building standards, all city construction projects deemed to be eligible for the program shall be registered with the appropriate green building program and the project team, including, but not limited to, the architect, engineer, general contractor, and city agencies responsible for the projects, shall seek certification of registered projects. Design submittals for all such projects shall be reviewed and marked as "credit anticipated" prior to the submission of a petition to the development review committee.

~~Sec. 31-52. Reserved.~~

~~Sec. 31-53. — Green building rating policy.~~

~~The LEED and Green Globes rating systems are certification tools. Points shall be awarded to building projects that incorporate the design and construction practices and technologies listed in the appropriate rating system. The project shall be subject to certification by a qualified city staff member or third party who has been trained and certified as a LEED accredited professional (LEED AP) or Green Globes professional (GGP). For purposes of the program, "third party" means any person or entity authorized by USGBC or GBI to verify that a project has satisfied any or all of the requirements associated with LEED or GBI standard designated for a particular project.~~

~~ARTICLE VI. — QUASI JUDICIAL PROCEEDINGS~~

~~Sec. 31-54. — Special exceptions.~~

~~(a) — Purpose. Special exceptions are generally compatible with other land uses permitted in a zoning district but, due to their unique characteristics or potential impacts on the surrounding neighborhood and the city as a whole, require individual review as to location, design, configuration, and/or operation for the particular use at the particular location proposed, as well as the imposition of individualized conditions in order to ensure that the use is compatible with the surrounding neighborhoods and appropriate at a particular location.~~

~~(b) — Application requirements. No use designated as a special exception shall be established until after such use has received approval under the provisions of this section and has received all permits required by this Code of Ordinances and the Florida Building Code. An application for special exception approval shall be filed with the development services department on forms provided. The application shall include:~~

~~(1) — A preliminary site plan, meeting the technical requirements for a final site plan and containing all relevant information necessary for review, including, but not be limited to, the following:~~

~~a. — A survey meeting the technical standards of the Florida Department of Professional Regulation, Board of Land Surveyors.~~

~~b. — An accurate tree location plan, superimposed over the basic site plan, showing the species and size of all trees of three (3) inches or greater caliper, d.b.h.~~

~~c. — Site data, including floor areas, aggregate building coverage, green space, vehicular use areas, retention areas and parking ratio.~~

~~d. — Each site plan presented herewith shall be drawn to a scale of no less than one (1) inch equals fifty (50) feet, and shall include the complete dimensioning and location of:~~

~~1. — Plot lines.~~

~~2. — Existing and proposed buildings and all other proposed improvements.~~

~~3. — Off street parking, curbing, wheel stops and interior landscape area.~~

~~4. — Street paving, drainage structures, sidewalks, driveways, intersections, medians, existing and proposed deceleration and turning lanes.~~

~~5. — Setbacks.~~

~~6. — Floor plans, and exterior sales, storage or service areas.~~

~~7. — Internal walks and pedestrian ways.~~

~~8. — Typical building exterior elevation view.~~

~~9. — Signs and exterior lighting.~~

~~10. — Water mains and fire hydrants; sewer laterals.~~

3101 11. ~~Buffering and fencing or decorative masonry walls.~~
 3102 12. ~~Solid waste disposal containers and enclosures.~~
 3103 13. ~~Proposed finished floor and pavement elevations.~~
 3104 14. ~~Landscaping plan.~~
 3105 15. ~~Any other architectural, engineering or other data as may be required to permit the~~
 3106 ~~necessary findings.~~
 3107 (2) ~~The required application fee, as provided in section 31-39 of this Code.~~
 3108 (3) ~~A written and graphic summary of the proposed project and its relationship to the general~~
 3109 ~~standards of review in section 31-54(c) of this Code.~~
 3110 (4) ~~Ownership affidavit and owner's sworn to consent, if applicable.~~
 3111 (c) ~~General standards of review. In addition to the standards set forth in this Code of Ordinances for the~~
 3112 ~~particular use, all proposed special exceptions shall meet each of the following standards:~~
 3113 (1) ~~The special exception shall be consistent with the purposes, goals, objectives and policies of the~~
 3114 ~~Margate Comprehensive Plan and the Margate Code of Ordinances.~~
 3115 (2) ~~The establishment, maintenance or operation of the proposed use shall not be detrimental to or~~
 3116 ~~endanger the public health, safety, or general welfare.~~
 3117 (3) ~~The establishment, maintenance or operation of the proposed use shall only be approved if in~~
 3118 ~~the best interest of the city. It shall be determined that a genuine need for the use is present in~~
 3119 ~~the city to support and justify the approval order to avoid creating an excessive proliferation of~~
 3120 ~~said special exception use.~~
 3121 (4) ~~The proposed use shall be compatible with the existing natural environment and community~~
 3122 ~~character of the properties within the immediate neighborhood.~~
 3123 (5) ~~Utilities, roadway capacity, drainage, and other necessary public facilities, including police, fire~~
 3124 ~~and emergency services, shall exist at the city's adopted levels of service, or will be available~~
 3125 ~~concurrent with demand as provided for in the requirements of this Code of Ordinances.~~
 3126 (6) ~~Adequate measures exist or shall be taken to provide ingress and egress to the proposed use,~~
 3127 ~~for both vehicles and pedestrians, in a manner that minimizes traffic congestion on public streets,~~
 3128 ~~and the use may not result in a significantly greater amount of traffic on local streets than would~~
 3129 ~~result from a development permitted by right.~~
 3130 (7) ~~There shall be adequate parking areas and off street truck loading spaces (if applicable)~~
 3131 ~~consistent with the parking requirements of the Code, and the layout of the parking and vehicular~~
 3132 ~~use areas shall be convenient and conducive to safe operation consistent with city standards to~~
 3133 ~~the greatest extent possible.~~
 3134 (8) ~~The establishment of the special exception shall not impede the development of surrounding~~
 3135 ~~properties for uses permitted in the zoning district nor have a negative impact on the value of~~
 3136 ~~these properties;~~
 3137 (9) ~~The design of the proposed use shall minimize adverse effects, including visual impacts, of the~~
 3138 ~~proposed use on adjacent property through the use of building orientation, setbacks, buffers,~~
 3139 ~~landscaping and other design criteria.~~
 3140 (10) ~~The city commission finds that the granting of the application will be in the best interest of the~~
 3141 ~~city.~~
 3142 (d) ~~Review by development review committee (DRC). A complete application which is submitted pursuant~~
 3143 ~~to a schedule prepared by the development services department shall be reviewed at the next~~
 3144 ~~available DRC meeting. The DRC shall review the proposed use based on the general standards of~~
 3145 ~~review, use regulations, development standards of this Code, and all other applicable development~~

regulations. The DRC chairman shall submit a written report, incorporating the findings and recommendation of the DRC, to the planning and zoning board and city manager.

~~(e) Meeting of the planning and zoning board.~~ The planning and zoning board shall conduct a public hearing in which they discuss the DRC report and the project proposal, prior to making a recommendation concerning the project to the city commission. If the planning and zoning board determines that the proposed use is in compliance with general standards of review, use regulations, and development standards of this Code, then they shall recommend approval of the special exception to the city commission, with or without conditions, as determined appropriate. If the planning and zoning board finds that the proposed special exception is not in compliance, they shall recommend denial of the application. The planning and zoning board may continue the matter until any additional information or studies requested have been completed and offered in testimony.

~~(f) Review by city commission.~~ The city commission shall review all special exception applications. The director of development services shall transmit to the city manager a copy of the complete application and a written staff report summarizing the facts of the case including all relevant documents and the recommendations of the planning and zoning board, if applicable. The city manager shall schedule the proposed special exception application for the next available city commission meeting providing the required notice procedures are met.

~~(1) Public hearing.~~ The city commission shall hold one (1) public hearing on the proposed special exception.

~~(2) Action by city commission.~~ In considering a special exception request, the city commission shall review the proposed special exception, based on the general purpose and standards of review set forth in this section, the report of the administration and recommendation(s) of the planning and zoning board, and any oral and written comments received before or at the public hearing. Based upon the record developed at the public hearings, the city commission may:

a. Adopt the proposed special exception by resolution, with or without conditions;

b. Deny the proposed special exception by resolution; or

c. Refer the matter to the planning and zoning board or administration for further consideration.

~~(g) Conditions.~~ The city commission may attach such conditions to the approval as it deems necessary to ensure the proposed use conforms to the standards set forth in section 31-54(c) general standards of review and to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: architectural design guidelines; limitations on size, bulk and location; duration of construction period; requirements for landscaping, signage, outdoor lighting, and the provision or limitation of ingress and egress; duration of the approval; hours of operation; and the mitigation of environmental impacts.

~~(h) Effect of approval or denial.~~

~~(1) Eligibility to apply for building permit, etc.~~ Approval of the application for special exception by the city commission authorizes the applicant to proceed with any necessary applications for final site plan approval, building permits, certificates of level of service, and other permits, which the city may require for the proposed development. No permit shall be issued for work, which does not comply with the terms of the special exception approval.

~~(2) Expiration of special exception approval.~~ Unless otherwise provided in the approval, the approval of a special exception application shall be void if a building permit or engineering permit has not been issued for the proposed development within twelve (12) months after the date of the special exception approval. An applicant who has obtained special exception approval may request an extension of this time period by submitting within the twelve-month period a letter stating the reasons for the request. The city commission may, at a regular meeting, grant an extension of up to twelve (12) months, per chapter 31, section 31-38(c) of the Code of Ordinances.

~~(3) Rescission of approval by abandonment of use.~~ Any discontinuation of an approved special exception for a period of one hundred eighty (180) consecutive days shall constitute abandonment and shall rescind the approval of the special exception. The abandonment period

3196 shall be presumed to have commenced upon the termination of electrical or water service for the
3197 user, whichever occurs first.

3198 ~~(i) Amendments and alterations to approved special exceptions.~~

3199 ~~(1) Except as provided under section 31-54(i)(2), any expansion to an approved special exception~~
3200 ~~and any addition to or expansion of an existing special exception shall require the same~~
3201 ~~application, review and approval as required under this section for the original approval of the~~
3202 ~~special exception.~~

3203 ~~(2) Minor changes in the site plan or design details of an approved special exception which are~~
3204 ~~consistent with the standards and conditions applying to the special exception and which do not~~
3205 ~~result in additional external impacts, such as a minor shift in the location of a building or structure,~~
3206 ~~the realignment of parking spaces and aisles, the relocation of a driveway, etc. may be approved~~
3207 ~~by the DRC administratively without obtaining additional approvals. No increase in the intensity~~
3208 ~~or change in use shall be considered a minor change for the purposes of this section.~~

3209

3210 ~~Sec. 31-55. Public notice.~~

3211 ~~(a) Mailings. When an application for special exception, conditional use, variance, administrative appeal,~~
3212 ~~plat or plat amendment, rezoning, land use map amendment, or any other quasi-judicial land use~~
3213 ~~determination is filed with the city, the applicant shall be responsible for mailing public notice to the~~
3214 ~~owners of all real property lying within one thousand five hundred (1,500) feet of the subject property~~
3215 ~~for which said application was filed. The mailing radius shall be measured from the property lines of~~
3216 ~~the subject property.~~

3217 ~~(1) Content. The mailed notification shall state "PUBLIC HEARING NOTIFICATION" in bold print at~~
3218 ~~the top of the notice and include the following information:~~

3219 ~~a. The applicant's name.~~

3220 ~~b. The address of the subject property of the application.~~

3221 ~~c. The type of application that was filed with the city.~~

3222 ~~d. A description of the proposed project, including the proposed use, hours of operations,~~
3223 ~~acreage of parcel, square footage of structure(s), and/or number and type of residential units.~~

3224 ~~e. The name of the board(s) to hear the application.~~

3225 ~~f. The scheduled date(s) and time(s) of hearing(s).~~

3226 ~~g. The address of where the hearing (s) is/are to take place.~~

3227 ~~h. Municipal contact information for the department processing the application, to include the~~
3228 ~~department name, phone number and address.~~

3229 ~~(2) Procedure. Within seven (7) days of receiving an application, as described in section 31-55(a),~~
3230 ~~the city shall furnish the applicant with a list of all real property owners within a one thousand five~~
3231 ~~hundred foot radius of the subject property of said application. Ownership of surrounding real~~
3232 ~~property shall be determined by the most recent tax records available from the Broward County~~
3233 ~~Property Appraiser. The applicant shall send public notice described above via United States~~
3234 ~~Postal Service mail to each required real property owner at least fourteen (14) days prior to the~~
3235 ~~scheduled hearing(s).~~

3236 ~~a. For applications that require sequential reviews by multiple boards of the city, the notice shall~~
3237 ~~include the scheduled dates, times, board names, and locations for all required hearings.~~
3238 ~~For the purpose of this section, required hearings refer to those held by the city commission,~~
3239 ~~the planning and zoning board, the board of adjustment, and any other board whose~~
3240 ~~members are appointed by the city commission.~~

3241 1. ~~In the event an application is tabled at a properly noticed hearing, no further mailings~~
3242 ~~shall be required for the application to appear before that particular body that tabled the~~
3243 ~~application. However, if the tabling action causes hearings by other boards of the city~~
3244 ~~in a sequential review of an application to be rescheduled to dates other than those~~
3245 ~~provided in the mailed public notice, then the applicant shall mail a revised notice as~~
3246 ~~provided in this section at least fourteen (14) days prior to the rescheduled hearing(s).~~

3247 2. ~~In the event that an application is delayed between hearings of a sequential review for~~
3248 ~~any reason other than being tabled, as described above, then the applicant shall mail a~~
3249 ~~revised notice as provided in this section at least fourteen (14) days prior to the~~
3250 ~~rescheduled hearing.~~

3251 3. ~~In the event that an applicant appeals a board decision to a higher body of the city, or~~
3252 ~~that the city commission refers a special exception application back to the planning and~~
3253 ~~zoning board as described in section 31-54(f)(2)c., the applicant shall mail a revised~~
3254 ~~notice as provided in this section at least fourteen (14) days prior to the rescheduled~~
3255 ~~hearing.~~

3256 b. ~~Upon mailing the required public notice, the applicant shall submit proof of said mailing to~~
3257 ~~include a sample letter, postage receipt, and a sworn affidavit affirming that the public notice~~
3258 ~~requirements of this section have been executed as described in this section. Said proof of~~
3259 ~~mailing shall be provided to the city at least ten (10) days prior to the first scheduled hearing.~~

3260 c. ~~In the event that the applicant fails to satisfy all of the requirements of this section, the~~
3261 ~~application shall not be scheduled for the planning and zoning board, board of adjustment,~~
3262 ~~CRA board, or city commission, until the above requirements have been met.~~

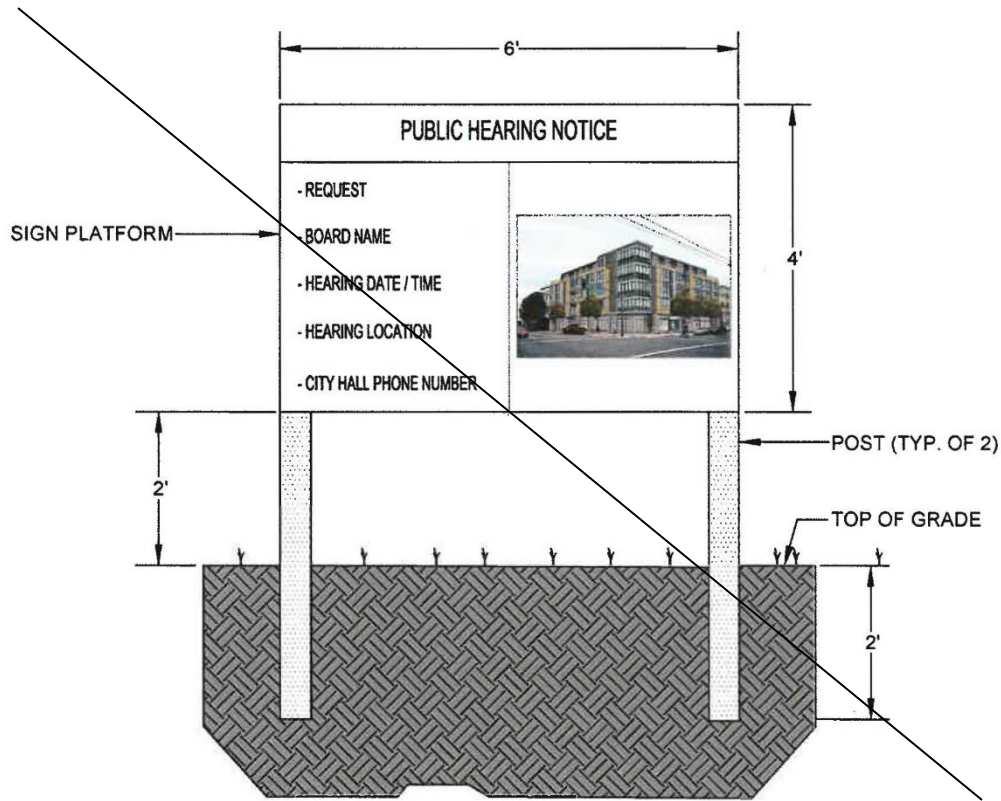
3263 (b) ~~Signs.~~ ~~When an application for special exception, conditional use, variance, administrative appeal,~~
3264 ~~plat or plat amendment, rezoning, land use map amendment, or any other quasi-judicial land use~~
3265 ~~determination is filed with the city, the applicant shall be responsible for posting public hearing notice~~
3266 ~~on the subject property of the application at least fourteen (14) days prior to the scheduled public~~
3267 ~~hearing.~~

3268 (1) ~~New construction.~~ ~~Applications for quasi-judicial land use determinations consisting of new~~
3269 ~~development, redevelopment, major renovation of an existing structure, facade change, change~~
3270 ~~of use, special exception, conditional use, or any other new construction of a building or structure~~
3271 ~~other than that on an individual single family home shall post signs meeting the following criteria:~~

3272 a. ~~Freestanding, single faced sign, posted to a height of six (6) feet above grade.~~

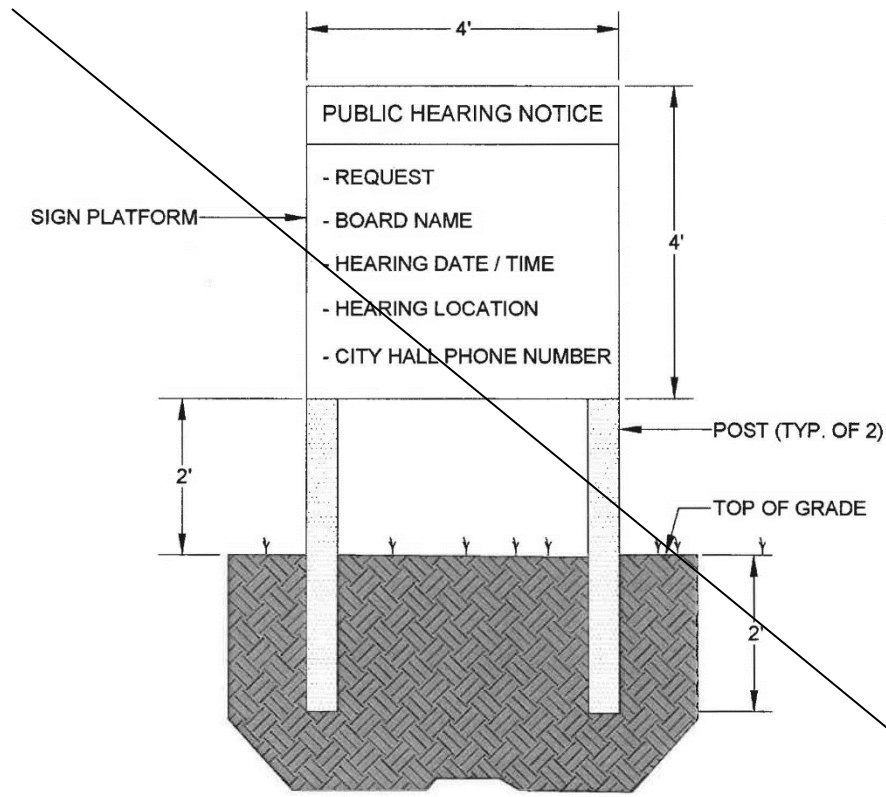
3273 b. ~~The sign face shall be twenty four (24) square feet in area, such that it is six (6) feet wide by~~
3274 ~~four (4) feet high.~~

3275 c. ~~The sign face shall be laterally divided into two (2) sides. The right side of the sign shall~~
3276 ~~display a colored rendering of the proposed project. The left side shall provide the~~
3277 ~~information described in section 31-55(b)(4), below.~~



3278

- 3279 ~~(2) Existing structures. Applications consisting of a variance, administrative appeal, plat or plat~~
 3280 ~~amendment, rezoning, Land Use Map Amendment, minor modification to an existing structure or~~
 3281 ~~other quasi-judicial land use determinations shall post signs meeting the following criteria:~~
- 3282 ~~a. Freestanding, single faced sign, posted to a height of six (6) feet above grade.~~
 - 3283 ~~b. The sign face shall be at least sixteen (16) square feet, such it that is at least four (4) feet~~
 3284 ~~wide by four (4) feet high.~~
 - 3285 ~~c. The sign(s) shall conform to section 31-55(b)(4), below.~~



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~~(3) Single family homes. Applications consisting of a variance, administrative appeal, or other quasi-judicial land use determinations on an individual single family home shall post signs meeting the following criteria:~~

3290

~~a. Freestanding, single faced sign, posted to a height of four (4) feet above grade.~~

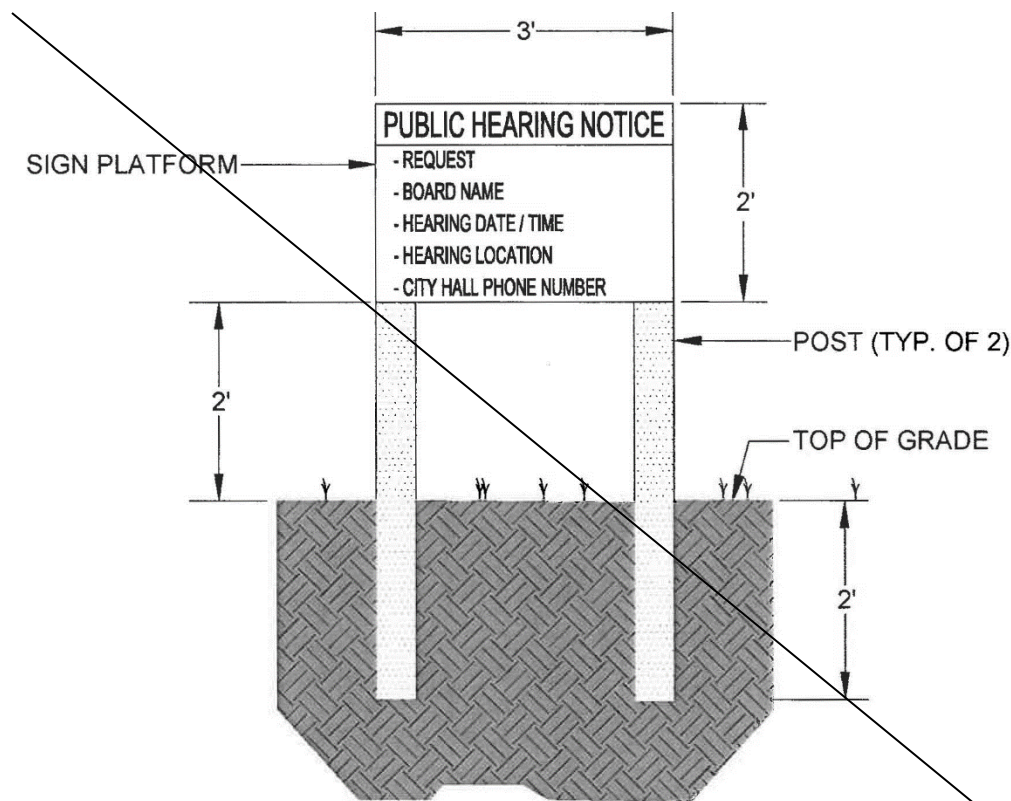
3291

~~b. The sign face shall be at least six (6) square feet, such it that is at least three (3) feet wide by two (2) feet high.~~

3292

3293

~~c. The sign(s) shall conform to section 31-55(b)(4), below.~~



(4) ~~Criteria.~~ The posted notification shall satisfy the following criteria:

a. ~~Content.~~ The sign face shall state "PUBLIC HEARING NOTIFICATION" in bold print at the top of the notice and include the following information in line item bullet format:

1. ~~The type of hearing request, and brief description of the application, for example, "SPECIAL EXCEPTION FOR GASOLINE STATION."~~
2. ~~The board scheduled to hear the application, for example, "CITY COMMISSION."~~
3. ~~The hearing date and time.~~
4. ~~The hearing location.~~
5. ~~The phone number for City Hall.~~

b. ~~Posting.~~ Public hearing signs shall be posted in the following manner:

1. ~~One (1) public hearing sign shall be posted by the applicant facing each adjacent public right of way of the subject property. If the subject property does not have an adjacent right of way, the sign(s) shall be installed on the subject property in a manner to provide the highest level of visibility to the public, as determined by city staff. Signs must be posted on the subject property, setback five (5) feet. The intent of this section is to provide highly visible notice to the public, as such, if visual obstructions exist on the subject property such as landscaping or manmade structure(s), the height and setback may be adjusted to provide the best visibility possible, as determined by city staff.~~
2. ~~In the event that an application is tabled, or where sequential hearings are required, the petitioner shall update the sign(s) within seventy two (72) hours of the most recent hearing date. The sign must be updated at least fourteen (14) days prior to the next scheduled hearing in order to be heard.~~

3317 e. ~~Construction.~~ Public hearing sign faces shall be made of a durable, rigid material. Paper,
3318 cardboard, fabric or vinyl banners shall not be used in the construction of a public hearing
3319 sign. Signs must be freestanding unless otherwise authorized by staff. Signs shall feature
3320 black lettering on a white background. Lettering shall be displayed in a bold, highly visible
3321 font.

