

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 40 "LAND DEVELOPMENT CODE;" REPEALING CHAPTER 23 "LANDSCAPING;" REPEALING APPENDIX A "ZONING"; REPEALING APPENDIX C "LAND DEVELOPMENT CODE"; PROVIDING FOR NEW DEFINITIONS, NEW DEVELOPMENT STANDARDS, NEW REGULATIONS, AND INCORPORATING THE PROVISIONS FROM CHAPTER 23 "LANDSCAPING" AND APPENDIX "A" ZONING INTO CHAPTER 40 "LAND DEVELOPMENT CODE"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City of Margate ("Margate"), as a governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its ordinances and land development regulations; and

WHEREAS, the City conducted a first and second reading of this Ordinance at duly noticed public hearings, as required

1 by law, and after having received input from and participation
2 by interested members of the public and staff, the City
3 Commission has determined that this Ordinance is consistent with
4 the City's Comprehensive Plan and is in the best interest of the
5 public health, safety and welfare.

6 NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
7 THE CITY OF MARGATE, FLORIDA:

8 **SECTION 1:** The amendments to Chapter 40 "Land Development
9 Code" are hereby adopted as specifically provided for in Exhibit
10 A attached hereto.

11 **SECTION 2:** Chapter 23 "Landscaping" of the Code of the
12 City of Margate is hereby repealed.

13 **SECTION 3:** Appendix A "Zoning" of the Code of the City of
14 Margate is hereby repealed.

15 **SECTION 4:** Appendix C "Land Development Code" of the Code
16 of the City of Margate is hereby repealed.

17 **SECTION 5:** All ordinances or parts of ordinances in conflict
18 are repealed to the extent of such conflict.

19 **SECTION 6:** If any section, sentence, clause, or phrase of
20 this Ordinance is held to be invalid or unconstitutional by a
21 court of competent jurisdiction, then said holding shall in no
22 way affect the validity of the remaining portions of the
23 Ordinances in Exhibit A.

SECTION 7: It is the intention of the City Commission that the provisions of the ordinances as specifically provided for in Exhibit A shall become and be made a part of the City of Margate Code, and that the sections of those Ordinances may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6: This Ordinance shall become effective December 20, 2023.

PASSED ON FIRST READING THIS _____ day of _____ 2023.

PASSED ON SECOND READING THIS _____ day of _____ 2023.

ATTEST:

JENNIFER M. JOHNSON
CITY CLERK

MAYOR ANTHONY N. CAGGIANO

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

Arserio _____
Ruzzano _____
Caggiano _____
Schwartz _____
Simone _____

Arserio _____
Ruzzano _____
Caggiano _____
Schwartz _____
Simone _____

ARTICLE 1

PURPOSE

ARTICLE 1 PURPOSE

40.100 ~~Title~~ The Margate Unified Land Development Code

The primary purpose of the Unified Land Development Code (ULDC) is the implementation of the City of Margate Comprehensive Plan, as adopted and amended pursuant to F.S. Ch. 163, Pt. II as may be amended from time to time. The City Commission of the City of Margate deems it necessary to adopt the ULDC for the following purposes:

- (A) Guiding and accomplishing coordinated and harmonious development in accordance with the existing and future needs of the city.
- (B) Protecting, promoting and improving the public health, safety, comfort, order, appearance, convenience and general welfare.
- (C) Conserving the value of land, buildings and resources, and protecting landowners from adverse impacts of adjoining developments.
- (D) Protecting the character and maintaining the stability of residential, business, industrial and public areas.
- (E) Promoting the orderly development of residential, business, industrial and public areas.
- (F) Achieving a single set of land development regulations that is as simple and user-friendly as possible but still able to achieve development regulation.
- (G) Directing and controlling, through the establishment of standards, the type, distribution and intensity of development.
- (H) Balancing the interest of the general public and that of individual property owners.

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.
- (B) City divided into districts. In order to more effectively protect and promote the general welfare and to accomplish the aims and purposes of this Code, the City of Margate is divided into districts of such number, shape, and area, and of such common unity of purpose, adaptability or use, that are deemed most suitable to provide for the best general use, and protect the common rights and interests of all by providing specific land development regulations.
- (C) Minimum requirements. The zoning regulations and districts set forth in this Code shall be considered the minimum requirements adopted for the promotion of health, safety,

security, morals, comfort, prosperity and general welfare of the people of the City of Margate.

40.102 – 40.103 - Reserved

40.104 General Rules of Interpretation

(A) *Interpretation.*

1. In the interpretation and application of the ULDC all standards, criteria and requirements shall be liberally construed in favor of the purposes and goals of the City of Margate and deemed neither to limit nor repeal any other lawful regulatory powers of the city.
2. Where this Code conflicts with or overlaps other regulations, whichever imposes the more stringent restrictions shall prevail.
3. In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria or any other provision of this ULDC, the director of development services shall be responsible for interpretation. The director shall rely upon the policies adopted or amended in the comprehensive plan in making any such interpretation.

- (B) *Abrogation.* This ULDC is not intended to repeal, abrogate or interfere with any existing easements, covenants or deed restrictions duly recorded in the public records of Broward County. The ULDC is not intended to repeal any lawful approval by official city action of any site plan planned unit development or subdivision.

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.*
- (B) *Scope.* No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered and maintained, and no existing use, new or change of use of any building, structure, or land or part thereof shall be made or continued, except in conformity with the provisions of this ordinance.

40.106 Severability

- (A) *The issuance or granting of a permit or approval of plans and/or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give the authority to violate or cancel the provisions of this Code shall be valid except insofar as the work or use which it authorizes that is lawful.*
- (B) *The issuance of a permit upon plans and specifications shall not prevent the enforcing officer from thereafter requiring the correction of errors in said plans and specifications*

5094 or from preventing building operations being carried on thereunder when in violation of
5095 this ordinance, or any regulations of the City of Margate.

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5097 **40.107 Interpretation**

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5099 Where such conditions exist in present platted and recorded areas that strict conformance with
5100 lot width, depth, or area or setback requirements cause unnecessary difficulty in the practical
5101 utilization of a corner or an interior lot, the board of adjustment may make such alterations or
5102 deviations in the application of these requirements, as will in its judgments, permit the reasonable
5103 development and use of a specified lot in such a manner as to carry out the spirit and purpose of
5104 this ordinance.

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 Code~~, words in the singular include the plural and those in the plural include the singular; unless the context clearly indicates the contrary. The word "person" includes a corporation, unincorporated association, ~~and~~ a partnership, an incorporated association, or any other similar entity, 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" and "must" are mandatory and not merely directory. The particular shall control the general. In case of any difference of meaning or implication between the text of this Code and any caption, illustration or summary table, the text shall control. Words used in the present tense shall include the future. The words "such as" or "includes" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character. The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used. The word "land" shall include water surface and land under water.

(B) Where a regulation involves two (2) or more items, conditions, provisions, or events connected to the conjunction, the conjunction shall be interpreted as follows:

1. And indicates that all the connected items, conditions, provisions or events shall apply.
2. Or indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
3. Either...or indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

(C) Definitions of terms.

Abandoned personal property. Wrecked or derelict property which has been left abandoned and unprotected from the elements and shall include wrecked, inoperative or partially disassembled machinery, dismantled motor vehicles, trailers, boats, refrigerators, washing machines, plumbing fixtures, furniture and any other similar article which has been left abandoned and unprotected from the elements.

5149 Accessible property. A property that is accessible through a comprised/breached gate, fence,
5150 wall, etc.

5151 Accessible structure. A structure/building that is unsecured and/or breached in such a way as
5152 to allow access to the interior space by unauthorized persons.

5153 Accessory building or structure. A subordinate building or structure on the same lot with, or a
5154 part of, the main building which is devoted to an accessory use. Such building or structure
5155 shall comply with the following general requirements:

5156
5157 1. Is located only in the side or rear setbacks of the principal building, and not within a side
5158 setback abutting a street; and

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5160 2. No accessory structure shall be located within a platted or recorded easement; and

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5162 3. In no case shall an accessory structure be taller than the associate principal structure.

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5165 Accessory use. A use that is naturally and customarily incidental to, subordinate to, and
5166 subservient to the principal use and is permitted on the subject lot after the principal structure
5167 is permitted. Such uses shall comply with the performance criteria set forth below:

5168 1. Is located on the same lot as the principal use; and

5169
5170 2. Contributes to the comfort, convenience, or necessity of the principal use

5171 Adult bookstore. Any establishment having as a substantial or significant portion of its stock-
5172 in-trade, books, magazines, and other periodicals which are distinguished or characterized by
5173 their emphasis on matter depicting, describing or relating to specified sexual activities or
5174 specified anatomical areas, as defined in this code, or an establishment with a segment or
5175 section devoted to the sale or display of such material.

5176 Adult family care home. A full-time, family-type living arrangement, in a private home, under
5177 which a person who owns or rents the home provides room, board, and personal care, on a
5178 twenty-four-hour basis, for no more than five (5) disabled adults or frail elders who are not
5179 relatives. The following family-type living arrangements are not required to be licensed as an
5180 adult family-care home:

5181 1. An arrangement whereby the person who owns or rents the home provides room,
5182 board, and personal services for not more than two (2) adults who do not receive
5183 optional state supplementation under Section 409.212, F.S. as may be amended from
5184 time to time. The person who provides the housing, meals, and personal care must
5185 own or rent the home and reside therein.

5186
5187 2. An arrangement whereby the person who owns or rents the home provides room,
5188 board, and personal services only to his or her relatives.

5189

5190 3. An establishment that is licensed as an assisted living facility under Chapter 429,
5191 Florida Statutes as may be amended from time to time.

5192 Adult Entertainment Establishment. Any enclosed building, or any area or section within any
5193 enclosed building, used for live entertainment or presenting material that is distinguished or
5194 characterized by an emphasis on matter depicting, describing, or relating to "specified sexual
5195 activities" or "specified anatomical areas", as defined in this Code, for observation by patrons
5196 therein.

5197 ~~Alley. A minor right-of-way providing secondary vehicular access to the side or rear of~~
5198 ~~properties otherwise abutting on a street. An unnamed public thoroughfare or way, not more~~
5199 ~~than 22 feet in width and which normally provides a secondary means of access to abutting~~
5200 ~~property or allows access by commercial vehicles for services and deliveries in a~~
5201 ~~nonresidential district.~~

5202 Alteration. "Alter" or "alteration" shall mean any change in size, shape, character, occupancy
5203 or use of a building or structure.

5204 Apartment, efficiency. A dwelling unit in a multiple dwelling, consisting of not more than one
5205 habitable room, together with kitchen or kitchenette and sanitary facilities.

5206 Approval, final plat. The official action of the board City Commission on a final plat which
5207 incorporates all features and provisions of a plat which has been reviewed by the City
5208 Engineer and other appropriate City staff as applicable in order to bring the plat before the
5209 Board and the City Commission.

5210 Approved. Authorized as provided by law.

5211 Assisted living facility. Any building or buildings, section or distinct part of a building, private
5212 home, boarding home, home for the aged, or other residential facility, whether operated for
5213 profit or not, which undertakes through its ownership or management to provide housing,
5214 meals, and one (1) or more personal services for a period exceeding 24 hours to one (1) or
5215 more adults who are not relatives of the owner or administrator.

5216 Automobile storage. The placement of an inoperable or unregistered vehicle on a property,
5217 for more than 24 hours. It shall not include "parking" as defined in this section nor the storage
5218 of new or used vehicles for sale, service, rental.

5219 Automobile wrecking: The dismantling or disassembling of used motor vehicles or trailers, or
5220 the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles
5221 or their parts.

5222 Bar. Any place devoted primarily to the retailing and drinking of any alcoholic beverage,
5223 including any lounge, nightclub, tavern, or saloon, or any other place where any sign or
5224 product is exhibited or displayed indicating that alcoholic beverages are obtainable for
5225 consumption on the premises.

5226 Bedroom. A room that can be used for sleeping, or any room with air-conditioned space
5227 designated on building plan submittals as den, library, loft, office, study or other extra room
5228 will be considered to be a bedroom for the purpose of this Code.

5229 *Bike locker.* An enclosure made of theft-resistant material, with a lockable door that opens the
5230 full width and height of the locker, designed for the storage of one bicycle and accessible only
5231 to the operator of the bicycle.

5232 *Blemish.* A noticeable imperfection that impairs appearance.

5233 *Blighting influence.* Any physical condition of building or property, which directly or indirectly
5234 causes a reduction in the value of surrounding properties.

5235 *Board.* Shall mean the City Planning and Zoning Board.

5236 *Body art studio.* A use that involves the practice of tattooing, branding, scarification, dermal
5237 anchors, and/or body piercing, and most frequently features custom fine art design and "by
5238 appointment" services only.

5239 *Brush.* Any dense growth or bushes, shrubs or weeds, or any accumulation of, but not limited
5240 to: Grass clippings, hedge and tree trimmings, palm fronds, leaves, and other such debris.

5241 *Buffer.* A physical barrier which effectively screens one parcel from an abutting parcel.

5242 ~~*Building.* Any permanent structure having a roof and used or built for the shelter or enclosure~~
5243 ~~of persons, animals, chattels or property of any kind. Any structure, either temporary or~~
5244 ~~permanent, which encloses space, includes a roof, and is used or built for the shelter or~~
5245 ~~protection of persons, animals, chattels, or property of any kind.~~

5246 *Building configuration.* The form of a building, based on its massing, private frontage, and
5247 height.

5248 *Building disposition.* The placement of a building on its lot.

5249 *Building permit:*
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- 5253 1. Any permit for the erection or construction of a new building, or the expansion of an
- 5254 existing building as required by the Florida Building Code, or other building code in
- 5255 force and effect at the time.
- 5256
- 5257 2. Any permit for an existing building which would:
- 5258
- 5259 a. Create one (1) or more additional dwelling units;
- 5260
- 5261 b. Involve a change in the occupancy group of a building as described in the
- 5262 Florida Building Code, or other building code in force and effect at the time-;
- 5263
- 5264 c. Increase the square footage.
- 5265
- 5266 3. Any application for local business tax receipt at an existing development which would
- 5267 involve a separate permitted use, e.g., truck rentals at an existing filling station or
- 5268 gasoline pumps at an existing convenience store.

5269 *Building type.* A structure category determined by function, configuration, and frontage.

5270 *Bulk quantities.* Quantity stored in any container, which quantity is to be removed for
5271 repackaging.

5272 *Bulk storage.* Any storage or any material, which material is to be removed for repacking.

5273 *Canopy.* An unenclosed, roof-like structure on a supporting frame, consisting of any material,
5274 extending from a building or free-standing.

5275 *Carports.* A canopy that is attached to or abuts a principal structure and is open on at least
5276 two (2) sides for the purpose of providing shelter for one (1) or more vehicles.

5277 *Certified land use plan.* The City of Margate Land Use Plan which has been certified by the
5278 Broward County Planning Council as being in substantial conformity with the county land use
5279 plan and which has been adopted by the City Commission in compliance with the
5280 Comprehensive Planning Act of 1975, Section 163.3161, et seq., Florida Statutes.

5281 *Change of occupancy.* The term "change of occupancy" shall mean a discontinuance of an
5282 existing use and the substitution therefor of a use of a different kind or class, as defined by
5283 the Florida Building Code. "Change of occupancy" is not intended to include a change of
5284 tenants or proprietors unless accompanied by a change in the type of use.

5285 *Charter school.* A tax-supported public school established by a charter, pursuant to F.S.
5286 1002.33, as may be amended from time to time.

5287 *Child care facility.* An establishment in which custodial care is rendered to children unrelated
5288 to the operator, and for which the owner or operator receives a payment, fee, or grant for any
5289 of the children receiving care, whether or not operating for profit.

5290 *City Code.* The Code of the City of Margate, Florida, as adopted on February 9, 1972, and
5291 amended from time to time.

5292 *City Commission.* Shall mean the City of Margate City Commission.

5293 *Club, private.* Shall pertain to and include those associations and organizations of a civic,
5294 fraternal or social character, not operated or maintained for profit, and not consisting of
5295 residential facilities. The term "private club" shall not include casinos, night clubs, or other
5296 institutions operated as a business.

5297 *Code compliance officer.* Any employee or agent of the City of Margate duly authorized by the
5298 city manager City Manager to enforce city ordinances.

5299 *Commercial recreation.* A facility providing activities or other recreational uses, either indoor
5300 or outdoor, operated as a business and open to the general public for a fee.

5301 *Commercial vehicles.* Any bus, step van, limousine, truck, trailer, utility trailer, truck tractor,
5302 tow truck or wrecker, agricultural, construction or industrial equipment or any vehicles
5303 designed, intended or used for transportation of people, goods or things for profit, or any
5304 vehicle displaying commercial lettering. The terms shall include but shall not necessarily be
5305 limited to a pick-up truck with altered cargo box, or from which the cargo box has been
5306 removed. Any vehicle with tools, building materials, merchandise or outfitted with emergency

5307 flashing or rotating lights visible from the street or from abutting residential property shall be
5308 deemed a commercial vehicle.

5309 *Commissary.* A commissary is a public food service establishment licensed by the Division of
5310 Hotels and Restaurants or permitted by the Department of Agriculture and Consumer Services
5311 that is utilized by a Mobile Food Dispensing Vehicle (MFDV) operator for the purpose of
5312 providing support services that are not available on an MFDV that is not self-sufficient. Support
5313 services include: obtaining potable water; disposing of wastewater and solid waste; cleaning
5314 and sanitizing utensils and equipment; storing food, single-service items and other supplies;
5315 and preparing food.

5316 *Committed trip.* A trip generated with the TRIPS model from an approved but not yet built
5317 development.

5318 *Community residential home.* A dwelling unit licensed to serve residents who are clients of
5319 the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of
5320 Juvenile Justice or the Department of Children and Families or licensed Agency for Health
5321 Care Administration.

5322 *Community residential home, Type 1.* A dwelling unit that provides a living environment for
5323 homes of six (6) or fewer residents which otherwise meet the definition of a community
5324 residential home shall be deemed a single-family unit and a noncommercial, residential use.
5325 Homes of six (6) or fewer residents which otherwise meet the definition of a community
5326 residential home shall be allowed in single-family or multifamily zoning districts without
5327 approval by the City, provided that such homes are not located within a radius of 1,000 feet
5328 of another Type 1 home or within a radius of 1,200 feet of another Type 2 home. Such homes
5329 with six (6) or fewer residents are not required to comply with the notification provisions of
5330 Chapter 419, Florida Statutes as may be amended from time to time; provided that, before
5331 licensure, the sponsoring agency provides the City with the most recently published data
5332 compiled from the licensing entities that identifies all community residential homes within the
5333 jurisdictional limits of the City in which the proposed site is to be located in order to show that
5334 there is not another Type 1 home within a radius of 1,000 feet and not another Type 2 home
5335 within a radius of 1,200 feet of the proposed home. At the time of home occupancy, the
5336 sponsoring agency must notify the City that the home is licensed by the licensing entity. For
5337 purposes of City land use and zoning determinations, this definition does not affect the legal
5338 nonconforming use status of any community residential home lawfully permitted and operating
5339 as of July 1, 2016.

5340 *Community residential home, Type 2.* A dwelling unit meeting the definition of community
5341 residential home which provides a living environment for seven (7) to 14 unrelated residents
5342 who operate as the functional equivalent of a family, including such supervision and care by
5343 supportive staff as may be necessary to meet the physical, emotional, and social needs of
5344 residents. Type 2 homes shall not be located within 1,000 feet of another Type 1 home and
5345 within 1,200 feet of another Type 2 home. For purposes of City land use and zoning
5346 determinations, this definition does not affect the legal nonconforming use statues of any
5347 community residential home lawfully permitted and operating as of July 1, 2016.

5348 *Concurrency management system.* The provisions in the City of Margate Comprehensive Plan
5349 including implementation regulations, encompassing the restrictions, methods, resources,
5350 timing and solutions intended to be compatible with and further compliance with the statutory
5351 requirement to provide public facilities and services needed to support development
5352 concurrent with the impacts of such development.

5353 *Concurrency.* A provision that public facilities and services needed to support development
5354 shall be available at the same time or coincidental with the impacts of such development.

5355 *Constrained facility.* A road segment which is not planned for a capacity improvement in the
5356 adopted Highway Network Plan of Broward County.

5357 *County commission.* The Board of County Commissioners of Broward County, Florida.

5358 *Convenience store.* The term "convenience store" means any place of business having 4,000
5359 gross square feet or less of space that is engaged in the retail sale of groceries, which may
5360 include the sale of prepared foods, and/or gasoline and/or service. The term "convenience
5361 store" does not include restaurants.

5362 *Courtyard.* Outdoor space that is confined by building walls, sometimes between multiple
5363 developments.

5364 *Courtyard building.* A building that occupies the boundaries of its lot while internally defining
5365 one or more private patios.

5366 Coverage: The area of a lot covered or occupied by buildings or structures.

5367 *Cul-de-sac.* A minor street intersecting another street at one end and terminated at the other
5368 end by vehicular turnaround.

5369 *Deficiency.* A condition of deterioration that is not in violation of this article; however, such
5370 condition can be expected to become a violation within a short period of time.

5371 *Deterioration.* The condition or appearance of any structure or grounds, or parts thereof,
5372 characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of
5373 physical decay, neglect or lack of maintenance.

5374 *Detoxification.* A service involving subacute care that is provided on an inpatient or outpatient
5375 basis to assist individuals to withdraw from the physiological and psychological effects of
5376 substance abuse and who meet the placement criteria provided in Chapter 397, Florida
5377 Statutes, as may be amended from time to time.

5378 *Detoxification facility.* A facility licensed to provide detoxification services under Chapter 397,
5379 Florida Statutes as may be amended from time to time.

5380 *Developer.* A person or his agent who undertakes the activities covered by these regulations,
5381 particularly the preparation and presentation of a subdivision plat showing the layout of the
5382 land and the public improvements involved therein. Inasmuch as the subdivision plat is merely
5383 a necessary means to the end of assuring a satisfactory development, the term "developer"
5384 is intended to include the term "subdivider", even though the persons involved in successive
5385 stages of the project may vary.

5386 *Development order.* An order authorizing the granting, denying or granting with conditions of
5387 an application for a development permit.

5388 *Development permit.* Any building permit, as defined herein, subdivision resurvey or plat
5389 approval, rezoning, special exception, site plan, site plan amendment, plat amendment, land
5390 use plan amendment, or other official action of the City having the effect of permitting the

5391 development or redevelopment of land. This does not include any variance or other official
5392 action necessary solely for the purpose of issuing a permit, other than a building permit,
5393 pursuant to the Florida Building Code, or other building code in force and effect at the time.

5394 Development. The meaning given in Section 380.04, Florida Statutes, as may be amended
5395 from time to time.

5396 Dilapidated. A condition of structural disrepair or deterioration to the extent requiring
5397 rehabilitation, reconstruction or demolition.

5398 Dollar store. A store selling household goods that has two or more of the following
5399 characteristics: use of pricing information in its name such as "dollar," "ninety-nine," "cents,"
5400 or "five;" selling personal care products labeled and originally marketed for sale in a different
5401 country than the United States; selling damaged or overstock products; or the majority of
5402 inventory is offered for sale for a price of less than ten dollars (\$10.00) (2023 CPI) in or
5403 equivalent CPI in current year.

5404 Drainage facilities. A system of man-made structures or topographic land features designed
5405 to collect, convey, hold, divert or discharge stormwater, including stormwater sewers, canals,
5406 detention structures and retention structures.

5407 Driveway. A private surface-way which provides a primary means of access to off-street
5408 parking or loading spaces.

5409 Duplex. Two (2) attached dwelling units in one (1) building.

5410 Dwelling. Any building, or part thereof, occupied in whole or in part, as the residence or living
5411 quarters of one (1) or more persons, permanently or temporarily, continuously or transiently.

5412 1. Multiple unit dwelling: A lot containing three (3) or more one-family dwelling units.
5413
5414 2. One-family dwelling unit: A lot containing a dwelling unit occupied by one (1) family.
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5416 3. Two-family dwelling unit: A lot containing two (2) one-family dwelling units.

5417 Dwelling unit. A house, apartment or condominium unit, trailer, group of rooms or a single
5418 room intended for occupancy as a separate living quarter with direct access from the outside
5419 of the building or through a common hall, including rental condominiums and retirement
5420 housing. Any habitable room or group of habitable rooms located within a dwelling and forming
5421 a single habitable unit for occupation by only one (1) family with facilities used, or intended to
5422 be used, for living, sleeping, cooking, and eating, with or without sanitary facilities.

5423 Easement. A right of use or control of a section of property granted for a designated purpose.

5424 Electrical. All work, materials and/or system of electrical wiring for use of light, heat or power,
5425 and all appurtenances, apparatus or equipment used in connection therewith, inside of or
5426 attached to any building or structure, lot or premises.

5427 Elevation. An architectural drawing that represents a structure as being projected
5428 geometrically on a vertical plane parallel to one of its sides.

5429 Enforcement officer. Any law enforcement officer, fire department official, building official,
5430 zoning inspector or code compliance officer employed within the city.

5431 Enforcing official. Shall mean the officers and employees of the department, bureau or agency
5432 of the City of Margate to whom the duty of enforcing the terms of this resolution is assigned
5433 under the resolution.
5434

5435 Entrance, principal. The main point of pedestrian access into a building.
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5437 Erected. The word "erected" includes built, constructed, reconstructed, moved upon or any
5438 physical operations on the premises required for building. Excavation, fill, drainage and the
5439 like shall be considered a part of erection.

5440 Evidence of vacancy. Any condition that on its own or combined with other conditions present
5441 would lead a reasonable person to believe that the property is vacant. Such conditions may
5442 include, but not be limited to, overgrown and/or dead vegetation, accumulation of abandoned
5443 personal property or an absence of home furnishings or personal property, as defined herein,
5444 statements by neighbors, passersby, delivery agents or government agents, among other
5445 evidence that the property is vacant.

5446 Family. For the purposes of this zoning ordinance, a family shall be defined as one (1) person,
5447 or a group of two (2) or more persons living together and interrelated by bonds of
5448 consanguinity, marriage or legal adoption, or a group of no more than three (3) unrelated
5449 persons, occupying the whole or part of a dwelling as a separate housekeeping unit with a
5450 single set of culinary facilities within a dedicated space. The persons thus constituting a family
5451 may also include gratuitous guests and domestic servants. Any person under the age of 18
5452 years whose legal custody has been awarded to the state department of health and
5453 rehabilitative services or to a child-placing agency licensed by the department, or who is
5454 otherwise considered to be a foster child under the laws of the state, and who is placed in
5455 foster care with a family, shall be deemed to be related to and a member of the family for the
5456 purposes of this chapter. Nothing herein shall be construed to include any roomer or boarder
5457 as a member of a family. This definition shall not supersede state or federal regulations
5458 regarding families and/or the use of real property within a residential district for community
5459 residential facilities.
5460

5461 Family care facilities. A facility which provides residence, supervision, and support in a family
5462 setting to eight (8) or fewer unrelated individuals who are handicapped, aged, disabled, or in
5463 need of adult supervision.

5464 Fire hazard. Anything or any act which violates the prevailing fire codes of the City.

5465 Floor area. Where a specified minimum "floor area" is required in the zoning ordinance for a
5466 dwelling, "floor area" shall mean the total gross area within the external perimeter of the
5467 exterior enclosing walls, including Florida rooms, sunrooms and utility rooms which are fully
5468 enclosed and directly accessible from the interior of the dwelling but excluding other utility
5469 rooms, unenclosed porches, terraces, breezeways, and carports or garages.

5470 Foreclosure. The legal proceedings initiated by a creditor to repossess the collateral for a
5471 residential or commercial loan that is in default.

5472 Foreclosure property. Any property that is under a current notice of default and/or notice of
5473 mortgagee's sale, or properties that have been the subject of a foreclosure sale where the title
5474 was retained by the beneficiary of a mortgage involved in the foreclosure, any properties
5475 transferred under a deed in lieu of foreclosure or sale or any properties transferred or pending
5476 transfer as part of bankruptcy proceedings. See also Registrable property.

