

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 23 - LANDSCAPING, ARTICLE II, SECTION 23-20 - TREE REMOVAL LICENSE REQUIREMENTS AND STANDARDS; AMENDING APPENDIX-A ZONING ARTICLE VI, SECTION 6.9 - DEVELOPMENT STANDARDS; AMENDING APPENDIX-A ZONING; ARTICLE XIV, SECTION 14.2 - PERMITTED USES, AMENDING ARTICLE XVIII, SECTION 18.5 - DESIGN STANDARDS; ARTICLE XL SECTION 40.4 - EXTERIOR MAINTENANCE OF STRUCTURE AND PREMISES; ARTICLE XL, SECTION 40.9 - LANDSCAPE MAINTENANCE REQUIREMENTS; PROVIDING CONSISTENCY WITH FLORIDA STATUTE SECTION 163.045 FOR NOTICE, APPLICATION, APPROVAL, PERMIT, FEE, AND MITIGATION EXEMPTION FOR PRUNING, TRIMMING, REMOVAL, REPLANTING, OR MITIGATION TO TREES ON RESIDENTIAL PROPERTY; PROVIDING FOR REPEAL; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1: The Code of the City of Margate, Florida, Chapter 23, Article II, Section 23-20 - Tree removal license requirements and standards, is hereby amended to read as follows¹:

Sec. 23-20. - Tree removal license requirements and standards.

(A) License requirements.

(1) [*License required.*] Unless otherwise exempted by this article, a person shall obtain a tree removal license prior to relocating or removing a tree.

(2) *Exemptions from licensing.* Unless otherwise prohibited by the Code, the following activities are exempted from the licensing requirements of this article provided that no nuisance or any condition which adversely affects the environment or public health is created, and provided that the activity does not violate any provisions of the Code, or federal, state, or local government regulations:

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

1 (a) Removal of any tree that is hazardous to the
2 extent that its continued existence creates an
3 imminent threat to public safety or property. In
4 order to claim this exemption, the owner of the
5 property must document by photographs or other
6 evidence that such condition(s) existed prior to
7 the removal of the tree.

8 (b) Pursuant to Section 163.045, Florida Statutes, as
9 amended, pruning, trimming, removal, or
10 replanting of, or mitigation to, tree on
11 residential property is exempt from any notice,
12 application, approval, permit, fee, or mitigation
13 requirements of this section if the property
14 owner obtains documentation from an arborist
15 certified by the International Society of
16 Arboriculture or a Florida licensed landscape
17 architect that the tree presents a damage to
18 persons or property. ~~Removal of any tree on
19 owner-occupied residential properties of one (1)
20 acre or less developed for detached single-family
21 and duplex usage, except the following:~~

22 ~~i. Previously preserved, relocated or replaced
23 trees that were preserved, relocated or replaced
24 pursuant to a tree removal license; or~~

25 ~~ii. Historical or specimen trees;~~

26 ~~iii. Trees that were required to be planted in
27 order to meet the minimum landscaping standards
28 for detached single-family and duplex usage as
29 identified in the City Code.~~

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

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33
34 SECTION 2: The Code of the City of Margate,
35 Florida, Appendix A, Zoning, Article VI, Section 6.9. -
36 Development standards, is hereby amended to read as follows:

37
38 Section 6.9. - Development standards.

39 Every site development plan shall meet or exceed the
40 following design standards in addition to all other
41 applicable zoning and subdivision regulations:

1 (1) *Street design.* Private streets may serve developments
2 within this district. The design of streets shall
3 meet the criteria of Section 31-19 of the City Code.
4 The design and cross-section shall be approved by the
5 city engineer. Streets shall be illuminated to an
6 average intensity of at least one (1) footcandle per
7 square foot. At no point shall the intensity of
8 illumination fall below one-half ($\frac{1}{2}$) footcandle.

9 (2) *Parking.* Every single-family dwelling unit shall
10 provide a fully enclosed garage, attached to the main
11 structure, and finished in an architecturally
12 compatible manner with the particular house. Each
13 such dwelling shall provide a double wide driveway of
14 not less than sixteen (16) feet in width. Multiple-
15 family dwellings shall meet or exceed the parking
16 requirements set forth in Section 35.3 of this Zoning
17 Code.

18 (3) *Landscaping.* Every single-family plot shall contain
19 at least two (2) shade trees in the front yard of a
20 designated community street tree and shall provide at
21 least one (1) shade tree in the rear yard. Multiple
22 dwellings shall contain at least two (2) shade trees
23 per dwelling unit in addition to the required
24 perimeter landscaping abutting a right-of-way. All
25 unpaved common areas shall contain at least one (1)
26 tree for each five hundred (500) square feet of area.
27 The pruning, trimming, removal, or replanting of, or
28 mitigation to, a tree on residential property shall
29 be in accordance with Section 23-20 of the City of
30 Margate Code of Ordinances.