3322 d. ~~Bond.~~ Petitioner shall execute a public hearing sign bond agreement with the city
3323 acknowledging that the above sign(s) shall be removed within two (2) business days
3324 following a final determination on the matter. If said sign(s) is/are not removed in two (2)
3325 business days, the petitioner, on behalf of the owners of the property, authorize the
3326 administration of the City of Margate to remove said sign(s), forfeiting the bond fee.

Chapter 35 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. - IN GENERAL

Sec. 35-0.1 - Abandonment of Ceity property rights-of-way, petition fee.

An affected person (or persons), natural or corporate, who is the owner of a property, or who owns abutting property, may petition the Ceity for abandonment of any Ceity-owned right-of-way within said property or abutting property. The petition shall be filed with the Department of Environmental and Engineering Services (DEES) for approval of the Ceity Ceommission.

Public notice for a proposal to abandon a right-of-way shall be provided as follows:

(a) Public hearing before City Commission.

(1) Fourteen (14) days prior to the public hearing the city shall provide first class mail, notification of the proposed abandonment of right-of-way to all property owners within four hundred (400) feet of the subject property.

(2) Seven (7) days prior to the public hearing the City shall provide a legal newspaper advertisement of the proposed abandonment of right-of-way as provided for herein.

There is hereby established a fee to be paid by petitioners requesting that the Ceity vacate or otherwise abandon property, whether said property be roadways, rights-of-way, easements, or other [property subject to] petitions for abandonment. Said fee shall be in the amount of one hundred dollars (\$100.00) per petition. Once approved, the resolution shall be certified by the city and forwarded to the city attorney for processing at the county, after which the vacation shall be recorded in the public records of Broward County, Florida. A certified copy of the recorded documents shall be provided to the City Clerk and the department of environmental and engineering services (DEES). All fees and costs associated with processing the application, including recording costs, must be paid in full by the applicant prior to recording.

Sec. 35-0.2. - Maintenance of driveway ~~connections~~ approaches.

(a) *Definition.* A "driveway ~~connection~~ approach" shall be defined as any paved area connecting a privately owned driveway, parking lot, or street with a public thoroughfare or street. A driveway ~~connection~~ approach shall include any paved portion as defined above from the street or public thoroughfare or edge of pavement to the abutting private property line. It shall specifically include any paved portions as define above and which may traverse or lead onto existing sidewalks and-or swales including but not limited to curb and gutters, concrete header curb, or any other impervious surface. ~~sidewalks and swales.~~

(b) *Persons responsible.* All driveway ~~connections~~ approaches shall be maintained by the owner or owners of the property which said driveway ~~connections~~ approach serves. ~~serve.~~

(c) *Standards.* The above owner or owners of property served by any driveway ~~connection~~ approach in the Ceity shall keep said driveway ~~connection~~ approach in a safe and suitable condition for all individuals, including motorists and pedestrians who may traverse same. Said owners shall keep said driveway ~~connection~~ approach free of potholes and such other defects which may reasonably pose a danger to the public or said owner or guests or business invitees.

All driveway approaches shall be constructed in accordance with the standards and requirements of the City Code and other such requirements that may be established by the City to administer the requirements of this section. The dimensions of each driveway approach, the materials to be used in its construction, the grade thereof, and the method and manner of constructing, reconstructing and repairing the same shall be as prescribed and approved by the City through the issuing of an engineering permit.

- (d) *Temporary repair by City.* Should the owners of property served by any driveway ~~connection~~ approach within the City allow said driveway connection to deteriorate to such a condition that it poses a danger to the public and/or guests or business invitees to the property served by the driveway ~~connection approach~~, the Department of ~~P~~ublic ~~W~~orks shall be authorized, in the discretion of the City ~~M~~anager, ~~D~~irector of ~~P~~ublic ~~W~~orks or the ~~P~~olice ~~C~~hief, to repair said driveway ~~connection- approach~~ on an emergency basis and make said driveway ~~connection- approach~~ temporarily safe. Said repair shall be made only after reasonable notice to the owner of the property served by a deteriorating driveway ~~connection approach~~, or without notice if an urgent situation exists.
- (e) *Reimbursement of expense of temporary repairs; enforcement by lien.* Should it be necessary for the department of public works to repair and driveway connection within the City as described in subsection (d), the City shall be entitled to full reimbursement of all funds expended for material and labor in repairing same. The City Clerk is hereby authorized to file a lien upon any property served by a repaired, deteriorated driveway connection.
- (f) *Injunction; other legal action.* The City Attorney is hereby authorized to enjoin violations of this section and to take whatever legal action is necessary to obtain compliance with same.

Sec. 35-0.3. - Maintenance of swale areas.

- (a) *Definition.* The "swale" area shall be defined as the ~~unpaved~~ portion of the public right-of-way between the ~~paved portion~~ edge of pavement of the public right-of-way and the boundary of the adjacent property owner or owners.
- (b) *Person responsible.* The owner or owners of the property which abuts a swale area shall be responsible for the maintenance of the slope, function, and safety of said swale area. Drainage and/or utility infrastructure within the swale area shall be maintained by the City.
- (c) *Standard.* The above owner or owners of the property abutting any swale area shall keep said swale area in a safe and suitable condition for all individuals, including motorists and pedestrians. Further, abutting owner or owners shall be required to maintain swale areas such that they do not violate the appearance standards as provided in chapters 22 and 23 of this Code, and specifically section 23-5(a)(5).
- (d) *Trees and shrubs.* Property owners shall be required to maintain all trees and shrubs in swale areas such as not to impede pedestrian or vehicular traffic, or any other essential service or activity.
- (1) Shrubs shall be maintained to a maximum height of twenty-four (24) inches, and shall be pruned to prevent encroachment upon adjacent sidewalks and streets or obstruction of the view from any intersection. Trees shall be pruned to provide a minimum of eight (8) feet of vertical clearance over sidewalks, and a minimum of fourteen (14) feet of vertical clearance over roadways.
- (2) Trees or shrubs shall not obstruct the light from any streetlamp or obstruct the view from any intersection. All dead, diseased or dangerous trees or broken limbs which constitute a menace to the safety of the public shall be removed. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along

- 3423 the street from a streetlight, interferes with visibility of any traffic control device or sign, or
3424 interferes with sight distance relative to vehicles.
- 3425 (3) New trees and shrubs shall not be planted in swales where water mains are located.
3426 Property owners shall obtain a permit from the department of environmental and engineering
3427 services (DEES) to plant trees and shrubs in the swales where there are no water mains.
- 3428 (4) Any new tree shall not be planted within four (4) feet of a sidewalk or curb.
- 3429 (e) Prohibited parking of vehicles. Parking of any vehicles, boats or trailers shall not be permitted in any
3430 public rights-of-way (owned by the City of Margate) ~~in any commercially or industrially zoned district,~~
3431 except for non-commercial registered automobiles within residential districts, or where it is specifically
3432 posted permitting same. All parking of any vehicle in public rights-of-way is subject to posted City
3433 parking regulations.

3434 Sec. 35-0.4 – Maintenance of sidewalks and other paved surfaces

- 3435 (a) Definition. Sidewalk shall be that portion of property lying adjacent to or within the public right-of-way,
3436 paved and used for pedestrian travel.
- 3437 (b) Standards of construction and repair. All sidewalks shall be constructed in accordance with the
3438 standards and requirements of the City Code and other such requirements that may be established
3439 by the City to administer the requirements of this section. The width of each sidewalk, the material to
3440 be used in its construction, the grade thereof, and the method and manner of constructing,
3441 reconstructing and repairing the same shall be in accordance with the City of Margate Engineering
3442 Design and Construction Standards and as prescribed and approved by DEES as prescribed and
3443 approved by the City.
- 3444 (c) Notice to property owner. Upon the determination that a sidewalk shall be constructed, repaired or
3445 replaced, the city shall mail to the owner of the abutting property notice that the required construction,
3446 repair and replacement must be completed within sixty (60) days of the receipt of the notice. The City
3447 may grant a thirty (30) day extension upon a demonstration that a good faith effort is being made to
3448 comply with the requirements of this section.
- 3449 (d) Duty of owner of abutting property. It shall be the duty of each owner of property within the City to
3450 notify the City when sidewalk abutting each parcel of his/her property is in need of repair.
- 3451 (1) The extent of repair needs and responsibility will be determined by the City following a site
3452 inspection.
- 3453 (2) It shall be the duty of each owner of abutting property to construct or reconstruct, maintain,
3454 and keep in good repair uniform and substantial sidewalks in front of or abutting upon each
3455 parcel of his property within the city when so directed by the City Manager or his designee
3456 when:
- 3457 i. ~~It is determined by City inspection that damage is due to trees found growing in the~~
3458 ~~adjacent swale or on the adjacent owner's property.~~
- 3459 ii. It is determined by City inspection that heavy equipment used by the property owner
3460 has damaged the sidewalk.
- 3461 iii. It is determined by City inspection that the damage was otherwise caused by actions
3462 of the abutting property owner.
- 3463 ~~It is determined by City inspection and/or permit application that concrete sidewalk~~
3464 ~~was changed to paver bricks, stamped concrete or stamped asphalt during driveway~~
3465 ~~or sidewalk re-construction.~~
- 3466 (e) It shall be unlawful for the owner or occupant of any lot or part thereof to permit any sidewalk in front
3467 of such lot or part thereof to remain in such a condition as to prevent the convenient and safe use
3468 thereof by the public.

(f) Sidewalks shall be required in connection with the development of vacant property, redevelopment of developed property or construction of improvements on developed property to the extent of twenty-five (25) percent or more of the replacement value of existing improvements. They shall be constructed on all public streets abutting the plot, except as hereinafter provided. Such sidewalks shall be constructed to standards established by the City and located as determined by the City, generally at the edge of the right-of-way. However, no person shall be required to construct such sidewalks when one (1) or more of the following conditions are found to exist:

- (1) The City Manager or his designee has made a determination that sidewalks are not desirable;
 - (2) The Engineering Division has determined that a drainage problem exists or will be created by such construction;
 - (3) Adjacent properties have not been improved with sidewalks;
 - (4) No sidewalks were constructed in the original subdivision development; or
- (g) The conditions set forth in paragraphs (f) (4) and (5) of this section shall not operate to relieve an owner from such construction requirement if the majority of properties within two hundred fifty (250) feet of the subject property have been improved with sidewalks.

Sec. 35-0.5 - Work done by City; costs.

- (a) In the event the abutting property owner fails or refuses to perform the construction, reconstruction or repair work on any sidewalk or proposed sidewalk within the time prescribed in the notice, under the provisions set forth, then and in that event, the City Manager or designee shall make or cause such work to be done and make the cost thereof a charge and lien against such property of the same extent and character as the lien now granted or which may hereafter be granted to the City by law for special assessments for the cost of local improvements.
- (b) Those property owners' homes will be subject to a "voluntary lien," which must be paid in full prior to transfer or sale of property to another owner. An owner who elects to finance the sidewalk repair pursuant to this section shall be required to execute a promissory note secured by a lien on the property prior to the sidewalk repairs being made.

Sec. 35-0.4.6 . - Possession and responsibility of relicted property where the City of Margate owns lakes, ponds or other nonnavigable bodies of water.

(a) Definitions.

- (1) "Bodies of water"—All nonnavigable bodies of water owned in either fee simple or by perpetual easement by the city in trust by the public.
 - (2) "Nonnavigable"—For this section only, bodies of water not recognized by the federal government as a part of the navigable water system of the United States.
 - (3) "Relicted property"—Dry land created by either the following methods:
 - a. Where lands have emerged and are no longer covered by water by the lowering of the water level of a body of water as above defined.
 - b. Where bodies of water have been improperly designated in any deed, plat or other conveyance to the City so as to show a body of water where dry land now exists.
- (b) Rights of property owners. Where a property owner owns property abutting an area designated as a body of water as above defined within the City and where there is relicted property between the property line of said property owner and the actual water line of the body of water, said property owner shall:
- (1) Have the right to use said relicted property as if owned by said owner subject to the following:
 - a. Any and all easements, rights-of-way or licenses validly recorded.

- 3516 b. The right of ingress and egress as determined by the Ceity to maintain the body of
3517 water to which the property owner is adjacent.
3518 c. All zoning and building codes and any ordinances promulgated by the Ceity.
3519 d. The prohibition of the use of the relicted property for the construction of any
3520 structure, fence, or barrier and the use of said relicted property in the measurement
3521 for plot size or distance requirements, etc. for the construction of any structure,
3522 fence or barrier.

3523 (2) Be responsible for the maintenance and safety of said property.

- 3524 a. Property owners shall be responsible for the upkeep, maintenance, and repair of
3525 walls along canal banks and lake boundaries or shorelines. These walls prevent
3526 property erosion and act as retaining walls.

- 3527 (c) Reversion of properties. Should the relicted property become submerged and covered by water up to
3528 the description in the plat, deed, or other conveyance granted to the Ceity or to the public, all rights
3529 provided by this section shall terminate.

3530 Sec. 35-0.75. - Lighting of new developments.

- 3531 (a) No new subdivision, new development or phase thereof shall be lit by public street lighting by the City
3532 of Margate unless there is fifty (50) percent occupancy based upon the total number of proposed
3533 units within said new development, subdivision or phase thereof, if same can be logically isolated
3534 from a planning standpoint.

- 3535
3536 (b) The City of Margate shall, however, light and provide for the payment of the public street lighting for
3537 the total area of a new subdivision, development or phase thereof with less than fifty (50) percent
3538 occupancy as described in paragraph (a) above, upon the following:

3539 (1) A request by any developer or builder within any new subdivision, development or phase
3540 thereof;

3541 (2) A signed agreement with the City of Margate by said builder or developer that he will
3542 reimburse the city for the total costs monthly of public street lighting of the total area of the
3543 new development, new subdivision or phase thereof until such time as fifty (50) ~~per cent~~
3544 percent of said new development, new subdivision or phase thereof is occupied as described
3545 in paragraph (a) above.

3546 Section 35-0.6 8 – Construction hours of operation in right-of-way.

- 3547 (a) It shall be unlawful to conduct construction in the Ceity right-of-way between the hours of 7:00 p.m.
3548 and 7:00 a.m. the following day and on Sundays or federal holidays. Further, it shall be unlawful to
3549 conduct construction in school zones during operating hours, determined by Florida Statute
3550 316.1895(5) as thirty (30) minutes before, during and thirty (30) minutes after the periods of time
3551 when pupils are arriving at a regularly scheduled breakfast project or a regularly scheduled school
3552 session and leaving a regularly scheduled school session.

- 3553 (b) Further limitations on construction hours of operation in Ceity right-of-way for high volume traffic
3554 hours, emergency conditions, and other conditions affecting the health, safety, and welfare of the
3555 public, shall be at the discretion of the director of environmental and engineering services unless
3556 otherwise provided for as part of an emergency declaration pursuant to section 33-7 of the Ceity
3557 Code.

- 3558 (c) Any person desiring to engage in construction in Ceity rights-of-way during the limitations
3559 aforementioned, based upon cases of necessity or the interest of public health, safety and
3560 convenience, may apply to the director of environmental and engineering services for a special permit
3561 allowing same. Such permits, if granted, shall be limited to a period of up to thirty (30) day's duration,
3562 but may be renewed for additional periods of up to thirty (30) days if the emergency or need therefor

continues. In the issuance of such permits, the director shall weigh all facts and circumstances and shall determine whether the reasons given for the necessity are valid and reasonable, whether the public health, safety and convenience will be protected or better served by granting the permit requested, and whether the manner and amount of loss or inconvenience to the party in interest imposes a significant hardship upon said party.

ARTICLE II. - CONSTRUCTION STANDARDS FOR SIDEWALKS, STREETS, AND CURBS

Sec. 35-1. - Permits; plans and specifications required for streets.

No construction of streets and/or curbs shall be commenced without obtaining a an engineering permit, issued by ~~the general building inspector~~ the Department of Environmental and Engineering services (DEES). Before issuance of the permit, the person seeking to make such improvements shall file plans and specifications of the proposed improvements in accordance with this code and DEES standards.

Sec. 35-2. - Same—Information.

The plans and specifications shall include but not be limited to ~~, but shall include~~ the following:

(a) Adequate drainage of surface water into the canal system.

(b) ~~Reserved.~~ Details of material type, thicknesses, and compaction requirements of road substructure.

(c) ~~Street markers.~~ Details of asphalt surface.

(d) ~~Any reasonable requirements that shall be approved by the general building inspector.~~ Details of pavement markings and signage.

(e) Any other requirements deemed necessary by the City Engineer.

Sec. 35-3. - Utility use.

~~Utility equipment and/or appurtenances shall be laid under street prior to paving.~~ All new streets shall have water and sewer mains installed prior to final asphalt surfacing. All properties accessed by new streets shall be provided with water service connections, sanitary sewer laterals, and street lighting. The details of these service connections and laterals shall conform to the City's Engineering Design and Construction standards, or equal or better standard as agreed to by the City Engineer.

Sec. 35-4. - Minimum right-of-way.

All rights-of-way for public thoroughfares, roads or streets shall ~~be not less than fifty (50) feet in width.~~ conform to Section 31-19 (A) (13) (a).

Sec. 35-5. - Minimum construction requirements.

No street shall be constructed or approved unless provided with a compacted lime rock base of not less than eight (8) inches thick. The grade of rock used in said base shall meet such requirements as ~~may be approved by the general building inspector.~~ approved by the City Engineer.

The said base shall be topped or paved by no less than one and one-half (1½) inches of approved asphalt.

Sec. 35-6. - Minimum width of base and paving requirements.

No street shall be constructed with a rock base less than twenty-four (24) feet wide, extending no less than one (1) foot on either side of the asphalt paving. No paving shall be less than twenty-two (22) feet, unless otherwise agreed to by the City Engineer.

3610
3611
3612 Sec. 35-7. - Location of construction for new streets.

3613 No street shall be constructed unless the same is centered within the existing minimum dedicated right-
3614 of-way unless otherwise agreed to by the City Engineer.
3615
3616

3617 Sec. 35-8. - Inspection. The ~~general building inspector~~ Department of Environmental and Engineering
3618 Services (DEES) shall make periodic inspections during construction of streets, water and sewer
3619 infrastructure, and streetlights in order to ~~see~~ ensure that all requirements and specifications are being
3620 met.
3621

3622 Sec. 35-9. - Special requirements and acceptance.

3623 (A) An additional one inch thick asphaltic concrete Type 1 wearing course shall be constructed at the end
3624 of whichever of the following periods of time occurs first:

3625 (1) A two-year period beginning on the date of Ceity approval of the initial road construction; or,

3626 (2) The completion of home building activity within a subdivision or any portion of a subdivision.

3627 (B) The City Engineer, if construction of the streets has met all requirements, shall report same in writing
3628 to the Ceity council Commission. The ~~council~~, Commission upon duly adopted motion, may then accept
3629 such street, in which event any bonds posted for the completion of such street construction shall be
3630 released.
3631
3632

3633 Sec. 35-10. - Opening street and cutting curb—Permit required; fee.

3634 No person shall open any street, alter or cut any curb adjacent to any street, install or otherwise cross,
3635 pass, undercross or underpass installations and materials in any and all dedicated rights-of-way, without
3636 first obtaining a permit from the City of Margate Department of Environmental and Engineering services
3637 (DEES) authorizing such alteration, change, installations or pavement cut.

3638 For purposes of this ordinance, a street line runs from street right-of-way line to street right-of-way line.

3639 The applicant for said permit shall pay to the Ceity a permit fee a sum in the amount of six dollars (\$6.00)
3640 per traffic lane crossed by any such street cut.
3641
3642

3643 Sec. 35-10.1. - Same—Bond.

3644 In addition to the foregoing requirements, the person, developer, owner, or owners or contractor or
3645 subcontractor who shall apply for street cut permits shall furnish to the ~~city~~ Department of Environmental
3646 and Engineering services (DEES) a good and sufficient bond, in the full amount of the cost of the required
3647 restoration of the street improvements in accordance with the requirements of this chapter. Said bond
3648 shall be furnished by a surety company of recognized standing authorized to do business in the state and
3649 having a resident agent in Broward County; provided, however, that the person, may at ~~his or~~ their option
3650 furnish cash in the same amount, conditioned upon the completion of all required restorations within a
3651 period not to exceed the ten (10) calendar day limit set ~~hereinbefore~~ in 35-10. The contractor,
3652 subcontractor or other person making the street cut or having obtained a permit for same shall be
3653 responsible for the paving until said work is accepted by the Ceity through its designated agent, Ceity
3654 engineer or Ceity building inspector and the bond is released.

3655 The person, developer, owner or owners or contractor or subcontractor who has more than one street cut,
3656 alteration, change or installation simultaneously may post one bond covering all such permits.
3657

3658
3659 Sec. 35-11. - Same—Restoration of pavement or street cut.

3660 Restoration of any such pavement or street cut shall be in accordance with the approved plans and/or
3661 any technical guidelines or requirements of the City. ~~alternate methods designated method "A" and~~
3662 ~~method "B" as shown on the diagram [available for viewing at the city offices].~~

3663
3664 Sec. 35-11.1. - Same—Removal of debris.

3665 In addition to the restoration required under section 35-11 hereinabove, all debris surrounding the area of
3666 the pavement or street cut caused by its installation shall be removed to the satisfaction of the DEES
3667 Engineering Inspector ~~city building inspector.~~

3668
3669 Sec. 35-12. - Same—~~Same~~—Inspection.

3670 The city building inspector and/or DEES Engineering Inspector shall have jurisdiction and shall inspect
3671 the restoration two (2) times during the course of the restoration. One (1) such inspection shall be made
3672 prior to the pouring of any concrete, if applicable, and the second inspection shall be a final inspection.