5477
5478 Frontage of a building. Shall mean the side or wall of a building approximately parallel and
5479 nearest to a street.

5480
5481 Frontage of property. Shall mean the lot line which abuts a street or separates the lot from a
5482 street.

5483
5484 Fully shielded. A light fixture constructed and installed in such a manner that all light emitted
5485 by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or
5486 refraction from any part of the fixture, is projected below the horizontal plane. This can be
5487 determined by a field test or visual assessment of an operating sample.

5488 Garage. A building or part thereof, used for indoor parking of automobiles.

5489
5490 Garage, repair. A building, or part thereof, where vehicles are received and a fee is paid for
5491 repairs to any part of the vehicle, but shall not include wholesale rebuilding of parts, and paint
5492 and body works.

5493 Garbage. The animal and/or vegetable waste resulting from the handling, preparation,
5494 cooking, and/or consumption of food; and wastepaper, plastic or related materials used in the
5495 packaging and preparation of foods or other nonhazardous household goods.

5496 GBI. The Green Building Initiative.

5497 Glare. Brightness in the field of view that is sufficiently greater than the amount to which the
5498 eye is adapted, causing annoyance, discomfort, or loss of visual performance and visibility.

5499 Go-cart. A four-wheel vehicle, designed for a single rider, having a one or two (2) cylinder
5500 internal combustion engine.

5501 Good state of repair. That a building, structure or parcel of land is safe and habitable for its
5502 ordinary and intended use, and that the materials used in any structure or fixture are sound,
5503 stable and conform to its original purpose and performing the function for which intended and
5504 not in need of maintenance.

5505 Grade. The natural elevation of the ground, established relative to the required base floor
5506 elevation for the applicable coastal flood zone designated by the current Federal Emergency
5507 Management Agency's (FEMA) Flood Insurance Rate Maps (FIRMs), or in the extreme cases
5508 of varied elevations within the same site, grade shall be established by the city building
5509 department.

5510 Grade, finished. The finished elevation of a site after all fill, land balancing or site preparations
 5511 have been completed. The finished grade shall be the elevation from which all structural
 5512 heights are measured.

5513 ~~Green building.~~ ~~Generally the resource efficient design, construction, and operation of~~
 5514 ~~buildings deemed to be employing environmentally sensible construction practices, systems~~
 5515 ~~and materials.~~ A building that emphasizes state-of-the-art strategies for sustainable site
 5516 development, water savings, energy efficiency, materials selection and indoor environmental
 5517 quality and is identified as meeting verifiable green building standards.

5518 Greenway. An open-space corridor in largely natural conditions which may include trails for
 5519 bicycles and pedestrians.

5520 Green Globes. The current version of the green building rating system administered by GBI.

5521 Habitable. Any building or structure or portion thereof that is used, or intended for use, on a
 5522 day-to-day basis by people for residential purposes, or for purposes of conducting a
 5523 commercial or industrial business, or for purposes of a similar nature.

5524 Half or partial street. A street, generally parallel and adjacent to the boundary line of a tract,
 5525 having a lesser right-of-way width than that required for full development of the type of street
 5526 involved.

5527 Hazardous substances. Any substance or material which, by reason of its toxic, caustic,
 5528 corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the
 5529 health or safety of any person handling or using or otherwise dealing with such material or
 5530 substance.

5531 Height of building. The vertical distance from the established grade at the center of the front
 5532 of the building to the highest point of the roof surface for a flat roof, to the deck line for a
 5533 mansard roof and to the mean height level between eaves and ridge for gable, hip and
 5534 gambrel roofs.

5535 Home occupation. Any use conducted entirely within a dwelling for financial gain, which use
 5536 is clearly incidental and subordinate to the use of the dwelling for residential purposes and
 5537 does not change the character thereof.

5538 Horizontal mixed-use. A mix of uses where different uses are adjacent to each other within
 5539 the same lot or development. Nonresidential uses shall occupy a minimum of 15 percent, with
 5540 such percentage calculated based upon the ratio of total gross ground floor area of all
 5541 proposed buildings within the project. The nonresidential uses may consist of office or retail
 5542 and service uses, or a combination thereof.

5543 Hospital. A hospital licensed under Chapter 395, F.S., and Part II of Chapter 408, Florida
 5544 Statutes as may be amended from time to time.

5545 Hotel. A building, or part thereof, in which sleeping accommodations are offered to the public,
 5546 with no cooking facilities for use by the occupants, and in which there may be a public dining
 5547 room for the convenience of the guests. Access to the sleeping rooms shall be through an
 5548 inside lobby or office.

5549 Improvement, public. Any of the following: street pavement, with or without curbs and gutters;
5550 sidewalks, alley pavement; walkway pavements; water mains; sanitary sewers; storm drains;
5551 street name signs, street trees; permanent reference monuments (PRM); permanent control
5552 points (PCP).

5553 Impervious area. A surface area of land that does not allow for any penetration of water to
5554 the subsurface area.

5555 Industrially-zoned property. Shall mean any land or water area whose zoning district
5556 classifications is M-1 or M-1A under this ordinance.

5557 Inflammable liquid. Any liquid which under operating conditions gives off vapor which, when
5558 mixed with air, is combustible and explosive.

5559 Infrastructure. Those man-made structures which serve the common needs of the population,
5560 such as: sewage disposal systems; potable water systems; solid waste disposal sites or
5561 retention areas; stormwater systems; utilities; docks; breakwaters; bulkheads; seawalls;
5562 causeways; bridges; and roadways.

5563 Inoperative vehicle. Any wrecked or partially dismantled vehicle which is parked or stored for
5564 longer than 48 hours without having all wheels mounted, or which is in a condition of
5565 substantial disrepair, or which is parked or stored without having all tires inflated. It shall also
5566 mean a vehicle which does not have affixed a current automobile license tag.

5567 Junk yard. Place, structure or lot where junk, waste, discarded, salvaged, or similar materials
5568 such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels,
5569 containers, etc., are bought, sold, exchanged, baled, packed, disassembled or handled,
5570 including auto wrecking yards, used lumber yards, housewrecking yards and yards or place
5571 for storage or handling of salvaged house wrecking and structural steel materials. This
5572 definition shall not include pawnshops and establishments for the sale, purchase, or storage
5573 of usable second-hand cars, salvaged machinery, used furniture, radios, stoves, refrigerators
5574 or similar household goods and appliances. Nor shall it apply to the processing of used,
5575 discarded or salvaged materials as part of manufacturing operations.

5576 Kennel. The term kennel shall be construed to include any establishment for the raising,
5577 training, boarding or selling of dogs, cats, birds, mice, rats, or other small animals for hire or
5578 profit, or where more than four dogs or cats are harbored or kept over four (4) months of age.
5579 "Kennel" shall not include any humane society, animal protection agency, veterinarian clinic,
5580 or hobby breeder. Kennel shall also include any person or establishment that intentionally or
5581 un-intentionally causes or allows the breeding or studing of a cat or dog of three (3) or more
5582 litters of dogs or cats per household or premises during a consecutive twelve-month period
5583 whether or not such animals were made available for sale, adoption or other placement

5584 Land development regulations. Ordinances enacted by governing bodies for the regulation of
5585 any aspect of development including: zoning, rezoning, subdivision, building construction,
5586 sign regulations or any other regulations controlling the development of land.

5587 Land platted. Any land recorded by plat in the Broward County circuit court clerk's office after
5588 June 4, 1953.

5589 Land unplatted. Any land or part thereof, not recorded by plat in the Broward County circuit
5590 court clerk's office.

5591 *LEED*. The current version of the USGBC's Leadership in Energy and Environmental Design
5592 rating system in effect at the time a project is registered with the USGBC.

5593 *Level of service*. An indicator of the extent or degree of service provided by, or proposed to
5594 be provided by, a facility based on and regulated to the operational characteristics of the
5595 facility. Level of service shall indicate the capacity per unit of demand for each public facility.
5596 Level of service may also be referred to as "LOS."

5597 *Light manufacturing*. Products from aluminum, brass, bronze, copper, steel or other metal or
5598 from cloth, canvas, leather, paper, rubber, shell, plastic, wood or other materials, such as
5599 electronic devices, food products, chewing gum, syrup, fruit juices, extracts, drugs or
5600 medicines, electrical fixtures, hardware and cutlery, musical instruments, and optical devices.

5601 *Light trespass*. Light produced by a lighting fixture that illuminates a surface beyond the
5602 boundaries of the property on which it is located.

5603 *Limited access self-service storage facility*. A multistoried self-service facility with limited
5604 access points from the exterior to interior halls that serve the individual bays.

5605 *Liner building*. A building, usually shallow in depth, specifically designed to mask a parking
5606 lot, parking garage or blank wall from a frontage.

5607 *Live-work unit*. A dwelling unit that is also the primary place of work, which place of work is
5608 located on the ground floor for the occupant of the unit.

5609 *Local street*. Any publicly dedicated street used primarily for access to abutting property. This
5610 definition also includes collector streets which carry traffic from local streets to regional arterial
5611 roads.

5612 *Long-term care facility*. A nursing home facility, assisted living facility, adult family-care home,
5613 or any other similar residential adult care facility that provides rehabilitative, restorative, and/or
5614 ongoing skilled nursing care to patients or residents in need of assistance with activities of
5615 daily living.

5616 *Lot*. A tract or parcel of land identified as a single unit in a subdivision, and intended for transfer
5617 of ownership, use or improvement. Land occupied or to be occupied by a building or use, and
5618 their accessory buildings and accessory use, together with such setbacks and open spaces
5619 as are required by this ordinance. A "lot" may consist of one (1) or more, or portions of a
5620 platted lot and/or unplatted land.

5621 *Lot, corner*. A "corner lot" is a lot of which at least two (2) adjacent sides abut for their full
5622 length upon streets, provided that such two (2) sides intersect at an interior angle of not more
5623 than 135 degrees. Where a lot is on a curve, if tangents through the intersections of the lot
5624 lines with the street lines make an interior angle of not more than 135 degrees, such a lot is a
5625 "corner lot". In the case of a "corner lot" with a curved street line, the corner shall be
5626 considered to be that point on the street line nearest to the point of intersection of the tangents
5627 herein described.

5628 *Lot depth*. The mean horizontal distance between the front and rear lines of a lot.

5629 *Lot, interior*. A lot other than a corner lot.

5630 Lot line, front. The line dividing a lot from a street or base building line, whichever will result
 5631 in a lesser depth of lot. On a corner lot the shorter of the two (2) "front lot lines" as above
 5632 defined shall be considered to be the "front lot line" for the purposes of determining required
 5633 lot width and required front setback depth. On a corner lot where both "front lot lines" as above
 5634 defined are equal length, both such lines shall be considered to be "front lot lines" for the
 5635 purpose of determining required street setback depth. On through lots both "front lot lines" as
 5636 above defined shall be considered to be "front lot lines" for the purpose of determining required
 5637 setbacks.

5638 Lot line, rear. The lot line opposite and most distant from the front lot line. In the case of a
 5639 triangular or gore-shaped wherein the two (2) side lot lines converge in the rear, the "rear lot
 5640 line" shall be considered to be a line ten (10) feet in length within the lot parallel to and at the
 5641 minimum distance from the front lot line.

5642 Lot line, side. Any lot line other than a front or rear lot line. A "side lot line" separating a lot
 5643 from a street is called a "side street lot line". A "side lot line" separating a lot from another lot
 5644 or lots is called an "interior" or "side lot line."

5645 Lot line, street or alley. A lot line separating the lot from a street or alley.

5646 Lot, reversed corner: A corner lot the side street line of which is substantially a continuation
 5647 of the front lot line of first lot to its rear.

5648 Lot, through. A lot abutting on two (2) streets, not at their intersection, if any which may be
 5649 either a corner or interior lot

5650 Lot width. The horizontal distance between the side lines of a lot ~~at the front yard line or at the~~
 5651 ~~front lot line where no front setback is required~~ at the depth of the required front setback.

5652 Machine. Any contrivance which serves to regulate the effect of a given force or to produce
 5653 or change motion.

5654 Margate Comprehensive Plan. The comprehensive plan of the City of Margate prepared and
 5655 adopted in conformity with Florida Statutes, Section 163.

5656 Medical office. An office providing services to the public by physicians, dentists, surgeons,
 5657 chiropractors, osteopaths, physical therapists, nurses, acupuncturists, podiatrists,
 5658 optometrists, psychiatrists, (who are also known as health care practitioners) or others who
 5659 are duly licensed to practice their respective professions in the State of Florida, as well as
 5660 others, including but not limited to technicians and assistants, who are acting under the
 5661 supervision and control of a licensed health care practitioner.

5662 Mixed-use. Multiple functions within the same building through superimposition or adjacency,
 5663 or in multiple buildings within the same lot by adjacency.

5664 Motel. A building or part thereof, in which sleeping, and/or living accommodations are offered
 5665 to the public primarily on a short term or transient basis, with access to the individual units
 5666 from the exterior of the building and parking facilities for use of guests near their quarters.

5667 Multiple dwelling. A building which provides separate living quarters for two (2) or more
 5668 dwelling units.

5669 *Mylar.* A 24"x36" dimensionally stable plastic film in which the final plat drawing is placed
5670 upon.

5671 *Net traffic impact of development.* The total trips to be generated by a proposed development,
5672 as measured by the TRIPS model, less the trips, if any, estimated to be generated by the
5673 existing development to be replaced or generated by a previously approved plat.

5674 *Nominal salvage value.* The value of an article of abandoned or derelict property
5675 which a reasonably prudent person would believe the fair market value of the property would
5676 be nominally greater than the costs of salvage including the removal, transportation, storage
5677 and sale of same. (This shall take into consideration its useful life, earning capacity or
5678 replacement cost, less depreciation and items of general or special depreciation.)

5679 *Nonconforming structure.* A structure or portion thereof, existing at the effective date of this
5680 ordinance, or any amendment thereto; which was occupied, designed, erected, intended, or
5681 structurally altered for use not permitted at its location by the provisions of this ordinance for
5682 a new use, and/or which does not conform to all of the regulations applicable to the district in
5683 which it is located.

5684 *Nonconforming use.* The use of a structure or premises, existing at the effective date of this
5685 ordinance, or any amendment thereto, for any purpose not permitted for a new use in the
5686 district in which it is located.

5687 *Non-residentially zoned parcel.* Any parcel of land whose zoning designation is C, G, CC, B-
5688 1, B-2, B-2A, B-3, M-1, M-1A, CF-1, CF-2, S-1, S-2 or any business areas of a PUD.

5689 *Nuisance.* Anything that violates the standards provided herein, or any other city, county, state
5690 or federal law.

5691 *Nuisance lighting.* Includes, but is not limited to glare, light trespass, and skyglow.

5692 *Nursing home facility.* Any licensed facility which provides nursing services as defined in Part
5693 I of Chapter 464, Florida Statutes, as may be amended from time to time.

5694 *Occupied.* The word "occupied" includes arranged, designed, built, altered, converted, rented
5695 or leased, or intended to be occupied.

5696 *Occupant.* Any person living, sleeping or having actual possession of a dwelling.

5697 *Occupy.* The residing of an individual in a dwelling unit or the installation, storage, or use of
5698 equipment, merchandise, or machinery in any public, commercial, or industrial building.

5699 *Office.* Premises available for the transaction of general business of a clerical or administrative
5700 nature, but specifically excluding entertainment, retail, wholesale, artisanal, warehousing,
5701 repair, and manufacturing uses.

5702 *Open space.* An outdoor area dedicated for public use.

5703 *Operator.* Any person who has charge, care or control of a building, structure or parcel of land,
5704 or part thereof.

5705 Ordinance. The zoning code of the City of Margate and any amendments thereto.

5706 Over-all plan. A plan depicting a general layout of streets, blocks, lots, waterways, etc., for the
5707 future subdividing of an area, which may be platted in sections for each of which a preliminary
5708 plat will be filed.

5709 Owner. Any person or legal entity who, alone or jointly has legal, equitable or beneficial title
5710 to any building or structure, or part thereof, which is subject to this article.

5711 P.C.P. Shall mean permanent control point, each of which shall consist of a nail in a disc
5712 stamped with surveyor's registration number or brass marker, marked PCP, and shall be
5713 located as required by Broward County.

5714 Package store. A business establishment licensed to sell liquor in containers for consumption
5715 off the premises, including, but not limited to, any business with a 3APS alcohol license.

5716 Pain management clinic. Any clinic, facility, or office that is required to be registered with the
5717 Florida Department of Health pursuant to F.S. § 458.3265 or 459.0137, as amended may be
5718 amended from time to time.

5719 Parcel. Any quantity of land capable of being described with such definiteness that its location
5720 and boundaries may be established, which is designated by its owner or developer as a unit
5721 or which has been used or developed as a unit.

5722 Parking. The term "parking" shall mean the temporary, transient storage of private passenger
5723 vehicles used for personal transportation, while their operators are engaged in other activities.
5724 It shall not include storage of new or used vehicles for sale, service, rental, or any other
5725 purpose other than specified above. "Parking" as defined herein shall apply only to open-air
5726 storage of vehicles.

5727 Parking structure. A building containing two (2) or more stories of parking facilities. Parking
5728 structures within the Activity Center boundary that are located on an established build-to line
5729 shall have liner buildings at the first story.

5730 Passage. A pedestrian connector passing between buildings, providing shortcuts through long
5731 blocks and connecting rear parking areas to building frontages.

5732 Path. A pedestrian way traversing a park or courtyard, with landscape matching the
5733 contiguous open space. Paths should connect directly with the urban sidewalk network.

5734 Patio. An unenclosed, finished outdoor surface area, adjacent to or apart from a building, not
5735 containing accommodation for vehicles.

5736 Payday loans. A non-chartered financial institution that offers deferred deposit transaction
5737 services, check cashing services or loans for payment of a percentage fee. The term "non-
5738 chartered financial institution" shall include, but is not limited to deferred deposit transaction
5739 (payday loan) business that makes loans upon assignment of wages received, check cashing
5740 businesses that charge a percentage fee for cashing a check or negotiable instrument, or
5741 motor vehicle title lenders who offer short-term loan secured by the title to motor vehicles.
5742 This definition does not include non-profit financial institutions or retail sellers engaged
5743 primarily in the business of selling consumer goods to retail buyers, that cash checks or issue
5744 money orders as a service to its customers that is incidental to its main purpose or business.

5745 *Pedestrian zone.* An aesthetic buffer designed to help visually soften the hardscape of urban
5746 development while also providing for pedestrian travel and improved site connectivity.

5747 *Performance standards.* Criteria for permitting and controlling various uses and activities
5748 within the City in order to limit negative impacts and maintain the character of the City of
5749 Margate in accordance with the goals and objectives of the comprehensive plan of the City of
5750 Margate.

5751 *Permanent reference monuments (PRM).* Monuments as defined by Chapter 177, Florida
5752 Statutes.

5753 *Person.* The word "person" includes any individual, association, firm, partnership, co-
5754 partnership, or corporation.

5755 *Personal care services.* An establishment (not having as its primary function the sale of retail
5756 goods) primarily engaged in providing appearance care and/or beauty services to individual
5757 consumers such as beauty salons, ear piercing and spas.

5758 *Pervious area:* A surface area of land that allows passage of air and water to the subsurface
5759 area, including, but not limited to, grass, mulch, and stone. Limestone gravel and pavers are
5760 not considered as pervious surface. Pavers and turfblock that are designed to be pervious
5761 with an underground drainage system may be counted as 50% pervious.

5762 *Pet store or pet shop:* A retail establishment open to the public and engaging in the business
5763 of offering for sale and/or selling animals at retail.

5764 *Place of Assembly.* An establishment providing a place for persons to gather together for a
5765 common purpose in a meeting, recreational, religious or social facility. This definition shall
5766 include, but is not limited to auditoriums, private clubs and lodges, community centers,
5767 clubhouses, theaters, and places of worship or other facilities that are used for prayer and
5768 assembly by persons of similar beliefs.

5769 *Planned improvement facility.* A road segment for which a capacity improvement is planned
5770 in the adopted Highway Network Plan of Broward County.

5771 *Planter.* The element of the public streetscape which accommodates street trees. Planters
5772 may be continuous or individual.

5773 *Plat.* A map or delineated representation of a tract or parcel of land showing the designation
5774 of such land as lot(s), block(s), parcel(s), tract(s) or other portions thereof, however the same
5775 may be designated, and which, if approved, will be submitted for recording in the plat book of
5776 the Public Records of Broward County, Florida.

5777 *Plat, final.* A complete and exact subdivision plan, showing proposed street and lot layout,
5778 prepared for official recording as required by statute, to identify and define property rights,
5779 dedications and public improvements, and incorporating all corrections required by the City
5780 Planning and Zoning Board and city Engineer upon review of the preliminary plat.

5781 *Platted land.* Any land which can be referenced to an official plat book and page number.

5782 *Plazas.* Large outdoor spaces that extend the public realm from the street or sidewalk to the
5783 main entry of an adjacent building.

5784 Porch. A roofed-over space attached to the outside of an exterior wall of a building, which has
5785 no enclosure other than the exterior walls of such building. Open mesh screening shall not be
5786 considered an enclosure.

5787 Potable water facilities. A system of structures designed to collect, treat or distribute potable
5788 water, including water wells, treatment plants, reservoirs and distribution mains.

5789 Potable water. Water which is satisfactory for drinking, culinary and domestic purposes and
5790 which meets the quality standards of the Florida Department of Environmental Protection.

5791 Poultry. Any chickens, turkeys, ducks, geese, peafowl or guinea fowl.

5792 Poultry market. A commercial establishment or place where live poultry or fowls are kept and
5793 prepared for sale, including killing or cleaning

5794 Principal building. A building which is occupied by, or devoted to, a principal use or an addition
5795 to an existing principal building which is larger than the original existing building. In
5796 determining whether a building is of primary importance, the use of the entire parcel shall be
5797 considered. There may be more than one principal building on a parcel.

5798 Principal structure. A structure, the use of which is the principal or primary use of the land. A
5799 principal structure may consist of a building or an unmanned or uninhabited structure such as
5800 a communication tower, utility substation, parking facility or other similar construction. There
5801 may be more than one (1) principal structure on a parcel.

5802 Principal use. The primary use of a parcel of land as distinguished from secondary or
5803 accessory uses. There may be more than one principal or main use on a parcel of land.

5804 Private property. All lands and improvements other than public lands and improvements.

5805 Project. Construction associated with the creation, development, major renovation, or erection
5806 of any building deemed to be eligible for an approved green building certification program.

5807 Public facilities. Major capital improvements including, but not limited to, transportation,
5808 sanitary sewer, solid waste, drainage, potable water, educational facilities, park and
5809 recreational facilities and health systems.

5810 Public property. Canals, all waterways, lands and improvements owned by a governmental
5811 body or any governmental agency including, but not limited to, easements and rights-of-way,
5812 but excluding the campus of any institution of the state university system.

5813 Public utility. Any public or private utility such as, but not limited to, storm drainage, sanitary
5814 sewers, electrical power, water service, gas service or telephone lines, whether underground
5815 or overhead.

5816 Real property. Any residential or commercial land and/or buildings, leasehold improvements
5817 and anything affixed to the land, or portion thereof identified by a property parcel identification
5818 number located within the City limits.

5819 Recovery residence. A residential dwelling unit, the community housing component of a
5820 licensed day or night treatment facility with community housing, or other form of group
5821 housing, that is offered or advertised through any means, including oral, written, electronic, or

5822 printed means, by any person or entity as a residence that provides a peer-supported, alcohol-
5823 free and drug-free living environment. The number of unrelated residents and distance
5824 requirements set forth by Type 1 and Type 2 community residential homes shall apply to these
5825 facilities.

5826 *Recreational vehicle (RV).* Any vehicle constructed so as to permit occupancy thereof as
5827 sleeping or living quarters, used as a conveyance on highways and streets, and propelled by
5828 its own motive power.

5829 *Recreational vehicle (RV) lot structure.* A fully enclosed accessory structure located on an RV
5830 site within an approved RV park. This definition shall not include tiki huts, chickee huts, or any
5831 other thatched roof structure.

5832 *Recreational vehicle (RV) park.* A place set aside and offered by a person or public body, for
5833 either direct or indirect remuneration of the owners, lessor or operator of such place, for the
5834 parking and accommodation of five (5) or more recreational vehicles (as defined in F.S. §
5835 320.01(1)(b)).

5836 *Recreational vehicle (RV) site.* The lot within a recreational vehicle park delineated for
5837 individual recreational vehicle occupancy. The site typically includes a pad on which the
5838 recreational vehicle is parked, a driveway, utility connections and open space area. An RV
5839 site may also include a patio area, RV lot structure, and decorative features including, but not
5840 limited to, tables, lampposts and grills.

5841 *Redevelop.* To demolish a principal building or structure of a site and construct a new principal
5842 building or structure; or to expand an existing principal building or structure 50% or more as
5843 defined as a substantial improvement by FEMA.

5844 *Regional transportation network.* Those roadways shown on the Broward County Trafficways
5845 Plan promulgated by the Broward County Planning Council, or on the Broward County Plan
5846 promulgated by the Broward County Metropolitan Planning Organization, or for which right-
5847 of-way has been delineated by the board of county commissioners.

5848 *Regional transportation network.* Those trafficways designated on the Broward County
5849 Trafficways Plan.

5850 *Redevelop.* To demolish a principal building or structure of a site and construct a new principal
5851 building or structure; or to expand an existing principal building or structure 50% or more as
5852 defined as a substantial improvement by FEMA.

5853 *Registrable Property.* Any Real Property located in the City, whether vacant or occupied, that
5854 is subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject
5855 of a Foreclosure Action by a Mortgagee or trustee and a judgement has been entered, or has
5856 been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a
5857 mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of
5858 foreclosure/sale. The designation of a "foreclosure" property as "registrable" shall remain in
5859 place until such time as the property is sold to a non-related bona fide purchaser in an arm's
5860 length transaction or the Foreclosure Action has been dismissed.

5861 Registry. A web-based electronic database of searchable real property records, used by the
5862 City to allow Mortgagees the opportunity to register properties and pay applicable fees as
5863 required in this Section.

5864 Remodeling, redecorating or refinishing. Any change, removal, replacement, or addition to
5865 walls, floors, ceilings and roof surfaces or coverings which do not support any beam, ceiling,
5866 floor load, bearing partition, columns, exterior walls, stairways, roofs or other structural
5867 elements of a building or a structure.

5868 Reserve strip. A piece of land or line on one (1) side of a street in the control of the owner of
5869 the land on the opposite side of the street which prevents access to the street by development
5870 immediately beyond the piece of land or line.

5871 Residential building. Any improved real property, or portion thereof, situated in the City,
5872 designed or permitted to be used for dwelling purposes, and shall include the buildings and
5873 structures located on such improved real property.

5874 Residentially zoned property. Any land or water area that has a residential zoning district
5875 classification.

5876 Resource recovery facility. Any facility at which solid waste is processed for the purpose of
5877 extracting, converting to energy, or otherwise separating and preparing solid waste for reuse.

5878 Restaurant. A building or room, not operated as a dining room in connection with a hotel,
5879 where food is prepared and served for pay for consumption on the premises.

5880 Restaurant with automobile service. Any restaurant where provision is made on the premises
5881 for serving of food, refreshments, or beverages to customers in automobiles or for pick-up
5882 service via an automobile drive-thru.

5883 Restaurant, take-out: A restaurant where provision is made solely for the selling, dispensing,
5884 or serving of food, refreshments, or beverages to customers for consumption in other than a
5885 completely enclosed building on the premises.

5886 Retail. The selling of merchandise to end users, usually in small quantities and not intended
5887 for resale. Retail establishments shall have merchandise available for purchase for walk-in
5888 clientele, and shall have all sales transactions take place on site. Internet and other off-
5889 premises transactions shall not be considered retail, but may be permitted as an accessory
5890 use to retail.

5891 Reverse frontage lot. A lot extending between and having frontage on a trafficway and a minor
5892 street and with no vehicular access from the trafficway.

5893 Right-of-way. Land reserved, used or to be used for a street, alley, walkway, drainage facility
5894 or other public purpose.