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

33
34 SECTION 3: The Code of the City of Margate,
35 Florida, Appendix A, Zoning, Article XIV - One-Family
36 Dwelling R-1A - R-1B Districts, Section 14.2. - Permitted
37 uses, is hereby amended to read as follows:

38 Section 14.2. - Permitted uses.

39 No building or structure, or part thereof, shall be
40 erected, altered or used, or land or water used, in whole
41 or in part, for other than one (1) of the following uses:

- 1 (1) Single-family detached dwellings.
- 2 (2) Recreation buildings and facilities, playgrounds,
3 play fields, parks, beaches, owned and operated by
4 the city.
- 5 (3) Recreational and social centers, not operated for
6 profit and constructed as an integral part of the
7 surrounding residential neighborhood.
- 8 (4) Church, synagogue, or other religious institution and
9 parochial school incidental to the above on the same
10 premises. Such use shall be located on a plot having
11 at least forty thousand (40,000) square feet of plot
12 area and having at least two hundred (200) feet of
13 street frontage. Except for a rectory, parish house
14 or similar individual dwelling, no residential use
15 shall be permitted on the site. The coverage of all
16 roofed structures shall not exceed twenty-five (25)
17 per cent of the plot area. No building or roofed
18 structure shall be located within forty (40) feet of
19 any other residentially zoned property. No parking
20 area shall be located within ten (10) feet of any
21 plot line.
- 22 (5) Sewage or water treating, pumping and storage plants
23 to serve the surrounding residential area. Such
24 plants shall conform to the following requirements:
 - 25 (a) The plot shall be not less than two hundred
26 (200) feet in width and forty thousand (40,000)
27 square feet in area, and as large as necessary
28 to provide required setback areas.
 - 29 (b) No building or structure shall be located nearer
30 to any other residentially zoned property or any
31 street line than a distance equal to the height
32 of such building or structure.
- 33 No water pumping or treatment facility shall be
34 located nearer than thirty-five (35) feet to any
35 street line or nearer than fifty (50) feet to
36 any other residentially zoned property.
- 37 (c) All plots shall have a landscaped setback area
38 at least thirty-five (35) feet in width or depth
39 adjacent to all plot lines separating the
40 subject plot from other residentially zoned
41 property. The landscaped setback area shall not
42 be used for any building, structure, fence,

1 wall, parking, storage or other use except that
2 a fence not over six (6) feet in height may be
3 erected in any such setback area at least
4 thirty-five (35) feet from any street line. The
5 landscaped setback area shall be planted with
6 grass, shrubbery and trees, and no part shall be
7 paved or surfaced except for minimum driveways
8 and walkways for access. All landscaping shall
9 be maintained in a healthy, growing condition,
10 properly trimmed and watered. The pruning,
11 trimming, removal, or replanting of, or
12 mitigation to, a tree on residential property
13 shall be in accordance with Section 23-20 of the
14 City of Margate Code of Ordinances.

15 (d) All machinery, equipment and mechanical or
16 electrical facilities shall be so designed and
17 operated as to minimize noise effects upon
18 surrounding residential properties.

19 (e) Plots shall not be used for business, storage or
20 service purposes for a franchised area.

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

23
24 SECTION 4: The Code of the City of Margate,
25 Florida, Appendix A, Zoning, Article XVIII - RVRP
26 Districts, Section 18.5 - Design standards, is hereby
27 amended to read as follows:

28
29 Section 18.5. - Design standards.

30 (A) RV park standards:

31 (1) *Minimum park size:* One hundred (100) acres.

32 (2) *Reserved.*

33 (3) *Yards:*

34 (a) No building or structure, except fences or walls as
35 hereinafter provided for, shall be located within
36 fifteen (15) feet of any property outside of the
37 RVRP district

38 (b) No recreational vehicle site pad shall be located
39 within fifteen (15) feet of the recreational
40 vehicle park perimeter.

1 (4) *Density:* RV sites are subject to the density limitations
2 set forth in the applicable land use category of the future
3 land use element of the Margate Comprehensive Plan.

4 (B) *Landscaping:*

5 (1) All required landscape buffers and landscaped common
6 areas are subject to the planting and maintenance
7 requirements of chapter 23, *Landscaping*, and shall
8 utilize the principles of *Naturescape Broward*, or a
9 similar native landscape program acceptable to the city.