3673
3674 Sec. 35-13. - Same—~~Same~~—Time limit; extension prohibited.

3675 Any restoration as provided for herein shall be completed within ten (10) calendar days from the date of
3676 the pavement or street or curb cutting. No time extension shall be permitted.

3677
3678
3679 Sec. 35-14. - Addresses to be displayed.

3680 (a) For all residential buildings within the City of Margate, an address on the front of said building or door
3681 shall be required. All numbers and letters required pursuant to this subsection shall be at least four (4)
3682 inches high, displayed in a contrasting color to the surface to which it is affixed, and be visible from
3683 the street or right-of-way.

3684 (b) For all buildings which are not residences within the City of Margate, the following shall be required:

3685 (1) Placement of addresses on the front of said building or door; and

3686 (2) Placement of addresses on the rear door.

3687 (3) All numbers and letters required pursuant to this subsection shall be at least eight (8) inches high,
3688 displayed in a contrasting color to the surface to which it is affixed, and be visible from the street
3689 or right-of-way.

3690 (c) For all buildings which have more than one (1) sprinkler riser, the address of all risers servicing such
3691 building shall be labeled on the riser.

3692 ~~(d) For all new construction, all sprinklers shall have flow alarm bells located outside of the building.~~

3693 ~~(ed)~~ All properties within the City of Margate shall ~~have up to and including January 15, 2017, in which to~~
3694 ~~comply with the contrasting color requirements of this section.~~

3695 ~~Sec. 35-15. —Curb addresses.~~

3696 ~~An owner or tenant of a single-family residence within the city may have a street address painted on~~
3697 ~~curbing, or Miami curbing, on the publicly dedicated street in front of such residence pursuant to the~~
3698 ~~following criteria:~~

3699 ~~(1) All numbers and letters shall be three (3) inches high and visible from the street.~~

3700 ~~(2) All letters or numbers shall be painted with a white background.~~

3701 ~~(3) — All addresses shall be within two (2) feet of the portion of the curb which is nearest to the~~
3702 ~~required curbside mailbox.~~

3703 ~~(4) — If no curbside mailbox is required for a residence, all street lettering shall be placed within three (3)~~
3704 ~~feet of a driveway cut within the extended lines of the property line of the residence which is noted.~~
3705 ~~Sec. 35-16. — Private use of public property abutting waterways.~~

3706 ~~(a) — Intent. The intent of this section is to permit construction in and upon the public canals, lakes and~~
3707 ~~waterways of docks, boat ramps, seawalls, chain-link fences, gates or fans, and other related structures~~
3708 ~~which do not interfere with the free use of the canals, lakes and waterways, endanger life or property, or~~
3709 ~~deny the public reasonable viable access to public waterways. Structures not similar in nature to those~~
3710 ~~listed herein shall be prohibited.~~

3711 ~~All improvements such as docks, seawalls, boat ramps, chain-link fences, gates or fans and the like which~~
3712 ~~are made or placed upon or abut such public property or public waterways by a private person or entity~~
3713 ~~shall be constructed and all maintenance and repairs shall be performed according to city engineering~~
3714 ~~standards and in compliance with engineering permits obtained from the city engineer.~~

3715 ~~The holder of the permit shall be responsible for maintaining improvements to the area and for beautifying~~
3716 ~~a reasonable area in and around the dock location to be specified, and failure to do so shall be grounds~~
3717 ~~for revocation of permission.~~

3718 ~~The holder of such permits shall not charge or collect any rent or fees from anyone using such dock~~
3719 ~~constructed on or abutting public property or public waterways.~~

3720 ~~A permit to a private individual or entity to construct a dock, boat ramp, seawall, chain-link fences, gates~~
3721 ~~or fans, and other related structures upon or abutting public property or public waterways and the~~
3722 ~~acceptance and use of same by such private person shall constitute a guarantee from such private~~
3723 ~~person to the city to indemnify and hold the city harmless for any damage or injury to any person using~~
3724 ~~such facilities.~~

3725 ~~(b) Permit required.~~

3726 ~~(1) It shall be unlawful for any person to construct or erect docks, boat ramps, seawalls, or any other~~
3727 ~~structure on or in canals, waterways, lakes or basins without first obtaining a permit from the city~~
3728 ~~engineer. The property owner or his agent shall be required to seek necessary approvals and/or permits~~
3729 ~~from other governmental agencies as applicable to certain navigable waterways.~~

3730 ~~(2) The application shall be accompanied by detailed plans and specifications for the structure at the~~
3731 ~~proposed site, together with a plot plan or survey showing the location of the proposed structure in~~
3732 ~~conjunction with adjoining lands, waters and lakes. Said plan shall provide for all proposed landscaping~~
3733 ~~and the name of the person or entity maintaining same. The above shall be prepared by a professional~~
3734 ~~engineer registered in the state. As-built drawings and final certification of completion and compliance to~~
3735 ~~that engineer's design shall be submitted to the city prior to the city's certificate of occupancy being~~
3736 ~~issued.~~

3737 ~~(3) Before the issuance of the permit, the owner of the abutting private property shall execute an~~
3738 ~~agreement that he/she shall indemnify or hold the city harmless for any claim or suit arising out of the~~
3739 ~~operation of maintenance of the structure to be constructed extending into or abutting a public waterway~~
3740 ~~and that same shall be binding on the heirs, assigns and successors of the owner of record. Said~~
3741 ~~document shall be recorded in the public records of Broward County.~~

3742 ~~(4) The engineering fee for a permit shall be five and one-half (5½) per cent of the cost of the proposed~~
3743 ~~work with a minimum fee of one hundred dollars (\$100.00).~~

3744 ~~(c) Minimum requirements.~~

3745 ~~(1) No dock, pier or piling, chain-link fence, gate or fan on any canal, lake or waterway within the city shall~~
3746 ~~extend more than four (4) feet from the seawall. When there is no seawall, the distance shall be~~
3747 ~~measured from the property line unless same is not submerged, in which case the measurement shall be~~
3748 ~~from the average high water line. In no case shall a dock, pier or piling be constructed or installed in such~~

~~a manner that it would impede the free use of the canal, lake or waterways for public recreational purposes, navigation or free flow of water for drainage purposes as determined by the city. Reflectors shall also be required for this construction.~~

~~(2) When the lot frontage along a body of water is one hundred (100) feet or less, the dock shall not extend closer than ten (10) feet to the property line of the adjacent property.~~

~~(3) When the lot frontage along a body of water exceeds one hundred (100) feet in length, a dock shall not extend closer than twenty-five (25) feet to the property line of adjacent property.~~

~~(4) Neither finger piers nor floating docks, except those owned by the city of Margate, shall be permitted within the city.~~

~~(5) No dock or pier, or construction thereon, shall be constructed built or erected to a height greater than the height of a seawall. In the event a seawall is not constructed, a dock or pier shall be limited in height to four (4) feet, six (6) inches above mean high water level. Any extension of a terrace or patio past the landward side of the seawall shall be considered part of the dock or pier and the height limitations contained herein shall apply to such terrace or patio extension.~~

~~(6) Any structure erected pursuant to this section shall be kept in good repair by the owner thereof and shall be subject to removal by the city in the event that it is unsafe or creates a hazard as determined by the city engineer, the cost thereof to be assessed against the owner.~~

~~(7) This section shall take precedent over section 18.04(b)(1)d for the purpose expressed herein.~~

Sec. 35-1715 - Traffic-calming devices.

Installation of traffic-calming devices or reconfiguration of rights-of-way for traffic-calming purposes shall be approved as determined by the guidelines developed in the neighborhood traffic management manual as determined by the city engineer. ~~city administration~~. Said guidelines may be amended by the City administration as determined pursuant to sound principals of traffic and general safety.

...

Section 2

Chapter 40: Land Development Code

- Article 1 – Purpose
- Article 2 – Definitions
- Article 3 – Administration
- Article 4 – Subdivision
- Article 7 – Zoning & Development Regulations



ARTICLE 1

PURPOSE

ARTICLE 1 PURPOSE

40.100 Title

...

40.101 Purpose and Intent

- (A) The purpose of this Article is to implement development review requirements of the City's Comprehensive Plan and the Broward County Land Use Plan; discourage haphazard land development; ensure that urban delivery services are not unduly overburdened by premature development; coordinate departmental review; and protect the health, safety and general welfare of the residents of the City.

...

40.105 Compliance

- (A) The provisions of this article shall apply to all applications for development permits within the City, and no development permit shall be issued except in compliance with this Article.

...

ARTICLE 2

DEFINITIONS

ARTICLE 2 DEFINITIONS

40.200 General Purpose

- (A) The purpose of this Article is to define the terms used herein and provide a uniform understanding of each term as it relates to the regulations set forth in this Article.

40.201 Definitions

- (A) As used in the regulations outlined in this Article, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof". The word "street" includes avenue, boulevard, parkway, court, highway, lane, road, terrace, causeway, way and expressway. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, stream and canal, but does not include a lake, pond or pool without outlet. The word "may" is permissive; the words "shall" and "will" are mandatory and not merely directory.

- (B) Definitions of terms.

Alley. A minor right-of-way providing secondary vehicular access to the side or rear of properties otherwise abutting on a street.

Approval, final plat. The official action of the board City Commission on a final plat which incorporates all features and provisions of a plat which has been reviewed by the City Engineer and other appropriate City staff as applicable in order to bring the plat before the Board and the City Commission.

Board. Shall mean the City Planning and Zoning Board.

Building. Any permanent structure having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind.

Building permit:

- (1) Any permit for the erection or construction of a new building, or the expansion of an existing building as required by the Florida Building Code, or other building code in force and effect at the time.
- (2) Any permit for an existing building which would:
 - a. Create one or more additional dwelling units;
 - b. Involve a change in the occupancy group of a building as described in the Florida Building Code, or other building code in force and effect at the time.
- (3) Any application for local business tax receipt at an existing development which would involve a separate permitted use, e.g., truck rentals at an existing filling station or gasoline pumps at an existing convenience store.

3837 Certified land use plan. The City of Margate Land Use Plan which has been certified by the
3838 Broward County Planning Council as being in substantial conformity with the county land
3839 use plan and which has been adopted by the City Commission in compliance with the
3840 Comprehensive Planning Act of 1975, Section 163.3161, et seq., Florida Statutes.

3841 City Code. The Code of the City of Margate, Florida, as adopted on February 9, 1972, and
3842 amended from time to time.

3843 City Commission. Shall mean the City of Margate City Commission.

3844 Committed trip. A trip generated with the TRIPS model from an approved but not yet built
3845 development.

3846 Concurrency management system. The provisions in the City of Margate Comprehensive
3847 Plan including implementation regulations, encompassing the restrictions, methods,
3848 resources, timing and solutions intended to be compatible with and further compliance with
3849 the statutory requirement to provide public facilities and services needed to support
3850 development concurrent with the impacts of such development.

3851 Concurrency. A provision that public facilities and services needed to support development
3852 shall be available at the same time or coincidental with the impacts of such development.

3853 Constrained facility. A road segment which is not planned for a capacity improvement in the
3854 adopted Highway Network Plan of Broward County.

3855 County commission. The Board of County Commissioners of Broward County, Florida.

3856 Cul-de-sac. A minor street intersecting another street at one end and terminated at the other
3857 end by vehicular turnaround.

3858 Developer. A person or his agent, who undertakes the activities covered by these regulations,
3859 particularly the preparation and presentation of a subdivision plat showing the layout of the
3860 land and the public improvements involved therein. Inasmuch as the subdivision plat is merely
3861 a necessary means to the end of assuring a satisfactory development, the term "developer"
3862 is intended to include the term "subdivider", even though the persons involved in successive
3863 stages of the project may vary.

3864 Development order. An order authorizing the granting, denying or granting with conditions of
3865 an application for a development permit.

3866 Development permit. Any building permit, as defined herein, subdivision resurvey or plat
3867 approval, rezoning, special exception, site plan, site plan amendment, plat amendment, land
3868 use plan amendment, or other official action of the City having the effect of permitting the
3869 development or redevelopment of land. This does not include any variance or other official
3870 action necessary solely for the purpose of issuing a permit, other than a building permit,
3871 pursuant to the Florida Building Code, or other building code in force and effect at the time.

3872 Development. The meaning given in Section 380.04, Florida Statutes.

3873 *Drainage facilities.* A system of man-made structures or topographic land features designed
3874 to collect, convey, hold, divert or discharge stormwater, including stormwater sewers,
3875 canals, detention structures and retention structures.

3876 *Duplex.* Two (2) attached dwelling units in one (1) building.

3877 *Dwelling unit.* A house, apartment or condominium unit, trailer, group of rooms or a single
3878 room intended for occupancy as a separate living quarter with direct access from the outside
3879 of the building or through a common hall, including rental condominiums and retirement
3880 housing.

3881 *Easement.* A right of use or control of a section of property granted for a designated purpose.

3882 *GBI.* The Green Building Initiative.

3883 *Green building.* Generally the resource-efficient design, construction, and operation of
3884 buildings deemed to be employing environmentally sensible construction practices, systems
3885 and materials.

3886 *Green Globes.* The current version of the green building rating system administered by GBI.

3887 *Half or partial street.* A street, generally parallel and adjacent to the boundary line of a tract,
3888 having a lesser right-of-way width than that required for full development of the type of street
3889 involved.

3890 *Improvement, public.* Any of the following: street pavement, with or without curbs and gutters;
3891 sidewalks, alley pavement; walkway pavements; water mains; sanitary sewers; storm drains;
3892 street name signs, street trees; permanent reference monuments (PRM); permanent control
3893 points (PCP).

3894 *Infrastructure.* Those man-made structures which serve the common needs of the
3895 population, such as: sewage disposal systems; potable water systems; solid waste disposal
3896 sites or retention areas; stormwater systems; utilities; docks; breakwaters; bulkheads;
3897 seawalls; causeways; bridges; and roadways.

3898 *Land development regulations.* Ordinances enacted by governing bodies for the regulation
3899 of any aspect of development including: zoning, rezoning, subdivision, building construction,
3900 sign regulations or any other regulations controlling the development of land.

3901 *LEED.* The current version of the USGBC's Leadership in Energy and Environmental Design
3902 rating system in effect at the time a project is registered with the USGBC.

3903 *Level of service.* An indicator of the extent or degree of service provided by, or proposed to
3904 be provided by, a facility based on and regulated to the operational characteristics of the
3905 facility. Level of service shall indicate the capacity per unit of demand for each public facility.
3906 Level of service may also be referred to as "LOS."

3907 *Local street.* Any publicly dedicated street used primarily for access to abutting property. This
3908 definition also includes collector streets which carry traffic from local streets to regional arterial
3909 roads.

3910 Lot. A tract or parcel of land identified as a single unit in a subdivision, and intended for transfer
3911 of ownership, use or improvement.

3912 Lot depth. The mean horizontal distance between the front and rear lines of a lot.

3913 Lot width. The horizontal distance between the side lines of a lot at the front yard line or at the
3914 front lot line where no front setback is required.

3915 Margate Comprehensive Plan. The comprehensive plan of the City of Margate prepared and
3916 adopted in conformity with Florida Statutes, Section 163.

3917 Multiple dwelling. A building which provides separate living quarters for two (2) or more
3918 dwelling units.

3919 Mylar. A 24"x36" dimensionally stable plastic film in which the final plat drawing is placed
3920 upon.

3921 Net traffic impact of development. The total trips to be generated by a proposed
3922 development, as measured by the TRIPS model, less the trips, if any, estimated to be
3923 generated by the existing development to be replaced or generated by a previously
3924 approved plat.

3925 Over-all plan. A plan depicting a general layout of streets, blocks, lots, waterways, etc., for the
3926 future subdividing of an area, which may be platted in sections for each of which a preliminary
3927 plat will be filed.

3928 P.C.P. Shall mean permanent control point, each of which shall consist of a nail in a disc
3929 stamped with surveyor's registration number or brass marker, marked PCP, and shall be
3930 located as required by Broward County.

3931 Parcel. Any quantity of land capable of being described with such definiteness that its
3932 location and boundaries may be established, which is designated by its owner or developer
3933 as a unit or which has been used or developed as a unit.

3934 Permanent reference monuments (PRM). Monuments as defined by Chapter 177, Florida
3935 Statutes.

3936 Planned improvement facility. A road segment for which a capacity improvement is planned
3937 in the adopted Highway Network Plan of Broward County.

3938 Plat. A map or delineated representation of a tract or parcel of land showing the designation
3939 of such land as lot(s), block(s), parcel(s), tract(s) or other portions thereof, however the
3940 same may be designated, and which, if approved, will be submitted for recording in the plat
3941 book of the Public Records of Broward County, Florida.

3942 Plat, final. A complete and exact subdivision plan, showing proposed street and lot layout,
3943 prepared for official recording as required by statute, to identify and define property rights,
3944 dedications and public improvements, and incorporating all corrections required by the City
3945 Planning and Zoning Board and city Engineer upon review of the preliminary plat.

3946 Platted land. Any land which can be referenced to an official plat book and page number.

- 3947 Potable water facilities. A system of structures designed to collect, treat or distribute potable
3948 water, including water wells, treatment plants, reservoirs and distribution mains.
- 3949 Potable water. Water which is satisfactory for drinking, culinary and domestic purposes and
3950 which meets the quality standards of the Florida Department of Environmental Protection.
- 3951 Principal building. A building which is occupied by, or devoted to, a principal use or an
3952 addition to an existing principal building which is larger than the original existing building. In
3953 determining whether a building is of primary importance, the use of the entire parcel shall be
3954 considered. There may be more than one principal building on a parcel.
- 3955 Principal use. The primary use of a parcel of land as distinguished from secondary or
3956 accessory uses. There may be more than one principal or main use on a parcel of land.
- 3957 Project. Construction associated with the creation, development, major renovation, or
3958 erection of any building deemed to be eligible for an approved green building certification
3959 program.
- 3960 Public facilities. Major capital improvements including, but not limited to, transportation,
3961 sanitary sewer, solid waste, drainage, potable water, educational facilities, park and
3962 recreational facilities and health systems.
- 3963 Public utility. Any public or private utility such as, but not limited to, storm drainage, sanitary
3964 sewers, electrical power, water service, gas service or telephone lines, whether
3965 underground or overhead.
- 3966 Regional transportation network. Those roadways shown on the Broward County
3967 Trafficways Plan promulgated by the Broward County Planning Council, or on the Broward
3968 County Plan promulgated by the Broward County Metropolitan Planning Organization, or for
3969 which right-of-way has been delineated by the board of county commissioners.
- 3970 Regional transportation network. Those trafficways designated on the Broward County
3971 Trafficways Plan.
- 3972 Reserve strip. A piece of land or line on one (1) side of a street in the control of the owner of
3973 the land on the opposite side of the street which prevents access to the street by
3974 development immediately beyond the piece of land or line.
- 3975 Reverse frontage lot. A lot extending between and having frontage on a trafficway and a minor
3976 street and with no vehicular access from the trafficway.
- 3977 Right-of-way. Land reserved, used or to be used for a street, alley, walkway, drainage facility
3978 or other public purpose.
- 3979 Sanitary sewer facilities. Structures or systems designed for the collection, transmission,
3980 treatment or disposal of sewage, including trunk mains, interceptors, treatment plants and
3981 disposal systems.
- 3982 Setback or base building line. The line within a property defining the required minimum
3983 distance between any enclosed structure and the adjacent right-of-way.

3984 *Sight distance.* The minimum extent of unobstructed vision (in a horizontal or vertical plan)
 3985 along a street from a vehicle located at any given point on the street.

3986 *Single-family home.* Any detached residential structure constructed with the intention that
 3987 said structure be occupied by one (1) family as a separate housekeeping unit.

3988 *Solid waste facilities.* Structures or systems designed for the collection, processing or
 3989 disposal of solid wastes including hazardous wastes, and also including transfer stations,
 3990 processing plants, recycling plants and disposal systems.

3991 *Solid waste.* Sludge from a wastewater treatment plant, water supply treatment plant or air
 3992 pollution control facility or garbage, rubbish, refuse or other discarded material including
 3993 solid, liquefied, semi-solid or contained gaseous material resulting from domestic, industrial,
 3994 commercial, mining, agricultural or governmental operations.

3995 *Spot Zoning.* The rezoning of a lot(s) or parcel(s) of land to benefit a property owner for a
 3996 use incompatible with surrounding uses and not for the purpose or effect of furthering the
 3997 polices and goals of the City's Comprehensive Plan. The proposed rezoning would give
 3998 privileges not generally extended to property similarly located in the area.

3999 *Street.* A public thoroughfare which normally affords principal means of access to abutting
 4000 property.

4001 *Street, collector.* A street which, in addition to giving access to abutting properties, carries
 4002 traffic from minor streets to the major system of arterial streets and highways, including the
 4003 principal entrance street of a residential development and streets for circulation within such a
 4004 development.

4005 *Street, marginal access.* A minor street parallel to and adjacent to a traffic way, and which
 4006 provides access to abutting property and protection from through traffic.

4007 *Street, minor.* A street used primarily for access to abutting property.

4008 *Structure.* Anything constructed, installed or portable, the use of which requires a location on
 4009 a parcel of land, such as buildings, trailers, fences, billboards, swimming pools, poles,
 4010 pipelines, transmission lines, tracks and advertising signs.

4011 *Subdivider.* See "Developer".

4012 *Subdivision.* The division of land into two (2) or more lots or parcels for purpose of transfer of
 4013 ownership or development, or if a new street is involved, any division of a parcel of land.

4014 *Substantially redevelop or reconstruct.* "Substantially redevelop or reconstruct" shall mean
 4015 the cost of the proposed improvement, rebuilding, repair or reconstruction will be seventy-five
 4016 (75) percent of the value of the building(s) or structures(s) as determined by the Broward
 4017 County Property Appraiser for that calendar year.

4018 *Surface water management.* The collection of devices, improvements or natural systems
 4019 whereby surface waters are controlled, impounded or obstructed. The term includes dams,
 4020 impoundments, reservoirs and appurtenant works as defined in Subsections 373.403 (1—4),
 4021 Florida Statutes, as well as all artificial structures including, but not limited to, ditches, canals,

4022 conduits, channels, culverts, pipes and all other construction that conveys, impounds or
4023 controls surface water.

4024 *Trafficway.* A street other than minor or collector streets, which is intended primarily for
4025 through travel by all types of traffic for considerable distances, including freeways,
4026 expressways, primary arterial highways, major thoroughfares and secondary thoroughfares,
4027 or as identified on a trafficway plan.

4028 *USGBC.* The United States Green Building Council.

4029 *Utilities.* "Utilities" shall mean all utilities and similar facilities, including, but not limited to, gas,
4030 telephone, cable, fiber, internet, broadband, telecommunications, and other communications
4031 and electrical distribution and transmission facilities.

4032 *Walkway.* A right-of-way intended primarily for pedestrians, excluding self-propelled vehicles,
4033 which cuts across a block to improve circulation and access to adjacent street, services or
4034 properties.

4035 ...

ARTICLE 3

ADMINISTRATION

ARTICLE III ADMINISTRATION

DIVISION 1 PURPOSE AND APPLICABILITY

40.300 General Purpose

- (A) The purpose of this Article is to implement development review requirements of the City's Comprehensive Plan and the Broward County Land Use Plan; discourage haphazard land development; ensure that urban delivery services are not unduly overburdened by premature development; coordinate departmental review; and protect the health, safety and general welfare of the residents of the City.
- (B) The provisions of this Article shall apply to all applications for development permits within the City, and no development permit shall be issued except in compliance with this Article.