5895 Roof line. The overall ridge line of the structure which does not include cupolas, elevator
5896 towers, clock towers or other features that are permitted to exceed maximum height of the
5897 building. In the case of flat roofs, it is the uppermost line of the roof of a building.

5898 *Rooftop photovoltaic solar system.* A system which uses one (1) or more photovoltaic panels
5899 installed on the surface of a roof, parallel to a sloped roof or surface- or rack-mounted on a
5900 flat roof, to convert sunlight into electricity.

5901 *Rowhouse.* A single-family dwelling that shares a common wall with another of the same type
5902 and occupies the full frontage line. (Syn: Townhouse.)

5903 *Rubbish.* All combustible and noncombustible waste materials except garbage, including but
5904 not limited to nonoperative toys, bicycles, motorcycles, automobiles, mechanical equipment
5905 and machines or parts thereof.

5906 *Sanitary sewer facilities.* Structures or systems designed for the collection, transmission,
5907 treatment or disposal of sewage, including trunk mains, interceptors, treatment plants and
5908 disposal systems.

5909 *School.* Facilities of public or private, primary or secondary schools, vocational and technical
5910 schools and colleges and universities licensed by the Florida Department of Education. This
5911 shall not include home schools, nor day care centers.

5912 *Semi-Annual Registration.* Six (6) months from the date of the first action that requires
5913 registration, as determined by the City, or its designee, and every subsequent six (6) months
5914 the property is Registrable. The date of the initial registration may be different than the date
5915 of the first action that required registration.

5916 *Service contractors.* These include air conditioning service and installation, carpet installers,
5917 glass and mirror installers, carpet cleaners, exterminators, lawn care companies, and other
5918 similar businesses performing work off-premises. This definition specifically excludes
5919 automotive and personal services.

5920 *Setback.* A space on a lot with a structure or use, open and unobstructed from the ground to
5921 the sky except by structural encroachments specifically permitted in this Code. "Setback"
5922 measurements shall be the minimum horizontal distances. "Setbacks" shall extend and be
5923 measured inward from the respective lot line.

5924 *Setback, front.* A setback extending across the full width of the lot between the front lot line
5925 and the nearest line of the main use or main building on the lot.

5926 *Setback, rear.* A setback extending across the full width of the lot between the rear lot line and
5927 the nearest line of the main building.

5928 *Setback, side.* A setback extending from the front setback to the rear setback the depth of a
5929 lot, between the side lot line and the nearest line of any building or use of the lot. The width
5930 of a "side setback" shall be the shortest distance between the side lot line and the nearest
5931 use or building on the lot.

5932 *Setback, street side.* A setback extending the depth of a lot, between the nearest line of any
5933 building or use of the lot and a side lot line that is adjacent to a right-of-way.

5934 *Setback or base building line.* The line within a property defining the required minimum
5935 distance between any enclosed structure and the adjacent right-of-way.

5936 Shed. A permanent, simple roofed structure, typically made of wood or metal with four (4)
 5937 sides enclosed, that is permanently affixed to the ground, meets all Florida Building Code
 5938 regulations, is not equipped with plumbing, and is used for the primary purpose of additional
 5939 storage space.

5940 Shopping center. A group of commercial predominately retail or service establishments
 5941 planned, developed, managed, and operated as a unit and which utilize a common parking
 5942 area.

5943 Sidewalk. That portion of the street intended for use by pedestrians between the curbline, or
 5944 the lateral lines of a roadway, and the adjacent property lines.

5945 Sight distance. The minimum extent of unobstructed vision (in a horizontal or vertical plan)
 5946 along a street from a vehicle located at any given point on the street.

5947 Single-family home. Any detached residential structure constructed with the intention that said
 5948 structure be occupied by one (1) family as a separate housekeeping unit.

5949 Skyglow. The adverse effect of brightening of the night sky due to man-made lighting.

5950 Social Centers. A facility used as a place of meeting, recreation, or social activity and not
 5951 operated for profit and in which neither alcoholic beverages or meals are normally dispensed
 5952 or consumed.

5953 Solid Waste. Refuse, garbage, or sludge that has been discarded, recycled or abandoned as
 5954 a byproduct material that occurs as a result of processing or manufacturing. Does not include
 5955 the primary products of a production process.

5956 Solid waste disposal facility. Any facility, location, or installation used for incinerating,
 5957 composting, chemical oxidizing, sanitary landfilling or other means of disposing, storing, or
 5958 processing of solid wastes.

5959 Special exception use. A use that would generally not be appropriate in the zoning district,
 5960 which may be authorized if specific provisions and controls are applied, Special exception
 5961 uses may be deemed appropriate to provide a complete distribution of uses within the city,
 5962 but because of their operational characteristics or area requirements need to be given
 5963 individual consideration with respect to their location, access and relationship to adjacent
 5964 properties and public rights-of-way, and the use conforms with the city's goals, objectives and
 5965 policies within the comprehensive plan.

5966 ~~Solid waste facilities. Structures or systems designed for the collection, processing or disposal~~
 5967 ~~of solid wastes including hazardous wastes, and also including transfer stations, processing~~
 5968 ~~plants, recycling plants and disposal systems.~~

5969 ~~Solid waste. Sludge from a wastewater treatment plant, water supply treatment plant or air~~
 5970 ~~pollution control facility or garbage, rubbish, refuse or other discarded material including solid,~~
 5971 ~~liquefied, semi solid or contained gaseous material resulting from domestic, industrial,~~
 5972 ~~commercial, mining, agricultural or governmental operations.~~

5973 Spot Zoning. The rezoning of a lot(s) or parcel(s) of land to benefit a property owner for a use
 5974 incompatible with surrounding uses and not for the purpose or effect of furthering the policies

- 5975 and goals of the City's Comprehensive Plan. The proposed rezoning would give privileges not
5976 generally extended to property similarly located in the area.
- 5977 Spot Zoning. A property or group of properties having specific zoning designations applied to
5978 them that differ from the zoning designations surrounding them.
- 5979 Story. A habitable level within a building.
- 5980 Street. A public thoroughfare which normally affords principal means of access to abutting
5981 property.
- 5982 Street, collector. A street which, in addition to giving access to abutting properties, carries
5983 traffic from minor streets to the major system of arterial streets and highways, including the
5984 principal entrance street of a residential development and streets for circulation within such a
5985 development.
- 5986 Street, marginal access. A minor street parallel to and adjacent to a traffic way, and which
5987 provides access to abutting property and protection from through traffic.
- 5988 Street, minor. A street used primarily for access to abutting property.
- 5989 Streetscape. The urban element that establishes the major part of the public realm. The
5990 streetscape is composed of roads (travel lanes for vehicles and bicycles, parking lanes for
5991 cars, urban greenways and sidewalks or paths for pedestrians) as well as the visible private
5992 frontages (building facades and elevations, porches, setbacks, decorative fences, awnings,
5993 etc.), and the amenities of the public frontages (street trees and plantings, benches,
5994 streetlights, etc.).
- 5995 Structure. Anything constructed, installed or portable, the use of which requires a location on
5996 a parcel of land, such as buildings, trailers, fences, billboards, swimming pools, poles,
5997 pipelines, transmission lines, tracks and advertising signs.
- 5998 Structural alteration. Any change, except for repair or replacement, in supporting members of
5999 a building or structure, such as bearing walls, columns, beams or girders.
- 6000 Structure. Means anything constructed, installed, or portable, the use of which requires a
6001 location on a parcel of land. It includes a movable building which can be used for housing,
6002 business, commercial, agricultural, or office purposes, either temporarily or permanently.
6003 "Structure" also includes driveways, roads, walkways, paths, fences, swimming pools, tennis
6004 courts, poles, pipelines, transmission lines, tracks, signs, cisterns, sewage treatment plants,
6005 sheds, docks, mooring area and other accessory construction.
- 6006 Structurally sound. Free of imperfections which affect the intended use of the structure so as
6007 not to endanger the health, safety and welfare of the inhabitants or neighbors.
- 6008 Subdivider. See "Developer".
- 6009 Subdivision. The division of land into two (2) or more lots or parcels for purpose of transfer of
6010 ownership or development, or if a new street is involved, any division of a parcel of land.
- 6011 Substantially redevelop or reconstruct. "Substantially redevelop or reconstruct" shall mean
6012 the cost of the proposed improvement, rebuilding, repair or reconstruction will be ~~seventy-five~~

6013 ~~(75)~~ 75 percent of the value of the building(s) or structures(s) as determined by the Broward
6014 County Property Appraiser for that calendar year.

6015 *Supplied.* Paid for, furnished or provided by or under control of the owner or operator.

6016 *Surface water management.* The collection of devices, improvements or natural systems
6017 whereby surface waters are controlled, impounded or obstructed. The term includes dams,
6018 impoundments, reservoirs and appurtenant works as defined in Subsections 373.403 (1—4),
6019 Florida Statutes, as well as all artificial structures including, but not limited to, ditches, canals,
6020 conduits, channels, culverts, pipes and all other construction that conveys, impounds or
6021 controls surface water.

6022 *Swale.* All unpaved portions of right-of-way located between the edge of pavement and the
6023 property line or an easement located on property adjacent to the right-of-way line.

6024 *Tattooing.* Any method of placing permanent designs, letters, scrolls, figures or symbols upon
6025 or under the skin with ink or any other substance, by the aid of needles or any other instrument
6026 designed to touch or puncture the skin, resulting in either the coloration of the skin, or the
6027 production of scars or scarring, including permanent and semi-permanent makeup such as
6028 microblading.

6029 *Tent.* Any temporary, enclosure, free-standing or attached to a structure, the roof of which
6030 and/or one-half or more of the sides, are of silk, cotton, canvas, fabric or a light material.

6031 *Townhouse.* A single-family dwelling unit not exceeding three (3) stories in height constructed
6032 in a group of three (3) or more attached units with property lines separating such units in which
6033 each unit extends from foundation to roof and with a setback or public way on not less than
6034 two (2) sides.

6035 *Trafficway.* A street other than minor or collector streets, which is intended primarily for
6036 through travel by all types of traffic for considerable distances, including freeways,
6037 expressways, primary arterial highways, major thoroughfares and secondary thoroughfares,
6038 or as identified on a trafficway plan.

6039 *Trailer.* An open vehicular structure constructed for the storage or conveyance of boats,
6040 vehicles, swamp buggies, tools, equipment or machinery, and so designed that it is or may
6041 be mounted on wheels and used as a conveyance on highways and streets propelled or drawn
6042 by other motive power. This definition shall include automobile trailers, trailer coaches and
6043 house trailers.

6044 *Transit station.* A transit stop incorporated into a principal building which provides an air-
6045 conditioned seating area with electronic bus/LRT location information.

6046 *Transit stop.* A designated location that allows a bus/LRT to stop and load or unload
6047 passengers.

6048 *Trash.* All small discarded materials from around a premises which can be deposited in an
6049 approved trash receptacle for collection and can be burned or otherwise properly handled at
6050 an incinerator.

6051 Urban greenway. A multipurpose path accommodating bicycle and pedestrian traffic along
6052 major arterial roadways providing for a minimum clear zone from obstructions, and meeting
6053 or exceeding minimum landscaping requirements.

6054 Use. Any purpose for which buildings or other structures or land may be arranged, designed,
6055 intended, maintained, or occupied; or any occupation, business, activity or operation carried
6056 on or intended to be carried on in a building or other structure or on land.

6057 Use of land. Includes use of water surface and land under water to the extent covered by
6058 zoning districts, and over which the City of Margate has jurisdiction.

6059 Use, principal or main. The primary use of the lot as distinguished from secondary or
6060 accessory uses. There may be more than one (1) "principal or main use" on a lot.

6061 USGBC. The United States Green Building Council.

6062 ~~Utilities. "Utilities" shall mean all utilities and similar facilities, including, but not limited to, gas,~~
6063 ~~telephone, cable, fiber, internet, broadband, telecommunications, and other communications~~
6064 ~~and electrical distribution and transmission facilities.~~

6065 Utilities. All lines and facilities related to the provision, distribution, collection, transmission, or
6066 disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication
6067 and telephone cable, and includes facilities for the generation of electricity.

6068 Vacant. Any building/structure that is not legally occupied.

6069
6070 Variance. The procedure where the strict application of the provision of the zoning regulations
6071 relating to area, duration, height, setback or setback requirements may be modified in a
6072 particular instance when certain criteria based on substantial competent evidence are met.
6073 Variances relating to use, ~~including separation requirements,~~ are not included in this definition
6074 and are prohibited.

6075
6076 Vehicle. Any automobile, truck bus, boat or trailer, motorcycle, motor scooter or similar type
6077 vehicle, full track, half-track, recreational vehicle, swamp buggy or any apparatus self-
6078 propelled that is used for the transportation or any person or persons.

6079
6080 Vehicle dealership. An establishment primarily for the sale of new vehicles that include as
6081 incidental accessory uses, the sale of used vehicles, service and repair of vehicles, and sale
6082 of parts within a site area that includes:

6083
6084 1. An enclosed showroom for merchandise;
6085 2. Outdoor display and storage of vehicle inventory;
6086 3. Service and repair facilities within a fully enclosed building; and
6087 4. Parts sales occurring within a fully enclosed building.

6088
6089 Vehicle fuel station. Any area of land, including structures or parts of structures thereon, that
6090 is used for the supply of gasoline or other fuels, including electricity, for motor vehicles at retail
6091 sale.

6092 Vehicle sales agency. An establishment licensed to sell any of the following: New and/or used
6093 automobiles, commercial vehicles, truck, trailer, boats, motorcycles, and recreational vehicles.
6094 Automobile dealership, as defined in this section, may also be permitted under this use.
6095

6096 Vending machine. Any machine or container, manual or automated, and designed for the
6097 convenient storage and dispensing of merchandise for retail sale; including, but not limited to,
6098 soda vending machines, food vending machines, ice chests, video rental machines, and water
6099 dispensing/vending machines.
6100

6101 Vermin. All common harmful or objectionable animals or insects that are difficult to control.

6102 Vertical mixed-use. Means a project that includes one (1) or more buildings of at least two
6103 stories, with nonresidential uses occupying a minimum of 15 percent of the ground floor, with
6104 such percentage calculated based upon the ratio of total gross ground floor area of all
6105 proposed buildings within the project. The nonresidential uses may consist of office or retail
6106 and service uses, or a combination thereof. Residential uses shall occupy the remainder of
6107 the space within vertical mixed-use buildings.

6108 Walkway. A right-of-way intended primarily for pedestrians, excluding self-propelled vehicles,
6109 which cuts across a block to improve circulation and access to adjacent street, services or
6110 properties.

6111 Walkway café. A portion of a restaurant or eating establishment that is unenclosed, which is
6112 located outside of and adjacent to the principal building on a private sidewalk, and which
6113 provides a sit-down area for food and/or beverage consumption.
6114

6115 Waterway. A stream, canal or body of water, dedicated to public use, publicly owned, or used
6116 and available for public travel by boats, not including privately owned bodies of water or
6117 drainage ditches.
6118

6119 Wholesale. The selling of goods, products, or materials to retail, manufacturing, or repair
6120 establishments, usually in bulk quantities, and intended for resale, refinement, or use for
6121 repair.
6122

6123 Zoning certificate. A document issued by the enforcing official authorizing buildings, structures
6124 or uses consistent with the terms of the zoning ordinance and for the purpose of carrying out
6125 and enforcing its provisions.
6126

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.
- (C) Representations in granting of permits. Any representation made before any city board, any administrative board, or the city commission in the application for a variance, special exception, conditional use or request for any other permit shall be deemed a condition of the granting of the permit. Should any representation be false or should said representation not be continued as represented, same shall be deemed a violation of the permit and a violation of this section.
- (D) Burden of proof. Unless otherwise specifically provided for in this Code, the applicant or appellee for any conditional use permit, variance, special exception, appeal, waiver, land use plan amendment or other determination shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the City Commission in any quasi-judicial matter before the City Commission or any Board or Committee of the City.
- (E) Margate Community Redevelopment Plan. Within the Margate Community Redevelopment Agency special district, in consideration of any rezoning, variance, waiver, special exception, conditional use, land use plan amendment or other determination affecting zoning, the goals and objectives of the Margate Community Redevelopment Plan shall also be met.

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: That the proposed development is consistent with the Margate Comprehensive Plan.
- i. That the proposed development is in conformity with the Unified Land Development Code. 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 (1.a. 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.

- 6220 ii. That wastewater treatment and disposal service is available to serve the needs of
6221 the proposed development. A determination that wastewater treatment and
6222 disposal service is available shall be based upon one of the two (2) following
6223 criteria:
- 6224
- 6225 a. The wastewater treatment plant has sufficient capacity to provide for the
6226 wastewater treatment and disposal needs of the proposed development, other
6227 developments in the service area which are occupied, available for occupancy,
6228 for which building permits are in effect, or for which wastewater treatment and
6229 disposal capacity has been reserved; or
- 6230
- 6231 b. The wastewater treatment plant lacks sufficient capacity to provide the
6232 wastewater treatment and disposal needs specified in subsection 1.b. above,
6233 but such capacity can feasibly and will be made available. A finding may also
6234 be made with an express condition as to wastewater treatment and disposal
6235 services when it is determined that wastewater treatment and disposal services
6236 are not available but will be made available. A finding that wastewater and
6237 disposal services will be made available shall be based upon a demonstration
6238 that there is an economically and fiscally feasible plan to construct or expand
6239 a wastewater treatment and disposal facility which will have sufficient capacity
6240 to provide for the treatment and disposal needs of the development proposed
6241 by the application and for other developments in the service area which are
6242 occupied, available for occupancy, for which building permits are in effect or
6243 for which wastewater treatment or disposal capacity has been reserved. The
6244 determination that wastewater treatment and disposal service is available shall
6245 not be construed as a reservation of capacity for the development submitted
6246 unless a developer's agreement is executed with the City specifically reserving
6247 wastewater treatment and disposal capacity.
- 6248
- 6249 c. That the proposed development includes a system of sanitary sewers together
6250 with all necessary pumping stations and appurtenances adequate to serve all
6251 parcels of the subdivision.
- 6252
- 6253 d. The City Commission may require the installation of wastewater lines and
6254 appurtenances which are in excess of the subdivision design needs and
6255 mutually establish an equitable reimbursement program with the developer.
- 6256
- 6257 iii. That the traffic generated by the proposed development will be safely and
6258 efficiently handled by the regional transportation network and local streets.
6259 Roadway improvements including, but not limited to, additional turning lanes,
6260 median openings and/or closing, and traffic-control devices may be required. An
6261 applicant for a development permit which will generate in excess of five hundred
6262 (500) ~~500~~ trips per day according to the trip rates contained in the Broward County
6263 Trips Application's "Trip rates by Land Use" (Effective December 8, 2009 and as
6264 may be periodically updated) published by Broward County Planning and
6265 Development management Division, shall be required to submit to the City a traffic
6266 impact statement.
- 6267

- 6268 a. Any such statement shall be prepared by a professional engineer registered
6269 by the state and shall assess the impact of the proposed development on
6270 all public streets and intersections within a one-mile radius of the perimeter
6271 of that development. The Director of Environmental and Engineering
6272 Services shall use as the basis for review the standards set forth in the
6273 current editions of the following: Manual of Uniform Minimum Standards for
6274 Design, Construction, and Maintenance for Streets and Highways, Florida
6275 Department of Transportation; Manual on Uniform Traffic Control Devices
6276 for Streets and Highways, Federal Highway Administration; Chapter 40,
6277 Article III of this Code; the "Future Land Use Plan" of the Margate
6278 Comprehensive Plan; and the "Traffic Circulation Element" of the Margate
6279 Comprehensive Plan.
6280
- 6281 iv. That adequate rights-of-way and easements for a surface water management
6282 system are provided pursuant to Chapter 11 and Chapter 40, Article III of this
6283 Code. In the case of site plans, that the approved minimum design criteria of the
6284 above as well as the "Basis of Review for Surface Water Management," South
6285 Florida Water Management District and the applicable drainage district are met or
6286 exceeded.
6287
- 6288 v. That the engineering design for streets, sidewalks and other public places meet or
6289 exceed the minimum standards set forth in chapters 40 and 35 of this Code. Such
6290 determination shall include, but not be limited to, internal site vehicular traffic
6291 circulation plans, and appropriate traffic signage and pavement markings.
6292
- 6293 vi. That the engineering design of a water distribution and wastewater collection
6294 system meets or exceeds the applicable minimum standards and requirements of
6295 the following: Chapter 39 of this Code; "AWWA Standards," American Water
6296 Works Association; Broward County Environmental Protection & Growth
6297 Management; and the Florida Department of Environmental Protection.
6298
- 6299 vii. That the collection of solid waste be provided for in a manner that serves the needs
6300 of the proposed development, in conformance with the standards set forth in
6301 Chapter 19 of this Code.
6302
- 6303 c. *Representative from the Fire Department.* The representative from the Fire
6304 Department determines:
6305
- 6306 i. That the proposed development will comply with hydrant locations and a water
6307 distribution system pursuant to Chapter 14 of this Code.
6308
- 6309 ii. That the proposed development provides adequate driving lanes, turning radii,
6310 vertical clearance, and fire lanes to provide access for emergency vehicles.
6311
- 6312 iii. That the proposed development will meet NFPA codes and standards.
6313
- 6314 iv. That state statutes pertaining to trafficways are complied with.

- 6315
- 6316 v. That the Fire Department will be able to protect life and property within the
- 6317 proposed development.
- 6318
- 6319 d. *Building official.* The Building Official determines:
- 6320
- 6321 i. In the case of site plans that the location of structures on the plot, the type of
- 6322 construction, and the use and occupancy of all structures on the site is in
- 6323 conformity with the building code in force and effect.
- 6324
- 6325 ii. In the case of site plans, that the proposed finished floor elevation is at or above
- 6326 the minimum prescribed by Chapter 17 and Section 11-3 of this Code.
- 6327
- 6328 e. *Director of Public Works.* The Director of Public Works considers the potential impacts
- 6329 of the proposed development to existing infrastructure; specifically:
- 6330
- 6331 i. Roadways and sidewalks.
- 6332
- 6333 ii. Storm water utilities, including the City's canal system.
- 6334
- 6335 f. *Representative from the Police Department.* The representative from the Police
- 6336 Department considers possible public safety issues presented in proposed
- 6337 developments. The representative may consider as a basis for review the standards
- 6338 set forth in the current CPTED standards, guidelines & policies of the International
- 6339 Crime Prevention through Environmental Design Association.
- 6340
- 6341 g. *Representative from the Margate Community Redevelopment Agency.* The
- 6342 representative from the Community Redevelopment Agency determines that any
- 6343 proposed development within the CRA boundary is consistent with the Margate
- 6344 Community Redevelopment Plan, and the Margate CRA Building Design Regulations.
- 6345
- 6346 (B) Development presumed to have maximum impact permitted; use of site plan to access
- 6347 maximum impacts.
- 6348
- 6349 1. A proposed development shall be presumed to have the maximum impact permitted under
- 6350 applicable land development regulations such as zoning regulations and the land use
- 6351 element of the Margate Comprehensive Plan.
- 6352
- 6353 2. If a site plan is presented when a proposed plat, subdivision resurvey or rezoning
- 6354 application is submitted, it may be used as the basis to assess the maximum impact of the
- 6355 development. In the event that an application for a building permit is submitted which,
- 6356 provides more intensive uses than those indicated on the site plan or substantially
- 6357 deviates from the approved site plan, the application shall be referred to the Development
- 6358 Review Committee for assessment. If the Development Review Committee determines
- 6359 that the permit proposes more intensive uses than those indicated on the approved site
- 6360 plan or substantially deviates from the approved site plan, the site plan shall be revised
- 6361 and reviewed as a new site plan application.
- 6362

(C) Underground wiring required:

1. 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 Department of Environmental and Engineering Services Director to be compatible with the requirements of all utility companies involved with respect to a particular utility service.
2. 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.
3. 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.

(D) Underground placement of existing utilities:

1. 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.
 - i. 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.
 - ii. 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.
 - iii. 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

6411 responsible to continue the underground conversion across the
6412 intersection/street to the nearest point(s) of connection at no cost to the
6413 City.
6414

6415 iv. No overhead poles shall be allowed to stay adjacent to any parcel that is
6416 required to have underground utilities pursuant to this section of the City
6417 Code. If the utility poles to be removed through the undergrounding project
6418 also support street light fixtures, then the poles shall be replaced with
6419 dedicated and functional street light poles and fixtures.
6420

6421 v. The material and design of the replacement streetlights shall be subject to
6422 approval by the Department of Environmental and Engineering Services
6423 Director.
6424

6425 b. For any permit application for a new residential development project of five (5)
6426 dwelling units or more, a new nonresidential or mixed use development or to
6427 substantially redevelop or reconstruct an existing residential project of five (5)
6428 dwelling units or more or existing nonresidential or mixed use development on
6429 property located within the City of Margate and outside of the Central Business
6430 District ("CBD") as provided in the Margate Comprehensive Plan, Element I Future
6431 Land Use Element, Map 1-36, as amended and approved all utility lines, including
6432 but not limited to those required for electrical power distribution, telephone
6433 communication, internet service, street lighting and television signal services, shall
6434 be installed underground from the building(s) or structure(s) to the terminal
6435 supplied by the utility company (in most cases this shall mean that the utility lines
6436 shall be underground from the street line or pole line to the building or structure.
6437

6438 c. This section shall apply to all cable, conduits or wires forming part of an electrical
6439 distribution system, including service lines to individual properties necessary to
6440 serve the property under consideration.
6441

6442 i. However, this section shall not apply to wires, conductors or
6443 associated apparatus and supporting structures where
6444 exclusive function is in transmission of electrical energy
6445 between generating stations, substations and transmission
6446 lines of other utility systems.
6447

6448 ii. Appurtenances such as transformer boxes, pedestal mounted
6449 terminal boxes, and meter cabinets may be placed above
6450 ground and shall be located in such a manner as to minimize
6451 noise effects upon the surrounding residential properties.
6452

6453 iii. If utility poles are to be removed through the undergrounding
6454 project and the removed utility poles also support street light
6455 fixtures, then the poles shall be replaced with dedicated and
6456 functional street light poles and fixtures.
6457

- iv. The material and design of the replacement streetlights shall be subject to approval by the Department of Environmental and Engineering Services Director.
2. *Exception.* The following shall be exceptions to the undergrounding wiring requirements:
- a. Electrical transmission or distribution lines with a rated load of more than ~~twenty-seven (27)~~ 27 kV (~~twenty-seven thousand (27,000)~~ 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)~~ 27 kV (~~twenty-seven thousand (27,000)~~ 27,000 volts) or less shall not be exempted from the requirements of this section.
 - b. City of Margate owned property and City initiated permits including rezoning and land use plan amendments.
 - i. 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.
3. *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.
- a. 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.
 - b. 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, Comcast, etc., each owner and/or developer who benefits from this conversion or undergrounding shall pay the City all expenses related to the conversion or undergrounding, including, but not limited to, design construction and/or any fees in a pro-rated manner as determined by the City Commission.
4. *Process timing and waiver:*
- a. The developer and/or owner shall evidence compliance with the requirements in this division by providing to the City a signed agreement between the developer and/or the owner and each relevant utility showing that the utility has agreed, at the developer or owner's cost, to place or convert the relevant utilities underground, or the developer and/or owner has established an agreement with the City indicating their intent to comply with the undergrounding requirements of subsection (J) above.