10 (2) Each RV park shall create and maintain a ten-foot-wide
11 unpaved perimeter buffer along the perimeter property
12 line. This perimeter buffer shall provide a six-foot-
13 high unpierced decorative masonry wall, constructed in
14 conformance to applicable building codes and painted on
15 both sides. Said wall shall be located wholly on the RV
16 park side of the perimeter property line and shall run
17 its full length, except whereas provided for below. No
18 decorative wall or fence shall be required on portions
19 of an RV park perimeter that are contiguous to a body of
20 water that provides a minimum of eighty (80) feet of
21 separation from the nearest property on the opposite
22 side of the body of water; except that a decorative
23 aluminum fence may be installed in such areas.

24 (3) Trees shall be planted every fifteen (15) lineal feet of
25 the perimeter, in a staggered pattern, within and
26 throughout the entire length of the ten-foot perimeter
27 buffer. The tree species used shall be Category I (as
28 provided for in chapter 23) and nondeciduous. The
29 pruning, trimming, removal, or replanting of, or
30 mitigation to, a tree on residential property shall be
31 in accordance with Section 23-20 of the City of Margate
32 Code of Ordinances.

33 (4) Each RV site shall be subject to landscape requirements
34 provided in subsection 23-11(a).

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

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39 SECTION 5: The Code of the City of Margate,
40 Florida, Appendix A, Zoning, Article XL - Property
41 Maintenance Standards, Section 40.4 - Exterior maintenance

1 of structure and premises, is hereby amended to read as
2 follows:

3
4 Section 40.4. - Exterior maintenance of structure and
5 premises.

6 (a) All exterior surfaces of buildings or sheds, excluding
7 roofs, shall be properly maintained and protected from
8 the elements by paint or other protective coating applied
9 in a workmanlike fashion. Painted or protective coatings
10 shall be uniform in color without blemishes throughout
11 the exterior and shall be in accordance with the color
12 palette of the City of Margate adopted by resolution.
13 Trim paint shall be uniform in color and in accordance
14 with the adopted color palette of the City of Margate
15 without blemishes.

16 (b) Every foundation, exterior wall, window, roof and all
17 other exterior surfaces shall be free of holes, cracks,
18 breaks, loose or rotted wood and any condition which
19 might allow rain or moisture, vermin, pests or insects to
20 enter the interior portions of the walls or to the
21 occupied spaces of any dwelling, commercial building or
22 structure.

23 (c) Roofs shall be structurally sound, watertight and shall
24 prevent rainwater or moisture from entering the walls,
25 ceilings or any other portion of the dwelling, commercial
26 building or structure. All building roofs and gutters
27 shall be kept free of faded or chipped paint and shall be
28 maintained in good repair and in good condition to
29 prevent deterioration, and must be cleaned (pressure
30 and/or chemical), repainted or recovered with like
31 material(s) when twenty-five (25) per cent or more of any
32 exposed roof surface becomes discolored or is scaling. In
33 the event a roof shingle or tile is replaced, the
34 replacement shingle or tile shall be of the closest
35 possible color and shade to the existing roofing shingles
36 or tiles.

37 (d) Fences, exterior walls, exterior doors, exterior windows,
38 dumpster enclosures, decorative walls, perimeter hedges,
39 playground equipment, trellis, swimming pools, screen
40 enclosures, modular storage structures, and similar
41 utility enclosures shall be maintained in a good state of
42 repair.

- 1 (e) Each exterior wall surface of buildings and structures
2 shall be kept free of faded or chipped paint, and shall
3 be maintained in a good state of repair and good
4 condition to prevent deterioration, and must be cleaned
5 (pressure and/or chemical), repainted or recovered with
6 like material(s) when twenty-five (25) per cent or more
7 any exposed surface becomes discolored or is peeling. All
8 subdivision walls or walls separating residential areas
9 from commercial areas shall be painted or have a finished
10 surface and all concrete walls shall be stuccoed and
11 painted on the side facing the property adjoining the
12 property on which the wall is situated. All subdivision
13 or common development walls, fences, barriers or
14 barricades shall be constructed in a uniform design,
15 material, pattern and color throughout the length of the
16 same development, as stated in section 3.14 of this Code.
- 17 (f) Any awning or marquee and its supporting structural
18 members shall be maintained in a good state of repair.
19 Awnings or marquees made of cloth, plastic or of a
20 similar material shall not show evidence of excessive
21 weathering, discoloration, ripping, tearing or other
22 damage.
- 23 (g) All signage shall be maintained in the originally
24 permitted and constructed condition as required by this
25 Appendix.
- 26 (h) Rubbish, brush, weeds, broken glass, stumps, roots,
27 obnoxious growths, filth, garbage, trash and debris shall
28 not be permitted on any premises. This subsection shall
29 not apply to garbage, trash and debris, which is
30 containerized in approved receptacles for appropriate
31 collection and removal.
- 32 (i) Dead and/or dying trees and limbs or other natural growth
33 which constitute a health or safety hazard to persons or
34 property shall be removed and replaced if required by
35 city code requirements or site plan approval. Trees shall
36 be kept pruned and trimmed to prevent the occurrence of a
37 health or safety hazard as provided by section 23-17 of
38 the City of Margate Code of Ordinances. The pruning,
39 trimming, removal, or replanting of, or mitigation to, a
40 tree on residential property shall be in accordance with
41 Section 23-20 of the City of Margate Code of Ordinances.