DIVISION 2 APPLICATIONS, REVIEW PROCEDURES AND PUBLIC NOTICE

40.301 General Application Review

(A) Procedure

- (1) Determinations required prior to approval of a development permit. A determination that adequate services will be available to serve the needs of the proposed development shall be made when the following conditions are met:
- a. Director of Development Services Department. The Director of the Development Services Department determines:
 - i. That the proposed development is consistent with the Margate Comprehensive Plan.
 - ii. That the proposed development is in conformity with the Unified Land Development Code.
 - iii. In the case of site plans, that the proposed development is in conformity with the provisions related to landscaping within Chapter 40 of this Code.
 - b. Director of Environmental and Engineering Services. The Director of the Department of Environmental and Engineering Services determines:
 - i. That potable water service is available to serve the needs of the proposed development. A determination that potable water service is available shall be based upon one of the following criteria:
 - a) The water treatment plant has sufficient capacity to provide the potable water needs of the proposed development, other developments in the service area which are occupied, available for occupancy, for which building permits are in effect, or for which potable water treatment capacity has been reserved; or
 - b) The water treatment plant lacks sufficient capacity to provide the potable water needs specified in subsection (a.1. above), but such capacity can feasibly and will be made available. A finding may also be made with an express condition

as to potable water service when it is determined that potable water service is not available but will be made available. A finding that potable water service will be made available shall be based upon a demonstration that there is an economically and fiscally feasible plan to construct or expand a water treatment facility which will have sufficient capacity to provide for the potable water needs of the development proposed by the application and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect, or for which potable water treatment capacity has been reserved.

The determination that potable water service is available shall not be construed as a reservation of capacity for the development submitted unless a developer's agreement is executed with the City specifically reserving water capacity.

- c) That the proposed development includes installation of a water main system which shall be connected to a public water supply provided that the water distribution system can serve all parcels of the subdivision. Hydraulic model analysis is required at the discretion of the DEES director.
- d) The City Commission may require the installation of water mains and appurtenances which are in excess of the subdivision design needs and mutually establish an equitable reimbursement program with the developer.
- ii. That wastewater treatment and disposal service is available to serve the needs of the proposed development. A determination that wastewater treatment and disposal service is available shall be based upon one of the two (2) following criteria:
 - a) The wastewater treatment plant has sufficient capacity to provide for the wastewater treatment and disposal needs of the proposed development, other developments in the service area which are occupied, available for occupancy, for which building permits are in effect, or for which wastewater treatment and disposal capacity has been reserved; or
 - b) The wastewater treatment plant lacks sufficient capacity to provide the wastewater treatment and disposal needs specified in subsection b.1. above, but such capacity can feasibly and will be made available. A finding may also be made with an express condition as to wastewater treatment and disposal services when it is determined that wastewater treatment and disposal services are not available but will be made available. A finding that wastewater and disposal services will be made available shall be based upon a demonstration that there is an economically and fiscally feasible plan to construct or expand a wastewater treatment and disposal facility which will have sufficient capacity to provide for the treatment and disposal needs of the development proposed by the application and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved.

The determination that wastewater treatment and disposal service is available shall not be construed as a reservation of capacity for the development submitted unless a developer's agreement is executed with the City specifically reserving wastewater treatment and disposal capacity.

- c) That the proposed development includes a system of sanitary sewers together with all necessary pumping stations and appurtenances adequate to serve all parcels of the subdivision.
- d) The City Commission may require the installation of wastewater lines and appurtenances which are in excess of the subdivision design needs and mutually establish an equitable reimbursement program with the developer.
- iii. That the traffic generated by the proposed development will be safely and efficiently handled by the regional transportation network and local streets. Roadway improvements including, but not limited to, additional turning lanes, median openings and/or closing, and traffic-control devices may be required. An applicant for a development permit which will generate in excess of five hundred (500) trips per day according to the trip rates contained in the Broward County Trips Application's "Trip rates by Land Use" (Effective December 8, 2009 and as may be periodically updated) published by Broward County Planning and Development management Division, shall be required to submit to the City a traffic impact statement. Any such statement shall be prepared by a professional engineer registered by the state and shall assess the impact of the proposed development on all public streets and intersections within a one-mile radius of the perimeter of that development.
The Director of Environmental and Engineering Services shall use as the basis for review the standards set forth in the current editions of the following: Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways, Florida Department of Transportation; Manual on Uniform Traffic Control Devices for Streets and Highways, Federal Highway Administration; Chapter 40, Article III of this Code; the "Future Land Use Plan" of the Margate Comprehensive Plan; and the "Traffic Circulation Element" of the Margate Comprehensive Plan.
- iv. That adequate rights-of-way and easements for a surface water management system are provided pursuant to Chapter 11 and Chapter 40, Article III of this Code. In the case of site plans, that the approved minimum design criteria of the above as well as the "Basis of Review for Surface Water Management," South Florida Water Management District and the applicable drainage district are met or exceeded.
- v. That the engineering design for streets, sidewalks and other public places meet or exceed the minimum standards set forth in chapters 40 and 35 of this Code. Such determination shall include, but not be limited to, internal site vehicular traffic circulation plans, and appropriate traffic signage and pavement markings.
- vi. That the engineering design of a water distribution and wastewater collection system meets or exceeds the applicable minimum standards and requirements of the following: Chapter 39 of this Code; "AWWA Standards," American Water Works Association; Broward County Environmental Protection & Growth Management; and the Florida Department of Environmental Protection.
- vii. That the collection of solid waste be provided for in a manner that serves the needs of the proposed development, in conformance with the standards set forth in Chapter 19 of this Code.
- c. Representative from the Fire Department. The representative from the Fire Department determines:

- 4174 i. That the proposed development will comply with hydrant locations and a water
4175 distribution system pursuant to Chapter 14 of this Code.
- 4176 ii. That the proposed development provides adequate driving lanes, turning radii,
4177 vertical clearance, and fire lanes to provide access for emergency vehicles.
- 4178 iii. That the proposed development will meet NFPA codes and standards.
- 4179 iv. That state statutes pertaining to trafficways are complied with.
- 4180 v. That the Fire Department will be able to protect life and property within the
4181 proposed development.
- 4182 d. Building official. The Building Official determines:
- 4183 i. In the case of site plans that the location of structures on the plot, the type of
4184 construction, and the use and occupancy of all structures on the site is in
4185 conformity with the building code in force and effect.
- 4186 ii. In the case of site plans, that the proposed finished floor elevation is at or above
4187 the minimum prescribed by Chapter 17 and Section 11-3 of this Code.
- 4188 e. Director of Public Works. The Director of Public Works considers the potential impacts
4189 of the proposed development to existing infrastructure; specifically:
- 4190 i. Roadways and sidewalks.
- 4191 ii. Storm water utilities, including the City's canal system.
- 4192 f. Representative from the Police Department. The representative from the Police
4193 Department considers possible public safety issues presented in proposed
4194 developments. The representative may consider as a basis for review the standards
4195 set forth in the current CPTED standards, guidelines & policies of the International
4196 Crime Prevention through Environmental Design Association.
- 4197 g. Representative from the Margate Community Redevelopment Agency. The
4198 representative from the Community Redevelopment Agency determines that any
4199 proposed development within the CRA boundary is consistent with the Margate
4200 Community Redevelopment Plan, and the Margate CRA Building Design Regulations.
- 4201 (2) Development presumed to have maximum impact permitted; use of site plan to access
4202 maximum impacts.
- 4203 a. A proposed development shall be presumed to have the maximum impact permitted
4204 under applicable land development regulations such as zoning regulations and the
4205 land use element of the Margate Comprehensive Plan.
- 4206 b. If a site plan is presented when a proposed plat, subdivision resurvey or rezoning
4207 application is submitted, it may be used as the basis to assess the maximum impact
4208 of the development. In the event that an application for a building permit is submitted
4209 which, provides more intensive uses than those indicated on the site plan or
4210 substantially deviates from the approved site plan, the application shall be referred to
4211 the Development Review Committee for assessment. If the Development Review
4212 Committee determines that the permit proposes more intensive uses than those
4213 indicated on the approved site plan or substantially deviates from the approved site
4214 plan, the site plan shall be revised and reviewed as a new site plan application.
- 4215 (3) Underground wiring required.
- 4216 a. Easements shall be provided for the installation of underground utilities or relocating
4217 existing facilities in conformance with such size and location of easements as may be
4218 determined by the Department of Environmental and Engineering Services Director
4219 to be compatible with the requirements of all utility companies involved with respect
4220 to a particular utility service.

- b. The owner or developer shall submit written evidence of a satisfactory arrangement with each of the persons, firms or corporations furnishing utility services involved with respect to a particular development before the development permit application is submitted to the City Commission for its approval. For instances where an owner or developer is required to underground, but a permit application is not required to be approved by the City Commission, the above-described written evidence shall be submitted to the City prior to the issuance of a building permit.
- c. Underground placement of existing utilities:
- i. Applicability.
- a) For any permit application for nonresidential or mixed use development, or a new residential development project of five (5) dwelling units or more or to substantially redevelop or reconstruct existing nonresidential or mixed use development or an existing residential project of five (5) dwelling units or more, on property located within the Central Business District ("CBD") as provided in the Margate Comprehensive Plan, Element I Future Land Use Element, Map 1-36, as amended and approved, all utilities to be located within or in the public rights-of-way adjacent to the development and within that development even if not in the public rights-of-way shall be installed underground at the developer's and/or owner's cost. Existing overhead utilities on public rights-of-way adjacent to the new development and within that development, even if not in the public rights-of-way, shall be converted to underground utilities at the developer's and/or owner's cost, provided that, where applicable, such cost is determined pursuant to a utility's tariffs, such as those of Florida Power and Light Company, that are approved and enforceable by the Florida Public Service Commission. Where the costs are not subject to tariffs enforceable by the Florida Public Service Commission, it is the intent of this section that the City will not be responsible for any such costs, and that the apportionment of such costs between the developer, owner, and any utility shall be pursuant to a written agreement between the involved parties. For a project parcel located at a roadway intersection, or any other instance where the utilities cross a street from a project parcel or applicable right-of-way adjacent to a project parcel the developer and/or owner shall be responsible to continue the underground conversion across the intersection/street to the nearest point(s) of connection at no cost to the City. No overhead poles shall be allowed to stay adjacent to any parcel that is required to have underground utilities pursuant to this section of the City Code. If the utility poles to be removed through the undergrounding project also support street light fixtures, then the poles shall be replaced with dedicated and functional street light poles and fixtures. The material and design of the replacement street lights shall be subject to approval by the Department of Environmental and Engineering Services Director.
- b) For any permit application for a new residential development project of five (5) dwelling units or more, a new nonresidential or mixed use development or to substantially redevelop or reconstruct an existing residential project of five (5) dwelling units or more or existing nonresidential or mixed use development on property located within the City of Margate and outside of

the Central Business District ("CBD") as provided in the Margate Comprehensive Plan, Element I Future Land Use Element, Map 1-36, as amended and approved all utility lines, including but not limited to those required for electrical power distribution, telephone communication, internet service, street lighting and television signal services, shall be installed underground from the building(s) or structure(s) to the terminal supplied by the utility company (in most cases this shall mean that the utility lines shall be underground from the street line or pole line to the building or structure.) This section shall apply to all cable, conduits or wires forming part of an electrical distribution system, including service lines to individual properties necessary to serve the property under consideration. However, this section shall not apply to wires, conductors or associated apparatus and supporting structures where exclusive function is in transmission of electrical energy between generating stations, substations and transmission lines of other utility systems. Appurtenances such as transformer boxes, pedestal mounted terminal boxes, and meter cabinets may be placed above ground and shall be located in such a manner as to minimize noise effects upon the surrounding residential properties. If utility poles are to be removed through the undergrounding project and the removed utility poles also support street light fixtures, then the poles shall be replaced with dedicated and functional street light poles and fixtures. The material and design of the replacement street lights shall be subject to approval by the Department of Environmental and Engineering Services Director.

c) Exception. The following shall be exceptions to the undergrounding wiring requirements:

1. Electrical transmission or distribution lines with a rated load of more than twenty-seven (27) kV (twenty-seven thousand (27,000) volts) shall be exempt from the requirements of this section. All electrical transmission or distribution lines with a rated load of twenty-seven (27) kV (twenty-seven thousand (27,000) volts) or less shall not be exempted from the requirements of this section.
2. City of Margate owned property and City initiated permits including rezoning and land use plan amendments.
3. Site plan amendments (including master parking plans), change of occupancy, or plat amendments which does not directly result in substantial redevelopment or reconstruction of a property.

- ii. City participation. Upon application and execution of an agreement by a developer or property owner consistent with this Section, the City may participate as an applicant or co-applicant for undergrounding projects in order to take advantage of benefits that may be available from the utility to local government applicants. The developer or property owner shall agree to reimburse the City for the City's costs, including without limitation attorney's costs, incurred in the City's participation in the project as contemplated by this Section. In certain areas or projects where the City participates to underground utilities and pays all costs up front to obtain benefits available from any utility, including without limitation from Florida Power and Light Company, AT&T,

- 4315 Comcast, etc., each owner and/or developer who benefits from this conversion
4316 or undergrounding shall pay the City all expenses related to the conversion or
4317 undergrounding, including, but not limited to, design construction and/or any
4318 fees in a pro-rated manner as determined by the City Commission.
4319 iii. Process timing and waiver.
4320 a) The developer and/or owner shall evidence compliance with the
4321 requirements in this division by providing to the City a signed agreement
4322 between the developer and/or the owner and each relevant utility showing
4323 that the utility has agreed, at the developer or owner's cost, to place or
4324 convert the relevant utilities underground, or the developer and/or owner
4325 has established an agreement with the City indicating their intent to comply
4326 with the undergrounding requirements of subsection (3)(c)(i) a. above. This
4327 evidence or application for waiver shall be submitted with the permit
4328 application; if not thus submitted, then the permit application shall be
4329 deemed incomplete. The City shall require this evidence or an application
4330 for waiver, as described in subsection b., below, to accompany the review
4331 of the permit application. The City Commission shall be the final authority
4332 to grant or deny said waiver application.
4333 b) Any developer or owner subject to the requirements of this section may
4334 apply to the City, in a form specified by the City and accompanied by the
4335 payment of a waiver application fee as set by resolution of the City
4336 Commission seeking to be relieved of the requirements of this division. This
4337 waiver application must be submitted to the City prior to the time specified
4338 in subsection a., above. If the developer or owner claims that technical
4339 reasons are the basis for the waiver application, the application shall
4340 contain a detailed statement by a professional engineer licensed in the
4341 State of Florida, qualified with respect to utility issues, explaining why, in
4342 the engineer's professional opinion, it is technically infeasible to locate such
4343 utilities underground. The waiver application shall include a detailed line-
4344 item estimate prepared by a professional engineer licensed in the State of
4345 Florida, qualified with respect to utility issues. The estimate shall clearly
4346 identify the scope of the project and include all related costs associated
4347 with the undergrounding project, including, but not limited to, all labor,
4348 materials, transitional equipment, provisions for maintenance of traffic, etc.
4349 The director of environmental and engineering services and the
4350 development services director shall review such application and shall make
4351 a recommendation to the City Commission. The City Commission shall
4352 have the authority to grant or deny a waiver. The City may grant a waiver
4353 if the application is supported by information detailing justifiable reasons for
4354 not pursuing the subject undergrounding, including, by way of example and
4355 not limitation, technical infeasibility or impracticability, practical infeasibility
4356 or impracticability, or the cost to relocate the utilities underground
4357 outweighs the documented benefits to the City and the public, as
4358 determined by the City Commission in its sole discretion.
4359 c) If a waiver is granted, the owner or developer shall deposit into the City's
4360 Underground Utility Trust Fund a dollar amount equal to the estimate
4361 provided in the waiver application, and as agreed upon by the City, prior to

- the development permits being issued. For instances where an owner or developer is required to underground, but a development permit is not required, the above-described dollar amount shall be required to be paid into the City's underground utility trust fund prior to building permits being issued.
- (4) Underground Utility Trust Fund – Established.
- There is hereby established an Underground Utility Trust Fund. Contributions generated from the waiver provision of section 31-2 of this Code, entitled "Underground utilities; required", shall be deposited into the Underground Utility Trust Fund. The City Commission may, by resolution, designate other additional funds to be deposited into the Underground Utility Trust Fund as deemed to be in the best interest of the City.
- a. Restriction on expending funds.
- i. Funds deposited into the Underground Utility Trust Fund shall be restricted and shall be expended solely for projects that place existing or future utility lines underground as may be approved by the City Commission from time to time. Projects that are eligible for the expenditure of such funds include, but are not limited to:
- a) The underground placement of all utilities lines and appurtenances, including, but not limited to, gas, telephone, cable, fiber, communications and electrical distribution and transmission facilities on public rights-of-way.
- b) Public property beautification projects, including, but not limited to, median improvements, which are occasioned by the placement of utility lines underground.
- c) Payment for any loan, bond, or other debt incurred for any project authorized by this section, including debt service, if any.
- ii. Funds deposited into the Underground Utility Trust Fund are intended to be used for projects with a rational nexus to the project or projects contributing the funds into the trust, where feasible or practicable. The rational nexus may be based on location, system integrity or other matters as determined in the discretion of the City Commission.
- b. Prohibition against expending funds.
- i. Funds deposited into the Underground Utility Trust Fund shall not be used as a source of revenue to meet operating needs of the City of Margate.
- ii. Funds deposited into the Underground Utility Trust Fund shall not be commingled with general fund revenue and shall not be used to supplement the general fund budget.
- iii. All interest earnings resulting from funds deposited into the Underground Utility Trust Fund shall be transferred back into the Underground Utility Fund on an annual basis on or by September 30 of every year.
- c. Authority to expend funds. Any project which meets the criteria for funding from the Underground Utility Trust Fund as set forth in subsection (a) above, shall be approved by a separate, specific resolution of the City Commission for that project. Said resolution shall be separate and apart from the annual budget process.
- d. Amendments to or rescission of underground utility trust fund.
- i. The City Commission may, by ordinance, temporarily cease depositing contributions from the waiver provisions of section 31-2 of this Code into the underground utility trust fund. Any ordinance that approves the temporary

- cessation of said contributions to the Underground Utility Trust Fund shall be effective for a period that shall not exceed one (1) year.
- ii. The City Commission may, by ordinance, amend or rescind the Underground Utility Trust Fund.
 - iii. In the event the Underground Utility Trust Fund is rescinded by subsequent ordinance, it is the intention of this subsection that all existing Underground Utility Trust Fund funds be used for the purposes contained in subsection (a) above.

40.302 Site Plan Amendment

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40.303 Zoning Map Change

(A) Procedure

- 1) General. A change in zoning shall be permitted after a determination has been made by the City Commission that services are available to serve the development permitted in the zoning district which is being petitioned. A determination that services are available shall be made when the City Commission approves a report submitted by the Development Review Committee which indicates the conditions contained in Section 40.301(D) have been met.
- 2) Spot Zoning. The City shall not consider applications that meet the definition of spot zoning.
- 3) Planning and Zoning Board Review:
 - a. The Planning and Zoning Board shall hold its public hearing and shall make a recommendation upon the application to the City Commission, based upon its consideration of, where applicable, whether or not:
 - i. The proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
 - ii. The proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
 - iii. Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
 - iv. The proposed change will adversely affect living conditions in the neighborhood;
 - v. The proposed change will create or excessively increase automobile and vehicular traffic congestion, above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;
 - vi. The proposed change will adversely affect other property values;
 - vii. The proposed change will be a deterrent to the improvement or development of other property in accordance with existing regulations;
 - viii. The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

- 4456 ix. There are substantial reasons why the property cannot be used in accord
4457 with existing zoning;
4458 x. The proposed zoning designation is the most appropriate designation to
4459 enhance the City's tax base given the site location relative to the pattern of
4460 land use designations established on the future land use plan map,
4461 appropriate land use planning practice, and comprehensive plan policies
4462 directing land use location.
4463 b. An applicant may withdraw an application, or amend the rezoning application to a
4464 more restrictive district, at any time prior to a vote by the Commission.
4465 c. The report and recommendation of the Planning and Zoning board required by this
4466 Chapter shall be advisory only and shall not be binding upon the Commission.
4467 4) City Commission Review:
4468 a. The Commission shall establish a public hearing to consider the rezoning review
4469 criteria in subsection (A), above, public testimony and the Planning and Zoning
4470 Board recommendation, and may act on the petition, deny, deny without prejudice,
4471 approve or approve with conditions, or approve an amended application for
4472 rezoning.
4473 b. The Commission, upon denial without prejudice, may also waive the reapplication
4474 fee.
4475 c. Whenever the Commission has acted upon an application for the rezoning of
4476 property, whether approved or denied, the Planning and Zoning Board shall not
4477 thereafter consider any further application for the same or any other kind of
4478 rezoning of any part or all of the same property for a period of one (1) year. The
4479 above time limits may be waived by a majority vote of the Commission, when the
4480 Commission deems such action necessary to prevent injustice or to facilitate the
4481 proper development of the City.
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4484 40.304 Comprehensive Plan Amendment Map and Text

4485 ...
4486

4487 40.305 - Plat

4488 (A) Purpose of platting regulations.

- 4491 (A) To assure that orderly and efficient development of the City of Margate.
4492 (B) To establish uniform standards for the preparation of subdivision plats.
4493 (C) To assure consistent and equitable treatment for engineers, surveyors and subdividers
4494 in the review and processing of their plats.
4495 (D) To coordinate the zoning and subdivision improvement regulations of the City of
4496 Margate.
4497

4498 (B) No application for construction of a principal building on a parcel of land shall be granted 4499 unless a plat including the parcel or parcels of land have been approved by the Broward 4500 County Commission and recorded in the official records of Broward County subsequent to 4501 June 4, 1953. 4502

(C) This provision will not apply to applications for a building permit for the construction of a building or structure on any specifically delineated single-family lot or parcel or on any specifically delineated multifamily or nonresidential lot or parcel less than ten (10) acres in size, the majority of which has been specifically delineated on a plat recorded on or before June 4, 1953, and is unrelated to any adjacent development, provided that the Development Services Director determines that the following conditions have been met:

- 1) A property development plan containing all of the applicable information requirements of Section 40.305(D) below shall be prepared by a registered engineer or surveyor.
- 2) Any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan and needed for the realization of any improvements proposed within which has been conveyed to the public by fee simple deed or grant of easement.

40.306 Special Exception

(A) Purpose. Special exceptions are generally compatible with other land uses permitted in a zoning district but, due to their unique characteristics or potential impacts on the surrounding neighborhood and the City as a whole, require individual review as to location, design, configuration, and/or operation for the particular use at the particular location proposed, as well as the imposition of individualized conditions in order to ensure that the use is compatible with the surrounding neighborhoods and appropriate at a particular location.

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

- 1) A professionally prepared preliminary site plan, meeting the technical requirements for a final site plan and containing all relevant information necessary for review, including, but not be limited to, the following:
 - a. A survey meeting the technical standards of the Florida Department of Professional Regulation, Board of Land Surveyors.
 - b. An accurate tree location plan, superimposed over the basic site plan, showing the species and size of all trees of three (3) inches or greater caliper, d.b.h.
 - c. Site data, including floor areas, aggregate building coverage, green space, vehicular use areas, retention areas and parking ratio.
 - d. Each site plan presented herewith shall be drawn to a scale of no less than one (1) inch equals fifty (50) feet, and shall include the complete dimensioning and location of:
 - 1) Plot lines.
 - 2) Existing and proposed buildings and all other proposed improvements.
 - 3) Off-street parking, curbing, wheel stops and interior landscape area.
 - 4) Street paving, drainage structures, sidewalks, driveways, intersections, medians, existing and proposed deceleration and turning lanes.