- b. This evidence or application for waiver shall be submitted with the permit application; if not thus submitted, then the permit application shall be deemed incomplete. The City shall require this evidence or an application for waiver, as described in subsection c., below, to accompany the review of the permit application. The City Commission shall be the final authority to grant or deny said waiver application.
- c. Any developer or owner subject to the requirements of this section may apply to the City, in a form specified by the City and accompanied by the payment of a waiver application fee as set by resolution of the City Commission seeking to be relieved of the requirements of this division.
- d. This waiver application must be submitted to the City prior to the time specified in subsection a., above.
- i. If the developer or owner claims that technical reasons are the basis for the waiver application, the application shall contain a detailed statement by a professional engineer licensed in the State of Florida, qualified with respect to utility issues, explaining why, in the engineer's professional opinion, it is technically infeasible to locate such utilities underground. The waiver application shall include a detailed line-item estimate prepared by a professional engineer licensed in the State of Florida, qualified with respect to utility issues.
- ii. The estimate shall clearly identify the scope of the project and include all related costs associated with the undergrounding project, including, but not limited to, all labor, materials, transitional equipment, provisions for maintenance of traffic, etc.
- iii. The director of environmental and engineering services and the development services director shall review such application and shall make a recommendation to the City Commission.
- iv. The City Commission shall have the authority to grant or deny a waiver. The City may grant a waiver if the application is supported by information detailing justifiable reasons for not pursuing the subject undergrounding, including, by way of example and not limitation, technical infeasibility or impracticability, practical infeasibility or impracticability, or the cost to relocate the utilities underground outweighs the documented benefits to the City and the public, as determined by the City Commission in its sole discretion.
- e. If a waiver is granted, the owner or developer shall deposit into the City's Underground Utility Trust Fund a dollar amount equal to the estimate provided in the waiver application, and as agreed upon by the City, prior to the development permits being issued.

- i. 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.

5. *Underground Utility Trust Fund – Established.*

There is hereby established an Underground Utility Trust Fund. Contributions generated from the waiver provision of section 40.301(I) 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.

6. *Restriction on expending funds.*

- a. 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:

- i. 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.
- ii. Public property beautification projects, including, but not limited to, median improvements, which are occasioned by the placement of utility lines underground.
- iii. Payment for any loan, bond, or other debt incurred for any project authorized by this section, including debt service, if any.

- b. 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.

7. *Prohibition against expending funds.*

- a. 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.
- b. 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.

c. 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.

8. *Authority to expend funds.* Any project which meets the criteria for funding from the Underground Utility Trust Fund as set forth in subsection (5) 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.

9. Amendments to or rescission of underground utility trust fund.

a. The City Commission may, by ordinance, temporarily cease depositing contributions from the waiver provisions of section 40.301 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.

b. The City Commission may, by ordinance, amend or rescind the Underground Utility Trust Fund.

c. 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 this subsection.

40.302 Site Plan Approvals and Amendments

(A) Site Plan approval required. Approval of a site plan by the Development Review Committee is required prior to any development of land in the City.

1. Exemption. Notwithstanding any other provision of this section, the following activities shall not require compliance with this section, unless referred for site plan approval by the Development Services Director.

a. Any development permit application for a single-family home or duplex on an existing platted lot for new construction or modifications to an existing structure or premises.

b. Any accessory structure, fence, pool sign, wall, or building modification that does not affect parking.

c. 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.

(B) Application for Site Plan approval.

1. Procedures. An application for site plan approval shall be filed and processed pursuant to the timeframes required F.S. 166.033 as may be amended from time to time unless otherwise waived by the applicant.

2. Submission requirements. In order to have a site plan application accepted for Development Committee Review all of the following shall be provided at the time of application:
- a. Pre-application Meeting. A pre-application meeting with the Development Services Director or designee within 60 days of the submission date with fee paid as specified in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate.
 - b. Application fee. Payment of all fees as specified in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate.
 - c. Application form. A completed application form on the form provided by the Development Services Department.
 - d. Proof of Ownership. A copy of the warranty deed and / or the parcel information page(s) from the Broward County Property Appraiser.
 - e. Owner's Authorization Affidavit. An executed affidavit on the form provided by the Development Services Department. If the property is owned by a corporation an authorized agent registered with the State of Florida as listed on www.sunbiz.org must be the person that signs and the record from www.sunbiz.org must be provided. If the person signing is not listed as an authorized signatory, then a corporate resolution showing that person is authorized to sign on behalf of the corporation may be provided.
 - f. Survey. Signed and sealed Boundary Survey meeting the technical standards of the Florida Department of Professional Regulation, Board of Land Surveyors, no older than five (5) years, in pdf format that is a minimum 300 dpi that shows the following:
 - i. The location of all existing structures, paved areas, and recorded easements on the property.
 - ii. Existing roadway details adjacent to the property including, but not limited to, rights-of-way, pavement widths, lane widths, markings, sidewalks, driveways (curb cuts), curbs and gutters, turn lanes, bus bays, medians, median openings, traffic signals and signal equipment, streetlights, pull boxes, utility poles and utility equipment, drainage structures, and fire hydrants.
 - g. Tree Survey. An accurate tree location plan, superimposed over the basic site plan, showing the species, size and condition of all trees of three (3) inches or greater caliper, and diameter at breast height.
 - h. Concurrency Analysis. A document that provides all of the application requirements for concurrency determination stated in Division 5 Concurrency Management System of this Code.
 - i. SCAD Letter. If an application has a residential component, a Public School Impact Application (PSIA) must be submitted to the School Board. Within 45 days of accepting the PSIA, the School Board will issue a School Capacity Availability Determination (SCAD) letter confirming if the project is exempt, vested or if student capacity is available.

- j. Traffic Impact Statement. Any application for a development which generates 500 or more trips per day shall include a Traffic Impact Statement that is prepared by a professional engineer licensed in the State of Florida. The Traffic Impact Statement shall assess the impact of the proposed development on all public streets and intersections within a one (1) mile radius of the perimeter of the development.
- k. Master Parking Plan. A Master Parking plan pursuant to Section 40.705(H) of this Code is required for any application that involves a new parking area, new or change of use, or substantial modification to an existing parking area such as an alteration to vehicle circulation and/or an expansion of the parking area.
3. Site Plan requirements. A Site Plan drawn to a scale of no less than one (1) inch equals 50 feet, and shall provide the following information and include the complete dimensioning and location of:
- a. Lot lines,
 - b. Existing and proposed buildings and all other proposed improvements,
 - c. Off-street parking, curbing, wheel stops and interior landscape area,
 - d. Street paving, drainage structures, sidewalks, driveways, intersections, medians, existing and proposed deceleration and turning lanes,
 - e. Setbacks,
 - f. Floor plans, and exterior sales, storage or service areas,
 - g. Internal walks and pedestrian ways,
 - h. Color elevations of all sides of every building,
 - i. Signs and exterior lighting,
 - j. Water mains, fire hydrants, sewer laterals, drainage structures and calculations,
 - k. Buffering and fencing or decorative masonry walls,
 - l. Solid waste disposal containers and enclosures,
 - m. Proposed finished floor and pavement elevations,
 - n. Landscape plan with site data, tree replacement data, and irrigation plans (100% coverage, source of water, pumps, valves, pipe sizes, rain sensors, head types, locations and spray patterns),
 - o. Parking lot lighting (photometric) plan,

p. Copies of any and all agreements that run with or affect the property, such as cross access agreements, shared parking agreements, restrictive covenants, plat note amendments, or FDOT agreements.

q. Any other architectural, engineering or other data as may be required by the Development Services Director.

(B) 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)~~ 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)~~ 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 Development Services Director, 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.
3. The governing regulations of the subject parcel have not been significantly changed since the site plan was reviewed by the Development Review Committee.
4. There have been no developments on adjacent or nearby properties that would create a conflict with the current zoning regulations.
5. The proposed development is consistent with the Margate Community Redevelopment Plan as amended.
6. The time limit extension for site plan approval shall not exceed an additional one (1) year.

(C) Withdrawal of application.

1. An owner/applicant may withdraw an application at any time prior to a final decision by the City up to and including the time of a vote on a motion before the City Commission to approve or deny the application, in whole or in part.
2. If an owner/applicant submits an application for consideration before the Development Review Committee (DRC), Board of Adjustment, Planning and Zoning Board and/or City Commission, and that application is inactive on the part of the applicant for a period of six (6) months or more, then the application shall be deemed to be automatically withdrawn.

- 6798 3. For the purposes of this section "inactive" shall be defined as a period of six (6) months
6799 without activity by the owner/applicant, including but not limited to, a failure to respond to
6800 correspondence from the City, failure to submit or resubmit revised plans as part of the
6801 DRC process, failure to take affirmative action to move a project forward, or other
6802 nonresponsive actions by the applicant to address DRC concerns as reasonably
6803 determined by the DRC.

6804 40.303 Zoning Map Change

6805 (A) Procedure:

- 6806
- 6807 1. *General.* A change in zoning shall be permitted after a determination has been made by
- 6808 the City Commission that services are available to serve the development permitted in the
- 6809 zoning district which is being petitioned. A determination that services are available shall
- 6810 be made when the City Commission approves a report submitted by the Development
- 6811 Review Committee which indicates the conditions contained in Section 40.304(D) Division
- 6812 5 Concurrency Management System of this Code have been met.
- 6813
- 6814 2. *Spot Zoning.* The City shall not consider applications that meet the definition of spot
- 6815 zoning.
- 6816
- 6817 3. Withdrawal of application. An owner/applicant may withdraw an application at any time
- 6818 prior to a final decision by the City up to and including the time of a vote on a motion before
- 6819 the City Commission to approve or deny the application, in whole or in part.
- 6820
- 6821
- 6822

6823 (B) Planning and Zoning Board Review:

- 6824
- 6825 1. The Planning and Zoning Board shall hold its public hearing and shall make a
- 6826 recommendation upon the application to the City Commission, based upon its
- 6827 consideration of, where applicable, whether or not:
- 6828
- 6829 a. The proposed change is contrary to the adopted comprehensive plan, as amended, or
- 6830 any element or portion thereof;
- 6831
- 6832 b. The proposed change would create an isolated zoning district unrelated and
- 6833 incompatible with adjacent and nearby districts;
- 6834
- 6835 c. Existing zoning district boundaries are illogically drawn in relation to existing conditions
- 6836 on the property proposed for change;
- 6837
- 6838 d. The proposed change will adversely affect living conditions in the neighborhood;
- 6839
- 6840 e. The proposed change will create or excessively increase automobile and vehicular
- 6841 traffic congestion, above that which would be anticipated with permitted intensities or
- 6842 densities of the underlying land use plan designation, or otherwise affect public safety.
- 6843
- 6844 f. The proposed change will adversely affect other property values;
- 6845

- 6846 g. The proposed change will be a deterrent to the improvement or development of other
6847 property in accordance with existing regulations;
6848
6849 h. The proposed change will constitute a grant of special privilege to an individual owner
6850 as contrasted with the welfare of the general public;
6851
6852 i. There are substantial reasons why the property cannot be used in accord with existing
6853 zoning;
6854
6855 j. The proposed zoning designation is the most appropriate designation to enhance the
6856 City's tax base given the site location relative to the pattern of land use designations
6857 established on the future land use plan map, appropriate land use planning practice,
6858 and comprehensive plan policies directing land use location.
6859
6860 2. An applicant may withdraw an application or amend the rezoning application to a more
6861 restrictive district, at any time prior to a vote by the Commission.
6862
6863 3. The report and recommendation of the Planning and Zoning board required by this
6864 Chapter shall be advisory only and shall not be binding upon the Commission.
6865

6866 (C) *City Commission Review:*
6867

- 6868 1. The Commission shall establish a public hearing to consider the rezoning review
6869 criteria in subsection (1), above, public testimony and the Planning and Zoning
6870 Board recommendation, and may act on the petition, deny, deny without prejudice,
6871 approve or approve with conditions, or approve an amended application for
6872 rezoning.
6873
6874 2. The Commission, upon denial without prejudice, may also waive the reapplication
6875 fee.
6876
6877 3. Whenever the Commission has acted upon an application for the rezoning of
6878 property, whether approved or denied, the Planning and Zoning Board shall not
6879 thereafter consider any further application for the same or any other kind of
6880 rezoning of any part or all of the same property for a period of one (1) year. The
6881 above time limits may be waived by a majority vote of the Commission, when the
6882 Commission deems such action necessary to prevent injustice or to facilitate the
6883 proper development of the City.
6884

6885 **40.304 Comprehensive Plan Amendment Map and Text – Reserved.**
6886

6887 **40.305 Plat**
6888

6889 (A) *Purpose of platting regulations:*
6890

- 6891 1. To assure that orderly and efficient development of the City of Margate.
6892
6893 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.

(B) No application for construction of a principal building on a parcel of land shall be granted unless a plat including the parcel or parcels of land have been approved by the Broward County Commission and recorded in the official records of Broward County subsequent to June 4, 1953.

(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(C)(2) 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.

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 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:~~

~~1. A survey meeting the technical standards of the Florida Department of Professional Regulation, Board of Land Surveyors.~~

2. ~~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.~~

3. ~~Site data, including floor areas, aggregate building coverage, green space, vehicular use areas, retention areas and parking ratio.~~

a. ~~Each site plan presented herewith shall be drawn to a scale of no less than one (1) inch equals fifty (50) 50 feet, and shall include the complete dimensioning and location of:~~

i. ~~Plot lines.~~

ii. ~~Existing and proposed buildings and all other proposed improvements.~~

iii. ~~Off street parking, curbing, wheel stops and interior landscape area.~~

iv. ~~Street paving, drainage structures, sidewalks, driveways, intersections, medians, existing and proposed deceleration and turning lanes.~~

v. ~~Setbacks.~~

vi. ~~Floor plans, and exterior sales, storage or service areas.~~

vii. ~~Internal walks and pedestrian ways.~~

viii. ~~Color building exterior elevation views of all sides of each building.~~

ix. ~~Signs.~~

x. ~~Exterior lighting, including a photometric plan.~~

xi. ~~Water mains and fire hydrants; sewer laterals.~~

xii. ~~Buffering and fencing or decorative masonry walls.~~

xiii. ~~Solid waste disposal containers and enclosures.~~

xiv. ~~Proposed finished floor and pavement elevations.~~

xv. ~~Landscaping and irrigation plan.~~

xvi. ~~Any other architectural, engineering or other data as may be required to permit the necessary findings.~~

4. ~~The required application fee, as provided by resolution of the City Commission.~~

pursuant to Section 40.302 Site Plan Approvals and Amendments. In addition, a

5.—A written and graphic summary of the proposed project and its relationship to the general standards of review in section 40.306(C) of this Code is to be provided.

6.—~~Ownership affidavit and owner's sworn to consent, if applicable.~~

(B) *Application requirements for a special exception use of an existing building.* No use designated as a special exception shall be established within an existing building or structure 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 which proposes to utilize an existing building substantially in its current form shall be filed with the development services department on forms provided. The application shall include:

1. A survey meeting the technical requirements of the Florida Department of Professional Regulation, Board of Land Surveyors, shall contain all relevant information necessary for review, to include, but not be limited to, the following:

a. Site data, including existing floor areas, aggregate building overage, green space and vehicular use areas.

b. Existing off-street parking, curbing, wheel stops and interior landscape area.

c. Existing street paving, drainage structures, sidewalks and driveways.

2. Professionally prepared floor plan accurately depicting the proposed use.

3. If applicable, a professionally prepared site plan for any exterior affected areas of the subject property.

4. If applicable, a professionally prepared landscape and irrigation plan for any exterior affected landscape areas or required buffer areas of the subject property.

5. If applicable, professionally prepared color elevations for any affected areas of the exterior of the building or structure.

6. If applicable, professionally prepared photometric plan for any affected areas of the vehicular use area.

7. Any other architectural, engineering, or other data as may be required to permit the necessary findings.

8. The required application fee, as provided by resolution of the City Commission.

9. A written and graphic summary of the proposed project and its relationship to the general standards of review of this Code.

10. Ownership affidavit and owner's sworn to consent, if applicable.

(C) *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.

(D) *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.

(E) *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.

(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. 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.

(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 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.

(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, 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)~~ 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)~~ 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.

(I) *Rescission of approval by abandonment of use.* Any discontinuation of an approved special exception for a period of ~~one hundred eighty (180)~~ 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 Reserved.

40.308 Nonconforming Use and Structures

(A) Purpose. It is the purpose of this article to provide for the regulations of nonconforming uses and structures which existed lawfully (whether by special exception, variance, or otherwise) on the effective date of passage or amendment of this Code and which fail to conform to any of the applicable regulations contained herein. Nonconforming uses are deemed to be: incompatible with and detrimental to permitted uses and structures in the zones in which they are located; the cause of disruption of the comprehensive land use patterns of the city; an inhibition of present and future development of nearby properties; conferring upon their owners and users an absolute franchise and hence a position of unfair advantage. A rigid control on expansion and the eventual elimination or reduction to conformity, as expeditiously as is reasonable, of nonconforming uses or structures is declared to be as much a subject of health, safety and welfare as is the prevention of the establishment of new uses that would violate the provisions of this Code.

(B) Nonconforming use—Extensions. The nonconforming use of a building or structure may not be extended through any part of a building or structure not so used at the effective date of this zoning code, or amendments thereto. No nonconforming use shall be extended to occupy any land outside the building or structure, nor any additional building or structure on the same lot, not used for such nonconforming use at the effective date of this zoning code, or amendments thereto. The nonconforming use of land shall not be extended to any additional land not so used at the effective date of this zoning code, or amendments thereto.

(C) Repair, alteration, enlargement. No structure utilized for a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, unless the use is changed to one which complies with the provisions of this zoning code, or amendments thereto. Repairs, maintenance and improvement may be carried out in any one (1) year in an amount not to exceed 25 percent of the assessed value as determined by the Broward County Property Appraiser of the structure for that year. However, such work shall not increase the cubical content of the building or structure, nor the floor area devoted to the nonconforming use, nor increase the number of dwelling units. Nothing in this article shall prevent compliance with applicable laws or resolutions relative to the safety and sanitation of a building or structure occupied by a nonconforming use.

(D) Except as otherwise provided in this Code, a building or structure which was lawfully constructed prior to the effective date of this chapter, as amended, but which does not conform to the current requirements of this Code, such as, but not limited to, minimum setbacks, maximum building height, minimum floor area or maximum lot coverage, shall not be considered in conflict with this chapter provided that the use of such building or structure remains otherwise lawful, provided that:

1. No such building or structure shall be enlarged upon or altered in any way that increases a nonconformity. Such building or structure or portion thereof may be altered to decrease its nonconformity except as may be hereafter provided. Such nonconforming buildings or structures shall not be used as a basis for adding other buildings, structures or uses prohibited elsewhere in the same district.
2. Should such building or structure be destroyed or damaged by any means to an extent that the cost of rebuilding, repair, or reconstruction will exceed 50 percent of the value of the building or structure as determined by the Broward County Property Appraiser for that year, at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code.
3. Should such structure or building be moved for any reason for any distance whatever, it shall thereafter conform to the property development regulations for the district in which it is located after it is moved.

(E) Reconstruction after catastrophe. If any nonconforming structure, or building in which there is a nonconforming use, is damaged by fire, flood, explosion, collapse, wind, war, or other catastrophe to such extent that the cost of rebuilding, repair and reconstruction will exceed 50 percent of the value of the building or structure as determined by the Broward County Property Appraiser for that year, it shall not be again used or reconstructed except in full conformity with the regulations of the district in which it is located.

(F) Change of nonconforming use.

1. In any district, a nonconforming use in a nonconforming building or structure shall be changed only to a use permitted in the particular district involved, except as provided in paragraph (2) below.
2. There may be a change of tenancy, ownership or management of a nonconforming use provided there is no change in the nature, character, size, or intensity of such nonconforming use.
3. Any change of a nonconforming use of land shall be to a conforming use.

(G) Discontinuance or abandonment of a nonconforming use.

1. If for any reason a nonconforming use of land or portion thereof ceases or is discontinued for a period of more than 180 calendar days, the land shall not thereafter be used for a nonconforming use, except for agriculture uses.

- 7274 2. If for any reason the nonconforming use of a building or structure, or any portion of a
7275 building or structure ceases or is discontinued for a period of 180 calendar days or more,
7276 the said building or structure shall not thereafter be used for a nonconforming use.
7277
7278 3. Any part or portion of a building, structure or land occupied by a nonconforming use, which
7279 use is abandoned for 180 calendar days or more, shall not again be occupied or used for
7280 a nonconforming use.
7281
7282 4. Any part of a building, structure or land occupied by a nonconforming use which is
7283 changed to or occupied by a conforming use shall not thereafter be used or occupied by
7284 a nonconforming use.
7285

7286 (H) Discontinuance or abandonment of variances or waivers.
7287

- 7288 1. If for any reason a variance or waiver as to the use of land or any portion thereof does not
7289 commence, is not undertaken, ceases, is discontinued, or is abandoned for a period of
7290 more 180 calendar days, the land or portion thereof shall not thereafter be used for said
7291 variance or waiver unless specifically outlined unless the contrary is specifically provided
7292 in the variance or waiver, or unless same has been considered anew and granted,
7293 pursuant to the Code of the City of Margate.
7294
7295 2. If for any reason a variance or waiver as to the use of a building or structure or any portion
7296 thereof does not commence, is not undertaken, ceases, is discontinued, or is abandoned
7297 for a period of more 180 calendar days, the building or structure or any portion thereof
7298 shall not thereafter be used for said variance or waiver unless specifically outlined unless
7299 the contrary is specifically provided in the variance or unless same has been considered
7300 anew and granted, pursuant to the Code of the City.
7301

7302 (I) Illegal use. The casual, temporary or illegal use of land or a building or structure shall not be
7303 sufficient to establish the existence of a nonconforming use or to create any right in the
7304 continuance of such a use.
7305

7306 (J) District or regulation change. The foregoing provisions of this article shall also apply to
7307 buildings, structures, land, premises or use which hereafter become nonconforming due to a
7308 change or a reclassification of district or become nonconforming due to a change in district
7309 regulations. Where a period of time is specified in this article for the removal or discontinuance
7310 of nonconforming buildings, structures or uses, said period shall be computed from the
7311 effective date of such reclassification or change of regulations.
7312

7313 **40.309 Building Permits**
7314

- 7315 (A) Generally. The Department of Environmental and Engineering Services, Development
7316 Services Department, and the Building and Code Services Department, may issue permits
7317 when all of the requirements in ~~subsection (B)~~ this Code have been met and the applicant
7318 has further met all other applicable laws and regulations of the City, County, and State.
7319 Conditions of approval by the Development Review Committee and statements made by a
7320 developer or ~~his/her~~ their representative shall be reduced to writing, incorporated into the
7321 site plan approved by the committee, and shall be binding on the developer during the

7322 permitting process. It shall be a violation of the Code of the City of Margate for the use of
7323 property contrary to that provided in any approved site plan.

7324
7325 (B) *Prerequisites:*
7326

7327 1. ~~Buildings other than single-family or two-family homes:~~ Prior to issuance of a building
7328 permit, a site plan shall be approved for any building or buildings other than a single-family
7329 or two-family home on a platted lot.

7330 a. ~~As an exception to the above, a building permit to change the occupancy group of~~
7331 ~~an existing building, which does not involve any changes to the building envelope~~
7332 ~~or exterior modifications to the site, does not require a site plan review by the~~
7333 ~~Development Review Committee.~~
7334

7335 2. ~~Single-family or two-family homes:~~ The Director of the Building and Code Services
7336 Department or their designee shall not approve any building permit for a single-family or
7337 two-family home unless they have determined that adequate services, as set out by the
7338 standards of section 40.301(A) of this article, are available.
7339

7340 3. ~~Accessory structures:~~ Structures that are accessory to the main premises of a developed
7341 site and which require a permit pursuant to the Florida Building Code but which do not
7342 meet the definition of a building permit set forth in this code shall not require a review
7343 pursuant to section 40.301. However, if the Director of the Development Services
7344 Department determines that any such proposal does not meet the criteria of section
7345 40.301(A) then they shall require a formal review of said proposal by the Committee for
7346 approval.
7347

7348 4. ~~Time limitation on approvals.~~ Any recommendation of the Development Review
7349 Committee as to any application shall be reevaluated after a period of one (1) year if final
7350 action by the City Commission has not taken place on that recommendation. An approval
7351 of a site plan shall be valid for one (1) year from the date of approval by the Committee.
7352 The date of site plan approval shall be the date when the site plan was approved at an
7353 official development review committee meeting. If a building permit has not been issued
7354 within eighteen (18) 18 months from the date of site plan approval then another site plan
7355 review shall be required.
7356

7357 If a building permit or engineering permit has not been issued within eighteen (18) 18 months
7358 of site plan approval, an extension of the one-year time limit for site plan approval may be
7359 issued by administrative approval by the Chair of the Development Review Committee,
7360 subject to the following conditions:
7361

7362 7. ~~The applicant has submitted a completed application for extension of the time limit, and~~
7363 ~~submitted the requisite fee, as adopted in the schedule of fees by the City Commission.~~
7364

7365 8. ~~The land use or zoning designation of the subject parcel has not changed and both~~
7366 ~~designations are appropriate for the approved site plan.~~
7367

7368 9. ~~The governing regulations of the subject parcel have not been significantly changed since~~
7369 ~~the site plan was reviewed by the Development Review Committee.~~

~~10. There have been no developments on adjacent or nearby properties that would create a conflict with the current zoning regulations.~~

~~11. The proposed development is consistent with the Margate Community Redevelopment Plan as amended.~~

~~12. The time limit extension for site plan approval shall not exceed an additional one (1) year.~~

~~(D) Withdrawal of application.~~

~~1. An owner/applicant may withdraw an application at any time prior to a final decision by the City up to and including the time of a vote on a motion before the City Commission to approve or deny the application, in whole or in part.~~

~~2. If an owner/applicant submits an application for consideration before the Development Review Committee (DRC), Board of Adjustment, Planning and Zoning Board and/or City Commission, and that application is inactive on the part of the applicant for a period of six (6) months or more, then the application shall be deemed to be automatically withdrawn.~~

~~3. For the purposes of this section "inactive" shall be defined as a period of six (6) months without activity by the owner/applicant, including but not limited to, a failure to respond to correspondence from the City, failure to submit or resubmit revised plans as part of the DRC process, failure to take affirmative action to move a project forward, or other nonresponsive actions by the applicant to address DRC concerns as reasonably determined by the DRC.~~

40.310 Public Notice Requirements

(A) *Mailings.* When an application for special exception, conditional use, variance, administrative appeal, reasonable accommodation, plat or plat amendment, rezoning, land use map amendment, or any other quasi-judicial land use determination is filed with the City, public notice shall be mailed to the owners of all real property lying within the City of Margate that is situated within ~~one thousand five hundred (1,500)~~ 1,500 feet of the subject property for which said application was filed. If the application is for a subject property consisting of a single-family or two-family residential unit only, and within a zoning district that permits only those residential uses, public notice shall be mailed to the owners of all real property lying within the City of Margate that is situated within ~~four hundred (400)~~ 400 feet of the subject property. The mailing radius shall be measured from the property lines of the subject property and shall include all property owners, other than the applicant, within said subject property.

1. *Content.* The mailed notification shall state "PUBLIC HEARING NOTICE" in bold print at the top of the notice and include the following information:

a. The applicant's name.

b. The address of the subject property of the application.

- 7418 c. The type of application that was filed with the City and the file number assigned by the
7419 City.
7420
- 7421 d. A description of the proposed project, including the proposed use, hours of operations,
7422 acreage of parcel, square footage of structure(s), and/or number and type of
7423 residential units.
7424
- 7425 e. The name of the board(s) to hear the application.
7426
7427
- 7428 f. The scheduled date(s) and time(s) of hearing(s).
7429
- 7430 g. The address of where the hearing (s) is/are to take place.
7431
- 7432 h. Municipal contact information for the department processing the application, to include
7433 the department name, phone number and address.
7434
- 7435 i. A location map (aerial map preferred) of the subject property showing the surrounding
7436 roads up to ¼ mile from subject property.
7437
- 7438 2. *Procedure.* The City shall furnish the applicant with a list of all real property owners within
7439 the subject property and all properties within Margate situated within the required noticing
7440 radius of the subject property of said application. Ownership of surrounding real property
7441 shall be determined by the most recent tax records available from the Broward County
7442 Property Appraiser. The applicant shall send public notice described above via United
7443 States Postal Service mail to each required real property owner at least ~~fifteen (15)~~ 15
7444 calendar days prior to the scheduled hearing(s). For properties lying within a 400-foot
7445 radius of the subject property of said application that are outside the City of Margate
7446 municipal boundaries, a notice shall be provided to the applicable City Clerk.
7447
- 7448 a. For applications that require sequential reviews by multiple boards of the City, the
7449 notice shall include the scheduled dates, times, board names, and locations for all
7450 required hearings. For the purpose of this section, required hearings refer to those
7451 held by the City Commission, the Planning and Zoning Board, the Board of
7452 Adjustment, and any other board whose members are appointed by the City
7453 Commission.
7454
- 7455 i. In the event an application is tabled to a certain date at a properly noticed
7456 hearing, no further mailings shall be required for the application to appear before
7457 that particular body that tabled the application. However, if the tabling action
7458 causes hearings by other boards of the City in a sequential review of an
7459 application to be rescheduled to dates other than those provided in the mailed
7460 public notice, then the applicant shall mail a revised notice as provided in this
7461 section at least ~~fifteen (15)~~ 15 calendar days prior to the rescheduled hearing(s).
7462
- 7463 ii. In the event that an application is delayed between hearings of a sequential
7464 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)~~ 15 calendar days prior to the rescheduled hearing.