42

1 [Note to Municipal Code: The rest of this section shall remain as
2 codified.]
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5 SECTION 6: The Code of the City of Margate,
6 Florida, Appendix A, Zoning, Article XL - Property
7 Maintenance Standards, Section 40.9 - Landscaping
8 maintenance requirements, is hereby amended to read as
9 follows:

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11
12 Section 40.9. - Landscaping maintenance requirements.

13 All owners of land shall be responsible for the
14 maintenance of all landscaping. This includes mowing and
15 maintaining abutting rights-of-way, swales, lake and canal
16 banks. Landscaping shall be maintained in a good condition
17 so as to present a healthy, neat and orderly appearance at
18 least equal to the original installation and shall be mowed
19 or trimmed in a manner and at a frequency so as not to
20 detract from the appearance of the general area. Landscaping
21 shall be maintained such that it will not cause property
22 damage and public safety hazards, including removal of
23 living, dead or decaying plant material, removal of low
24 hanging branches below twelve (12) feet above grade and
25 those obstructing street lighting. Landscaping shall be
26 maintained in accordance with the following standards:

- 27 (a) *Insects, disease, etc.:* Landscaping shall be kept free of
28 visible signs of insects and disease and appropriately
29 irrigated and fertilized to enable landscaping to be in
30 a healthy condition.
- 31 (b) *Mulching:* Three (3) inches of clean, weed-free,
32 appropriately sterilized organic mulch shall be
33 maintained over all areas originally mulched at all
34 times until landscaped area matures to one hundred (100)
35 coverage.
- 36 (c) *Turf edge trimming:* All roadways, curbs and sidewalks
37 shall be edged to prevent encroachment from the adjacent
38 turfed areas.
- 39 (d) *Maintenance of irrigation systems:* Irrigation systems
40 shall be maintained to eliminate water loss due to
41 damaged, missing or improperly operating sprinkler
42 heads, emitters, pipes and all other portions of the

1 irrigation system and shall not be installed or operated
2 to place water on roads.

3 (e) *Replacement requirements:* An owner is responsible to
4 ensure that living material are replaced with like
5 material if such living material or trees die, or are
6 abused.

7 (f) *Removal of root systems:* Removal of root systems which
8 show evidence of destroying public or private property
9 is required.

10 (g) *Tree abuse:* Tree abuse is prohibited within the City in
11 accordance with section 23-16 of the City of Margate
12 Code of Ordinances.

13 (h) *Tree pruning:*

14 (1) All owners of land must prune trees in accordance
15 with the National Arborist Association Standards.
16 Any pruning performed without conformance to the
17 National Arborist Association Standards shall be
18 subject to enforcement by the city.

19 (2) All tree pruners or removers that provide services
20 for a fee within the City of Margate shall hold a
21 valid occupational license in either Broward, Palm
22 Beach, or Miami-Dade Counties.

23 (3) Residential property is exempt from the requirements
24 of this subsection.
25
26

27 **SECTION 7:** All ordinances or parts of ordinances
28 in conflict herewith are and the same is hereby repealed to
29 the extent of such conflict.
30

31 **SECTION 8:** If any section, sentence, clause, or
32 phrase of this ordinance is held to be invalid or
33 unconstitutional by a court of competent jurisdiction, then
34 said holding shall in no way affect the validity of the
35 remaining portions of this ordinance.
36

37 **SECTION 9:** It is the intention of the City
38 Commission that the provisions of this ordinance shall become
39 and be made a part of the City of Margate Code, and that the
40 sections of this ordinance may be renumbered or relettered and
41 the word "ordinance" may be changed to "section", "article" or
42 such other appropriate word or phrase in order to accomplish

1 such intentions.

2
3 **SECTION 10:** This ordinance shall become effective
4 immediately upon adoption at its second reading.
5

6 PASSED ON FIRST READING THIS 6TH day of NOVEMBER, 2019.

7 PASSED ON SECOND READING THIS 20TH day of NOVEMBER, 2019.

8 ATTEST:

9
10 _____
11 JOSEPH J. KAVANAGH
CITY CLERK

MAYOR ANTHONY N. CAGGIANO

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

13	Simone	<u>YES</u>	Simone	_____
14	Arserio	<u>YES</u>	Arserio	_____
15	Schwartz	<u>YES</u>	Schwartz	_____
16	Ruzzano	<u>YES</u>	Ruzzano	_____
17	Caggiano	<u>YES</u>	Caggiano	_____