- 4550 5) Setbacks.
- 4551 6) Floor plans, and exterior sales, storage or service areas.
- 4552 7) Internal walks and pedestrian ways.
- 4553 8) Color building exterior elevation views of all sides of each building.
- 4554 9) Signs.
- 4555 10) Exterior lighting, including a photometric plan.
- 4556 11) Water mains and fire hydrants; sewer laterals.
- 4557 12) Buffering and fencing or decorative masonry walls.
- 4558 13) Solid waste disposal containers and enclosures.
- 4559 14) Proposed finished floor and pavement elevations.
- 4560 15) Landscaping and irrigation plan.
- 4561 16) Any other architectural, engineering or other data as may be required to permit the
- 4562 necessary findings.
- 4563 2) The required application fee, as provided by resolution of the City Commission.
- 4564 3) A written and graphic summary of the proposed project and its relationship to the general
- 4565 standards of review in section 40.306(C) of this Code.
- 4566 4) Ownership affidavit and owner's sworn to consent, if applicable.
- 4567
- 4568 (C) Application requirements for a special exception use of an existing building. No use
- 4569 designated as a special exception shall be established within an existing building or structure
- 4570 until after such use has received approval under the provisions of this section and has
- 4571 received all permits required by this Code of Ordinances and the Florida Building Code. An
- 4572 application for special exception approval which proposes to utilize an existing building
- 4573 substantially in its current form shall be filed with the development services department on
- 4574 forms provided. The application shall include:
- 4575 1) A survey meeting the technical requirements of the Florida Department of Professional
- 4576 Regulation, Board of Land Surveyors, shall contain all relevant information necessary for
- 4577 review, to include, but not be limited to, the following:
- 4578 i) Site data, including existing floor areas, aggregate building overage, green space and
- 4579 vehicular use areas.
- 4580 ii) Existing off-street parking, curbing, wheel stops and interior landscape area.
- 4581 iii) Existing street paving, drainage structures, sidewalks and driveways.
- 4582 2) Professionally prepared floor plan accurately depicting the proposed use.
- 4583 3) If applicable, a professionally prepared site plan for any exterior affected areas of the
- 4584 subject property.
- 4585 4) If applicable, a professionally prepared landscape and irrigation plan for any exterior
- 4586 affected landscape areas or required buffer areas of the subject property.
- 4587 5) If applicable, professionally prepared color elevations for any affected areas of the exterior
- 4588 of the building or structure.
- 4589 6) If applicable, professionally prepared photometric plan for any affected areas of the
- 4590 vehicular use area.
- 4591 7) Any other architectural, engineering, or other data as may be required to permit the
- 4592 necessary findings.
- 4593 8) The required application fee, as provided by resolution of the City Commission.
- 4594 9) A written and graphic summary of the proposed project and its relationship to the general
- 4595 standards of review of this Code.
- 4596 10) Ownership affidavit and owner's sworn to consent, if applicable.

(D) General standards of review. In addition to the standards set forth in this Code of Ordinances for the particular use, all proposed special exceptions shall meet each of the following standards:

- 1) The special exception shall be consistent with the purposes, goals, objectives and policies of the Margate Comprehensive Plan and the Margate Code of Ordinances.
- 2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
- 3) The establishment, maintenance or operation of the proposed use shall only be approved if in the best interest of the City. It shall be determined that a genuine need for the use is present in the City to support and justify the approval order to avoid creating an excessive proliferation of said special exception use.
- 4) The proposed use shall be compatible with the existing natural environment and community character of the properties within the immediate neighborhood.
- 5) Utilities, roadway capacity, drainage, and other necessary public facilities, including police, fire and emergency services, shall exist at the City's adopted levels of service, or will be available concurrent with demand as provided for in the requirements of this Code of Ordinances.
- 6) Adequate measures exist or shall be taken to provide ingress and egress to the proposed use, for both vehicles and pedestrians, in a manner that minimizes traffic congestion on public streets, and the use may not result in an increase in the amount of traffic on local streets than would result from a development permitted by right.
- 7) There shall be adequate parking areas and off street truck loading spaces (if applicable) consistent with the parking requirements of the Code, and the layout of the parking and vehicular use areas shall be convenient and conducive to safe operation consistent with city standards to the greatest extent possible.
- 8) The establishment of the special exception shall not impede the development of surrounding properties for uses permitted in the zoning district nor have a negative impact on the value of those properties;
- 9) The design of the proposed use shall minimize adverse effects, including visual impacts, of the proposed use on adjacent property through the use of building orientation, setbacks, buffers, landscaping and other design criteria.
- 10) The City Commission finds that the granting of the application will be in the best interest of the City.

(E) Review by Development Review Committee (DRC). A complete application which is submitted pursuant to a schedule prepared by the development services department shall be reviewed at the next available DRC meeting. The DRC shall review the proposed use based on the general standards of review, use regulations, development standards of this Code, and all other applicable development regulations. The DRC chair shall submit the recommendation of the DRC, to the planning and zoning board and City Manager.

(F) Meeting of the Planning and Zoning Board. The Planning and Zoning Board shall conduct a public hearing in which they discuss the DRC recommendation and the project proposal, prior to making a recommendation concerning the project to the City Commission. If the Planning and Zoning Board determines that the proposed use is in compliance with general standards

of review, use regulations, and development standards of this Code, then they shall recommend approval of the special exception to the City Commission, with or without conditions, as determined appropriate. If the Planning and Zoning Board finds that the proposed special exception is not in compliance, they shall recommend denial of the application. The Planning and Zoning Board may continue the matter for a maximum of sixty (60) days, until any additional information or studies requested have been completed and offered in testimony.

(G) Review by City Commission. The City Commission shall review all special exception applications. The director of development services shall transmit to the City Manager a copy of the complete application and a written staff report summarizing the facts of the case including all relevant documents and the recommendations of the Planning and Zoning Board, if applicable. The City Manager shall schedule the proposed special exception application for the next available City Commission meeting providing the required notice procedures are met.

- 1) Public hearing. The City Commission shall hold one (1) public hearing on the proposed special exception.
- 2) Action by City Commission. In considering a special exception request, the City Commission shall review the proposed special exception, based on the general purpose and standards of review set forth in this section, the report of the administration and recommendation(s) of the Planning and Zoning Board, and any oral and written comments received before or at the public hearing. Based upon the record developed at the public hearings, the City Commission may:
 - a. Adopt the proposed special exception by resolution, with or without conditions;
 - b. Deny the proposed special exception by resolution; or
 - c. Defer the matter to a future meeting for a date certain; or
 - d. Refer the matter to the Planning and Zoning Board or administration for further consideration, comments, or additional review.

(H) Conditions. The City Commission may attach such conditions to the approval as it deems necessary to ensure the proposed use conforms to the standards set forth in section 40.306(C) general standards of review and to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: architectural design guidelines; limitations on size, bulk and location; duration of construction period; requirements for landscaping, signage, outdoor lighting, and the provision or limitation of ingress and egress; duration of the approval; hours of operation; and the mitigation of environmental impacts.

(I) Effect of approval or denial.

- 1) Eligibility to apply for building permit, etc. Approval of the application for special exception by the City Commission authorizes the applicant to proceed with any necessary applications for final site plan approval, building permits, and other permits, which the city may require for the proposed development. No permit shall be issued for work, which does not comply with the terms of the special exception approval.
- 2) Expiration of special exception approval. Unless otherwise provided in the approval, the approval of a special exception application shall be void if a building permit or engineering permit has not been issued for the proposed development or if the use has not

commenced within twelve (12) months after the date of the special exception approval by the City Commission. An applicant who has obtained special exception approval may request an extension of this time period by submitting within the twelve-month period a letter stating the reasons for the request. The City Commission may, at a regular meeting with public notice, grant an extension of up to twelve (12) months, provided the City Commission makes the following findings:

- a. The land use or zoning designation of the subject parcel has not changed and both designations are appropriate for the approved site plan.
 - b. The governing regulations of the subject parcel have not been significantly changed since the site plan was reviewed by the Development Review Committee.
 - c. There have been no developments on adjacent or nearby properties that would create a conflict with the current zoning regulations.
 - d. The proposed development is consistent with the Margate Community Redevelopment Plan, as amended.
 - e. The time limit extension for special exception approval shall not exceed an additional one (1) year.
- 3) Rescission of approval by abandonment of use. Any discontinuation of an approved special exception for a period of one hundred eighty (180) consecutive days shall constitute abandonment and shall rescind the approval of the special exception. The abandonment period shall be presumed to have commenced upon the termination of electrical or water service for the user, whichever occurs first.

(J) Amendments and alterations to approved special exceptions.

- 1) Except as provided below, any expansion or change in intensity to an approved special exception and any addition to or expansion of an existing special exception shall require the same application, review and approval as required under this section for the original approval of the special exception.
- 2) Minor changes in the site plan or design details of an approved special exception which are consistent with the standards and conditions applying to the special exception and which do not result in additional external impacts, such as a minor shift in the location of a building or structure, the realignment of parking spaces and aisles, the relocation of a driveway, etc. may be approved by the DRC administratively without obtaining additional approvals. No increase in the intensity or change in use shall be considered a minor change for the purposes of this Section.

40.307 Variance

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40.308 Nonconforming Use and Structure

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40.309 Building Permits

(A) Generally. The Department of Environmental and Engineering Services, and the Building and Code Services Department, may issue permits when all of the requirements in subsection (b) have been met and the applicant has further met all other applicable laws and regulations of the city, county, and state. Conditions of approval by the Development Review Committee and statements made by a developer or his/her representative shall be reduced to writing, incorporated into the site plan approved by the committee, and shall be binding on the developer during the permitting process. It shall be a violation of the Code of the City of Margate for the use of property contrary to that provided in any approved site plan.

(B) Prerequisites:

- 1) Buildings other than single-family or two-family homes: Prior to issuance of a building permit, a site plan shall be approved for any building or buildings other than a single-family or two-family home on a platted lot.
 - a. As an exception to the above, a building permit to change the occupancy group of an existing building, which does not involve any changes to the building envelope or exterior modifications to the site, does not require a site plan review by the Development Review Committee.
- 2) Single-family or two-family homes: The Director of the Building and Code Services Department or their designee shall not approve any building permit for a single-family or two-family home unless they have determined that adequate services, as set out by the standards of section 40.301 (A) of this article, are available.
- 3) Accessory structures: Structures that are accessory to the main premises of a developed site and which require a permit pursuant to the Florida Building Code but which do not meet the definition of a building permit set forth in this code shall not require a review pursuant to section 40.301. However, if the Director of the Development Services Department determines that any such proposal does not meet the criteria of section 40.301(A) then they shall require a formal review of said proposal by the Committee for approval.

(C) Time limitation on approvals. Any recommendation of the Development Review Committee as to any application shall be reevaluated after a period of one (1) year if final action by the City Commission has not taken place on that recommendation. An approval of a site plan shall be valid for one (1) year from the date of approval by the Committee. The date of site plan approval shall be the date when the site plan was approved at an official development review committee meeting. If a building permit has not been issued within eighteen (18) months from the date of site plan approval then another site plan review shall be required.

If a building permit or engineering permit has not been issued within eighteen (18) months of site plan approval, an extension of the one-year time limit for site plan approval may be issued by administrative approval by the Chair of the Development Review Committee, subject to the following conditions:

- 1) The applicant has submitted a completed application for extension of the time limit, and submitted the requisite fee, as adopted in the schedule of fees by the City Commission.
- 2) The land use or zoning designation of the subject parcel has not changed and both designations are appropriate for the approved site plan.

- 4785 3) The governing regulations of the subject parcel have not been significantly changed since
4786 the site plan was reviewed by the Development Review Committee.
4787 4) There have been no developments on adjacent or nearby properties that would create a
4788 conflict with the current zoning regulations.
4789 5) The proposed development is consistent with the Margate Community Redevelopment
4790 Plan as amended.
4791 6) The time limit extension for site plan approval shall not exceed an additional one (1) year.
4792

4793 (D) Withdrawal of application.

- 4794 1) An owner/applicant may withdraw an application at any time prior to a final decision by the
4795 City up to and including the time of a vote on a motion before the City Commission to
4796 approve or deny the application, in whole or in part.
4797 2) If an owner/applicant submits an application for consideration before the Development
4798 Review Committee (DRC), Board of Adjustment, Planning and Zoning Board and/or City
4799 Commission, and that application is inactive on the part of the applicant for a period of six
4800 (6) months or more, then the application shall be deemed to be automatically withdrawn.
4801 3) For the purposes of this section "inactive" shall be defined as a period of six (6) months
4802 without activity by the owner/applicant, including but not limited to, a failure to respond to
4803 correspondence from the City, failure to submit or resubmit revised plans as part of the
4804 DRC process, failure to take affirmative action to move a project forward, or other
4805 nonresponsive actions by the applicant to address DRC concerns as reasonably
4806 determined by the DRC.
4807
4808

4809 **40.310 Public Notice Requirements**

- 4810
4811 (A) Mailings. When an application for special exception, conditional use, variance, administrative
4812 appeal, reasonable accommodation, plat or plat amendment, rezoning, land use map
4813 amendment, or any other quasi-judicial land use determination is filed with the City, public
4814 notice shall be mailed to the owners of all real property lying within the City of Margate that is
4815 situated within one thousand five hundred (1,500) feet of the subject property for which said
4816 application was filed. If the application is for a subject property consisting of a single-family or
4817 two-family residential unit only, and within a zoning district that permits only those residential
4818 uses, public notice shall be mailed to the owners of all real property lying within the City of
4819 Margate that is situated within four hundred (400) feet of the subject property. The mailing
4820 radius shall be measured from the property lines of the subject property and shall include all
4821 property owners, other than the applicant, within said subject property.
4822

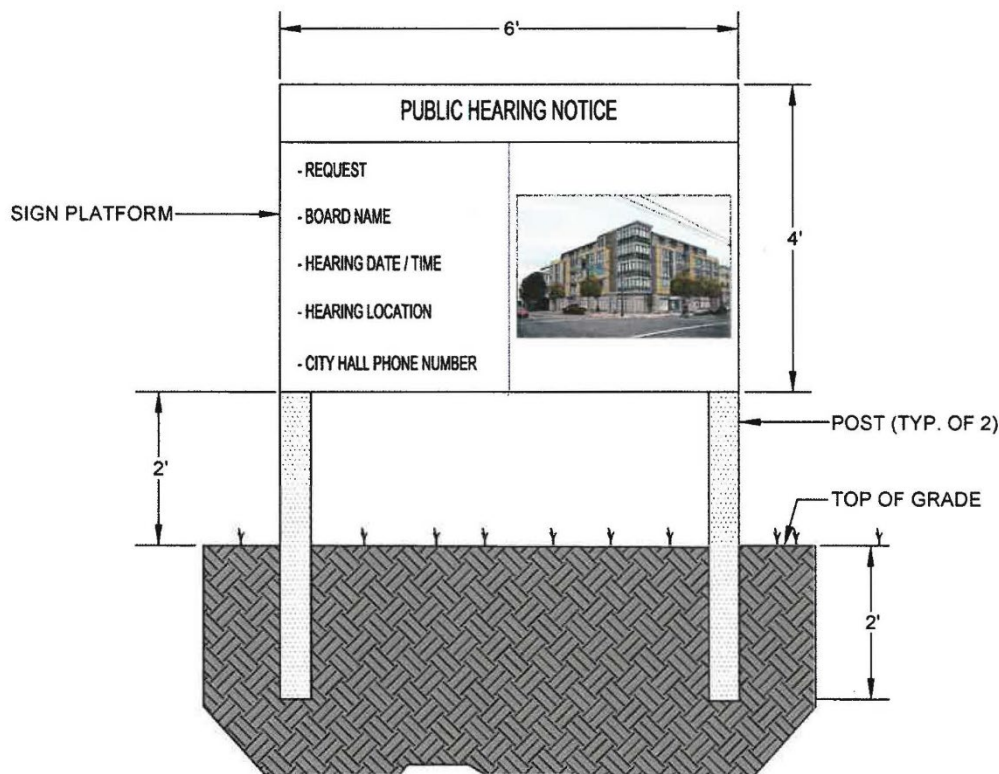
- 4823 1) Content. The mailed notification shall state "PUBLIC HEARING NOTICE" in bold print at
4824 the top of the notice and include the following information:
4825 a) The applicant's name.
4826 b) The address of the subject property of the application.
4827 c) The type of application that was filed with the City and the file number assigned by the
4828 City.
4829 d) A description of the proposed project, including the proposed use, hours of operations,
4830 acreage of parcel, square footage of structure(s), and/or number and type of
4831 residential units.

- e) The name of the board(s) to hear the application.
- f) The scheduled date(s) and time(s) of hearing(s).
- g) The address of where the hearing (s) is/are to take place.
- h) Municipal contact information for the department processing the application, to include the department name, phone number and address.
- i) A location map (aerial map preferred) of the subject property showing the surrounding roads up to ¼ mile from subject property.
- 2) **Procedure.** The City shall furnish the applicant with a list of all real property owners within the subject property and all properties within Margate situated within the required noticing radius of the subject property of said application. Ownership of surrounding real property shall be determined by the most recent tax records available from the Broward County Property Appraiser. The applicant shall send public notice described above via United States Postal Service mail to each required real property owner at least fifteen (15) calendar days prior to the scheduled hearing(s). For properties lying within a 400-foot radius of the subject property of said application that are outside the City of Margate municipal boundaries, a notice shall be provided to the applicable City Clerk.
- a) For applications that require sequential reviews by multiple boards of the City, the notice shall include the scheduled dates, times, board names, and locations for all required hearings. For the purpose of this section, required hearings refer to those held by the City Commission, the Planning and Zoning Board, the Board of Adjustment, and any other board whose members are appointed by the City Commission.
- i. In the event an application is tabled to a certain date at a properly noticed hearing, no further mailings shall be required for the application to appear before that particular body that tabled the application. However, if the tabling action causes hearings by other boards of the City in a sequential review of an application to be rescheduled to dates other than those provided in the mailed public notice, then the applicant shall mail a revised notice as provided in this section at least fifteen (15) calendar days prior to the rescheduled hearing(s).
- ii. In the event that an application is delayed between hearings of a sequential review for any reason other than being tabled, as described above, then the applicant shall mail a revised notice as provided in this section at least fifteen (15) calendar days prior to the rescheduled hearing.
- iii. In the event that an applicant appeals a board decision to a higher body of the City, or that the City Commission refers a special exception application back to the Planning and Zoning Board as described in section 40.306(F)(2)c., the applicant shall mail a revised notice as provided in this section at least fifteen (15) calendar days prior to the rescheduled hearing.
- b) Upon mailing the required public notice, the applicant shall submit proof of said mailing to include a sample letter, postage receipt, certificate of mailing, and a sworn affidavit affirming that the public notice requirements of this section have been executed as described in this section. Said proof of mailing shall be provided to the City at least fourteen (14) calendar days prior to the first scheduled hearing.
- (B) **Signs.** When an application for special exception, conditional use, variance, reasonable accommodation, administrative appeal, plat or plat amendment, rezoning, land use map amendment, or any other quasi-judicial land use determination is filed with the City, the

applicant shall be responsible for posting public hearing notice on the subject property of the application at least fourteen (14) days prior to the scheduled public hearing.

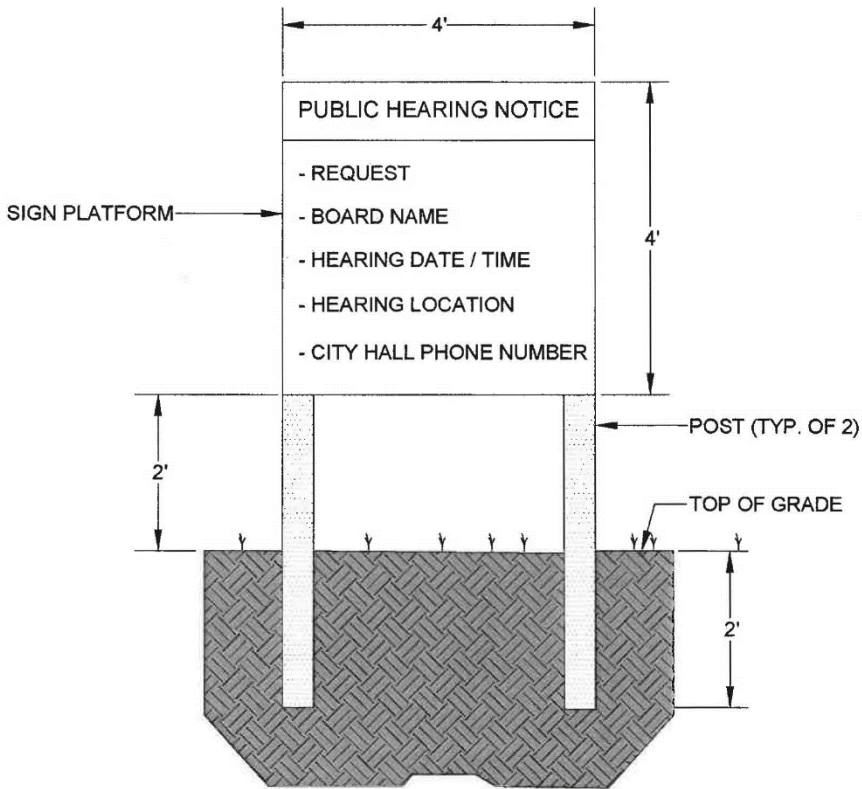
1) *New construction and substantial improvements.* Applications for quasi-judicial land use determinations consisting of new development, redevelopment, including substantial redevelopment or reconstruction, major renovation of an existing structure, or facade change, excluding those on an individual single-family home lot shall post signs meeting the following criteria:

- a) Freestanding, single-faced sign, posted to a height of six (6) feet above grade.
- b) The sign face shall be twenty-four (24) square feet in area, such that it is six (6) feet wide by four (4) feet high.
- c) The sign face shall be laterally divided into two (2) sides. The right side of the sign shall display a colored rendering of the proposed project. The left side shall provide the information described in section 40.310(B)(4), below.

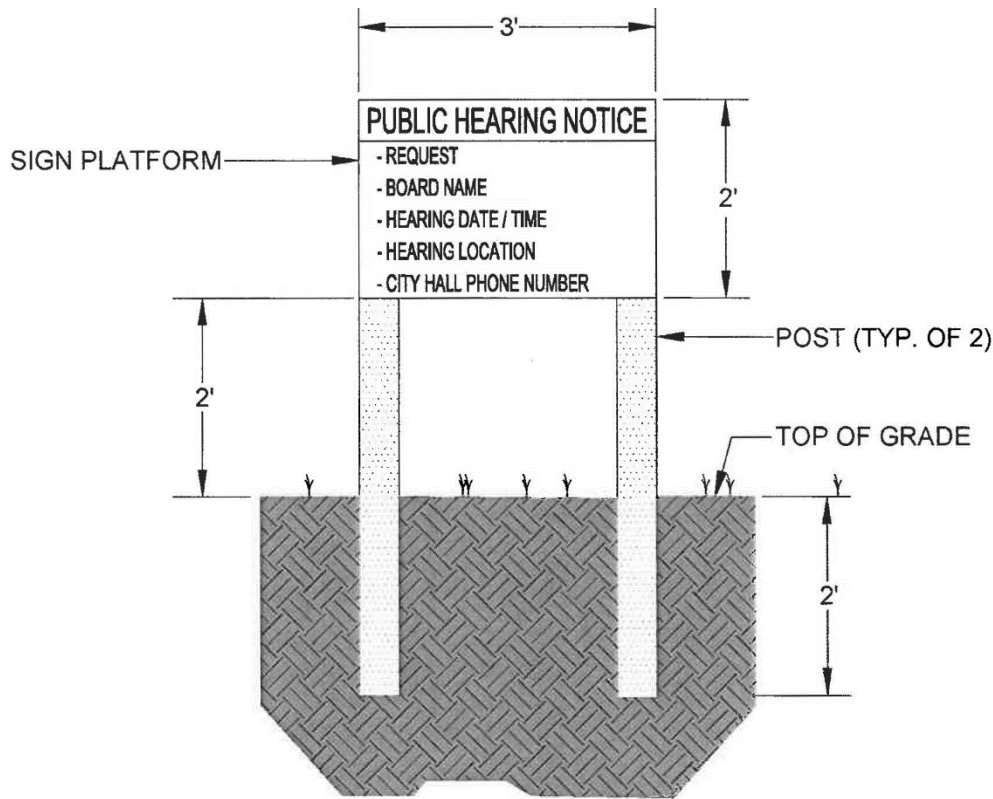


2) *Existing structures.* Applications for quasi-judicial land use determinations that do not involve a change of the existing building envelope, excluding those on an individual single-family home lot, shall post signs meeting the following criteria:

- a) Freestanding, single-faced sign, posted to a height of six (6) feet above grade.
- b) The sign face shall be at least sixteen (16) square feet, such it that is at least four (4) feet wide by four (4) feet high.
- c) The sign(s) shall conform to section 40.310(B)(4), below.