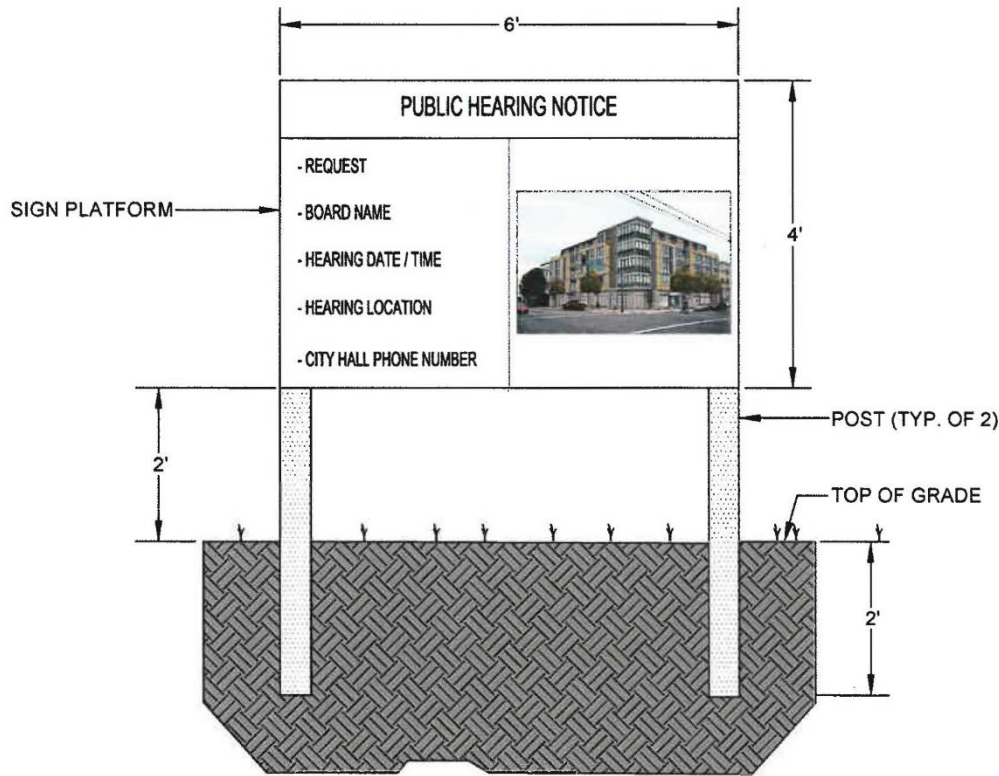
- iii. In the event that an applicant appeals a board decision to a higher body of the City, or that the City Commission refers a special exception application back to the Planning and Zoning Board as described in section 40.306, the applicant shall mail a revised notice as provided in this section at least ~~fifteen (15)~~ 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)~~ 14 calendar days prior to the first scheduled hearing.

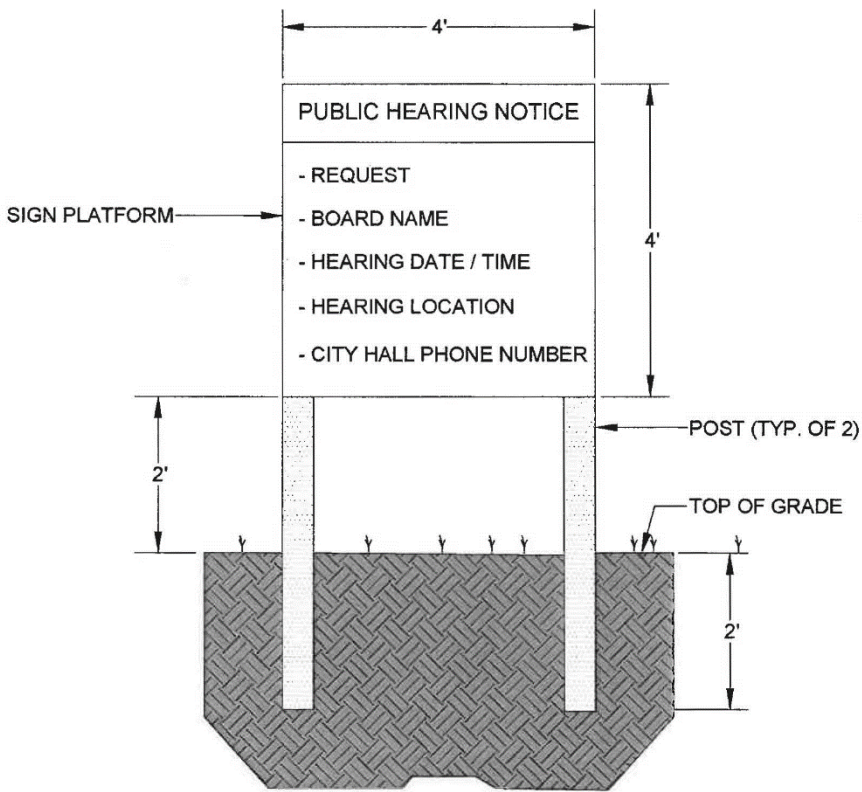
(B) *Signs.* When an application for special exception, conditional use, variance, reasonable accommodation, administrative appeal, plat or plat amendment, rezoning, land use map amendment, or any other quasi-judicial land use determination is filed with the City, the applicant shall be responsible for posting public hearing notice on the subject property of the application at least ~~fourteen (14)~~ 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:

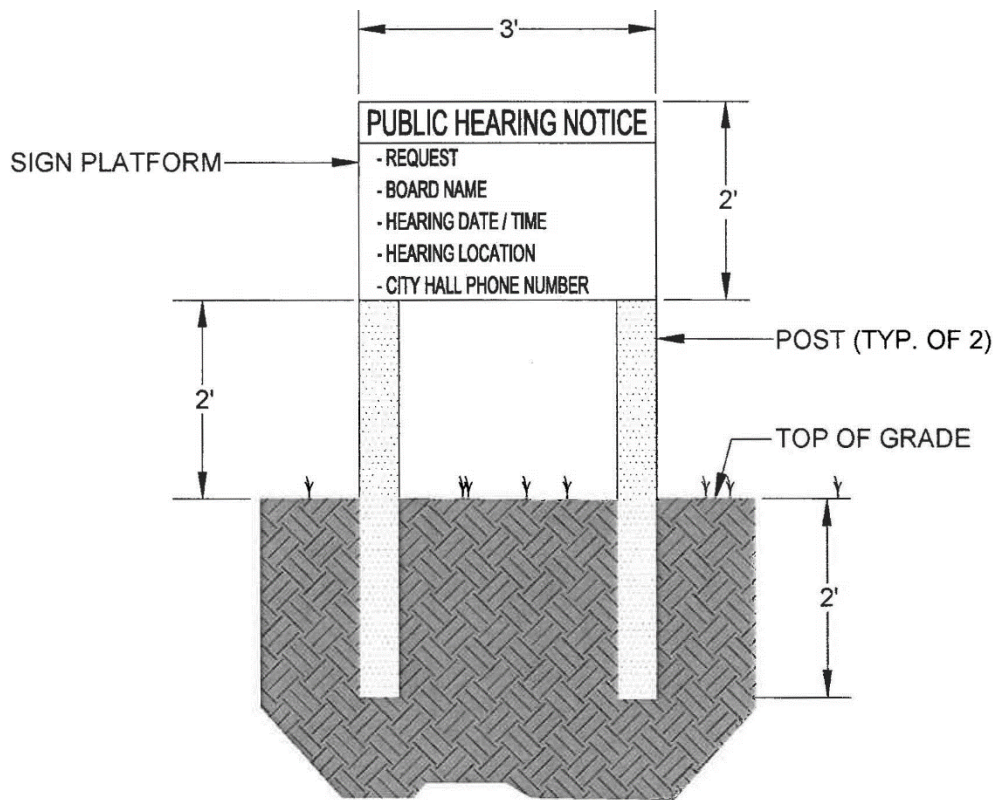
- a. Freestanding, single-faced sign, posted to a height of six (6) feet above grade.
- b. The sign face shall be ~~twenty-four (24)~~ 24 square feet in area, such that it is six (6) feet wide by four (4) feet high.
- c. The sign face shall be laterally divided into two (2) sides. The right side of the 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)~~ 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:
 - a. Freestanding, single-faced sign, posted to a height of four (4) feet above grade.
 - 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.
 - c. 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)~~ 72 hours of the most recent hearing date. The sign must be updated at least ~~fourteen (14)~~ 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

- (A) Temporary exceptions. This section shall apply during any emergency affecting the health, safety and welfare of the citizens of the City of Margate, as declared by the President of the United States, the Governor of the State of Florida, the Broward County Commission or its designee, or the City Commission of the City of Margate, or any other lawful authority, as determined by the City Manager or Acting City Manager of the City of Margate.

1. During the existence of any declared emergency, the City Manager or Acting City Manager may grant temporary exceptions for nonconforming use of buildings or lands from the Zoning Code of the City of Margate upon a written finding of the following:
 - a. A temporary exception is deemed in the best interest of the health, safety and welfare of the citizens of the City of Margate; and
 - b. A temporary exception is necessitated by the declared emergency.
2. Any exception granted by the City Manager may be revoked by resolution of the City Commission. Any exception granted pursuant to this subsection may continue only for such time as the emergency condition declared legally exists.
3. During the existence of any declared emergency, or within six (6) months subsequent to any declared emergency, the City Commission of the City of Margate may grant

temporary exceptions for nonconforming use of buildings or lands from the Zoning Code of the City of Margate upon a finding of the following:

- a. A temporary exception is deemed in the best interest of the health, safety and welfare of the citizens of the City of Margate; and
 - b. A temporary exception is necessitated by the declared emergency.
4. The temporary exceptions granted pursuant to subsection (1) of this section may continue for such time as provided in the determination of the City Commission, up to 180 calendar days from the declared emergency. A temporary exception may be renewed for an additional 180 calendar days upon findings as provided in subsections (1)(a) and (b) above. In no event may a temporary exception continue in excess of 360 days from the date that an emergency has been declared.
 5. No person who is granted an exception pursuant to this section shall have the right to the continuation of said exception in excess of the duration of the time specifically provided for in this section. No property right, vested right, or estoppel is created pursuant to this section as any exception created herein is based only upon necessity created by a declared emergency, and is subject to termination by the City Commission and the terms of this section.

40.312 Reasonable Accommodation Procedures

(A) This section implements the policy of the City of Margate for processing of requests for reasonable accommodation to its ordinances, rules, policies, and procedures for persons with disabilities as provided by the Federal Fair Housing Amendments Act (42 USC 3601 et seq.) (FHA) and Title II of the Americans with Disabilities Act (42 USC 12131 et seq.) (ADA).

1. For purposes of this section, a "disabled" individual or person is an individual that qualifies as disabled and/or handicapped under the FHA and/or ADA ("Applicant"). Any person who is disabled (or qualifying entities) may request a reasonable accommodation with respect to the City's land use or zoning laws, rules, policies, practices and/or procedures as provided by the FHA and the ADA pursuant to the procedures set out in this section.

(B) A request by an Applicant for reasonable accommodation under this section shall be made in writing by completion of a reasonable accommodation request form, which form is maintained by (and shall be submitted to) the Development Services Department.

1. The reasonable accommodation form shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request. The reasonable accommodation request form shall be substantially in the form set forth in subsection (K), below.

(C) Should the information provided by the Applicant to the City include medical information or records, including records indicating the medical condition, diagnosis or medical history

of Applicant, such individual may, at the time of submitting such medical information, request that the City, to the extent allowed by law, treat such medical information as confidential information of the Applicant.

1. The City shall thereafter endeavor to provide written notice to the Applicant and/or their representative, of any request received by the City for disclosure of the medical information or documentation which the Applicant has previously requested be treated as confidential by the City.

2. The City will cooperate with the Applicant, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the City shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses (whether by retention of outside counsel or allocation of internal resources) in connection therewith, and may comply with any judicial order without prior notice to the Applicant.

(D) The City Manager, or their designee, shall have the authority to consider and act on requests for reasonable accommodation, after notice and public hearing to receive comments, input and information from the public (provided, however, the City Manager or designee, shall not be required to render their decision at said public hearing).

1. When a reasonable accommodation request form has been completed and submitted to the Development Services Department, it will be referred to the City Manager, or designee, for review and consideration.

2. The City Manager, or designee, shall issue a written determination within 45 calendar days of the date of receipt of a completed application and may, in accordance with federal law:

a. grant the accommodation request; or

b. grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request; or

c. deny the request, in accordance with federal law.

3. Any amendment made to an application shall result in a new 45 day review time period.

4. Any such denial shall be in writing and shall state the grounds therefore.

5. All written determinations shall give notice of the right to appeal.

(E) The notice of determination shall be sent to the requesting party (i.e. the Applicant or their representative) by certified mail, return receipt requested.

1. If reasonably necessary to reach a determination on the request for reasonable accommodation, the City Manager, or designee, may, prior to the end of said 45 day

7698 period, request additional information from the Applicant, specifying in sufficient detail
7699 what information is required.

7700
7701 a. The Applicant shall have 15 calendar days after the date of the request for
7702 additional information to provide the requested information.

7703
7704 b. In the event any additional information is provided, the 45-day period to issue a
7705 written determination shall no longer be applicable, and the City Manager, or
7706 designee, shall issue a written determination within 30 calendar days after receipt
7707 of the additional information.

7708
7709 c. If the requesting party fails to provide the requested additional information within
7710 said 15-day period, the City Manager, or designee, shall issue a written notice
7711 advising that the Applicant had failed to timely submit the additional information
7712 and therefore the request for reasonable accommodation shall be deemed
7713 abandoned and/or withdrawn and no further action by the City with regard to said
7714 reasonable accommodation request shall be required.

7715
7716 (F) In determining whether the reasonable accommodation request shall be granted or
7717 denied, Applicant shall be required to establish that they are protected under the FHA
7718 and/or ADA by demonstrating that they are handicapped or disabled, as defined in the
7719 FHA and/or ADA.

7720
7721 1. Although the definition of disability is subject to judicial interpretation, for purposes of
7722 this ordinance the disabled individual must show:

7723
7724 a. a physical or mental impairment which substantially limits one or more major life
7725 activities; or

7726
7727 b. a record of having such impairment; or

7728
7729 c. a record of having such impairment; or

7730
7731 2. Next, the requesting party will have to demonstrate that the proposed
7732 accommodations being sought are reasonable and necessary to afford
7733 handicapped/disabled persons equal opportunity to use and enjoy housing. The
7734 foregoing (as interpreted by the courts) shall be the basis for a decision upon a
7735 reasonable accommodation request made by the City Manager, or designee, or by
7736 the City Commission in the event of an appeal.

7737
7738 (G) Within 30 calendar days after the City Manager's, or designee's, determination on a
7739 reasonable accommodation request is mailed to the requesting party, such applicant may
7740 appeal the decision.

7741
7742 1. All appeals shall contain a statement containing sufficient detail of the grounds for the
7743 appeal. Appeals shall be to the City Commission who shall, after public notice and a
7744 public hearing, render a determination as soon as reasonably practicable, but in no
7745 event later than 60 calendar days after an appeal has been filed.

(H) There shall be no fee imposed by the City in connection with a request for reasonable accommodation under this section or an appeal of a determination on such request to the City Commission, and the City shall have no obligation to pay an Applicant's (or an appealing party's, as applicable) attorneys' fees or costs in connection with the request, or an appeal.

(I) While a application for reasonable accommodation, or appeal of a determination of same, is pending before the City, the City will not enforce the subject zoning ordinance, rules, policies, and procedures against the Applicant.

(J) The following general provisions shall be applicable:

1. The City shall display a notice in the City's public notice bulletin board (and shall maintain copies available for review in the Development Services Department, the Building Department, and the City Clerk's Office), advising the public that disabled individuals (and qualifying entities) may request reasonable accommodation as provided herein.
2. An Applicant may apply for a reasonable accommodation on their own behalf or may be represented at all stages of the reasonable accommodation process by a person designated by the Applicant.
3. The City shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with an Applicant's request for reasonable accommodation, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal, and appearing at a hearing, etc., to ensure the process is accessible.

(K) Contents of a Reasonable Accommodation Request Form:

1. Name of Applicant
2. Telephone Number
3. Address
4. Address of housing or other location at which accommodation is requested
5. Describe qualifying disability or handicap
6. Describe the accommodation and the specific regulation(s) and/or procedure(s) from which accommodation is sought
7. Reasons the reasonable accommodation may be necessary for the individual with disabilities to use and enjoy housing or other service
8. Name, address and telephone number of representative, if applicable

7794
7795 9. Other information
7796

7797 10. Signature of Applicant or Representative, if applicable, or Qualifying Entity
7798

7799 **40.313 Official Zoning Confirmation Letters**
7800

7801 (A) An administrative fee will be applied to all requests for an official zoning confirmation letter
7802 issued by the City. Such fee shall be deposited into the general fund.
7803

- 7804 1. Each official zoning confirmation letter shall only include zoning and land use
7805 information for a single property. If multiple properties are included in a single
7806 request for an official zoning confirmation letter, the administrative fee shall be
7807 applied for each letter issued by the City.
7808

7809 (B) All requests for an official zoning confirmation letter must be submitted to the Development
7810 Services Department in writing and include the following:
7811

- 7812 1. Administrative Fee;
7813
7814 2. Address of property for which the official zoning confirmation letter shall provide
7815 current zoning and land use information;
7816
7817 3. Current use of property:
7818
7819 4. Proposed use of property, if any;
7820
7821 5. Current telephone number, e-mail address, and mailing address of person or
7822 organization that has requested the official zoning confirmation letter.
7823

7824 **DIVISION 3 REVIEW AND DECISION MAKING AUTHORITIES**
7825

7826 **~~40.320 Development Services Department Staff~~ – Reserved.**
7827 ...

7828 **40.321 - Reserved.**
7829 ...

7830 **40.322 Development Review Committee**
7831

7832 (A) *Establishment.* There is hereby established a Development Review Committee comprised of
7833 representatives of City departments having a direct interest in new development. Membership
7834 of the Development Review Committee shall include the Director of Development Services,
7835 the Director of Environmental and Engineering Services, a representative from the Fire
7836 Department, the Building Official, the Director of Public Works, a representative from the
7837 Police Department, and a representative from the Community Redevelopment Agency or any
7838 designees of the aforesaid. The Director of Development Services shall serve as chair of the
7839 Committee.
7840

The Development Review Committee shall have the right to make such rules as are necessary for the orderly conduct of its meetings.

- (B) *Role in review of development proposals.* The Development Review Committee shall meet on a regular basis for the purpose of reviewing and submitting to the Planning and Zoning Board a report on all applications for any proposed plats, subdivision resurveys, land use plan amendments, or rezonings. The Development Review Committee shall review all site plans other than those for a single-family or two-family home on a platted lot. Proposals to the Development Review Committee shall be submitted and processed ~~for by application for approval, and the applicant shall receive within thirty (30) 30 days a written determination of completeness of the application and any deficiencies therein. Once the application is deemed complete, the DRC will subsequently provide the applicant with a review and hearing schedule,~~ consistent with Florida Statute F.S. 166.033 as may be amended from time to time.

The Development Review Committee, as to all proposed plats, subdivision resurveys, land use plan amendments, and rezonings, shall make a statement to the Planning and Zoning Board assessing the adequacy of the proposal as to all City ordinances. The statements assessing the adequacy of any proposed subdivision or rezoning shall be considered by both the Planning and Zoning Board and the City Commission.

The Development Review Committee, as to all applications submitted under its authority, shall have the following power: Each member of the Committee shall have the responsibility to approve or disapprove the submitted application based upon compliance with all applicable laws and regulations, including ~~Section 40.301(D),~~ Division 5 Concurrency Management System which come under ~~his/her~~ their department's jurisdiction. The approval of all Committee members shall constitute a demonstration of compliance.

40.323 Board of Adjustment

- (A) *Created; appointment; terms; officers; advisors.*

1. A Board of Adjustment for the City is hereby created and established consisting of five (5) members. The Board members shall be appointed by the City Commission and shall serve without compensation and at the pleasure of said City Commission. All appointments shall be for a one-year period. The members of said Board shall elect a chairperson, a vice-chairperson, and a secretary from its membership. 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 Board of Adjustment and may be called upon from time to time to meet with said Board.

- (B) *Substitute members.*

1. In case of the temporary absence or disqualification of any member of the Board of Adjustment, the chairperson of the Board shall have the right and authority to designate any member of the City Planning and Zoning Board to serve as a substitute on the Board of Adjustment 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 member serve on the Board of Adjustment at any one 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.

(C) *Rules of procedure.*

1. The City Commission may establish and determine procedure before the City the Board of Adjustment, 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) *Meeting with the Board.*

1. Meetings of the Board of Adjustment may be held once per month unless canceled by the Development Services Director or designee.

(E) *Powers and duties.*

1. *The Board shall have the following powers:*
 - a. 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.
 - b. 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.
2. *In exercising said powers and duties, they shall not grant a variance unless:*
 - a. 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.
 - b. Owner's preference or economic disadvantage does not constitute a hardship. A self-created hardship does not constitute grounds for a variance.
 - c. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands structures or buildings in other districts shall 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.

(F) *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.

(G) *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)~~ 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)~~ 14 days prepare a statement in writing of ~~his/her~~ their interpretation of the ordinances or regulations governing same and ~~his/her~~ their 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.

(H) *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.

5. Variances related to distance separation.

- a. When the Board of Adjustment takes final action with respect to a request for a variance relating to distance separation, an aggrieved person, or member of the City Commission may appeal the Board of Adjustment's decision to the City Commission by submitting a request for an appeal with the City Clerk's Office no later than two (2) weeks after the Board of Adjustment's decision has been rendered. If an appeal is filed, the City Commission shall conduct a Public Hearing on the appeal at its next available meeting. The affirmative vote of three (3) members of the City Commission shall be necessary in order to grant or deny the appeal of the Board of Adjustment's final action.

(I) Time Limit.

1. Where the Board of Adjustment has approved or granted a variance pursuant to the terms of the zoning ordinance, such approval or grant shall become null and void unless a permit pursuant thereto is issued within one (1) year of the date of such action by 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.

- 8033
- 8034 2. All appointments shall be for a one-year period.
- 8035
- 8036 3. The members of the said Board shall elect a chairman, a vice chairman, and a secretary
- 8037 from its membership.
- 8038
- 8039 4. The City Manager, City Building Inspector, City Attorney, and such other officers and
- 8040 officials of the City as the Board may require, shall be considered as advisors to the City
- 8041 Planning and Zoning Board and may be called upon from time to time to meet with said
- 8042 board.

8043

8044 (B) *Meetings of the Planning and Zoning Board.*

8045

- 8046 1. Meetings of the Planning and Zoning Board shall be held once per month unless canceled
- 8047 by the administrative head due to no items being placed on the agenda. Meetings of the
- 8048 Planning and Zoning Board may be held at the call of the administrative head.
- 8049

8050 (C) *Rules of procedure.*

8051

- 8052 1. The City Commission may establish and determine procedure before the City Planning
- 8053 and Zoning Board, and such board shall adopt reasonable rules and regulations consistent
- 8054 with the provisions of such ordinance for presentation of matters before such board, for
- 8055 notifying interested parties, for charging and collecting an application fee, for conducting
- 8056 and holding hearings, and for calling advisers and assistants from time to time.
- 8057

8058 (D) *Duties generally.*

8059

- 8060 1. *The duties of the Planning and Zoning Board shall be as follows:*
- 8061
- 8062 a. To act as the Local Planning Agency pursuant to F.S.163.3164(30), as amended from
- 8063 time to time.
- 8064
- 8065 b. To act in an advisory capacity and make recommendations to the City Commission on
- 8066 land development actions such as a change in zoning regulations, land use plan
- 8067 amendments, rezoning of land, and special exceptions.
- 8068
- 8069 c. To study proposed City plans, as directed by the City Commission with a view to
- 8070 improving same so as to provide for the development, general improvement and
- 8071 probable future growth of the City and make recommendations to the City Commission
- 8072 relating to land development and new developments or for the adoption of a City
- 8073 comprehensive plan.
- 8074
- 8075 d. To recommend approval or disapproval of all new plats, plat amendments and
- 8076 subdivision resurveys to be presented to the City Commission.
- 8077
- 8078 e. To perform such other duties as may from time to time be assigned to such board by
- 8079 the City Commission.
- 8080

(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 – Reserved.

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

(A) For all rezonings, variances, waivers, special exceptions, conditional uses, or other quasi-judicial determinations affecting zoning, or any quasi-judicial matter related to the Margate Comprehensive Plan, the applicant shall attend the scheduled quasi-judicial determination or be represented during same.

(B) Failure to comply with subsection (A) may be grounds for denial for the above quasi-judicial determination.

(C) The above statement shall be provided to each applicant for every quasi-judicial determination upon notice of the scheduled quasi-judicial hearing.

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)~~ 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)~~ 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)~~ 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)~~ 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)~~ 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)~~ 335 gallons per day (gpd) per equivalent residential ERC and provide minimum fire flow requirements with a residual pressure of ~~twenty (20)~~ 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)~~ 335 gallons per day (gpd) per equivalent residential connection (ERC). All other levels of service standards are as follows:

Type of Structure	Specific Condition/Unit	Per unit in Gallons per day
Assembly Halls	(a) per seat	2
Barber and beauty shops	(a) per dry service chair	100
	(b) per wet service chair	200
Bar and cocktail lounges (No food service)	(a) per seat	20
Bowling alleys	(a) per lane (no food operation)	100
Camper or RV trailer park	(a) per space	150
Car wash	(a) automatic type	3500
	(b) automatic type (recycled water)	350
	(c) hand wash	1750
Churches	~~(a) per sanctuary seat~~	3
Dance halls	(a) per person	2

Dentist offices:	(a) per dentist	250
	(b) plus per wet service chair	200
Doctor offices:	(a) per physician	250
	(b) plus per square foot of office space	0.20
Drive-in theater	(a) per car space	5
Fire station	(a) per bed	100
Health spa	(a) per square foot (does not include food service)	0.35
Hospitals and nursing homes	(a) per bed space (does not include public food service areas and offices)	210
Institutions	(a) per person (including resident staff)	100
Kennels	(a) per animal space	30
	(b) per veterinarian	250
Laundries	(a) per coin-operated machine	400
	(b) per commercial not coin-operated machine	650
Office Building	(a) per square foot of floor space	0.20
Parks, public with comfort stations	(a) per visitor	10
Pet grooming parlors	(a) per wash basin (does not include retail sales)	200
Recreation/pool buildings	(a) per person (300 gallon minimum)	2
<u>Places of Assembly</u>	<u>(a) per sanctuary seat</u>	<u>3</u>
Residences	(a) Single family, detached each	300
	(b) Multiple family per dwelling unit	250
	(c) Motel/hotel units, per bedroom	150
	(d) Bedroom additions to single family residence	150
	(e) Mobile homes, each	300
	(f) Condominium/Apartments, each	141
Restaurants	(a) open 24 hours, per seat including bar	50
	(b) open less than 24 hours, per seat including bar	30

	(c) open less than 24 hours, with drive-through window, per seat including bar	35
	(d) drive-ins, per space	50
	(e) carry out food service only per 100 square feet	50
Schools:		
Elementary/Middle	(a) per pupil per day	10
	(b) add for shower/pupil	5
	(c) add for cafeteria/pupil	5
High School	(a) per pupil per day	15
	(b) add for shower/pupil	5
	(c) add for cafeteria/pupil	5
Boarding School	(a) per pupil	100
Service stations and		
auto repair shops	(a) per water closet	250
	(b) plus per service bay	100
Shopping centers		
and retail shops	(a) per square foot of floor space	0.10
	(does not include food service or laundry)	
Theaters and auditoriums	(a) per seat	5
Warehouse, mini-storage, with resident manager	(a) per square foot of floor space	0.01
	(b) plus residence	250
Warehouses	(a) per square foot of floor space	0.10

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(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.