- 3) Single-family homes. Applications for quasi-judicial land use determinations for an individual single-family home shall post signs meeting the following criteria:
- Freestanding, single-faced sign, posted to a height of four (4) feet above grade.
 - The sign face shall be at least six (6) square feet, such it that is at least three (3) feet wide by two (2) feet high.
 - The sign(s) shall conform to section 40.310(B)(4), below.



4) Criteria. The posted notification shall satisfy the following criteria:

a) Content. The sign face shall state "PUBLIC HEARING NOTICE" in bold print at the top of the notice and include the following information in line item bullet format:

- i. The type of hearing request, and brief description of the application, for example, "SPECIAL EXCEPTION FOR GASOLINE STATION."
- ii. The board scheduled to hear the application, for example, "CITY COMMISSION."
- iii. The hearing date and time.
- iv. The hearing location.
- v. The phone number for City Hall.

b) Posting. Public hearing signs shall be posted in the following manner:

- i. One (1) public hearing sign shall be posted by the applicant facing each adjacent public right-of-way of the subject property. If the subject property does not have an adjacent right-of-way, the sign(s) shall be installed on the subject property in a manner to provide the highest level of visibility to the public, as determined by City staff. Signs must be posted on the subject property, setback five (5) feet. The intent of this section is to provide highly visible notice to the public, as such, if visual obstructions exist on the subject property such as landscaping or manmade structure(s), the height and setback may be adjusted to provide the best visibility possible, as determined by City staff.
- ii. In the event that an application is tabled, or where sequential hearings are required, the petitioner shall update the sign(s) within seventy-two (72) hours of

the most recent hearing date. The sign must be updated at least fourteen (14) days prior to the next scheduled hearing in order to be heard.

- c) Construction. Public hearing sign faces shall be made of a durable, rigid material. Paper, cardboard, fabric or vinyl banners shall not be used in the construction of a public hearing sign. Signs must be freestanding unless otherwise authorized by staff. Signs shall feature black lettering on a white background. Lettering shall be displayed in a bold, highly visible font.
- d) Removal. The above sign(s) shall be removed within two (2) business days following a public hearing on the matter. If said sign(s) is/are not removed in two (2) business days, the petitioner, on behalf of the owners of the property, authorize the administration of the City of Margate to remove said sign(s), forfeiting the bond fee.
- (C) Compliance. In the event that the applicant fails to satisfy all of the requirements of this section, the application shall not be scheduled for public hearing until the above requirements have been met.

40.311 Emergencies

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40.312 Reasonable Accommodation Procedures

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40.313 Official Zoning Confirmation Letters

- (A) An administrative fee will be applied to all requests for an official zoning confirmation letter issued by the City. Such fee shall be deposited into the general fund.
- (1) A Each official zoning confirmation letter shall only include zoning and land use information for a single property. If multiple properties are included in a single request for an official zoning confirmation letter, the administrative fee shall be applied for each letter issued by the City.
- (B) All requests for an official zoning confirmation letter must be submitted to the Development Services Department in writing and include the following:
- (1) Administrative Fee;
- (2) Address of property for which the official zoning confirmation letter shall provide current zoning and land use information;
- (3) Current use of property;
- (4) Proposed use of property, if any;
- (5) Current telephone number, e-mail address, and mailing address of person or organization that has requested the official zoning confirmation letter.

DIVISION 3 REVIEW AND DECISION MAKING AUTHORITIES

40.320 Development Services Department Staff

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40.321 - Reserved.

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4985 **40.322 Development Review Committee**

- 4986
- 4987 (A) Establishment. There is hereby established a Development Review Committee comprised of
- 4988 representatives of City departments having a direct interest in new development. Membership
- 4989 of the Development Review Committee shall include the Director of Development Services,
- 4990 the Director of Environmental and Engineering Services, a representative from the Fire
- 4991 Department, the Building Official, the Director of Public Works, a representative from the
- 4992 Police Department, and a representative from the Community Redevelopment Agency or any
- 4993 designees of the aforesaid. The Director of Development Services shall serve as chair of the
- 4994 Committee.

4995

4996 The Development Review Committee shall have the right to make such rules as are necessary

4997 for the orderly conduct of its meetings.

4998

- 4999 (B) Role in review of development proposals. The Development Review Committee shall meet on
- 5000 a regular basis for the purpose of reviewing and submitting to the Planning and Zoning Board
- 5001 a report on all applications for any proposed plats, subdivision resurveys, land use plan
- 5002 amendments, or rezonings. The Development Review Committee shall review all site plans
- 5003 other than those for a single-family or two-family home on a platted lot. Proposals to the
- 5004 Development Review Committee shall be submitted by application for approval, and the
- 5005 applicant shall receive within thirty (30) days a written determination of completeness of the
- 5006 application and any deficiencies therein. Once the application is deemed complete, the DRC
- 5007 will subsequently provide the applicant with a review and hearing schedule, consistent with
- 5008 Florida Statue 166.033.
- 5009

5010 The Development Review Committee, as to all proposed plats, subdivision resurveys, land

5011 use plan amendments, and rezonings, shall make a statement to the Planning and Zoning

5012 Board assessing the adequacy of the proposal as to all City ordinances. The statements

5013 assessing the adequacy of any proposed subdivision or rezoning shall be considered by both

5014 the Planning and Zoning Board and the City Commission.

5015

5016 The Development Review Committee, as to all applications submitted under its authority, shall

5017 have the following power: Each member of the Committee shall have the responsibility to

5018 approve or disapprove the submitted application based upon compliance with all applicable

5019 laws and regulations, including Section 40.301(D), which come under his/her department's

5020 jurisdiction. The approval of all Committee members shall constitute a demonstration of

5021 compliance.

5022

5023

5024 **40.323 Board of Adjustment**

5025

- 5026 (C) Created; appointment; terms; officers; advisors.

- 5027 (1) A Board of Adjustment for the City is hereby created and established consisting of five
- 5028 (5) members. The Board members shall be appointed by the City Commission and
- 5029 shall serve without compensation and at the pleasure of said City Commission. All
- 5030 appointments shall be for a one-year period. The members of said Board shall elect a
- 5031 chairperson, a vice-chairperson, and a secretary from its membership. The City

- 5032 Manager, City Building Inspector, City Attorney and such other officers and officials of
5033 the City as the Board may require shall be considered as advisors to the City Board of
5034 Adjustment and may be called upon from time to time to meet with said Board.
- 5035 (D) Substitute members.
- 5036 (1) In case of the temporary absence or disqualification of any member of the Board of
5037 Adjustment, the chairperson of the Board shall have the right and authority to
5038 designate any member of the City Planning and Zoning Board to serve as a substitute
5039 on the Board of Adjustment during the continuance of such absence or disqualification;
5040 but no substitute shall serve in such capacity for a longer period than three (3) months,
5041 nor shall more than one (1) substitute member serve on the Board of Adjustment at
5042 any one time. The chairperson shall seek a temporary board member substitute from
5043 the Planning and Zoning Board in the following hierarchical order: Chairperson; vice-
5044 chairperson; secretary; and then a standard board member. In cases where
5045 substitutes are designated to serve for such limited periods, such fact shall be
5046 recorded in the official minutes of the Board of Adjustment before such substitute shall
5047 act in any matter presented to the board; and while serving, substitutes shall have the
5048 same powers as regular members.
- 5049 (E) Rules of procedure.
- 5050 (1) The City Commission may establish and determine procedure before the City the
5051 Board of Adjustment, and such Board shall adopt reasonable rules and regulations
5052 consistent with the provisions of such ordinance for presentation of matters before
5053 such board, for notifying interested parties, for charging and collecting an application
5054 fee, for conducting and holding hearings, and for calling advisers and assistants from
5055 time to time.
- 5056 (F) Meeting with the Board.
- 5057 (1) Meetings of the Board of Adjustment may be held once per month unless canceled by
5058 the Development Services Director or designee.
- 5059 (G) Powers and duties.
- 5060 (1) The Board shall have the following powers:
- 5061 a. To hear and determine appeals where it is alleged there is error in any order,
5062 requirement, decision or determination made by an administrative official in the
5063 enforcement of the zoning regulations of the City.
- 5064 b. To hear and grant or deny such variances from the terms of any zoning ordinances
5065 of the City. To hear or deny such variances from the Code of the City as will not
5066 be contrary to the public interest or the general purposes sought to be
5067 accomplished by the zoning ordinances and where, owing to special conditions, a
5068 literal enforcement of the provisions of the zoning ordinances will result in
5069 unnecessary hardship in the use of the property involved.
- 5070 (2) In exercising said powers and duties, they shall not grant a variance unless:
- 5071 a. It shall be demonstrated that special conditions and circumstances exist which, if
5072 there is a literal and strict enforcement of the provisions of a zoning ordinance,
5073 would constitute a hardship or practical difficulty in the use of the property involved.
- 5074 b. Owner's preference or economic disadvantage does not constitute a hardship. A
5075 self-created hardship does not constitute grounds for a variance.
- 5076 c. No nonconforming use of neighboring lands, structures or buildings in the same
5077 district, and no permitted use of lands structures or buildings in other districts shall
5078 be considered grounds for a variance.

- d. It shall be demonstrated that special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other land or structures located in the same district.
- e. The Board shall find that the granting of the variance will not be contrary to the public interest or the general purpose sought to be accomplished by the zoning ordinances, is the minimum variance possible to make reasonable use of the land or structure, and shall not constitute that granting of a special privilege. In granting a variance, the Board may prescribe appropriate safeguards and conditions in conformity with the intent of the Code.
- f. In granting any variance, the Board shall record in its minutes the circumstances and conditions constituting the hardship or practical difficulties upon which the variance is based.
- (3) The Board shall not have jurisdiction to consider any variance allowing any use of buildings or lands not permitted within any designated zoning classification.
- (H) Applications for variances and other appeals.
- (1) 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.
- (I) Proceedings on applications for variances or other appeals.
- (1) Upon the filing of an application for a variance or other appeal in proper form and the payment of the appropriate costs to the City of Margate the procedure to be followed shall be in accordance with the following appropriate regulations:
- a. If the appeal is from a decision of an administrative officer in the enforcement of zoning regulations, said appeal shall be filed within thirty (30) days of the administrative officer's decision. A copy of the appeal shall be furnished to the administrative officer who shall within fourteen (14) days prepare a statement in writing of his/her interpretation of the ordinances or regulations governing same and his/her ruling thereof and shall furnish copies of such statement to the board of adjustment and to the manager of the City.
- b. In the event the appeal or application is filed for the purpose of seeking a variance to the terms of any zoning ordinance, all public notice requirements of Section 40.310 of this Code shall apply.
- c. Where an appeal or application is filed for the purpose of seeking a variance, and in addition to the foregoing, the date and time of the hearing shall be published at least ten (10) days prior to such hearing in a daily newspaper of general circulation in the municipality.
- (J) Decisions of the Board on variances or other appeals.
- (1) The concurring vote of a majority of the members of the Board present shall be necessary to reverse any order, requirement, decision or determination of any officer or official upon zoning matters, or to grant a variance to the provisions of an existing zoning regulation.
- (2) Orders and decisions of the board shall be in writing, one (1) copy of which shall be kept by the board, one (1) copy shall be forwarded to the City Clerk and shall become a public record, and one (1) copy shall be given to the applicant or appellant.
- (3) A decision of the Board wherein a variance to a zoning regulation is granted or denied or a ruling of the administrative official charged with the enforcement of the zoning regulations is confirmed or overruled shall be final and binding unless an appeal is taken to the City Commission.

- (4) Any aggrieved person or entity may appeal a variance or appeal a ruling of an administrative official if a request for an appeal is made with the City Clerk's Office within seven (7) days after the written decision of the Board of Adjustment is transmitted to the City Clerk. After action of the City Commission, the decision of the Board of Adjustment shall be deemed either confirmed or reversed. The affirmative vote of three (3) members of the City Commission shall be necessary in order to reverse the recommendation on the Board of Adjustment.

40.324 Planning and Zoning Board and Local Planning Agency

(A) Creation; appointment; terms; officers; advisors.

- (1) A Planning and Zoning Board for the City of Margate is hereby created and established, consisting of five (5) members. The board members shall be appointed by the City Commissioners, and shall serve without compensation and at the pleasure of said City Commission.
- (2) All appointments shall be for a one-year period.
- (3) The members of the said Board shall elect a chairman, a vice chairman, and a secretary from its membership.
- (4) The City Manager, City Building Inspector, City Attorney, and such other officers and officials of the City as the Board may require, shall be considered as advisors to the City Planning and Zoning Board and may be called upon from time to time to meet with said board.

(B) Meetings of the Planning and Zoning Board.

- (1) Meetings of the Planning and Zoning Board shall be held once per month unless canceled by the administrative head due to no items being placed on the agenda. Meetings of the Planning and Zoning Board may be held at the call of the administrative head.

(C) Rules of procedure.

- (1) The City Commission may establish and determine procedure before the City Planning and Zoning Board, and such board shall adopt reasonable rules and regulations consistent with the provisions of such ordinance for presentation of matters before such board, for notifying interested parties, for charging and collecting an application fee, for conducting and holding hearings, and for calling advisers and assistants from time to time.

(D) Duties generally.

- (1) The duties of the Planning and Zoning Board shall be as follows:
 - a. To act as the Local Planning Agency pursuant to F.S.163.3164(30), as amended from time to time.
 - b. To act in an advisory capacity and make recommendations to the City Commission on land development actions such as a change in zoning regulations, land use plan amendments, rezoning of land, and special exceptions.
 - c. To study proposed City plans, as directed by the City Commission with a view to improving same so as to provide for the development, general improvement and probable future growth of the City and make recommendations to the City Commission relating to land development and new developments or for the adoption of a City comprehensive plan.

- d. To recommend approval or disapproval of all new plats, plat amendments and subdivision resurveys to be presented to the City Commission.
- e. To perform such other duties as may from time to time be assigned to such board by the City Commission.
- (E) Administrative head.
- (1) The Director of Development Services or designee shall be designated as administrative head of the Planning and Zoning Board and perform all duties as required by this designation. The administrative head shall stand in an advisory capacity to the, the Planning and Zoning Board, the City Commission and the City Manager.
- (F) Substitute members.
- (1) In case of the temporary absence or disqualification of any member of the Planning and Zoning Board, the Chairperson of the Planning and Zoning Board shall have the right and authority to designate any member of the City Board of Adjustment to serve as a substitute on the Planning and Zoning Board during the continuance of such absence or disqualification; but no substitute shall serve in such capacity for a longer period than three (3) months, nor shall more than one (1) substitute members serve on the Planning and Zoning Board at any one time. The Chairperson shall seek a temporary board member substitute from the Board of Adjustment in the following hierarchical order: Chairperson; vice-chairperson; secretary; and then a standard board member. In cases where substitutes are designated to serve for such limited periods, such fact shall be recorded in the official minutes of the Planning and Zoning Board before such substitute shall act in any matter presented to the Board; and while serving, substitutes shall have the same powers as regular members.

40.325 City Commission

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DIVISION 4 QUASI-JUDICIAL PROCEDURES

40.330 Purpose

The purpose of this section is to establish the procedures to be utilized for quasi-judicial proceedings.

40.331 Applicability

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40.332 Communications

- (A) Definition. As used in this subsection, the term "land use matter" shall mean any zoning ordinance, or amendment to a zoning ordinance, any variance, any special exception, any conditional use, or any appeal from the determination of a zoning official.
- (B) Any member of the City Commission or any member of the Board of Adjustment, Planning and Zoning Board, or land planning agency, may discuss the merits of any land use matter

with any individual, group or entity on which action may be taken outside of a hearing; however, the following must be adhered to:

- 1) The substance of any communication regarding land use matters made outside of any City Commission, Board of Adjustment, Planning and Zoning Board, or land planning agency meeting which may come before the City Commissioner or board member at any meeting shall not be presumed prejudicial to the matter being considered if the subject of the communication to the member of the City Commission or board member, and the identity of the person, group or entity with whom the communication took place, is disclosed and made a part of the record before final action on the matter;
- 2) Any member of the City Commission, Board of Adjustment member, Planning and Zoning Board, or land planning agency member may read any written communication from any person; however, a written communication that relates to any action which may come before the City Commission, Board of Adjustment, Planning and Zoning Board or land planning agency relating to a land use matter, shall not be presumed prejudicial to the determination of the action if such written communication is made a part of the record before final action is taken on the land use matter;
- 3) Member of the City Commissioners, Board of Adjustment members, Planning and Zoning Board members and land planning agency members may conduct investigations and site visits, and may receive expert opinions regarding land use matters pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit or expert opinion is made a part of the record before final action on the matter;
- 4) Disclosures pursuant to subsections (1), (2), and (3) above must be made before or during the City Commission meeting, Board of Adjustment meeting, Planning and Zoning Board meeting or land planning agency where a vote is taken on the land use matter such that the persons who have opinions contrary to those expressed to the members of the City Commission, Board of Adjustment member, Planning and Zoning Board member or land planning agency member are given a reasonable opportunity to refute or respond to the communication.

DIVISION 5 CONCURRENCY MANAGEMENT SYSTEM

40.340 Purpose

The purpose of this section is to assure that all development activity in the City of Margate is concurrent, consistent and in substantial conformity with the City of Margate and the Broward County Comprehensive Plans; and to assure that no new development be approved unless there is sufficient capacity available at the prescribed levels of service established in the City of Margate Comprehensive Plan.

40.341 Development Subject to Adequacy Determination

- (A) Every development requiring County adequacy determination must meet requirements set forth in Section 5-182 of the Broward County code.

40.342 Application Requirements for Concurrency Determination

An application for a development permit that is subject to concurrency review shall be accompanied by the following information in addition to any other requirements contained within the City Code.

- (A) Project description: Applicant, location, land use and zoning, density or intensity, project phasing and other pertinent information as determined by city staff to properly review the application.
- (B) Transportation system: An analysis performed by Broward County prepared in accordance with the Broward County TRIPS model, as amended from time to time.
- (C) Drainage, solid waste, water and wastewater: Documentation from the appropriate service provider regarding provision of services.

40.343 Vested Rights

- (A) A request for a vested rights determination shall be made by the applicant in a letter to the City Attorney, with a copy of the letter simultaneously sent to the City Manager, the Development Services Director, the Mayor and each City Commissioner.
- (B) Accompanying the copy of the letter to the City Manager shall be a fee as set by resolution to cover the cost to the City for making the vested rights determination.
- (C) The letter requesting a vested rights determination shall state with specificity each and every reason and each and every fact upon which the applicant is relying in order to support its claim for a vested right, and the specific vested right that the applicant desires. The applicant shall also enclose with the letter, and all copies of the letter, all evidence and proof which it is relying upon to support its claim for vested rights.
- (D) The City Attorney shall review the letter and the evidence and proof submitted. The City Attorney shall be entitled to request all additional information that they believe is helpful to them and/or their staff in making the vested right determination. Such additional information requested can include, but is not limited to, the following: questions to the applicant and officers, directors, shareholders, employees, agents and experts of the applicant, documents from the applicant and officers, directors, shareholders, employees, agents and experts of the applicant, affidavits from the applicant and officers, directors, shareholders, employees, agents and experts of the applicant, taking sworn statements from the applicant and officers, directors, shareholders, employees, agents, and experts of the applicant and in meeting with the applicant or officers, directors, shareholders, employees, agents or experts of the applicant. In making the vested rights determination, the applicant or the applicant's officers, directors, shareholders, employees, agents and experts failure to provide what is requested from the City Attorney may be considered negatively toward the applicant's request for a vested rights determination or in a supplemental vested rights determination.
- (E) The City Attorney, once the information has been provided and once they are of the opinion that the vested rights determination can be given, shall provide a vested rights determination in writing. The applicant is limited to the information which has been provided. The applicant cannot provide new information without first requesting permission from the City Attorney to do so.

- (F) The written vested rights determination or supplemental vested rights determination of the City Attorney shall be sent via certified mail to either the applicant, its attorney or its agent.
- (G) The vested rights determination or supplemental vested rights determination remains final and binding upon the applicant unless the applicant appeals the City Attorney's determination within twenty (20) days of the date of the City Attorney's determination. In the event that the applicant fails to timely appeal the vested rights determination or, in the event of a supplemental vested rights determination fails to appeal the supplemental vested rights determination, of the City Attorney, it is conclusively presumed that the City Attorney's determination is final. In the event that the applicant desires to challenge the vested rights determination or supplemental vested rights determination of the City Attorney, the applicant must deliver to the City Manager by 4:00 p.m. within twenty (20) calendar days of the date of the City Attorney's determination a notice of appeal of the City Attorney's determination (if the twentieth (20th) day is on a Saturday, Sunday or legal holiday in which the City Manager's office is closed, then the appeal may be timely delivered on the immediate next business day that the City Manager's office is open). The notice of appeal shall be strictly limited to advising of the desire to appeal and the relief that the applicant is requesting. No further statements or argument are permitted in the notice of appeal.
- (H) The City Manager shall place this appeal on the agenda of a City Commission meeting on such date that the City Manager considers appropriate.
- (I) The City Commission shall consider the appeal at the City Commission meeting when the appeal is on the agenda, but the City Commission is permitted to table the appeal to such time as the City Commission considers appropriate. The City Commission is also empowered to request that the City Attorney obtain additional information from the applicant and officers, directors, shareholders, employees, agents and experts of the applicant. The City Commission is also entitled, should it so chose, to obtain input from the public concerning the vested rights determination. The applicant is not entitled to speak during the appeal unless the City Commission permits the public to speak or unless the City Commission permits the applicant to speak. In the event that the City Commission requests or solicits additional information, the matter shall be sent back to the city attorney for a supplemental vested rights determination in light of the additional information requested or given. When that supplemental vested rights determination is provided by the City Attorney, they shall provide notice as described in subsection (F), and that supplemental vested rights determination shall be described as indicated in subsection (G), and in the event of an appeal of that supplemental vested rights determination it shall be placed on the agenda as described in subsection (H), and shall be treated by the City Commission as described in this subsection.
- (J) When the City Commission makes its determination on the appeal, the appeal shall be based on the information in the record, which information is the information provided by the applicant, the information provided by staff, the information provided from all other sources which are in the record, and information provided by the City Attorney. In making the vested rights determination or supplemental vested rights determination, the applicant or the applicant's officers, directors, shareholders, employees, agents and experts failure to provide what is requested from the City Attorney or the City Commission may be considered negatively toward the applicant in its request for a determination. The determination of the City Commission in the appeal is final.

(K) The applicant has not exhausted its administrative remedies until such time as it has complied with this procedure.

40.344 Measurement of Capacities

(A) Trafficways. The procedure for the initial measuring of highway capacities is the Florida Department of Transportation Table of Generalized Daily Level of Service Maximum Volumes. The measurement of capacity may also be determined by substantiation in the form of engineering studies or other data. Traffic analysis techniques must be technically sound and justifiable as determined by Broward County and the City Department of Environmental and Engineering Services. Alterations to capacity on the state highway network shall require the opportunity for FDOT review. Measurement of county and state roads shall be in accordance with the development review requirements of the Broward County Land Development Code, Sections 5-198 and 5-182, before a development permit is approved.

1) Determination of concurrency for regional transportation network:

- a. The determination of concurrency with the regional transportation network shall be made by Broward County when a development is subject to concurrency review under the Broward County Land Development Code.
- b. The determination of concurrency with the regional transportation network for developments which are not reviewed under the Broward County Land Development Code shall be made by the City through the required traffic analysis.
- c. The determination of concurrency for impacts on City-maintained local and collector roads will be made by the City either at the time of platting for areas subject to the Broward County Land Development Code or at the time of site plan review for developments not subject to the Broward County Land Development Code through the required traffic analysis. Developments subject to concurrency shall design all local streets for level of service "C."

(B) Potable water and wastewater. Measurement of potable water and wastewater facilities shall be based on design capacities and service flows. Usage and discharge will be based on adopted level of service standards. These levels may be amended after consideration and substantiation of engineering studies and/or an amendment to the City of Margate Comprehensive Plan.

(C) Drainage.

- 1) Measurement of drainage facilities shall be based on the water management district basin design standards. Variations may exist for specific parcels but the overall effect of an area's drainage system must meet established water management practices criteria.
- 2) Where the City of Margate is not the service provider, the City shall rely on documentation provided by the applicable water control/improvement district. However, determination of concurrency for drainage capacity for building pads, streets and parking lots shall be the responsibility of the Department of Environmental and Engineering Services. The documentation shall identify:

- a. That the water control/improvement district will accept stormwater runoff from the proposed development;
- b. That the district has the capacity to satisfy drainage of the proposed development at the required level of service;
- c. That the district has improvements that will provide capacity at the required level of service;
- d. Conditions or phasing exist that the City should incorporate in its approval to ensure adequate capacity.
- (D) Solid waste. Measurement of solid waste shall be based on established generation rates in this Chapter and the design capacity of the landfill and the solid waste energy recovery facilities developed by the County, as set forth in the Margate Comprehensive Plan. The City shall rely on the obligations established in the City's franchise agreement for solid waste collection and disposal services to provide the required level of service.
- (E) Recreation. Measurement of recreation and open space shall be based on the requirement of three (3) acres per one thousand (1,000) residents.
- 40.345 Level of Service Standards**
- (A) No development activity may be approved unless it meets the following requirements designed to ensure that certain public services are available at prescribed levels of service concurrent with the impacts of development.
- (B) Notwithstanding the foregoing, the prescribed levels of service may be degraded during construction of new facilities in a specific area if upon completion of the new facilities the prescribed levels of service will be met.
- (C) For the purposes of these regulations the available capacity of a facility shall be determined by:
- 1) Adding together:
- a. The total design capacity of existing facilities operating at the required level of service; and
- b. The total design capacity of new facilities that will become available concurrent with the impact of the development. The capacity of new facilities may be counted only if it meets the criteria of section 40.344(A)(1) above.
- 2) Subtracting from that number the sum of:
- a. The design demand for the service created by existing development; and
- b. The new design demand for the service (by phase or otherwise) that will be created concurrent with the impacts of the proposed development by the anticipated completion of other presently approved developments.
- (D) The burden of showing compliance with these levels of service requirements shall be upon the developer. Applications for development approval shall provide sufficient and verifiable information showing compliance with these standards.

40.346 Concurrency Monitoring System

- (A) The Director of Development Services, through their duties and authority of chair of the Development Review Committee, shall be responsible for monitoring development activity to ensure the development is consistent with the City of Margate Comprehensive Plan.
- (B) Applications for all development permits shall be submitted to the Development Review Committee. Processing shall be in accordance with regularly scheduled meetings of the development Review Committee, Planning and Zoning Board and City Commission.
- (C) Compliance will be calculated and capacity reserved at time of final action of an approved site plan or enforceable developer's agreement for those concurrency matters within the authority of the City of Margate. Applications for development approval shall be chronologically logged to determine rights to available capacity.
- (D) The effective time limit for site plans shall be eighteen (18) months. An extension of one (1) year may be issued by administrative approval as provided by Section 40.301. At each annual renewal of public performance bonds, the City of Margate shall make a determination if the bonds shall be drawn upon for construction. Building and engineering permits shall have a concurrency time limit of one hundred eighty (180) days as long as construction and inspections continue and said construction is not idle for more than 31 continuous calendar days after construction commences
- (E) Development permits shall be processed to the fullest degree possible. If adequacy determinations of a project show unacceptable levels of service in any one (1) of the necessary public facility or service standards, the application(s) shall be denied until such time as capacity becomes available, or a revised application is submitted to, and accepted by the DRC.

40.347 Levels of Service

- (A) Potable water. New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for potable water as established in the potable water sub-element of the City of Margate Comprehensive Plan. The level of service standards for the City's potable water facilities is three hundred thirty-five (335) gallons per day (gpd) per equivalent residential ERC and provide minimum fire flow requirements with a residual pressure of twenty (20) pounds per square inch (psi). All other levels of service standards follow table shown under (B) wastewater.
- (B) Wastewater. New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for wastewater treatment as established in the sanitary sewer sub-element of the City of Margate Comprehensive Plan. The level of service standard for the City's sanitary facilities is three hundred thirty-five (335) gallons per day (gpd) per equivalent residential connection (ERC). All other levels of service standards are as follows:

<u>Type of Structure</u>	<u>Specific Condition/Unit</u>	<u>Per unit in Gallons per day</u>
<u>Assembly Halls</u>	<u>(a) per seat</u>	<u>2</u>
<u>Barber and beauty shops</u>	<u>(a) per dry service chair</u>	<u>100</u>
	<u>(b) per wet service chair</u>	<u>200</u>
<u>Bar and cocktail lounges (No food service)</u>	<u>(a) per seat</u>	<u>20</u>
<u>Bowling alleys</u>	<u>(a) per lane (no food operation)</u>	<u>100</u>
<u>Camper or RV trailer park</u>	<u>(a) per space</u>	<u>150</u>
<u>Car wash</u>	<u>(a) automatic type</u>	<u>3500</u>
	<u>(b) automatic type (recycled water)</u>	<u>350</u>
	<u>(c) hand wash</u>	<u>1750</u>
<u>Churches</u>	<u>(a) per sanctuary seat</u>	<u>3</u>
<u>Dance halls</u>	<u>(a) per person</u>	<u>2</u>
<u>Dentist offices:</u>	<u>(a) per dentist</u>	<u>250</u>
	<u>(b) plus per wet service chair</u>	<u>200</u>
<u>Doctor offices:</u>	<u>(a) per physician</u>	<u>250</u>
	<u>(b) plus per square foot of office space</u>	<u>0.20</u>
<u>Drive-in theater</u>	<u>(a) per car space</u>	<u>5</u>
<u>Fire station</u>	<u>(a) per bed</u>	<u>100</u>
<u>Health spa</u>	<u>(a) per square foot (does not include food service)</u>	<u>0.35</u>
<u>Hospitals and nursing homes</u>	<u>(a) per bed space (does not include public food service areas and offices)</u>	<u>210</u>
<u>Institutions</u>	<u>(a) per person (including resident staff)</u>	<u>100</u>
<u>Kennels</u>	<u>(a) per animal space</u>	<u>30</u>
	<u>(b) per veterinarian</u>	<u>250</u>
<u>Laundries</u>	<u>(a) per coin-operated machine</u>	<u>400</u>
	<u>(b) per commercial not coin-operated</u>	<u>650</u>

	<u>machine</u>	
<u>Office Building</u>	<u>(a) per square foot of floor space</u>	<u>0.20</u>
<u>Parks, public with comfort stations</u>	<u>(a) per visitor</u>	<u>10</u>
<u>Pet grooming parlors</u>	<u>(a) per wash basin (does not include retail sales)</u>	<u>200</u>
<u>Recreation/pool buildings</u>	<u>(a) per person (300 gallon minimum)</u>	<u>2</u>
<u>Residences</u>	<u>(a) Single family, detached each</u>	<u>300</u>
	<u>(b) Multiple family per dwelling unit</u>	<u>250</u>
	<u>(c) Motel/hotel units, per bedroom</u>	<u>150</u>
	<u>(d) Bedroom additions to single family residence</u>	<u>150</u>
	<u>(e) Mobil homes, each</u>	<u>300</u>
	<u>(f) Condominium/Apartments, each</u>	<u>141</u>
<u>Restaurants</u>	<u>(a) open 24 hours, per seat including bar</u>	<u>50</u>
	<u>(b) open less than 24 hours, per seat including bar</u>	<u>30</u>
	<u>(c) open less than 24 hours, with drive-through window, per seat including bar</u>	<u>35</u>
	<u>(d) drive-ins, per space</u>	<u>50</u>
	<u>(e) carry out food service only per 100 square feet</u>	<u>50</u>
<u>Schools:</u>		
<u>Elementary/Middle</u>	<u>(a) per pupil per day</u>	<u>10</u>
	<u>(b) add for shower/pupil</u>	<u>5</u>
	<u>(c) add for cafeteria/pupil</u>	<u>5</u>
<u>High School</u>	<u>(a) per pupil per day</u>	<u>15</u>
	<u>(b) add for shower/pupil</u>	<u>5</u>
	<u>(c) add for cafeteria/pupil</u>	<u>5</u>
<u>Boarding School</u>	<u>(a) per pupil</u>	<u>100</u>
<u>Service stations and</u>		
<u>auto repair shops</u>	<u>(a) per water closet</u>	<u>250</u>
	<u>(b) plus per service bay</u>	<u>100</u>

<u>Shopping centers</u>		
<u>and retail shops</u>	<u>(a) per square foot of floor space</u>	<u>0.10</u>
	<u>(does not include food service or laundry)</u>	
<u>Theaters and auditoriums</u>	<u>(a) per seat</u>	<u>5</u>
<u>Warehouse, mini-storage, with resident manager</u>	<u>(a) per square foot of floor space</u>	<u>0.01</u>
	<u>(b) plus residence</u>	<u>250</u>
<u>Warehouses</u>	<u>(a) per square foot of floor space</u>	<u>0.10</u>

(C) Transportation. New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for transportation systems as established in the Traffic Circulation Element of the City of Margate Comprehensive Plan.

<u>Type of Facility</u>	<u>Peak Hour Level of Service</u>
<u>Principal Arterial</u>	<u>D</u>
<u>Collector Street</u>	<u>D</u>
<u>Local Road</u>	<u>C</u>

- 1) The area of impact of the development (a traffic shed) shall be determined. The limits of the affected traffic shed shall be determined in accordance with the Broward County Land Development Code Trafficways Plan criteria. The traffic shed shall be that area where the primary impact of traffic to and from the site occurs. If the City/County has designated sectors of the City for determining development impacts and planning capital improvements, such sectors or planning areas may be used. If the application is for a building permit for a single-family or duplex development, the impact shall be presumed to be limited to the collector or arterial serving the local street giving access to the lot, or to the collector or arterial giving direct access to the lot.
- 2) The projected level of service for arterials and collectors within the traffic shed shall be calculated based upon estimated trips to be generated by the project, or where applicable, the first phase of the project, and taking into consideration the impact of other approved but not yet completed developments within the traffic shed. Information on committed development within the traffic shed shall be provided by Broward County.

(D) Drainage. New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for the drainage system as established in the drainage sub-element of the City of Margate Comprehensive Plan and chapter 17 of the City code.

- 1) Subject/level of service.

Road protection. Residential streets with rights-of-way not greater than fifty (50) feet to have crown elevations no lower than the elevation for the respected area depicted on the ten (10) year "Flood Criteria Map." Rights-of-way greater than fifty (50) feet to have an ultimate edge of pavement no lower than the elevation for the respective area depicted on the ten (10) year "Flood Criteria Map."

Buildings. Floor elevation shall be consistent with the flood resistant development requirements of Section 17.10 of this code.

Off-site discharge. Not to exceed the inflow limit of SFWMD primary receiving canal or the local conveyance system, whichever is less.

Storm sewers. Design frequency minimum to be three-year rainfall intensity off the State DOT Zone 10 Rainfall curves.

Floodplain routing. Calculated flood elevations based on the ten-year and 100-year return frequency rainfall of three-day duration shall not exceed the corresponding elevations of the ten-year "Flood Criteria Map" and the "100-Year Flood Elevation Map."

Antecedent water level. The higher elevation of either the control elevation or the elevation depicted on the map "Average Wet Season Water Levels."

On-site storage. Minimum capacity above antecedent water level and below floodplain routing elevations to be design rainfall volumes minus off-site discharge occurring during design rainfall.

Best management practices (BMP). Prior to discharge to surface or ground water, BMPs will be used to reduce pollutant discharge.

- (E) Solid waste. New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for solid waste as established in the solid waste sub-element of the City of Margate Comprehensive Plan. A review of proposed capacity designs may be requested by the DRC.

<u>Type of Use</u>	<u>Level of Service</u>
Residential	8.9 lbs. per unit/day
Industrial & Commercial	2 lbs. per 100 sq. ft. / day
Office building	1.0 lbs. per 100 sq. ft. / day
Factory/Warehouse	2.0 lbs. per 100 sq. ft. / day
Supermarket	9.0 lbs. per 100 sq. ft. / day
Department Store	4.0 lbs. per 100 sq. ft. / day
Restaurant	2.0 lbs. per 100 sq. ft. / day
Grade School	10.0 lbs. per room and 1/4 lbs. per pupil per day
Middle / High School	8.0 lbs. per room and 1/4 lbs. per student per day
Nurse or Intern Home	3.0 lbs. per person/day

Hospital	8.0 lbs. per bed/day
Home for Aged	3.0 lbs. per person/day
Rest Home	3.0 lbs. per person/day

- (F) Recreation. New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreational facilities in the recreation and open space element of the City of Margate Comprehensive Plan.

<u>Type of Facility</u>	<u>Level of Service</u>
Parks	3 acres per 1,000 residents

40.348 Development Concurrency Approval

The City of Margate shall make determinations that there are adequate facilities to service the proposed development and that the proposed development will not degrade those facilities below the minimum level of service established herein. Development permits will be processed to the fullest degree possible. The City will make a concurrency determination for: (a) approval, (b) approval with conditions including phasing, (c) approval subject to further review of a subsequent development permit as allowed elsewhere in this article, or (d) denial with notice of the reasons for same. Approval of a development for concurrency does not remove any obligation a property owner or successor may have to satisfy other requirements contained within the City Code.

DIVISION 6 CODE ENFORCEMENT AND PENALTIES

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DIVISION 7 FLEXIBILITY

40.360 Flexibility, Reserve and Redevelopment Units

- (A) Provisions regarding applying certain types of comprehensive plan flexibility.

- (1) Intent and purpose: The City has a limited amount of flexibility available pursuant to its comprehensive plan, Broward Next with policies clarified within the Broward Next Administrative Rules document. The advantage to utilizing flexibility is to encourage development the City deems desirable in terms of increasing employment, raising the tax base, or providing other benefits. The chief advantage to utilizing flexibility is that it shortens the time otherwise needed for regulatory review and approvals needed to obtain building permits. All decisions approving the utilization of flexibility, as well as decisions to waive or not apply a provision of this section in connection with such approval, shall be evidenced by a resolution which was considered and approved by the City Commission.

- (2) Commercial-residential flex allows for up to twenty (20) percent of the lands designated commercial to be converted to residential land use to allocate flexibility, reserve or redevelopment units.
- i. The City, by recommendation of the Development Review Committee, may allocate flexibility, reserve or redevelopment units per the requirements set forth in the City's Comprehensive Plan and established within Broward Next. Flexibility units equal the difference between the number of units allowed on the Broward County Land Use Plan and the City's Future Land Use Plan Map. Reserve units equal 2% of the total units allowed per the City's certified land use plan map. Redevelopment units can be requested by a municipality to allocate residential units within the municipality in locations the City desires additional density. The City shall maintain a table of these units and update the table annually.
- ii. Process to complete the allocation of these units:
- i. An applicant must request to allocate these units to a specific process through an application provided by the City;
- ii. The applicant shall provide a School Capacity Availability Determination (SCAD) report from the School Board of Broward County;
- iii. The applicant shall also show compliance with the requirements set forth in this chapter, the City's Comprehensive Plan and requirements within the Administrative Rules Document of Broward Next;
- (3) Residential-neighborhood commercial flex allows for up to five (5) percent of the area designated residential within a flexibility zone to neighborhood commercial land use.
- i. The City will consider allowing flexibility under this provision only for low intensity neighborhood offices, neighborhood retail sales of merchandise, or neighborhood retail sales of services which are limited in hours, which are compatible with residential uses, and which do not tend to create compatibility conflicts as a result of noise, odors, or high traffic generation.
- (4) Industrial-limited commercial flex allows for up to twenty (20) percent of the lands designated industrial to be converted to commercial land use.
- i. The City will consider allowing flexibility to utilize up to twenty (20) percent of industrial land use for commercial flex if acreage is available per the requirements set forth in the City's Comprehensive plan and Broward Next.
- (5) For any allocation of flexibility, the City shall review the application for completeness with all of the requirements set forth in the City Code and Broward County Next regulations;
- i. The City shall prepare a staff report detailing whether the application meets the appropriate requirements;
- ii. The City Commission shall review the City staff report including all of these requirements as well as those set forth in the City's Comprehensive Plan;
- iii. The approval shall be completed as part of a site plan process;
- iv. The allocation of this flexibility shall be allocated at the time of site plan approval. If the site plan expires, the flexibility allocated to the site plan will be null and void and shall go back to the City's allocation so that the flexibility can be reallocated to another site plan approval.
- i. Criteria to consider and approve this application:
- i. The project should be consistent in scale, building height, mass, and elevations with the predominant nearby residential buildings

- 5648 ii. If there is a change in population, socio-economic factors, or physical
5649 development of property near or affecting the subject property, which change
5650 was unforeseen or unanticipated, and which change has created a present
5651 problem or opportunity that justifies utilizing the flexibility;
5652 iii. Whether the project as proposed offers significant benefits not otherwise
5653 available to the city if the city's land development regulations were otherwise
5654 followed;
5655 iv. The extent to which the project contributes to the tax base, adds employment,
5656 and provides other positive economic impacts;
5657 v. The extent to which the project impacts public services (e.g., fire, EMS, school,
5658 police, water, wastewater, and other services), and generates negative
5659 secondary effects of odors, fumes, noise, traffic, or crime;
5660 vi. The extent to which the property has potential to be developed in a desirable
5661 manner under its present land use and zoning scheme without the application of
5662 flexibility and whether such foreseeable development is or is not more beneficial
5663 to the community;
5664 vii. The nature and types of uses surrounding the subject property and whether the
5665 development proposal is compatible and complements those uses;
5666 viii. Specific goals, objectives or policies of the City Comprehensive Plan and other
5667 City plans that are consistent or inconsistent with the development proposed;
5668 ix. The extent to which the type of flexibility proposed to be utilized will remain
5669 available for future use by the City under this section's requirements and under
5670 any possible regulatory scheme;
5671 x. The extent to which the utilization of flexibility serves or does not serve the
5672 public's health, safety, or welfare;
5673 xi. The future land use and needs of the community; and
5674 xii. Such other policy considerations that may not be set forth above but which are
5675 nonetheless considered by the City governing body to be reasonable and
5676 appropriate under the circumstances.
5677 ...

ARTICLE 4

SUBDIVISION

ARTICLE 4 SUBDIVISION

40.400 Requirements Generally

(A) No structure, except as provided in this Code, shall be erected within the city limits without its being erected upon a lot shown on a plat which has been:

- 1) Approved by the City Commission and recorded in the public records of Broward County, Florida; or
- 2) If the property owner receives written authorization from Broward County stating that platting is not required.

(B) All plats shall conform with and be processed in accordance with all requirements of this Code.

(C) All public improvements within subdivisions, including, but not limited to, street pavement, curbs, gutters, sidewalks, storm drainage, canals, bridges, bulkheads, sanitary sewers and water distribution systems shall be provided for all platted areas in accordance with the requirements of this Code.

When in the judgement of the City Engineer, it is determined that curbs and gutters are not required in certain subdivisions, he shall submit such recommendation in writing to the City Commission for their approval.

This section does not require any additional developer's performance bonds or inspection fees not otherwise provided for by City ordinance.

(D) Notwithstanding the provisions of this section, structures may be constructed on unplatted property which structures are to be used exclusively and temporarily as models for sales purposes, provided that the "models" meet all other requirements of the building code and that the developer has received prior approval of the Planning and Zoning Board of the City for such structure or model

(E) Provided, however, that no part of the deeded or dedicated area required by this platting ordinance shall be part of or in any way encumbered by or located in any easement or right-of-way.

40.401 Subdivision Resurvey Required

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40.402 Plat Submissions, Procedures and Requirements

(A) Procedure

- (1) Over-all plan.

- 5723 a. Submission.
- 5724 i. An over-all plan for any proposed subdivision which is to be recorded in sections
5725 shall be filed with the board for review in advance of preliminary plats for a part of
5726 the area after the application receives a recommendation of approval from the
5727 Development Review Committee (DRC).
- 5728 ii. The plan will then be considered by the Board at the next available regular meeting.
- 5729 iii. Approval of over-all plan. Where an over-all plan is submitted for approval and
5730 provided that the plan meets all of the requirements of the City ordinances, such
5731 approval shall be given tentatively by the Planning and Zoning Board. All plats
5732 submitted following such over-all plan approved shall meet all of the requirements
5733 of the City ordinances and shall be in substantial conformity with the over-all plan.
5734 Such over-all plan approval shall be valid for no longer than one hundred eighty
5735 (180) days following approval. However, the subdivider or developer may apply for
5736 and receive an extension of the tentative approval upon showing that the over-all
5737 plan is in conformity with all City ordinances and that he intends to make any
5738 necessary changes to assure that any and all future developments within the
5739 purview of the over-all plan shall be in accordance with all City ordinances in
5740 existence at the time the extension of the tentative approval is requested.
- 5741 b. Processing.
- 5742 i. A subdivider seeking approval of an over-all plan shall apply to the Development
5743 Review Committee. Once the Development Review Committee has reviewed the
5744 application and provided a recommendation of approval, a subdivider shall submit
5745 the plan and all supporting documents to the Board through the Development
5746 Services Department. The plat application shall be referred to the City Engineer,
5747 the Utility Department, any drainage district in which the plan may lie, and any
5748 adjacent municipality which abuts the proposed plan. The agencies involved shall
5749 report their comments and recommendations to the Board prior to scheduling the
5750 application for a Board meeting.
- 5751 (1) The City Engineer shall check the plan for general engineering and drainage
5752 requirements, and conformity with the applicable trafficways plan for the City.
- 5753 (2) The City Utility Department shall determine any utility easements that may be
5754 required.
- 5755 (3) The Planning and Zoning Board shall check the plat for general conformance
5756 to the zoning requirements.
- 5757
- 5758 c. Requirements for over-all plan if one (1) is prepared.
- 5759 i. The over-all plan shall be of a scale of not more than two hundred (200) feet to the
5760 inch except that a scale of three hundred (300) feet to the inch may be used for
5761 very large areas.
- 5762 ii. The over-all plan shall show or be accompanied by the following information:
- 5763 (1) Proposed subdivision name.
- 5764 (2) North arrow, scale, and date.
- 5765 (3) Name of registered engineer or surveyor responsible for the plan.
- 5766 (4) Subdivision boundaries.
- 5767 (5) All existing watercourses, canals, bodies of water and major drainage districts.

- 5768 (6) All existing streets and alleys on, or adjacent to, the tract.
5769 (7) All existing property lines, easements and rights-of-way.
5770 (8) Location and width of all proposed streets, alleys, rights-of-way and proposed
5771 lot lines, playgrounds, public areas and parcels of land reserved for public
5772 use.
5773 (9) A location sketch for easy identification of the area covered.
5774 (10) Relationship to section corners, section lines, or any other major land line(s)
5775 including approximate distances from such known points or lines.
5776

5777 (2) Preliminary plats

5778 a. Submission.

- 5779 i. Preliminary plats for all proposed subdivisions of land lying within the City of
5780 Margate, shall be filed with the Board for review.
5781 ii. Plats will be considered by the Board at the next regular meeting occurring at least
5782 thirty (30) calendar days subsequent to filing.