Type of Facility	Peak Hour Level of Service
Principal Arterial	D
Collector Street	D
Local Road	C

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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.

Type of Use	Level of Service
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.

Type of Facility	Level of Service
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

40.350 Uncompleted Structures

(A) No building or structure not completed in substantial conformity with places and specifications upon which the building permit for its construction was issued, shall be maintained, or be permitted to remain, unfinished for more than six (6) months after active construction operations have been suspended or abandoned.

40.351 Prohibited Residences

(A) No boat, vessel, automobile or other vehicle shall be used or maintained for sleeping or living purposes or as a place of residence within the city.

(B) No tent shall be erected, used or maintained for living quarters except for permitted camping or recreational activities.

(C) No trailer, camper, recreational vehicle or mobile home shall be used or maintained as a residence unless same are validly in or a part of any properly zoned mobile home park or area designated for such residential use, and only if such vehicle is permanently connected to local utilities. It shall be determined that a camper, recreational vehicle, or trailer is being used as a residence if it is observed to have water, sewer, or electric services connected, slides extended, or stabilized.

(D) The city manager may, upon receipt of a written request, exempt trailers, campers or mobile homes utilized for habitation where it has been determined that same is necessary for the preservation of life, health or public safety, at the site of any single-family residence determined to be uninhabitable or in conjunction with any circus, carnival or temporary amusement center if said circus, carnival or temporary amusement center is properly permitted and the habitation to be utilized therein does not endanger the health or safety of the individuals residing therein. Only one (1) trailer, camper or mobile home shall be permitted on a single-family residential property and must be located on the same property as that residence deemed uninhabitable. Such exemption shall be valid for a period not to exceed six (6) months. However, one (1) extension for an additional six (6) months may be sought via written request to the city manager. Upon approval of this exemption, all necessary permits shall be obtained from the Margate Building Department.

(E) Temporary shelter exception. Pursuant to F.S. 166.0335, following the declaration of a state of emergency issued by the Governor for a natural emergency as defined in F.S.252.34(8) as may be amended from time to time during which a permanent residential structure was damaged and rendered uninhabitable, one (1) temporary shelter may be installed on a residential property for up to 36 months after the date of the declaration or until a certificate of occupancy is issued on the permanent residential structure on the property, whichever occurs first, if all of the following circumstances apply:

1. The resident makes a good faith effort to rebuild or renovate the damaged permanent residential structure, including, but not limited to, applying for a building permit, submitting a plan or design to the municipality, or obtaining a construction loan.
2. The temporary shelter is connected to water and electric utilities and does not present a threat to health and human safety.

- 8571
8572 3. The resident lives in the temporary structure.
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8574 (F) These provisions shall not apply to recreational vehicles within areas zoned RVRP
8575 Recreational Vehicle Resort Park District.

8576 **40.352 Abandoned Vehicles**
8577

8578 (A) Abandoned or inoperative vehicles; storage of vehicles; unlawful. It is hereby declared
8579 unlawful and a nuisance to the general public to leave any abandoned or inoperative vehicle,
8580 as defined in Section 2.2 or 40.355 of the Zoning Code of the City of Margate, or any parts
8581 thereof, in the public streets, alleys, or rights-of-way or upon any private property. It is hereby
8582 prohibited for any owner or person in control of any vehicle or part thereof to leave same
8583 abandoned or inoperative upon the public streets, alleys, or rights-of-way or upon any other
8584 public or private property within the City of Margate, or for the owner or person in control of
8585 any such vehicle or the owner, occupant, tenant, lessee, person in control, or person in
8586 possession of any property to permit or suffer the same to be stored on any privately owned
8587 property, unless said vehicle is stored inside a completely enclosed structure or a designated
8588 storage area. Any such designated storage area shall be in a B-3, C, or M-1 district, and
8589 enclosed by a eight (8) -foot concrete block wall stuccoed or precast concrete wall on any
8590 side visible from areas outside of the property where it is situated. No storage area or wall
8591 surrounding same shall be located in a required setback area.
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- 8593 1. The above prohibition shall not apply to motor vehicles which are offered for sale in a lot
8594 or space specifically designated and zoned for the sale of new or used vehicles where
8595 adequate space has been provided for same and a Local Business Tax Receipt has been
8596 issued by the City of Margate.
8597
8598 2. The above prohibition shall not apply to motor vehicles which are parked on private
8599 property zoned for vehicle repair while said vehicles are temporarily and actively being
8600 repaired by a business or concern which has been issued a Local Business Tax Receipt
8601 by the City of Margate provided they are in an area not visible from any roadways classified
8602 by Broward County Metropolitan Organization's Broward Highway Functional
8603 Classifications Map as local roads in a residential area or any arterial roadways.
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8605 (B) Removal; notice to owner.
8606

- 8607 1. Whenever a police officer or code enforcement officer of the City of Margate shall ascertain
8608 that an inoperative vehicle or an unlawfully stored vehicle, as provided in the zoning code,
8609 is present on public or private property, they shall cause a notice to be placed upon or
8610 immediately adjacent to such vehicle. Such notice shall be substantially in the following
8611 form:
8612

8613 *"TO THE OWNER OR PERSON RESPONSIBLE: This vehicle located at (briefly describe*
8614 *location) is improperly stored and must be removed within five (5) business days. You have the*
8615 *right to a hearing before the City Manager or their designee for the purpose of showing cause*
8616 *why this vehicle should not be removed or disposed of. You must request a hearing not later*
8617 *than five (5) business days from this date. If you do not request a hearing within such time or*

if you do not show good cause, the City will remove and dispose of the vehicle. You, as owner or the person responsible for the vehicle, will be liable for the cost of removal and disposition. Dated this day of , . Signed (set forth name, title, address and telephone number of officer.)”

2. The City Manager or their designee shall hold an informal hearing at the request of any person or entity claiming an interest in the posted vehicle within five (5) business days following the request, or at such later date as the City Manager or their designee shall determine, and where such request for a hearing has been received by the City within five (5) business days following the posting of notice, the vehicle shall not be removed by the City prior to the expiration of two (2) business days immediately following the hearing if the vehicle is determined to be inoperative. The purpose of such hearing is to provide an opportunity for the owner, or person or entity responsible for the vehicle to demonstrate that, in fact, the subject vehicle is not inoperative or unlawfully stored. Failure to request a hearing or failure to attend a scheduled hearing shall constitute a waiver of the right to a hearing and consent to the removal and disposition of the vehicle as inoperative. If a hearing is waived or if it is determined at or following a hearing that the subject vehicle is an operative vehicle, following a two (2) day period as above provided, the vehicle shall be removed by the City as soon as practicable, and shall be destroyed or otherwise disposed of.
3. Where a police officer or code enforcement officer of the City of Margate has cause to place a notice, as provided in subsection (a) above, on a vehicle and the vehicle has been removed and thereafter the vehicle reappears either as an inoperative vehicle or unlawfully stored vehicle within a three-month period, he/she shall cause a notice to be placed upon or immediately adjacent to such vehicle. Such notice shall be substantially in the following form:

“TO THE OWNER OR PERSON RESPONSIBLE: This vehicle located at (briefly describe location) is improperly stored and must be removed within twelve (12) hours. You have the right to a hearing before the City Manager or their designee for the purpose of showing cause why this vehicle should not be removed or disposed of. You must request a hearing not later than twelve (12) hours from this date and time. If you do not request a hearing within such time or if you do not show good cause, the City will remove and dispose of the vehicle. You, as owner or the person responsible for the vehicle, will be liable for the cost of removal and disposition. Dated this day of , . Signed (set forth name, title, address and telephone number of officer.)”

The City Manager or their designee shall hold an informal hearing at the request of any person or entity claiming an interest in the posted vehicle within two (2) business days following the request, or at such later date as the City Manager or their designee shall determine. The purpose of such hearing is to provide an opportunity for the owner, or person or entity responsible for the vehicle to demonstrate that, in fact, the subject vehicle is not inoperative or unlawfully stored. Failure to request a hearing or failure to attend a scheduled hearing shall constitute a waiver of the right to a hearing and consent to the removal and disposition of the vehicle as inoperative. If a hearing is waived or if it is determined at or following a hearing that the subject vehicle is an

operative vehicle, the vehicle shall be removed by the City as soon as practicable and shall be destroyed or otherwise disposed of.

4. In respect to any vehicle removed and disposed of by the City, an administrative charge of \$25.00 shall be made, in addition to any cost actually incurred by the City, which charge shall be payable by the registered owner of the vehicle or any other person responsible for the vehicle. A bill shall be sent to such person's last known address by certified mail, return receipt requested, and any charge remaining unpaid after 30 calendar days from receipt of the bill shall constitute a debt subject to collection by legal process. In addition, such unpaid charges shall constitute a lien against the private real property from which the vehicle was removed upon ten (10) calendar days' notice to the owner of said property to pay the bill for removal of the vehicle. The liens provided herein shall be prior to all other liens on such lands lien except for those for state, county, municipal or other governmental taxes. That upon an action for foreclosure, the City shall receive all costs including reasonable attorney's fees. Interest from the date of removal shall be calculated and charged at the rate provided for in F.S. § 170.09, as amended.

40.353 Nuisance

- (A) No person, firm or corporation shall maintain or continue to allow and maintain in any district provided in this ordinance anything which shall in any way be offensive or obnoxious by reason of the emission of odors, gases, dust, smoke, vibration, glare, or noise (including the barking or howling of dogs, or any noise or odors emanating from any animal). Nor shall anything be constructed or maintained that would in any way constitute an eyesore or nuisance to adjacent property owners or residents or the general community and any such conditions allowed to be maintained or constructed are hereby declared a nuisance to the general public.

40.354 Storage on Residential Property

- (A) No land which is zoned in a residential district shall be used for the storage of any equipment, machines, equipment or machine parts, building materials or construction equipment except when incidental to constructive operations for which a building permit is in effect. However, debris resulting from preparing the ground for building and/or building construction shall be removed and disposed of each week.

40.355 Property Maintenance Standards

- (A) It is hereby promulgated and established a set of minimum exterior building and property standards relating to the maintenance of residential and nonresidential buildings and property within the City of Margate. All properties shall be maintained in accordance with the requirements of this article as well as the standards of the ICC Property Maintenance Code. These provisions shall apply to the exterior portion of every building or structure and its accessory structures, as well as any and all adjoining grounds, areas or other premises or undeveloped property in the city. In all situations where a provision of this article conflicts with other building, health, safety or zoning regulations, the more restrictive standard shall prevail. No person owning, leasing, occupying or having charge of any residential or nonresidential building or property within the limits of the City of Margate shall maintain any residential or non-residential building or property contrary to standards provided in this article.

(B) Jurisdiction; enforcement. The City of Margate shall have jurisdiction to issue citations in which violations of this article are alleged pursuant to section 1-8 of the City of Margate Code of Ordinances; provided, however, allegations regarding unsafe buildings and structures shall be administered in accordance with the procedures set forth in the City of Margate Code of Ordinances and/or the Florida Building Code, Broward County Edition, as amended.

(C) Exterior maintenance of structure and premises.

1. All exterior surfaces of buildings or sheds, excluding roofs, shall be properly maintained and protected from the elements by paint or other protective coating applied in a workmanlike fashion. Painted or protective coatings shall be uniform in color without blemishes throughout the exterior and shall be in accordance with the color palette of the City of Margate adopted by resolution. Trim paint shall be uniform in color and in accordance with the adopted color palette of the City of Margate without blemishes.
2. Every foundation, exterior wall, window, roof and all other exterior surfaces shall be free of holes, cracks, breaks, loose or rotted wood and any condition which might allow rain or moisture, vermin, pests or insects to enter the interior portions of the walls or to the occupied spaces of any dwelling, commercial building or structure.
3. Roofs shall be structurally sound, watertight and shall prevent rainwater or moisture from entering the walls, ceilings or any other portion of the dwelling, commercial building or structure.
 - a. All building roofs and gutters shall be kept free of faded or chipped paint and shall be maintained in good repair and in good condition to prevent deterioration and must be cleaned (pressure and/or chemical), repainted or recovered with like material(s) when any exposed roof surface becomes discolored or is scaling.
 - b. In the event a roof shingle or tile is replaced, the replacement shingle or tile shall be of the closest possible color and shade to the existing roofing shingles or tiles.
 - c. A tarp or other temporary repair is permitted while a building permit application for roof is processing and while the permit is active. The building official is authorized to permit a tarp following the declaration of a state of emergency issued by the Governor for a natural emergency as defined in F.S.252.34(8) as may be amended from time to time.
4. Fences, exterior walls, exterior doors, exterior windows, dumpster enclosures, decorative walls, perimeter hedges, playground equipment, trellis, swimming pools, screen enclosures, modular storage structures, and similar utility enclosures shall be maintained in a good state of repair.
5. Each exterior wall surface of buildings and structures shall be kept free of faded or chipped paint and shall be maintained in a good state of repair and good condition to prevent deterioration, and must be cleaned (pressure and/or chemical), repainted or recovered with like material(s) any exposed surface becomes discolored or is peeling.

- a. All subdivision walls or walls separating residential areas from commercial areas shall be painted or have a finished surface and all concrete walls shall be stuccoed and painted on the side facing the property adjoining the property on which the wall is situated.
6. Any awning or marquee and its supporting structural members shall be maintained in a good state of repair. Awnings or marquees made of cloth, plastic or of a similar material shall not show evidence of excessive weathering, discoloration, ripping, tearing or other damage.
7. All signage shall be maintained in the originally permitted and constructed condition as required by this Code.
8. Rubbish, brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash and debris shall not be permitted on any premises, including sidewalks and swales in the right-of-way adjacent and accessible to the premises. This subsection shall not apply to garbage, trash and debris, which is containerized in approved receptacles for appropriate collection and removal.
9. Dead and/or dying trees and limbs or other natural growth which constitute a health or safety hazard to persons or property shall be removed and replaced if required by city code requirements or site plan approval. Trees shall be kept pruned and trimmed to prevent the occurrence of a health or safety hazard as provided by section 23-17 of the City of Margate Code of Ordinances. The pruning, trimming, removal, or replanting of, or mitigation to, a tree on residential property shall be in accordance with Section 23-20 of the City of Margate Code of Ordinances.
10. Loose or overhanging objects which constitute a danger of falling on persons or property shall be removed.
11. Ground surface hazards such as holes, excavations, breaks, projections, obstructions and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas, and other portions of the premises shall be repaired or removed.
12. Premises and adjacent swales shall be kept landscaped, irrigated with rust free systems, mowed and maintained in good repair. All landscaping on non-residential property shall be in compliance with the approved site plan.
13. All off-street parking spaces shall be paved asphalt or constructed of concrete or block and shall have smooth surfaces in good repair and be in compliance with this Code.
14. All walkways and sidewalks shall be regularly cleaned and maintained, and shall remain free of dirt, mold, mildew, or other substances that could create a trip or slip hazard.

(D) Exterior building or structure color.

1. Standards.

- a. The visible exterior of all new structures or any existing structure(s) or parts thereof including signs and sign structure(s) within all non-residentially zoned districts of the city (C, G, CC, B-1, B-2, B-2A, B-3, CF, CF-1, M-1, M-1A, S-1, S-2, non-residential portions of a PUD, and any other zoning district which is hereinafter approved which is not exclusively residential), which is to be painted, repainted, surfaced, resurfaced or installed having the effect of establishing or changing the color, surface or appearance, (hereinafter referred to as painting), shall be approved only pursuant to the color palette of the City of Margate. The color palette shall be approved by resolution of the City of Margate.
- b. Any structure coming within the terms of this ordinance, except as provided in subsection (iii), may seek a variance before the Margate Board of Adjustment.
- c. The Board shall approve, or disapprove, the painting of any structure(s) in a nonresidential district of the City. Approval shall be granted by the Board based upon the following:
- i. The location of the structure(s);
 - ii. The size of the structure(s);
 - iii. The architectural style of the structure(s);
 - iv. Compatibility of the painting with surrounding structure(s);
 - v. Compatibility with the official color palette adopted by resolution of the City Commission. Said compatibility shall not be the sole determining factor;
 - vi. Such other factors as the Board determines will have on the aesthetics of the City of Margate.
- d. For the purposes and procedure provided in this subsection, both white, black and the absence of color, or any other surface or appearance shall be considered as painting, subject to this section.
- e. Fee. There shall be a fee established by resolution by the City of Margate for each application for color palette waiver.
2. Uniform sign plans. All uniform sign plans as provided for in section 40.706 of this Code shall be considered, pursuant to subsection (1) of this section.
3. Exemption.
- a. All painting for buildings or structures within a non-residentially zoned parcel whose exterior has conformed to the official color palette approved pursuant to Ordinance No. 1500.470 at the time of the adoption of Ordinance No. 1500.499, [Oct. 6, 2004.] shall not be required to comply with subsection (1) of this section within the two-year amortization period as provided for in subsection (3) of this section.

b. All signs erected pursuant to an approved uniform sign plan shall not be required to be approved, pursuant to this section on an individual basis.

4. Exemptions for posting. Approvals or appeals for approvals for exterior building or structure painting shall not be required to post a sign as provided under section 40.706 or provide mail notification as provided under section 40.310 of this Code.

5. Any aggrieved person or entity may appeal a decision made pursuant to subsection (1) to the City Commission if a request for an appeal shall be made with the City Clerk's office within seven (7) calendar days after the written decision of the applicable board is transmitted to the City Clerk. After action of the City Commission, the decision of the applicable board shall be deemed either confirmed or, depending on the motion, reversed. The affirmative vote of three (3) members of the City Commission shall be necessary in order to reverse the recommendation of the applicable board. No person or entity aggrieved by the grant or denial of any variance, special exception, appeal of the ruling of any administrative official, or any other quasi-judicial determination made by the applicable board may apply to the court for relief unless he/she has first exhausted the remedies provided for herein and taken all available steps provided for in this section.

(E) Trash container areas.

1. All trash container areas shall be maintained in a manner which prevents the accumulation of trash, debris, rubbish and litter by providing sufficient dumpsters and sufficient frequency of trash pickups.

2. In the case of single-family residences, trash containers shall be set out no earlier than 5:00 p.m. the day before the designated pick-up and left out no longer than 8:00 p.m. the designated day of pick-up.

a. When not out during pick-up, trash containers shall not be stored in the following locations:

i. In front setbacks. For the purposes of this section, the front setback of a home is considered to be the setback where the home has its primary entrance and fronts the adjacent road.

ii. Street side setbacks unless screened by a wall or privacy fence.

3. All new dumpsters, existing dumpsters, including dumpsters for recycling material, and other containers shall be constructed and shall be located and maintained in such a manner so as to provide screening from public view as required by section 40.704.

4. All dumpster locations shall allow pick up and emptying without impact to traffic flows and inconvenience to residents.

(F) Accumulation of stagnant water.

- 8902 1. No person owning, operating or having possession of any property within the city shall
8903 allow the accumulation of stagnant water in excess of two (2) inches for a period of
8904 exceeding 24 hours following the cessation of the most recent measurable rainfall. Roofs
8905 or other structures or improvements designed for the retention of water are exempt from
8906 this section but shall be subject to the design capabilities of said roof, structure or
8907 improvement or other governing codes.

8908
8909 (G) Parking and paved areas.
8910

- 8911 1. It shall be the responsibility of all persons to maintain all parking and paved areas including
8912 curbs and wheel stops in a neat and clean condition. In addition, all parking and paved
8913 areas shall be maintained in a good state of repair, which shall include proper drainage
8914 and the routine cleaning/clearing of french drains to prevent the accumulation of pools of
8915 water and the correction and removal of all ruts, potholes, and broken pavement. In
8916 parking areas, the parking spaces shall be maintained in a manner which clearly
8917 delineates said spaces and shall include maintenance of parking space striping,
8918 directional markings, stop bars, or other indicators. Wheel stops, curbing and any other
8919 paved surfaces shall be free of breaks, cracks and other deficiencies. Additionally, all
8920 parking areas shall be maintained in the original constructed condition as required by this
8921 Code. This section shall apply to all paved areas, including but not limited to parking areas
8922 and ingress or egress driveways. Additionally, a building permit shall be required for all
8923 resurfacing, resealing, restriping, and replacement of parking areas. An Engineering
8924 Permit shall be required if excavation of base-course material will occur to repair areas
8925 that include not limited to settlement, washout, or utility damage.
8926

8927 (H) Landscaping maintenance requirements.
8928

- 8929 1. All owners of land shall be responsible for the maintenance of all landscaping. This
8930 includes mowing and maintaining abutting rights-of-way, swales, lake and canal banks.
8931 Landscaping shall be maintained in a good condition so as to present a healthy, neat and
8932 orderly appearance at least equal to the original installation and shall be mowed or
8933 trimmed in a manner and at a frequency so as not to detract from the appearance of the
8934 general area. Landscaping shall be maintained such that it will not cause property damage
8935 and public safety hazards, including removal of living, dead or decaying plant material,
8936 removal of low hanging branches below eight (8) feet when over sidewalks and
8937 landscaped areas and below 14 feet when over roads or other vehicular use areas and
8938 those obstructing street lighting. Landscaping shall be maintained in accordance with the
8939 following standards:
8940
8941 a. Insects, disease, etc.: Landscaping shall be kept free of visible signs of insects and
8942 disease and appropriately irrigated and fertilized to enable landscaping to be in a
8943 healthy condition.
8944
8945 b. Mulching: Three (3) inches of clean, weed-free, appropriately sterilized organic mulch
8946 shall be maintained over all areas originally mulched at all times until landscaped area
8947 matures to one hundred (100) percent coverage.
8948

- c. Turf edge trimming: All roadways, curbs and sidewalks shall be edged to prevent encroachment from the adjacent turfed areas.
- d. Maintenance of irrigation systems: Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation system and shall not be installed or operated to place water on roads.
- e. Replacement requirements: An owner is responsible to ensure that living materials are replaced with like material if such living material or trees die or are abused.
- f. Removal of root systems: Removal of root systems which show evidence of destroying public or private property is required.
- g. Tree abuse: Tree abuse is prohibited within the City in accordance with section 40.704.
- h. Tree pruning:
- i. All owners of land must prune trees in accordance with the National Arborist Association Standards. Any pruning performed without conformance to the National Arborist Association Standards shall be subject to enforcement by the city.
 - ii. All tree pruners or removers that provide services for a fee within the City of Margate shall hold a valid occupational license in either Broward, Palm Beach, or Miami-Dade Counties.
 - iii. The pruning of fruit trees is exempt from the requirements of this subsection.
- (l) Maintenance of swales.
1. Maintenance responsibility: It shall be the responsibility of the adjacent property owner to maintain the swale area to the following minimum standards:
 - a. Free of debris; and
 - b. Grass and or weeds cut no higher than six (6) inches and edged away from the sidewalk and roadway; and
 - c. Shrubs shall be kept trimmed to a height not to exceed 24 inches and provide unrestricted visibility at driveways and street intersections. Shrubs shall be trimmed to prevent encroachment into adjacent sidewalks and streets; and
 - d. Overhanging branches of trees shall be pruned to provide a vertical clearance of eight (8) feet above the sidewalk, and a minimum vertical clearance of 14 feet above the road; and
 - e. The swale shall be kept free and clear of prohibited species, as set forth in this Code.

8997 (J) Maintenance of canal right-of-way or easements.
8998

- 8999 1. No owner of land or any persons in their employ or under their control shall deposit in any
9000 of the waters of the lakes, ponds, canals, ditches or waterways within the city, any rubbish,
9001 filth, construction debris, litter, garbage, grass cuttings or poisonous or deleterious
9002 substance or substances liable to affect the health, safety and welfare of persons or fish
9003 within the waterways. It shall be the responsibility of the property owner to maintain the
9004 appearance of the canal right-of-way, easement or waterway area to the following
9005 minimum standards:
9006
9007 a. Free of debris; and
9008
9009 b. Grass and or weeds shall not exceed six (6) inches; and
9010
9011 c. Overhanging branches of trees shall be pruned to a height of at least 12 feet from the
9012 water surface of the canal and be free and clear of the waterway, and
9013
9014 d. The canal right-of-way or easement area shall be kept free and clear of prohibited
9015 species, as defined in the Code of the City of Margate.
9016
9017 e. All canals, lakes and other bodies of water shall be kept free of nuisance aquatic plants
9018 and in no instance shall any body of water have a surface covering of any type or
9019 species of aquatic plant.
9020

9021 (K) Boarded up buildings.
9022

- 9023 1. The City recognizes that from time to time it may be necessary to secure real property
9024 because of abandonment, disrepair, public hazard or natural disaster. Unsecured property
9025 can lead to vandalism problems, occupancy safety problems and appearance problems.
9026 The City feels it is necessary to create certain criteria for securing structures.
9027
9028 a. Real property may be secured via boarding up windows, doors, or other openings
9029 upon the requirement of the building official, fire official, code officers or by a private
9030 party, for the purpose of ensuring public safety and protecting private property,
9031 provided a permit is issued by the city prior to securing a property.
9032
9033 b. Any means of securing a property, including crime prevention devices, shall be subject
9034 to review by the building official for safety and compliance with the building code. In
9035 no instance shall safety bars, grating, or other similar apparatus be allowed over any
9036 window, door, or other opening of any building.
9037
9038 c. The owner of any structure shall promptly repair any broken door or window so that a
9039 temporary boarded up condition is limited. A building permit to replace the door(s) or
9040 window(s) shall be obtained within 30 days of notice being made by the City. A
9041 temporary board up is permitted while a building permit application to replace the
9042 window(s) or door(s) is processing and while the permit is active.
9043

i. The building official is authorized to permit a board up following the declaration of a state of emergency issued by the Governor for a natural emergency as defined in F.S.252.34(8).

d. Any device (including wood or approved hurricane shutters) used for the securing of a property during a declared hurricane or tropical storm shall be removed no later than ten (10) calendar days after the lifting of any hurricane or tropical storm warning or watch.

(L) Determination of need for correction.

1. Structures and properties failing to meet the standards for a non-blighting influence will be considered "deficient." A blighting influence on the surrounding neighborhood in violation of this article exists when a deficiency or combination of deficiencies represents more than 25 percent of the area on any wall, exterior premises, structure, roof or paved surface as viewed from any single vantage point off the property.

(M) Repairs and installations.

1. Repairs and installation shall be made so as to comply with the Code of the City of Margate and the Florida Building Code, and/or the approved site plan. All work shall proceed in a timely fashion and be done in workmanlike manner.

(N) Violation.

1. The City shall enforce this article as set forth in section 1-8 of the City of Margate Code of Ordinances.

(O) Foreclosure real property and abandoned personal property.

1. Purpose and intent. It is the purpose and intent of the City Commission to amend the process to limit and reduce the amount of abandoned personal and real property in foreclosure located within the City. It is the City Commission's further intent to amend the foreclosure property program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties subject to foreclosure.

2. Applicability. This article shall be considered cumulative and not superseding or subject to any other law or provision for same but shall rather be an additional remedy available to the City above and beyond any other state, county and/or local provisions for same.

3. Penalties. Any person who violates the provisions of this article shall, upon conviction, be punished as provided in section 1-8.

4. Placement of abandoned personal property prohibited.

a. It shall be unlawful for any person to abandon personal property upon private property:

- i. Without receiving the property owner's consent; or
- ii. In violation of this or any other applicable law, ordinance or regulation.
- b. Nothing in this section shall be deemed to apply to abandoned personal property authorized to be left on private business property properly operated, licensed and zoned in the city for the purpose of accepting abandoned property.
5. Public nuisance. All abandoned personal property and foreclosure real property is hereby declared to be a public nuisance, the abatement of which is hereby declared to be necessary for the health, welfare and safety of the residents of the city.
6. Notification procedure. When an enforcement officer ascertains that an article of personal property having nominal salvage value lies abandoned or derelict upon private property, that officer shall:
- a. Cause a notice to be placed upon such abandoned property in the substantially following form (such notice shall be not less than eight (8) inches by ten (10) inches and be sufficiently weatherproof to withstand normal exposure to the elements):
- "NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY THIS PROPERTY, TO WIT: (setting forth brief description)
- LOCATED AT: (setting forth brief description of location) is:
- IMPROPERLY STORED AND IS IN VIOLATION OF (setting forth ordinance or violation violated)
- AND MUST BE REMOVED WITHIN TEN (10) CALENDAR DAYS FROM THE DATE OF THIS NOTICE; OTHERWISE, IT SHALL BE PRESUMED TO BE ABANDONED PROPERTY AND WILL BE REMOVED AND SOLD OR DESTROYED BY ORDER OF THE GOVERNING BODY OF THE CITY OF MARGATE, FLORIDA
- DATED THIS: (setting forth the date of posting of notice).
- SIGNED (setting forth name, title, address and telephone number of enforcement officer.)"
- b. The enforcement officer shall also make reasonable effort to ascertain the name and address of the owner of the abandoned property and, if such address is reasonably available, the officer shall mail by certified mail a copy of the notice to the owner on or before the date of posting the above-described notice on the abandoned personal property.
- c. The enforcement officer shall mail, by certified mail, a copy of the above-described notice to the owner of the real property upon which the abandoned personal property is located, as shown by the real estate tax records used by the county, on or before the date of posting such notice.
7. Removal of abandoned personal property.

a. If at the end of ten (10) calendar days after posting notice under this article, the owner or any person interested in such abandoned personal property described in the notice has not removed same, the enforcement officer may cause the article of abandoned personal property to be removed and destroyed or sold, and the salvage value, if any, of such article shall be retained by the local government to be applied against the cost of removal and destruction thereof.

b. Before sale or destruction, as determined by the City of Margate, any owner or lienholder of the abandoned personal property shall be permitted to regain possession thereof upon proof of ownership or lien rights entitling the lienholder to possession, upon payment of storage charges and all expenses incurred by the enforcement officer and/or the City.

8. Registration of foreclosure property.

a. Any mortgagee who holds a mortgage on real property located within the city shall perform an inspection of the property that is the security for the mortgage, upon issuance of a notice of default. The mortgagee shall, within ten (10) calendar days of the inspection, register the property with the code compliance unit of the City of Margate, or designee.

b. Properties shall be inspected by the mortgagee or designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) calendar days of that inspection, update the property with the code compliance unit of the of the City of Margate, or designee.

c. Registration pursuant to this section shall contain the name of the mortgagee, the direct mailing address of the mortgagee, a direct contact name and telephone number of mortgagee and, in the case of a corporation or out-of-area mortgagee, the local property management company responsible for the security and maintenance of the property.

d. A non-refundable semi-annual fee in the amount of \$300.00 shall accompany the registration form. Fees shall be tendered in U.S dollars.

e. Each individual property on the Registry that has been registered for 12 months or more prior to the Effective Date shall have 30 calendar days to renew the registration and pay the non-refundable \$300.00 Semi-Annual Registration fee. Properties registered less than 12 months prior to the Effective Date shall renew the registration every six (6) months from the expiration of the original registration renewal date and shall pay the non-refundable \$300.00 Semi-Annual Registration fee.

f. If the mortgage and/or servicing on a property is sold or transferred, the new Mortgagee is subject to all the terms of this Section. Within ten (10) calendar days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of

9183 paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's
9184 involvement with the Registrable Property.

9185
9186 g. If the Mortgagee sells or transfers the Registrable Property in a non-arm 's length
9187 transaction to a related entity or person, the transferee is subject to all the terms of
9188 this Chapter. Within ten (10) calendar days of the transfer, the transferee shall register
9189 the property or update the existing registration. Any and all previous unpaid fees, fines,
9190 and penalties, regardless of who the Mortgagee was at the time registration was
9191 required, including, but not limited to, unregistered periods during the Foreclosure
9192 process, are the responsibility of the transferee and are due and payable with the
9193 updated registration. The previous Mortgagee will not be released from the
9194 responsibility of paying all previous unpaid fees, fines, and penalties accrued during
9195 that Mortgagee's involvement with the Registrable Property.

9196
9197 h. This section shall also apply to properties that have been the subject to a foreclosure
9198 sale where the title was transferred to the beneficiary of a mortgage involved in the
9199 foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

9200
9201 i. If the Foreclosure Property is not registered, or the registration fee is not paid within
9202 30 calendar days of when the registration or renewal is required pursuant to this
9203 section, a late fee equivalent to ten (10) percent of the Semi-Annual Registration fee
9204 shall be charged for every thirty-day period, or portion thereof, the property is not
9205 registered and shall be due and payable with the registration.

9206
9207 j. Properties subject to this remain under the semi-annual section shall registration
9208 requirement, security and maintenance standards of this section as long as they
9209 remain Registrable Property.

9210
9211 k. Any person or corporation that has registered a property under this section must report
9212 any change of information contained in the registration within ten (10) calendar days
9213 of the change.

9214
9215 9. Maintenance requirements.
9216

9217 a. Properties subject to this article shall be kept free of weeds, overgrown brush, dead
9218 vegetation, trash, junk, debris, building materials, any accumulation of newspapers,
9219 circulars, flyers, notices, except those required by federal, state, or local law, discarded
9220 personal items including, but not limited to, furniture, clothing, large and small
9221 appliances, printed material or any other items that give the appearance that the
9222 property is abandoned.

9223
9224 b. The property shall be maintained free of graffiti or similar markings by removal or
9225 painting over with an exterior grade paint that matches the color of the exterior
9226 structure.

9227
9228 c. Visible front, side and rear setbacks shall be landscaped and maintained to the
9229 neighborhood standard at the time registration was required. All rear setbacks shall

- 9230 be maintained such that they do not attract wildlife such as rats, raccoons, stray cats,
9231 etc.
- 9232
- 9233 d. Landscape shall include, but not be limited to, grass, ground covers, bushes, shrubs,
9234 hedges or similar plantings, decorative rock or bark or artificial turf/sod designed
9235 specifically for residential installation. Landscape shall not include weeds, gravel,
9236 broken concrete, asphalt or similar material.
- 9237
- 9238 e. Maintenance shall include, but not be limited to, watering, irrigation, cutting, and
9239 mowing of required landscape and removal or all trimmings.
- 9240
- 9241 f. Pools and spas shall be kept in working order so the water remains free and clear of
9242 pollutants and debris. Pools and spas shall comply with the enclosure requirements of
9243 the City Code of Ordinances and Florida Building Code, as amended from time to time.
- 9244
- 9245 g. Failure of the mortgagee and/or property owner of record to properly maintain the
9246 property may result in a violation of the City Code and citation by the City's code
9247 compliance unit. Pursuant to a finding and determination by the special magistrate,
9248 the City may take the necessary action to ensure compliance with this section.
- 9249
- 9250 10. Security requirements.
- 9251
- 9252 a. Properties subject to this section shall be maintained in a secure manner so as not to
9253 be accessible to unauthorized persons.
- 9254
- 9255 b. A "secure manner" shall include, but not be limited to, the closure and locking of
9256 windows, doors, gates and other openings of such size that may allow a child to access
9257 the interior of the property and/or structure. Broken windows shall be secured by
9258 reglazing.
- 9259
- 9260 c. If the property is owned by a corporation and/or out-of-area mortgagee, a local
9261 property manager or management company shall be contracted to perform monthly
9262 inspections to verify compliance with the requirements of this section, and any other
9263 applicable laws.
- 9264
- 9265 d. The local property management company shall inspect the property on a monthly basis
9266 to ensure that the property is in compliance with this chapter and keep a log of same.
9267 Said log shall be produced to the City of Margate upon request.
- 9268
- 9269 e. Failure of the mortgagee and/or property owner of record to properly maintain the
9270 property may result in a violation of the City Code and citation by the City's code
9271 compliance unit pursuant to a finding and determination by the special magistrate, the
9272 City may take the necessary action to ensure compliance with this section.
- 9273
- 9274 11. Opposing, obstructing enforcement officer; penalty. Whoever opposes, obstructs or
9275 resists any enforcement officer or any person authorized by the enforcement office in the
9276 discharge of duties as provided in this article, upon conviction shall be punished as
9277 provided in section 1-8.

- 9278
- 9279 12. Immunity of enforcement officer. Any enforcement officer or any person authorized by the
- 9280 enforcement officer shall be immune from prosecution, civil or criminal, for reasonable,
- 9281 good-faith trespass upon real property while in the discharge of duties imposed by this
- 9282 article.
- 9283
- 9284 13. Additional authority. The City's Code Compliance Unit shall have authority to require the
- 9285 mortgagee and/or owner of record of any property affected by this section, to implement
- 9286 additional maintenance and/or security measures including, but not limited to, securing
- 9287 any and all door, window or other openings, employment of an on-site security guard, or
- 9288 other measures as may be reasonably required to prevent a decline of the property.
- 9289
- 9290 14. Adoption of rules; expenditure of funds; declaration of city purpose. The governing body
- 9291 is authorized and empowered to adopt rules and regulations and expend City funds as
- 9292 may be reasonably necessary and available to carry out the terms of this article, the
- 9293 expenditure of such funds being declared a proper city purpose.

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)~~ 20 percent of the lands designated commercial to be converted to residential land use to allocate flexibility, reserve or redevelopment units.
 - a. 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.

- 9321 b. Process to complete the allocation of these units:
- 9322 i. An applicant must request to allocate these units to a specific process through
- 9323 an application provided by the City;
- 9324
- 9325 ii. The applicant shall provide a School Capacity Availability Determination (SCAD)
- 9326 report from the School Board of Broward County;
- 9327
- 9328 iii. The applicant shall also show compliance with the requirements set forth in this
- 9329 chapter, the City's Comprehensive Plan and requirements within the
- 9330 Administrative Rules Document of Broward Next;
- 9331
- 9332 3. Residential-neighborhood commercial flex allows for up to five (5) percent of the area
- 9333 designated residential within a flexibility zone to neighborhood commercial land use.
- 9334 a. The City will consider allowing flexibility under this provision only for low intensity
- 9335 neighborhood offices, neighborhood retail sales of merchandise, or neighborhood
- 9336 retail sales of services which are limited in hours, which are compatible with
- 9337 residential uses, and which do not tend to create compatibility conflicts as a result of
- 9338 noise, odors, or high traffic generation.
- 9339
- 9340 4. Industrial-limited commercial flex allows for up to ~~twenty (20)~~ 20 percent of the lands
- 9341 designated industrial to be converted to commercial land use.
- 9342
- 9343 a. The City will consider allowing flexibility to utilize up to ~~twenty (20)~~ 20 percent of
- 9344 industrial land use for commercial flex if acreage is available per the requirements set
- 9345 forth in the City's Comprehensive plan and Broward Next.
- 9346
- 9347 5. For any allocation of flexibility, the City shall review the application for completeness with
- 9348 all of the requirements set forth in the City Code and Broward County Next regulations;
- 9349
- 9350 a. The City shall prepare a staff report detailing whether the application meets the
- 9351 appropriate requirements;
- 9352
- 9353 b. The City Commission shall review the City staff report including all of these
- 9354 requirements as well as those set forth in the City's Comprehensive Plan;
- 9355
- 9356 c. The approval shall be completed as part of a site plan process;
- 9357
- 9358 d. The allocation of this flexibility shall be allocated at the time of site plan approval.
- 9359 If the site plan expires, the flexibility allocated to the site plan will be null and void
- 9360 and shall go back to the City's allocation so that the flexibility can be reallocated
- 9361 to another site plan approval.
- 9362
- 9363 e. *Criteria to consider and approve this application:*
- 9364
- 9365 i. The project should be consistent in scale, building height, mass, and elevations
- 9366 with the predominant nearby residential buildings
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- ii. If there is a change in population, socio-economic factors, or physical development of property near or affecting the subject property, which change was unforeseen or unanticipated, and which change has created a present problem or opportunity that justifies utilizing the flexibility;
 - iii. Whether the project as proposed offers significant benefits not otherwise available to the city if the city's land development regulations were otherwise followed;
 - iv. The extent to which the project contributes to the tax base, adds employment, and provides other positive economic impacts;
 - v. The extent to which the project impacts public services (e.g., fire, EMS, school, police, water, wastewater, and other services), and generates negative secondary effects of odors, fumes, noise, traffic, or crime;
 - vi. The extent to which the property has potential to be developed in a desirable manner under its present land use and zoning scheme without the application of flexibility and whether such foreseeable development is or is not more beneficial to the community;
 - vii. The nature and types of uses surrounding the subject property and whether the development proposal is compatible and complements those uses;
 - viii. Specific goals, objectives or policies of the City Comprehensive Plan and other City plans that are consistent or inconsistent with the development proposed;
 - ix. The extent to which the type of flexibility proposed to be utilized will remain available for future use by the City under this section's requirements and under any possible regulatory scheme;
 - x. The extent to which the utilization of flexibility serves or does not serve the public's health, safety, or welfare;
 - xi. The future land use and needs of the community; and
 - xii. Such other policy considerations that may not be set forth above but which are nonetheless considered by the City governing body to be reasonable and appropriate under the circumstances.

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 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

(A) After December 20, 2023 no lot, tract, or other parcel of land, however designated, which is part of a subdivision recorded in the official records of Broward County after June 4, 1953, may be further subdivided or resubdivided without approval of a subdivision resurvey. A development permit shall not be issued on any property that has been further subdivided or resubdivided without the City Commission's approval. In no instance shall approval be granted to a parcel that does not comply with all minimum Code requirements due to an

9453 unauthorized subdivision or resubdivision by sale or deed transfer of any type. The following
9454 requirements shall be met for the approval of a subdivision resurvey:

- 9455
- 9456 1. A survey of the subject property, containing all of the applicable information required
9457 by Section 40.402 of this Code, shall be prepared by a registered engineer or
9458 surveyor.
- 9459
- 9460 2. The proposed parcel(s) shall meet the requirements of Section 40.403 and Section
9461 40.504 - Irregular lots, as may be applicable.
- 9462
- 9463 3. Any land within the parcel that is necessary to comply with the Margate trafficways
9464 plan shall be conveyed to the public by deed or grant of easement.
- 9465
- 9466 4. The developer shall submit to the city clerk a performance bond for subdivision
9467 improvements and inspection fees.
- 9468
- 9469 5. The developer shall file a reproducible copy of the instrument with the city clerk with
9470 payment of filing fee as specified in the Fee Schedule adopted by Resolution of the
9471 City Commission of the City of Margate and all recording fees.
- 9472

9473 (B) The above requirements shall not apply in cases where part of one (1) single-family lot is
9474 added to another in order to increase a building site, provided no parcel remains which
9475 has less width or depth or contains less area than the minimum established for the district
9476 in which it is located.

9477

9478 (C) Where a proposed development is comprised of more than one (1) parcel or lot, the
9479 Development Review Committee may require the property owner to create a unity of title
9480 in order to process an application for a site plan, special exception or rezoning.

9481

9482 **40.402 Plat Submissions, Procedures and Requirements**

9483

9484 *(A) Procedure*

9485

9486 1. Over-all plan.

9487

9488 a. *Submission.*

9489

- 9490 i. An over-all plan for any proposed subdivision which is to be recorded in sections
9491 shall be filed with the board for review in advance of preliminary plats for a part of
9492 the area after the application receives a recommendation of approval from the
9493 Development Review Committee (DRC).

- 9494
- 9495 ii. The plan will then be considered by the Board at the next available regular meeting.
- 9496

- 9497 iii. *Approval of over-all plan.* Where an over-all plan is submitted for approval and
9498 provided that the plan meets all of the requirements of the City ordinances, such
9499 approval shall be given tentatively by the Planning and Zoning Board. All plats
9500 submitted following such over-all plan approved shall meet all of the requirements
9501 of the City ordinances and shall be in substantial conformity with the over-all plan.
9502 Such over-all plan approval shall be valid for no longer than ~~one hundred eighty~~
9503 (180) 180 days following approval. However, the subdivider or developer may
9504 apply for and receive an extension of the tentative approval upon showing that the
9505 over-all plan is in conformity with all City ordinances and that he intends to make
9506 any necessary changes to assure that any and all future developments within the
9507 purview of the over-all plan shall be in accordance with all City ordinances in
9508 existence at the time the extension of the tentative approval is requested.

9509 b. *Processing.*

- 9510
9511 i. A subdivider seeking approval of an over-all plan shall apply to the Development
9512 Review Committee. Once the Development Review Committee has reviewed the
9513 application and provided a recommendation of approval, a subdivider shall submit
9514 the plan and all supporting documents to the Board through the Development
9515 Services Department. The plat application shall be referred to the City Engineer,
9516 the Utility Department, any drainage district in which the plan may lie, and any
9517 adjacent municipality which abuts the proposed plan. The agencies involved shall
9518 report their comments and recommendations to the Board prior to scheduling the
9519 application for a Board meeting.
9520
9521 a. The City Engineer shall check the plan for general engineering and drainage
9522 requirements, and conformity with the applicable trafficways plan for the City.
9523
9524 b. The City Utility Department shall determine any utility easements that may be
9525 required.
9526
9527 c. The Planning and Zoning Board shall check the plat for general conformance
9528 to the zoning requirements.
9529

9530 c. *Requirements for over-all plan if one (1) is prepared.*

- 9531 i. The over-all plan shall be of a scale of not more than ~~two hundred (200)~~ 200 feet
9532 to the inch except that a scale of ~~three hundred (300)~~ 300 feet to the inch may be
9533 used for very large areas.
9534
9535 ii. The over-all plan shall show or be accompanied by the following information:
9536 a. Proposed subdivision name.
9537
9538 b. North arrow, scale, and date.
9539
9540 c. Name of registered engineer or surveyor responsible for the plan.
9541
9542 d. Subdivision boundaries.

- 9543
- 9544 e. All existing watercourses, canals, bodies of water and major drainage districts.
- 9545
- 9546 f. All existing streets and alleys on, or adjacent to, the tract.
- 9547
- 9548 g. All existing property lines, easements and rights-of-way.
- 9549
- 9550 h. Location and width of all proposed streets, alleys, rights-of-way and proposed
- 9551 lot lines, playgrounds, public areas and parcels of land reserved for public
- 9552 use.
- 9553
- 9554 i. A location sketch for easy identification of the area covered.
- 9555
- 9556 j. Relationship to section corners, section lines, or any other major land line(s)
- 9557 including approximate distances from such known points or lines.
- 9558

9559 2. *Preliminary plats*

9560

9561 a. *Submission.*

9562

- 9563 i. Preliminary plats for all proposed subdivisions of land lying within the City of
- 9564 Margate, shall be filed with the Board for review.
- 9565

- 9566 ii. Plats will be considered by the Board at the next regular meeting occurring at least
- 9567 ~~thirty (30)~~ 30 calendar days subsequent to filing.
- 9568

9569 b. *Processing.*

9570

- 9571 i. A subdivider seeking approval of a preliminary plat shall apply to the development
- 9572 Review Committee. Once the Development Review Committee has reviewed the
- 9573 application and provided a recommendation of approval, a subdivider shall
- 9574 transmit the preliminary plat and all supporting documents to the board. The
- 9575 application shall then be referred by the board, to the City Engineer, Utility
- 9576 Department and any drainage district in which the plat may lie and the area
- 9577 planning board and any municipality adjacent to the proposed plat.
- 9578

- 9579 ii. The City Engineer shall examine and check the preliminary plat for general
- 9580 engineering and drainage requirements, and conformity to the applicable
- 9581 trafficways plan for the City.
- 9582

- 9583 iii. The Utility Department shall check against known utility facilities and easements,
- 9584 or such new ones as may be required.
- 9585

- 9586 iv. The drainage district shall check to make sure all drainage needs are fulfilled, and
9587 that no trafficway proposed on the plat interferes with present drainage facilities,
9588 or those planned for the future.
- 9589
- 9590 v. The City Planning and Zoning Board shall check lot sizes to assure conformity with
9591 minimum standards set forth by the zoning requirements, and shall coordinate the
9592 recommendations of the several agencies above mentioned.
- 9593
- 9594 vi. The City Department of Environmental And Engineering Services shall assign
9595 street addresses to the lots.
- 9596
- 9597 c. *Requirements.*
- 9598
- 9599 i. The preliminary plat shall be at a scale of not more than ~~one hundred (100)~~ 100
9600 feet to the inch, provided that a scale of ~~two hundred (200)~~ 200 feet to the inch
9601 may be used for large areas.
- 9602
- 9603 ii. The preliminary plat shall show or be accompanied by the following information:
- 9604
- 9605 a. Proposed subdivision name or identifying title which shall not duplicate nor
9606 closely approximate the name of any other subdivision in the County except in
9607 cases where the subdivision is an added section to a former subdivision or
9608 where it is a re-plat of a portion or all of a former subdivision.
- 9609
- 9610 b. Location sketch with section.
- 9611
- 9612 c. North arrow, scale and date.
- 9613
- 9614 d. Name of the owner of the property or his authorized agent.
- 9615
- 9616 e. Name of the registered engineer or surveyor responsible for the plat.
- 9617
- 9618 f. Locations and names of adjacent subdivisions.
- 9619
- 9620 g. Subdivision boundaries with angles and distances. Boundaries must be clearly
9621 marked with heavy line.
- 9622
- 9623 h. All existing watercourses, canals, and bodies of water.
- 9624

9625 i. All existing streets and alleys on or adjacent to the tract, including name and
9626 right-of-way width.
9627

9628 j. All existing property lines, easements and rights-of-way and the purpose for
9629 which the easements or rights-of-way have been established, where known to
9630 the engineer or
9631

9632 k. Location and width of all proposed streets, alleys, right-of-way easements;
9633 proposed lot lines with dimensions, playgrounds, public areas, and parcels of
9634 land proposed or reserved for public use.
9635

9636 d. *Limitations on plat approval.*
9637

9638 i. The following limitations and conditions are placed on the preliminary plat
9639 approvals given by the board:
9640

9641 a. The approval of the Board shall have full force and effect for a period of
9642 ~~eighteen (18)~~ 18 months from the date of approval.
9643

9644 b. If no final plat has been filed for the area covered by the preliminary plat before
9645 the approval period has elapsed, the approval shall become suspended. If final
9646 plats are filed for only a portion of the preliminary plat, the approval on the
9647 remaining portions shall become suspended.

9648 3. *Final plats.*
9649

9650 i. *Submission.*
9651

9652 a. The original of the final plat, together with all supporting documents, shall be
9653 submitted to the City for review at least ~~thirty (30)~~ 30 days prior to a City
9654 Commission meeting considering same. The final plat shall be accompanied by
9655 the following:
9656

9657 1. Pavement and drainage plan approval.
9658

9659 2. Utility plan approval (water and sewer).
9660

9661 3. Drainage district approval, as applicable.
9662

9663 4. Opinion of title from a licensed Florida attorney.
9664

9665 b. Should final approval from an agency other than the City be pending on any of the
9666 items listed above, the application for final plat may still be submitted for
9667 consideration by the City Commission for conditional approval. Such application
9668 for final plat approval shall be accompanied by proof of submission of the required
9669 application(s) to the respective agencies for which final approval is pending.
9670 Whenever available, confirmation of receipt of an application by the agency shall
9671 also be submitted with the application for final plat approval. Any approval of a final
9672 plat application submitted pursuant to this subsection shall be conditioned and
9673 contingent upon receipt of final approval from the respective agencies.
9674

9675 ii. *Processing.*

- 9676
- 9677 a. The City Engineer shall check all final plats to verify conformity with the preliminary
9678 plat as approved by the Board.
- 9679
- 9680 b. Upon approval by the City Engineer, the final plat shall be transmitted ~~by the board~~
9681 to the City Commission, for final approval.
- 9682
- 9683 c. The approval of the final plat by the City Commission shall have full force and effect
9684 for a period of one (1) year from the date of approval.
- 9685
- 9686 d. No later than one (1) year following formal approval by the City Commission, the
9687 subdivider shall submit to the City Clerk:
- 9688
- 9689 1. Subdivider's performance bond for subdivision improvements, as otherwise
9690 required in the ordinances of the City of Margate.
- 9691
- 9692 2. Subdivision improvement inspection fees.
- 9693
- 9694 e. Upon approval by the City Commission, the affixing of the corporate seal of the
9695 City of Margate, the signatures of the Board Chair, Mayor, and City Clerk, the
9696 receipt of any documents required by the City Commission's approval of the final
9697 plat, and receipt of the required bonds and fees, the final plat shall be forwarded
9698 to the City Engineer for their signature. The City Engineer in turn shall forward the
9699 final plat to the Broward County Engineering Department for further processing.
- 9700
- 9701 f. If the final plat is not submitted to the City Engineer within one (1) year of approval
9702 by the City Commission, the approval of the plat shall be suspended and of no
9703 further force and effect. The City shall require the filing of a new application for a
9704 new final plat.

9705

9706 iii. *Requirements.*

9707

- 9708 a. The final plat mylar shall be prepared in accordance with the state plat law, Chapter
9709 177, Florida Statutes, and with these regulations. The over-all size shall be ~~twenty-~~
9710 ~~four inches by thirty-six inches (24" x 36")~~ 24 by 36 inches with borders as required
9711 by Broward County.
- 9712
- 9713 b. The following features shall be incorporated in a prominent location on the plat. (If
9714 more than one (1) sheet is required, these items shall be placed on the first sheet
9715 or page.)
- 9716
- 9717 1. Plat title (all lettering same type and size).
- 9718
- 9719 2. Section, township and range.
- 9720
- 9721 3. City of Margate, Broward County, Florida.
- 9722
- 9723 4. Graphic scale.
- 9724
- 9725 5. Legal description.
- 9726
- 9727 6. Location sketch.
- 9728
- 9729 c. The final plat shall exhibit the below listed certificates, signatures, and approvals
9730 in the currently accepted format:
- 9731
- 9732 1. Dedication by owner(s) witnessed (if by corporation, two (2) designated
9733 officers' signatures and corporate seal).
- 9734
- 9735 2. Acknowledgment of dedication by notary public.
- 9736
- 9737 3. Surveyor's certificate, signature and seal.
- 9738
- 9739 4. City Commission's approval.
- 9740
- 9741 5. City Engineer's approval.
- 9742
- 9743 6. County Engineer's approval.
- 9744
- 9745 7. Area planning board's approval.
- 9746
- 9747 8. Mortgagee approval(s).
- 9748
- 9749 9. Certificate of the clerk of the circuit court.
- 9750
- 9751 d. The delineation of the plat at a scale no smaller than one (1) inch equals ~~one~~
9752 ~~hundred (100)~~ 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. *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.
2. *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.
3. *Protection from through traffic.* Residential streets shall be laid out and arranged so as to discourage their use by high speed non-residential through traffic. Residential streets shall not connect with industrial areas unless unavoidable.