5783 b. Processing.

- 5784 i. A subdivider seeking approval of a preliminary plat shall apply to the development
5785 Review Committee. Once the Development Review Committee has reviewed the
5786 application and provided a recommendation of approval, a subdivider shall
5787 transmit the preliminary plat and all supporting documents to the board. The
5788 application shall then be referred by the board, to the City Engineer, Utility
5789 Department and any drainage district in which the plat may lie and the area
5790 planning board and any municipality adjacent to the proposed plat.
5791 ii. The City Engineer shall examine and check the preliminary plat for general
5792 engineering and drainage requirements, and conformity to the applicable
5793 trafficways plan for the City.
5794 iii. The Utility Department shall check against known utility facilities and easements,
5795 or such new ones as may be required.
5796 iv. The drainage district shall check to make sure all drainage needs are fulfilled, and
5797 that no trafficway proposed on the plat interferes with present drainage facilities,
5798 or those planned for the future.
5799 v. The City Planning and Zoning Board shall check lot sizes to assure conformity with
5800 minimum standards set forth by the zoning requirements, and shall coordinate the
5801 recommendations of the several agencies above mentioned.
5802 vi. The City Department of Environmental And Engineering Services shall assign
5803 street addresses to the lots.

5804 c. Requirements.

- 5805 i. The preliminary plat shall be at a scale of not more than one hundred (100) feet to
5806 the inch, provided that a scale of two hundred (200) feet to the inch may be used
5807 for large areas.
5808 ii. The preliminary plat shall show or be accompanied by the following information:
5809 (1) Proposed subdivision name or identifying title which shall not duplicate nor
5810 closely approximate the name of any other subdivision in the County except in

- 5811 cases where the subdivision is an added section to a former subdivision or
5812 where it is a re-plat of a portion or all of a former subdivision.
- 5813 (2) Location sketch with section.
- 5814 (3) North arrow, scale and date.
- 5815 (4) Name of the owner of the property or his authorized agent.
- 5816 (5) Name of the registered engineer or surveyor responsible for the plat.
- 5817 (6) Locations and names of adjacent subdivisions.
- 5818 (7) Subdivision boundaries with angles and distances. Boundaries must be clearly
5819 marked with heavy line.
- 5820 (8) All existing watercourses, canals, and bodies of water.
- 5821 (9) All existing streets and alleys on or adjacent to the tract, including name and
5822 right-of-way width.
- 5823 (10) All existing property lines, easements and rights-of-way and the purpose
5824 for which the easements or rights-of-way have been established, where known
5825 to the engineer or
- 5826 (11) Location and width of all proposed streets, alleys, right-of-way easements;
5827 proposed lot lines with dimensions, playgrounds, public areas, and parcels of
5828 land proposed or reserved for public use.
- 5829 d. Limitations on plat approval.
- 5830 i. The following limitations and conditions are placed on the preliminary plat
5831 approvals given by the board:
- 5832 (1) The approval of the Board shall have full force and effect for a period of
5833 eighteen (18) months from the date of approval.
- 5834 (2) If no final plat has been filed for the area covered by the preliminary plat before
5835 the approval period has elapsed, the approval shall become suspended. If final
5836 plats are filed for only a portion of the preliminary plat, the approval on the
5837 remaining portions shall become suspended.
- 5838 (3) Final plats.
- 5839 a. Submission.
- 5840 i. The original of the final plat, together with all supporting documents, shall be
5841 submitted to the City for review at least thirty (30) days prior to a City Commission
5842 meeting considering same. The final plat shall be accompanied by the following:
- 5843 (1) Pavement and drainage plan approval.
- 5844 (2) Utility plan approval (water and sewer).
- 5845 (3) Drainage district approval, as applicable.
- 5846 (4) Opinion of title from a licensed Florida attorney.
- 5847 ii. Should final approval from an agency other than the City be pending on any of the
5848 items listed above, the application for final plat may still be submitted for
5849 consideration by the City Commission for conditional approval. Such application
5850 for final plat approval shall be accompanied by proof of submission of the required

5851 application(s) to the respective agencies for which final approval is pending.
5852 Whenever available, confirmation of receipt of an application by the agency shall
5853 also be submitted with the application for final plat approval. Any approval of a final
5854 plat application submitted pursuant to this subsection shall be conditioned and
5855 contingent upon receipt of final approval from the respective agencies.

5856 b. Processing.

- 5857 i. The City Engineer shall check all final plats to verify conformity with the preliminary
5858 plat as approved by the Board.
- 5859 ii. Upon approval by the City Engineer, the final plat shall be transmitted ~~by the board~~
5860 to the City Commission, for final approval.
- 5861 iii. The approval of the final plat by the City Commission shall have full force and effect
5862 for a period of one (1) year from the date of approval.
- 5863 iv. No later than one (1) year following formal approval by the City Commission, the
5864 subdivider shall submit to the City Clerk:
- 5865 (1) Subdivider's performance bond for subdivision improvements, as otherwise
5866 required in the ordinances of the City of Margate.
- 5867 (2) Subdivision improvement inspection fees.
- 5868
- 5869 v. Upon approval by the City Commission, the affixing of the corporate seal of the
5870 City of Margate, the signatures of the Board Chair, Mayor, and City Clerk, the
5871 receipt of any documents required by the City Commission's approval of the final
5872 plat, and receipt of the required bonds and fees, the final plat shall be forwarded
5873 to the City Engineer for their signature. The City Engineer in turn shall forward the
5874 final plat to the Broward County Engineering Department for further processing.
- 5875 vi. If the final plat is not submitted to the City Engineer within one (1) year of approval
5876 by the City Commission, the approval of the plat shall be suspended and of no
5877 further force and effect. The City shall require the filing of a new application for a
5878 new final plat.

5879 c. Requirements.

- 5880 i. The final plat mylar shall be prepared in accordance with the state plat law, Chapter
5881 177, Florida Statutes, and with these regulations. The over-all size shall be twenty-
5882 four inches by thirty-six inches (24" x 36") with borders as required by Broward
5883 County.
- 5884 ii. The following features shall be incorporated in a prominent location on the plat. (If
5885 more than one (1) sheet is required, these items shall be placed on the first sheet
5886 or page.)
- 5887 (1) Plat title (all lettering same type and size).
- 5888 (2) Section, township and range.
- 5889 (3) City of Margate, Broward County, Florida.
- 5890 (4) Graphic scale.
- 5891 (5) Legal description.
- 5892 (6) Location sketch.

- iii. The final plat shall exhibit the below listed certificates, signatures, and approvals in the currently accepted format:
- (1) Dedication by owner(s) witnessed (if by corporation, two (2) designated officers' signatures and corporate seal).
 - (2) Acknowledgment of dedication by notary public.
 - (3) Surveyor's certificate, signature and seal.
 - (4) City Commission's approval.
 - (5) City Engineer's approval.
 - (6) County Engineer's approval.
 - (7) Area planning board's approval.
 - (8) Mortgagee approval(s).
 - (9) Certificate of the clerk of the circuit court.
- iv. The delineation of the plat at a scale no smaller than one (1) inch equals one hundred (100) feet shall show the following information and features:
- (1) Plat boundary with all courses and dimensions with ties to two (2) or more land corners, to a recorded subdivision corner and one (1) land corner.
 - (2) North arrow.
 - (3) Width of all streets, alleys, rights-of-way and easements.
 - (4) Street names.
 - (5) Lot and block numbers or designations.
 - (6) Permanent reference monuments.
 - (7) Horizontal control points.
 - (8) Block corner radii.
 - (9) Lot dimensions to the nearest hundredth of a foot, except where riparian boundaries are involved.
 - (10) Arc length and central angles on all curvilinear lot dimensions.
 - (11) Angles or bearings indicating the direction of all lines.
 - (12) Centerline dimensions of all streets including arc lengths, central angles, radii and tangents of all curves.

40.403 Design Standards for Subdivisions

(A) Streets and alleys.

- (1) Conformity to trafficways plan. The location, direction and width of all highways shall conform to the Broward County Trafficways Plan.
- (2) Relation to existing street system. The arrangement of streets in new subdivisions shall make provisions for proper extension of existing dedicated streets in existing subdivisions where in the opinion of the City Engineer such extension is required to access undeveloped or redeveloped land.
- (3) Provision for platting adjoining unplatted areas. The arrangement of streets in new subdivision shall be such as to facilitate, and coordinate with the desirable future platting of adjoining unplatted property of a similar character, and to provide for local circulation and convenient access to neighborhood facilities.

- 5935 (4) Protection from through traffic. Residential streets shall be laid out and arranged so as
5936 to discourage their use by high speed non-residential through traffic. Residential streets
5937 shall not connect with industrial areas unless unavoidable.
- 5938 (5) Trafficway frontage. Where a residential subdivision or residential property abuts on
5939 existing or proposed trafficway, the City may require marginal access streets, reverse
5940 frontage with screen planting contained in a non-access strip along the rear property line,
5941 deep lots with or without rear service alleys, or such other treatment as may be
5942 necessary for adequate protection of residential properties and to minimize conflict of
5943 through and local traffic.
- 5944 (6) Plats adjacent to railroad or expressway right-of-way. Where a subdivision borders on or
5945 contains a right-of-way for a railroad, expressway, drainage canal or waterway, the City
5946 may require a street or easement approximately parallel to and on each side of such
5947 right-of-way, at a distance suitable for the appropriate use of the intervening land. Such
5948 distances shall also be determined with due regard for the requirements of approach
5949 grades for future grade separations.
- 5950 (7) Reserve strips. Reserve strips controlling access to streets shall be prohibited except
5951 where their control is definitely placed under conditions approved by the City.
- 5952 (8) Private streets. Every subdivided lot or parcel shall be served from a publicly dedicated
5953 street unless approved as part of a PUD or PRC. This requirement may be waived by
5954 the board in other special situations where the board finds public safety, convenience
5955 and welfare can be adequately served by other means.
- 5956 (9) Half streets. New half or partial streets shall not be permitted except where essential to
5957 reasonable subdivision of a tract in conformance with these regulations or where
5958 satisfactory assurance for dedication of the remaining part of the street is provided.
5959 Whenever a tract to be subdivided borders on an existing half or partial street the other
5960 part of the street shall be dedicated within such tract.
- 5961 (10) Future resubdivision. If lots resulting from original subdivision are large enough to permit
5962 or require resubdivision, or if a portion of the tract is not subdivided, adequate street
5963 right-of-way to permit future subdivision shall be provided as necessary.
- 5964 (11) Dead-end streets. Dead-end streets shall be prohibited, except where appropriate as
5965 stubs to permit future street extension into adjoining unsubdivided tracts, or when
5966 designed as cul-de-sacs.
- 5967 (12) Cul-de-sacs.
- 5968 (a) Streets having cul-de-sacs, shall not exceed four hundred (400) feet in length,
5969 except in special circumstances warranting extra length.
- 5970 (b) Cul-de-sacs shall be provided at the closed end with a circular dedicated area not
5971 less than seventy (70) feet in diameter for turnaround purposes. Turnarounds in
5972 business, commercial and industrial areas shall be one hundred (100) feet in
5973 diameter.
- 5974 (13) Street rights-of-way.
- 5975 (a) Unless otherwise indicated or required by the trafficways plan, or specifically
5976 accepted by the planning and zoning board, street rights-of-way shall not be less
5977 than the following:

<u>Street type</u>	<u>Rights-of-way—Feet</u>
<u>Freeway</u>	<u>300</u>
<u>Expressway</u>	<u>200</u>
<u>Primary arterial highway</u>	<u>120</u>
<u>Major thoroughfare</u>	<u>106*</u>
<u>Secondary thoroughfare</u>	<u>80</u>
<u>Collector</u>	<u>60</u>
<u>Minor, and marginal access</u>	<u>50</u>
<u>Alley, two-way</u>	<u>20 Business or industrial district</u> <u>16 Residential district</u>
<u>Alley, one-way</u>	<u>16 Residential district</u>

5978 *(Except trafficway previously established at one hundred (100) feet width of right-of-way as
5979 shown in the Zoning Regulations of the City of Margate).

5980 (b) Additional right-of-way width may be required to promote public safety and
5981 convenience, or to assure adequate access, circulation and parking in high density
5982 residential areas, commercial areas and industrial areas.

5983 (c) Where a subdivision abuts or contains an existing street of inadequate right-of-way
5984 width, additional right-of-way in conformance with the above standards may be
5985 required.

5986 (14) Alleys.

5987 (a) Alleys should be provided to serve multiple dwellings, business, commercial and
5988 industrial areas, except that the board may waive this requirement where other
5989 definite and assured provision is made for service access, off-street loading,
5990 unloading and parking consistent with and adequate for the uses permissible on the
5991 property involved.

5992 (b) The width of an alley shall be at least twenty (20) feet in a non-residential district, or
5993 at least sixteen (16) feet in a residential district.

5994 (c) Changes in alignment or intersections of alleys shall be made on a center line radius
5995 of not less than thirty-five (35) feet minimum.

5996 (d) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be
5997 provided with adequate turnaround facilities for service trucks at dead-end, with a
5998 minimum external diameter of one hundred (100) feet, or as determined to be
5999 adequate by the City Engineer.

6000 (e) Block corners adjacent to alleys shall have a minimum radius of fifteen (15) feet in
6001 residential areas and twenty-five (25) feet in business, commercial and industrial
6002 areas.

6003 (15) Easements.

6004 (a) Easement shall be provided for public utilities where necessary and as required by
6005 the utilities involved and shall be at least ten (10) feet in total width.

6006 (b) Where a subdivision is traversed by a watercourse, drainage way, canal, or stream,
6007 there shall be provided a drainage easement or right-of-way conforming
6008 substantially with the lines of such watercourses. Parallel streets or maintenance
6009 easements may be required where necessary for service or maintenance.

6010 (c) Easements may be required for drainage purposes of such size and location as may
6011 be determined by the City Engineer, or by a drainage district if the plat lies within its
6012 jurisdiction.

6013 (16) Street alignment.

6014 (a) Curvilinear streets are recommended for residential minor and collector streets in
6015 order to discourage excessive vehicular speeds and to provide attractive vistas.

6016 (b) Whenever a street changes direction, or connecting street lines deflect from each
6017 other, by more than ten (10) degrees, there shall be a horizontal curve.

6018 (c) To ensure adequate sight distance, minimum centerline radii for horizontal curves
6019 shall be as follows:

<u>Major thoroughfare</u>	<u>750 feet</u>
<u>Secondary thoroughfare</u>	<u>500 feet</u>
<u>Collector streets</u>	<u>300 feet</u>
<u>Minor streets</u>	<u>150 feet</u>

6020
6021 (d) A tangent of at least one hundred (100) feet shall be inserted between horizontal
6022 curves in opposite directions on collector streets. On secondary thoroughfares this
6023 tangent shall be one hundred fifty (150) feet. Said tangent distances on major
6024 thoroughfares will be evaluated considering the over-all plat layout, intersections,
6025 etc.

6026 (17) Street intersections.

6027 (a) Streets shall be laid out to intersect as nearly as possible at right angles. No street
6028 shall intersect another at an angle of less than sixty (60) degrees, except at a "Y"
6029 intersection of two (2) minor streets.

6030 (b) Multiple intersections involving junction of more than two (2) streets shall be
6031 prohibited except where found to be unavoidable by the board.

6032 (c) "T" intersections of minor and collector streets are to be encouraged.

6033 (d) As far as possible, intersections with trafficways other than secondary thoroughfares
6034 shall be located not less than eight hundred (800) feet apart, measured from
6035 centerline to centerline. Driveways, streets, and alleys intersecting with a Broward

6036 County Trafficway shall adhere to the criteria and requirements contained in the
6037 Broward County Land Development Code.

6038 (e) Street intersections shall be a minimum of one hundred twenty-five (125) feet apart,
6039 except where both centerlines are continuous through the intersection.

6040 (f) Property line corners at intersections shall have a minimum radii of twenty-five (25)
6041 feet. Where the angle of intersection is less than sixty (60) degrees, a greater radius
6042 may be required by the City Engineer.

6043 (18) Excessive street widths. Streets shall not be platted to a width of more than two hundred
6044 (200) per cent of the minimum width specified in these regulations for the type of street
6045 involved.

6046 (19) Connection to public streets. The street system of any area to be platted shall have a
6047 direct connection, over public rights-of-way, to streets or trafficways.

6048 (B) Blocks.

6049 (1) The length, width and shape of blocks shall be determined with due regard to:

6050 (a) Provision of building sites adequate for the contemplated use.

6051 (b) Zoning requirements.

6052 (c) Need for convenient and safe access, circulation, control of pedestrian and vehicular
6053 traffic.

6054 (d) Limitations and opportunities of topographic features.

6055 (2) Block length shall not exceed one thousand three hundred twenty (1,320) feet nor be
6056 less than five hundred (500) feet, unless found unavoidable by the Development Review
6057 Committee.

6058 (3) Where found necessary, pedestrian crosswalks, not less than ten (10) feet in width, may
6059 be required in blocks over one thousand (1,000) feet in length to provide safe and
6060 convenient access to schools, playgrounds, shopping centers, transportation or other
6061 community facilities.

6062 (C) Lots.

6063 (1) The lot arrangement and design shall be such that all lots will provide satisfactory and
6064 desirable building sites, properly related to topography and to the character of the
6065 surrounding development.

6066 (2) Lot dimensions and areas shall not be less than specified by applicable provisions of the
6067 zoning regulations.

6068 (3) Corner lots shall be a minimum of five (5) feet wider than the minimum width required by
6069 the zoning regulations for interior lots.

6070 (4) Side lot lines shall be substantially at right angles or radial to street lines.

6071 (5) Double frontage and reverse lots for residential use shall be avoided, except where
6072 essential to provide separation of residential development from trafficways or to
6073 overcome complications of topography and orientation. A landscaped easement
6074 providing a planting screen of at least five (5) feet, and across which there shall be no
6075 right of vehicular movement or use, shall be provided along the property line of lots
6076 abutting such trafficway or other disadvantageous situation.

6077 (6) Every lot shall abut upon and have permanent legal access to a street. Residential lots
6078 shall have a street frontage of not less than twenty (20) feet, unless relevant zoning
6079 district regulations otherwise permit. Non-residential lots shall have a street frontage
6080 determined by the regulations of the relevant zoning district.

6081 (7) Lot arrangement and design shall be properly related to topography, to nature of
6082 contiguous property and to the character of surrounding development.

6083 (D) Canals and water areas.

6084 (1) Canals or water areas connecting to navigable waterways accessible to the public shall
6085 not be dedicated to the public unless a maintenance easement of twenty (20) feet is
6086 provided along each side of the canal dedication. The minimum width of canal dedication
6087 shall be sixty (60) feet.

6088 (2) Canal and water area improvements shall conform to any requirements set forth under
6089 authority of the local drainage district. Should a continuous canal retaining wall be
6090 required, it shall be constructed along both sides of the canal concurrently with the
6091 excavation of the canal in accordance with the specifications of section 11-17.

6092 (E) Parks and recreational areas. Any plat shall contain a park or recreational area deeded or
6093 dedicated to the City of Margate consisting of such quantity of land as represents the required
6094 level of service standards outlined in the Margate Comprehensive Plan. The City shall use
6095 the same methodology to calculate park acreage needs for a proposed development as
6096 described in Section 5-182.7 Adequacy of Parks and Recreation of the Broward County Land
6097 Development Regulations, as amended from time to time. Where the area to be platted is
6098 less than sixty (60) acres, the developer shall place a sum equal to the value of the land
6099 which would be set aside for parks and recreational areas into the City's Parks and
6100 Recreation Trust Fund to be held in escrow and used by the City for the purposes mentioned
6101 in subsection (4) below. Said value of the land may be paid into the Parks and Recreation
6102 Trust Fund at the time of plat approval or incrementally as approved by the City Manager at
6103 the time building permits are issued for the construction of the units within the approved plat.
6104 The aforementioned value shall be the current appraised value of the land subdivided without
6105 improvements and shall be determined jointly by the City Commission and the subdivider. If
6106 the City Commission and the subdivider cannot agree on a land value, then the land value
6107 shall be established by appraisal. The City Commission shall appoint a professional land
6108 appraiser, the subdivider shall appoint a professional land appraiser and these two (2) shall
6109 appoint a third. The three (3) appraisers shall then determine the value of the property for the
6110 purposes of these provisions. The fees for the appraiser shall be divided equally between the
6111 City and the developer or subdivider.

6112 It shall be discretionary with the City Commission whether or not to accept a dedication of
6113 land pursuant to this subsection where said land is encumbered by utility easements of any
6114 type.

6115 (1) In lieu of the dedication of land area as described in paragraph (E) above, the City
6116 Commission may, in its discretion, accept a cash donation to the Parks and Recreation
6117 Trust Fund of the City to be used only for parks and recreational purposes an amount
6118 equal to the figure referred to in paragraph (E); in the event the City Commission and the
6119 subdivider cannot agree on the land value then the donation amount shall be determined
6120 as hereinabove provided for by arbitration.

6121 (2) All real property donated shall be utilized for parks and recreation sites or facilities unless
6122 the following is found:

6123 (a) The real property donated is found to be unsuitable for a park or recreation site; or
6124 (b) A present park or recreation facility capable of being expanded for utilization by the
6125 citizens of a new development, subdivision or project is in such close proximity to
6126 the real property that it would provide a duplication of services.
6127 (3) In the event that either (a) or (b) [of paragraph (E)(2)] is met, the City shall have the right
6128 to sell to the highest bidder the real property donated pursuant to the recreation donation,
6129 and all monies received by the City for said sale shall be deposited in the City of Margate
6130 Parks and Recreation Trust Fund.
6131 (4) All monies utilized in the Parks and Recreation Trust Fund shall be utilized only for the
6132 acquisition and development of new parks and recreation facilities or the expansion and
6133 addition to older parks and recreation facilities so as to allow their utilization for new
6134 residents of the City. In addition to the foregoing, money received from all
6135 telecommunication tower rentals may be utilized for improvements, enhancements or
6136 other necessary expenses for parks and recreation purposes.
6137 ...

ARTICLE 7
ZONING &
DEVELOPMENT
REGULATIONS

ARTICLE 7 ZONING AND DEVELOPMENT REGULATIONS

40.700 General Provisions

...

40.707 Sustainability & Green Building Policy

(A) Purpose.

- (1) The purpose of the City's green building policy is to provide the City with a certified-based green building program. This program will provide sustainable and environmentally friendly practices of construction and design. It shall be the policy of the City to have all new City-owned and operated buildings evaluated by the design professional to the minimum certification level of the USGBC LEED, GBI Green Globes green building certification programs or other equivalent certification program as determined by the City. All renovation projects to City-owned and operated buildings including major renovation involving elements of HVAC renovation, significant envelope modifications and major interior rehabilitation, which meets the USGBC or GBI definition for major renovation, shall be evaluated by the design professional to "certified" status. In order to ensure that City construction projects meet the green building standards, all City construction projects deemed to be eligible for the program shall be registered with the appropriate green building program and the project team, including, but not limited to, the architect, engineer, general contractor, and City agencies responsible for the projects, shall seek certification of registered projects. Design submittals for all such projects shall be reviewed and marked as "credit anticipated" prior to the submission of a petition to the Development Review Committee.

(B) Green building rating policy.

- (1) The LEED and Green Globes rating systems are certification tools. Points shall be awarded to building projects that incorporate the design and construction practices and technologies listed in the appropriate rating system. Applicants shall submit an itemized list with a development application which will demonstrate the individual criteria by which the development intends to meet certification requirements to be reviewed by the DEES department. The project shall be subject to review by a qualified City staff member or third party who has been trained and certified as a LEED accredited professional (LEED AP) or Green Globes professional (GGP). For purposes of the program, "third party" means any person or entity authorized by USGBC or GBI to verify that a project has satisfied any or all of the requirements associated with LEED or GBI standard designated for a particular project. The City must maintain green building components for the life of the building.

...