4. *Trafficway frontage.* Where a residential subdivision or residential property abuts on existing or proposed trafficway, the City may require marginal access streets, reverse frontage with screen planting contained in a non-access strip along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to minimize conflict of through and local traffic.
5. *Plats adjacent to railroad or expressway right-of-way.* Where a subdivision borders on or contains a right-of-way for a railroad, expressway, drainage canal or waterway, the City may require a street or easement approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades for future grade separations.
6. *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed under conditions approved by the City.
7. *Private streets.* Every subdivided lot or parcel shall be served from a publicly dedicated street unless approved as part of a PUD or PRC. This requirement may be waived by the board in other special situations where the board finds public safety, convenience and welfare can be adequately served by other means.
8. *Half streets.* New half or partial streets shall not be permitted except where essential to reasonable subdivision of a tract in conformance with these regulations or where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street the other part of the street shall be dedicated within such tract.
9. *Future resubdivision.* If lots resulting from original subdivision are large enough to permit or require resubdivision, or if a portion of the tract is not subdivided, adequate street right-of-way to permit future subdivision shall be provided as necessary.
10. *Dead-end streets.* Dead-end streets shall be prohibited, except where appropriate as stubs to permit future street extension into adjoining unsubdivided tracts, or when designed as cul-de-sacs.
11. *Cul-de-sacs.*
- a. Streets having cul-de-sacs, shall not exceed ~~four hundred (400)~~ 400 feet in length, except in special circumstances warranting extra length.
- Cul-de-sacs shall be provided at the closed end with a circular dedicated area not less than ~~seventy (70) feet~~ 70 in diameter for turnaround purposes. Turnarounds

9841 in business, commercial and industrial areas shall be ~~one hundred (100)~~ 100 feet
9842 in diameter.

9843

9844 12. *Street rights-of-way.*

9845

9846 a. Unless otherwise indicated or required by the trafficways plan, or specifically
9847 accepted by the planning and zoning board, street rights-of-way shall not be less
9848 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, and marginal access	50
Alley, two-way	20 Business or industrial district 16 Residential district
Alley, one-way	16 Residential district

9849 *(Except trafficway previously established at ~~one hundred (100)~~ 100 feet width of right-of-way
9850 as shown in the Zoning Regulations of the City of Margate).

9851 b. Additional right-of-way width may be required to promote public safety and
9852 convenience, or to assure adequate access, circulation and parking in high
9853 density residential areas, commercial areas and industrial areas.

9854

9855 c. Where a subdivision abuts or contains an existing street of inadequate right-of-
9856 way width, additional right-of-way in conformance with the above standards
9857 maybe required.

9858

9859 13. *Alleys.*

9860

9861 a. Alleys should be provided to serve multiple dwellings, business, commercial and
9862 industrial areas, except that the board may waive this requirement where other

definite and assured provision is made for service access, off-street loading, unloading and parking consistent with and adequate for the uses permissible on the property involved.

b. The width of an alley shall be at least ~~twenty (20)~~ 20 feet in a non-residential district, or at least sixteen (16) feet in a residential district.

c. Changes in alignment or intersections of alleys shall be made on a center line radius of not less than ~~thirty-five (35)~~ 35 feet minimum.

d. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities for service trucks at dead-end, with a minimum external diameter of ~~one hundred (100) feet~~ 100, or as determined to be adequate by the City Engineer.

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

14. Easements.

a. Easement shall be provided for public utilities where necessary and as required by the utilities involved and shall be at least ten (10) feet in total width.

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

c. Easements may be required for drainage purposes of such size and location as may be determined by the City Engineer, or by a drainage district if the plat lies within its jurisdiction.

15. Street alignment.

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

- 9902 b. Whenever a street changes direction, or connecting street lines deflect from each
9903 other, by more than ten (10) degrees, there shall be a horizontal curve.
9904
9905 c. To ensure adequate sight distance, minimum centerline radii for horizontal curves
9906 shall be as follows:

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

- 9907
9908 d. A tangent of at least ~~one hundred (100)~~ 100 feet shall be inserted between horizontal
9909 curves in opposite directions on collector streets. On secondary thoroughfares this
9910 tangent shall be ~~one hundred fifty (150)~~ 150 feet. Said tangent distances on major
9911 thoroughfares will be evaluated considering the over-all plat layout, intersections,
9912 etc.

9913
9914 16. *Street intersections.*

- 9915
9916 a. Streets shall be laid out to intersect as nearly as possible at right angles. No
9917 street shall intersect another at an angle of less than ~~sixty (60)~~ 60 degrees, except
9918 at a "Y" intersection of two (2) minor streets.
9919
9920 b. Multiple intersections involving junction of more than two (2) streets shall be
9921 prohibited except where found to be unavoidable by the board.
9922
9923 c. "T" intersections of minor and collector streets are to be encouraged.
9924
9925 d. As far as possible, intersections with trafficways other than secondary
9926 thoroughfares shall be located not less than ~~eight hundred (800)~~ 800 feet apart,
9927 measured from centerline to centerline. Driveways, streets, and alleys
9928 intersecting with a Broward County Trafficway shall adhere to the criteria and
9929 requirements contained in the Broward County Land Development Code.
9930
9931 e. Street intersections shall be a minimum of ~~one hundred twenty five (125)~~ 125 feet
9932 apart, except where both centerlines are continuous through the intersection.
9933
9934 f. Property line corners at intersections shall have a minimum radii of ~~twenty five~~
9935 ~~(25)~~ 25 feet. Where the angle of intersection is less than ~~sixty (60)~~ 60 degrees, a
9936 greater radius may be required by the City Engineer.

9937

9938 17. *Excessive street widths.* Streets shall not be platted to a width of more than ~~two hundred~~
 9939 ~~(200)~~ 200 percent of the minimum width specified in these regulations for the type of street
 9940 involved.

9941

9942 18. *Connection to public streets.* The street system of any area to be platted shall have a
 9943 direct connection, over public rights-of-way, to streets or trafficways.

9944

9945 (B) *Blocks.*

9946

9947 1. The length, width and shape of blocks shall be determined with due regard to:

9948

9949 a. Provision of building sites adequate for the contemplated use.

9950

9951 b. Zoning requirements.

9952

9953 c. Need for convenient and safe access, circulation, control of pedestrian and
 9954 vehicular traffic.

9955

9956 d. Limitations and opportunities of topographic features.

9957

9958 2. Block length shall not exceed ~~one thousand three hundred twenty (1,320)~~ 1,320 feet nor
 9959 be less than ~~five hundred (500)~~ 500 feet, unless found unavoidable by the Development
 9960 Review Committee.

9961

9962 3. Where found necessary, pedestrian crosswalks, not less than ten (10) feet in width, may
 9963 be required in blocks over ~~one thousand (1,000)~~ 1,000 feet in length to provide safe and
 9964 convenient access to schools, playgrounds, shopping centers, transportation or other
 9965 community facilities.

9966

9967 (C) *Lots.*

9968

9969 1. The lot arrangement and design shall be such that all lots will provide satisfactory and
 9970 desirable building sites, properly related to topography and to the character of the
 9971 surrounding development.

9972

9973 2. Lot dimensions and areas shall not be less than specified by applicable provisions of the
 9974 zoning regulations.

- 9975 3. Corner lots shall be a minimum of five (5) feet wider than the minimum width required by
9976 the zoning regulations for interior lots.
9977
9978 4. Side lot lines shall be substantially at right angles or radial to street lines.
9979
9980 5. Double frontage and reverse lots for residential use shall be avoided, except where
9981 essential to provide separation of residential development from trafficways or to overcome
9982 complications of topography and orientation. A landscaped easement providing a planting
9983 screen of at least five (5) feet, and across which there shall be no right of vehicular movement
9984 or use, shall be provided along the property line of lots abutting such trafficway or other
9985 disadvantageous situation.
9986
9987 6. Every lot shall abut upon and have permanent legal access to a street. Residential lots
9988 shall have a street frontage of not less than ~~twenty (20)~~ 20 feet, unless relevant zoning district
9989 regulations otherwise permit. Non-residential lots shall have a street frontage determined by
9990 the regulations of the relevant zoning district.
9991
9992 7. Lot arrangement and design shall be properly related to topography, to nature of
9993 contiguous property and to the character of surrounding development.
9994

9995 (D) *Canals and water areas.*
9996

- 9997 1. Canals or water areas connecting to navigable waterways accessible to the public shall
9998 not be dedicated to the public unless a maintenance easement of ~~twenty (20)~~ 20 feet is
9999 provided along each side of the canal dedication.
10000
10001 2. The minimum width of canal dedication shall be ~~sixty (60)~~ 60 feet. Canal and water area
10002 improvements shall conform to any requirements set forth under authority of the local
10003 drainage district. Should a continuous canal retaining wall be required, it shall be
10004 constructed along both sides of the canal concurrently with the excavation of the canal in
10005 accordance with the specifications of section 11-17.
10006

10007 (E) *Parks and recreational areas.* Any plat shall contain a park or recreational area deeded or
10008 dedicated to the City of Margate consisting of such quantity of land as represents the required
10009 level of service standards outlined in the Margate Comprehensive Plan. The City shall use
10010 the same methodology to calculate park acreage needs for a proposed development as
10011 described in Section 5-182.7 Adequacy of Parks and Recreation of the Broward County Land
10012 Development Regulations, as amended from time to time. Where the area to be platted is
10013 less than ~~sixty (60)~~ 60 acres, the developer shall place a sum equal to the value of the land
10014 which would be set aside for parks and recreational areas into the City's Parks and
10015 Recreation Trust Fund to be held in escrow and used by the City for the purposes mentioned
10016 in subsection (4) below. Said value of the land may be paid into the Parks and Recreation
10017 Trust Fund at the time of plat approval or incrementally as approved by the City Manager at
10018 the time building permits are issued for the construction of the units within the approved plat.
10019 The aforementioned value shall be the current appraised value of the land subdivided without
10020 improvements and shall be determined jointly by the City Commission and the subdivider. If

10021 the City Commission and the subdivider cannot agree on a land value, then the land value
10022 shall be established by appraisal. The City Commission shall appoint a professional land
10023 appraiser, the subdivider shall appoint a professional land appraiser and these two (2) shall
10024 appoint a third. The three (3) appraisers shall then determine the value of the property for the
10025 purposes of these provisions. The fees for the appraiser shall be divided equally between the
10026 City and the developer or subdivider.

10027

10028 It shall be discretionary with the City Commission whether or not to accept a dedication of
10029 land pursuant to this subsection where said land is encumbered by utility easements of any
10030 type.

10031

10032 1. In lieu of the dedication of land area as described in paragraph (E) above, the City
10033 Commission may, in its discretion, accept a cash donation to the Parks and
10034 Recreation Trust Fund of the City to be used only for parks and recreational
10035 purposes an amount equal to the figure referred to in paragraph (E); in the event
10036 the City Commission and the subdivider cannot agree on the land value then the
10037 donation amount shall be determined as hereinabove provided for by arbitration.

10038

10039 2. All real property donated shall be utilized for parks and recreation sites or facilities
10040 unless the following is found:

10041

10042 a. The real property donated is found to be unsuitable for a park or recreation site;
10043 or

10044

10045 b. A present park or recreation facility capable of being expanded for utilization by
10046 the citizens of a new development, subdivision or project is in such close
10047 proximity to the real property that it would provide a duplication of services. In the
10048 event that either ~~(i) or (ii)~~ (1) or (2) [of paragraph (E)(2)] is met, the City shall have
10049 the right to sell to the highest bidder the real property donated pursuant to the
10050 recreation donation, and all monies received by the City for said sale shall be
10051 deposited in the City of Margate Parks and Recreation Trust Fund.

10052

10053 (4) All monies utilized in the Parks and Recreation Trust Fund shall be utilized only for the
10054 acquisition and development of new parks and recreation facilities or the expansion and
10055 addition to older parks and recreation facilities so as to allow their utilization for new
10056 residents of the City. In addition to the foregoing, money received from all
10057 telecommunication tower rentals may be utilized for improvements, enhancements or
10058 other necessary expenses for parks and recreation purposes.

ARTICLE 5

ZONING

ARTICLE 5 ZONING

DIVISION 1 GENERAL PROVISIONS

40.500 General Provisions

(A) Reserved.

40.501 District Classifications

(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.

40.502 Zoning Map

(A) The areas assigned to the districts referred to in the preceding section, the designation of same, and the boundaries of said districts are shown upon the zoning map on file in the office of the building inspector of the City of Margate and said zoning map and the districts thereon are hereby adopted and established as fully and to the same effect as though set out in length herein. Said zoning map shall be considered a part of this ordinance and shall be identified by the signatures of the president of the city council and the city clerk of the City of Margate, together with the number of this ordinance and its effective date. Each district designated on the zoning map shall be subject to the regulations set forth herein unless otherwise shown, the district boundaries are street lines, alley lines or the subdividing or boundary lines of recorded plats, or the extension thereof, and where the districts designated on maps accompanying and made a part of this ordinance are approximately bounded by street lines, alley lines or the subdividing or boundary lines of recorded plats, such lines or the extensions thereof shall be considered to be district boundaries.

40.503 Regulation of Unzoned Property

(A) No permits for the development or use of a property shall hereafter be issued from the city unless said development or use is located on a lot with an approved zoning designation from the city.

40.504 Irregular Lots

(A) The lot requirements as prescribed in this ordinance for each classification are stated as they apply to regular lots. It is recognized that lots of irregular shape will occur in the platting of areas. Such irregular lots shall contain the minimum area specified for the applicable zoning district and any building erected thereon must conform to all specified front, side and rear setbacks.

40.505 Special Setback Requirements

(A) All required setbacks from an abutting waterway, canal or body of water shall be measured from the horizontal natural water line of said waterway, canal or body of water. The horizontal natural waterline is the mean horizontal or vertical level reached by water, visible as a line on a boat, beach, dock or bank.

(B) Use of premises without buildings.

1. Where a lot is to be occupied for a permitted use without buildings, the side setbacks and front setbacks required for such lot shall be provided and maintained unless otherwise stipulated in this ordinance, except that side setbacks and rear setbacks shall not be required on lots used for private garden purposes without buildings or structures nor on lots used for public recreational areas.

40.506 Campers, Travel Trailers in T-1 districts.

(A) It is hereby prohibited for any persons presently having property previously zoned T-1 in the City of Margate to permit or allow therein any campers or other trailers on an over night or other temporary basis. It shall be construed to be a violation of this ordinance where any camper or travel trailer connects itself to utilities or dumping stations for any period of time without having removed from said camper or travel trailer all means of mobile locomotion.

(B) It is hereby declared to be the legislative intent that the city council of the City of Margate shall not permit and deems it not in the best interests of the citizens of the City of Margate to permit the opening or use of T-1 zoned areas for open camp grounds or temporary or transient use of T-1 zoned property by travel trailers for any purposes other than permanent tie down.

(C) These provisions shall not apply to areas zoned RVRP Recreational Vehicle Resort Park district.

DIVISION 2 RESIDENTIAL DISTRICTS

40.510 One-Family Dwelling: R-1, R-1A, R-1B, R-1C and R-1D

(A) Purpose, Intent and Applicability.

1. Purpose. The purpose of this Article is to:
 - a. Provide regulations for the construction and improvement of detached single-family dwellings in the R-1, R-1A, R-1B, R-1C, and R-1D District; and
 - b. Restore the development standards in the Code for the Districts that were repealed so that property owners may easily obtain them.

2. Intent. The intent of this Article is to implement the allowed uses for properties with a residential Future Land Use Plan Map designation and to provide development standards that allow property owners to have reasonable use of and enjoyment of their properties.

3. Applicability. These regulations apply to R-1, R-1A, R-1B, R-1C, and R-1D Districts.

a. Repealed Districts. The R-1, R-1C, and R-1D Districts were repealed, and no property owner may apply for a rezoning to any of them. These developed properties are considered legal conforming uses and may be reconstructed and improved according to these standards and may be reconstructed with them in the event of destruction.

b. Uses. Whenever the permitted uses of these Districts are referred to in this Code, R-1 shall be used only for the reference to the permitted uses.

c. Developed properties.

i. The development standards contained within this Article apply to all properties developed before the adoption of this Code.

ii. All properties developed according to these regulations are considered legal conforming uses and may be reconstructed and improved according to these standards and may be reconstructed with them in the event of destruction or undergoes a substantial change pursuant to FEMA regulations.

iii. Any residential property that is redeveloped or undergoes a substantial change pursuant to FEMA regulations may voluntarily use the regulations contained in section 40.721 Single family dwelling to redevelop the property.

d. New development. Any residential property developed after the adoption of this Code shall only be developed according to the standards in section 40.721 Single family-dwelling.

(B) Permitted uses.

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

a. Single-family detached dwellings.

b. Recreation buildings and facilities, playgrounds, play fields, parks, beaches, owned and operated by the city.

c. Recreational and social centers, not operated for profit and constructed as an integral part of the surrounding residential neighborhood.

- 10201 d. Public or private elementary, middle or high school, subject to section 40.620
10202 Public or Private Elementary, Middle, or High School of this Code.
10203
- 10204 e. Place of Assembly, subject to the requirements of section 40.619 Place of
10205 Assembly of this Code.
10206
- 10207 f. Sewage or water treating, pumping and storage plants to serve the surrounding
10208 residential area. Such plants shall conform to the following requirements:
10209
- 10210 i. The lot shall be not less than 200 feet in width and 40,000 square feet in area,
10211 and as large as necessary to provide required setback areas.
10212
- 10213 ii. No building or structure shall be located nearer to any other residentially
10214 zoned property or any street line than a distance equal to the height of such
10215 building or structure.
10216
- 10217 iii. No water pumping or treatment facility shall be located nearer than (35 feet
10218 to any street line or nearer than 50 feet to any other residentially zoned
10219 property.
10220
- 10221 iv. All lots shall have a landscaped setback area at least (35 feet in width or
10222 depth adjacent to all lot lines separating the subject lot from other residentially
10223 zoned property. The landscaped setback area shall not be used for any
10224 building, structure, fence, wall, parking, storage or other use except that a
10225 fence not over six (6) feet in height may be erected in any such setback area
10226 at least (35 feet from any street line. The landscaped setback area shall be
10227 planted with grass, shrubbery and trees, and no part shall be paved or
10228 surfaced except for minimum driveways and walkways for access.
10229
- 10230 v. All machinery, equipment and mechanical or electrical facilities shall be
10231 visually screened so designed and operated as to minimize noise effects
10232 upon surrounding residential properties.
10233
- 10234 vi. Lots shall not be used for business, storage or service purposes for a
10235 franchised area.
10236
- 10237 g. Sewage lift or pumping stations, containing no treatment facilities, shall be
10238 subject to the following requirements:
10239
- 10240 i. Where the station is of the underground type, all parts of which are at least
10241 three (3) feet below grade except for an access tube not over five (5) feet in
10242 maximum horizontal dimension extending not over three (3) feet above
10243 grade, and meters and switches on a post extending not over five (5) feet
10244 above grade, such access tube and meter or switch post may be located
10245 within a utility easement.
10246
- 10247 ii. Where the station is wholly or partially above grade, there shall be a setback
10248 at least 30 feet in depth adjacent to all residentially zoned property, and

10249 screened according to the requirements for the perimeter wall and landscape
 10250 requirements for when a nonresidential property abuts a residential use
 10251 pursuant to the Code.

10252
 10253 h. Transformer substation subject to the following requirements:

10254
 10255 i. The lot shall be provided with setbacks not less than 30 feet in depth or width
 10256 adjacent to all street lines and lot lines of other residentially zoned property and
 10257 a setback at least 25 feet in depth adjacent to a rear lot line.

10258
 10259 The setbacks required under this paragraph shall be fully landscaped with grass,
 10260 shrubby and trees, and shall not be used for any fence, wall, building or
 10261 structure, except that a fence not over six (6) feet in height may be erected at
 10262 least 30 feet from any street line. Minimum driveways or walkways necessary for
 10263 access may cross required setbacks.

10264
 10265 j. Uses accessory and clearly incidental to any of the above uses when located on
 10266 the same lot and not involving the conduct of any business, trade, occupation or
 10267 profession.

10268
 10269 j. Home occupations as allowed by this Code.

10270
 10271 k. Community residential home, Type 1 as defined in section 40.201.

10272
 10273 l. Recovery residence, as defined in section 40.201.

10274
 10275 (C) Detached single family dwelling development standards

<u>District</u>	<u>Lot Size¹</u> <u>(square</u> <u>feet)</u>	<u>Lot</u> <u>Width¹</u> <u>(feet)</u>	<u>Height²</u> <u>(feet)</u>	<u>Front</u> <u>Setback¹</u> <u>(feet)</u>	<u>Side</u> <u>Setback¹</u> <u>(feet)</u>	<u>Street</u> <u>Side</u> <u>Setback¹</u> <u>(feet)</u>	<u>Rear</u> <u>Setback¹</u> <u>(feet)</u>	<u>Floor</u> <u>Area¹</u> <u>(square</u> <u>feet)</u>
<u>R-1³</u>	<u>10,000</u>	<u>100</u>	<u>35</u>	<u>25</u>	<u>10</u>	<u>15</u>	<u>15</u>	<u>1,500</u>
<u>R-1³</u>	<u>7,500</u>	<u>75</u>	<u>35</u>	<u>25</u>	<u>7.5</u>	<u>15</u>	<u>15</u>	<u>1,000</u>
<u>R-1³</u>	<u>6,000</u>	<u>60</u>	<u>35</u>	<u>25</u>	<u>7.5</u>	<u>15</u>	<u>15</u>	<u>750</u>
<u>R-1³</u>	<u>3,600</u>	<u>45</u>	<u>35</u>	<u>20</u>	<u>5</u>	<u>10</u>	<u>10</u>	<u>600</u>
<u>R-1A</u>	<u>10,000</u>	<u>100</u>	<u>35</u>	<u>25</u>	<u>10</u>	<u>15</u>	<u>15</u>	<u>1,500</u>
<u>R-1B</u>	<u>7,500</u>	<u>75</u>	<u>35</u>	<u>25</u>	<u>7.5</u>	<u>15</u>	<u>15</u>	<u>1,000</u>
<u>R-1C</u>	<u>6,000</u>	<u>60</u>	<u>35</u>	<u>25</u>	<u>7.5</u>	<u>15</u>	<u>15</u>	<u>750</u>
<u>R-1D</u>	<u>3,600</u>	<u>45</u>	<u>35</u>	<u>20</u>	<u>5</u>	<u>10</u>	<u>10</u>	<u>600</u>

10277 Footnotes:

10278 1. Minimum

10279 2. Maximum

3. The dimensions of the property determine what standards apply.

(D) Lot coverage for residential and nonresidential uses.

1. The combined area occupied by all principal and accessory structures buildings shall not exceed 40 percent of the area of the lot.

(E) Minimum lot area, nonresidential structure or use.

1. Every lot a permitted non-residential structure or use is erected or placed shall be a minimum 100 feet in width and 10,000 square feet in area.

(F) Nonresidential structure heights.

1. Maximum height. 35 feet.
 - a. Exception. A steeple or tower on a Place of Assembly may extend to a height of 50 feet.

(G) Nonresidential minimum setbacks.

1. Front. 35 feet.
2. Side. 20 feet plus one (1) foot for every two (2) feet over 20 feet in height.
 - a. Exception. Accessory buildings, structures or uses.
3. Rear. 25 feet.
 - a. Exception. Accessory buildings, structures or uses.

40.511 Two Family Dwelling: R-2

(A) Purpose, Intent, and Applicability.

1. Purpose. The purpose of these regulations is to provide for development standards for properties within the R-2 District and any other zoning district that allows the development with the standards contained herein.
2. Intent. The intent of this Article is to implement the allowed uses for properties with the Future Land Use Plan Map designation of Residential Low (5 DU/AC) and greater.
3. Applicability.
 - a. Developed properties.
 - i. The development standards contained within this Article apply to all properties developed before the adoption of this Code.

10329
10330 ii. All properties developed according to these regulations are considered legal
10331 conforming uses and may be reconstructed and improved according to these
10332 standards and may be reconstructed with them in the event of destruction or
10333 undergoes a substantial change pursuant to FEMA regulations.

10334
10335 iii. Any residential property that is redeveloped or undergoes a substantial change
10336 pursuant to FEMA regulations may voluntarily use the regulations contained in
10337 Article 7, Division 2 Supplemental Residential Development Standards,
10338 Duplex/two (2) family dwelling to redevelop the property.

10339
10340 (B) Uses permitted.

10341
10342 1. No building or structure, or part thereof, shall be erected, altered, or used, or land or water
10343 used, in whole or in part, for other than one (1) or more of the following uses:

10344
10345 a. Any use permitted in the R-1 district, subject to requirements, limitations, and
10346 procedures contained therein.

10347
10348 (C) Size of lot.

10349
10350 1. One-family dwellings. Lot width of 75 feet and lot area of 7,500 square feet.

10351
10352 2. Two-family dwellings. Every lot upon which a two-family dwelling is hereafter erected shall
10353 be at least 85 feet in width and contain at least (8,500 square feet area. In areas platted
10354 prior to the effective date of this section, a lot consisting of a lot of record may be utilized
10355 for principal and accessory buildings and structural additions provided that same meet all
10356 other requirements of this district.

10357
10358 3. Nonresidential uses. Every lot upon which a permitted nonresidential structure or use is
10359 erected or placed shall be not less than 100 feet in width and 10,000 square feet in area.

10360
10361 (D) Lot coverage.

10362
10363 1. The combined area occupied by all main and accessory buildings shall not exceed 60
10364 percent of the area of the lot.

10365
10366 (E) Height.

10367
10368 1. No building or structure, or part thereof, shall be erected or altered to a height greater than
10369 35 feet, except that a steeple or tower on a Place of Assembly may extend to a height of
10370 50 feet.

10371
10372 (F) Front setback.

10373
10374 1. Residential uses. Every lot used for dwelling purposes shall have a front setback not less
10375 than 25 feet in depth.

- 10377 2. Non-residential use. Every lot whose principal use is non-residential shall have a front
10378 setback not less than 30 feet in depth.

10379
10380 (G) Side setback.

- 10381
10382 1. Residential uses. Every lot used for dwelling purposes shall have a side setback on each
10383 side, each of which shall not be less than seven and one-half (7½) feet in width.
10384
10385 2. Non-residential uses. Every lot whose principal use is non-residential shall have side
10386 setbacks on each side, each of which shall be not less than 20 feet in width, with an
10387 increase of one (1) foot in width of each side setback for each two (2) feet in height of
10388 structure in excess of 20 feet.
10389
10390 3. Corner lots. Upon corner lots there shall be a front setback as here before specified, and
10391 also a street side setback at least 15 feet in width on the side of the lot abutting on the
10392 side street.
10393

10394 (H) Rear setback.

- 10395
10396 1. Residential uses. Every lot whose principal use is residential shall have a rear setback not
10397 less than 15 feet in depth.
10398
10399 2. Non-residential uses. Every lot whose principal use is non-residential shall have a rear
10400 setback not less than 25 feet in depth.
10401

10402 (I) Minimum floor area.

- 10403
10404 1. The minimum floor area of a one-family dwelling shall be (1,000 square feet and the
10405 minimum floor area of a dwelling unit in a two-family dwelling shall be 790 square feet.
10406

10407 **40.512 Multiple Dwelling: R-3**

10408
10409 (A) Purpose, Intent, and Applicability.

- 10410
10411 1. Purpose. The purpose of these regulations is to provide for development standards for
10412 properties within the R-3 District.
10413
10414 2. Intent. The intent of this Article is to implement the allowed uses for properties with the
10415 Future Land Use Plan Map designations of between seven (7) and 16 dwelling units per
10416 acre.
10417
10418 3. Applicability.
10419
10420 a. Developed properties.
10421
10422 i. The development standards contained within this Article apply to all properties
10423 developed before the adoption of this Code.
10424

- 10425 ii. All properties developed according to these regulations are considered legal
10426 conforming uses and may be reconstructed and improved according to these
10427 standards and may be reconstructed with them in the event of destruction or
10428 undergoes a substantial change pursuant to FEMA regulations.
10429
10430 iii. Any residential property that is redeveloped or undergoes a substantial change
10431 pursuant to FEMA regulations may voluntarily use the regulations contained in
10432 Article 7, Division 2 Supplemental Residential Development Standards.
10433
10434 b. New development. Any residential property developed after the adoption of this Code
10435 shall only be developed according to the standards in Article 7, Division 2
10436 Supplemental Residential Development Standards.
10437
10438 (B) Uses permitted.
10439
10440 1. No building or structure, or part thereof, shall be erected, altered or used, or land or water
10441 used, in whole or in part, for other than one (1) or more of the following specified uses:
10442
10443 a. Permitted use specified:
10444
10445 i. All uses permitted in the R-2 district, subject to the limitations, requirements and
10446 procedures contained therein.
10447
10448 ii. A lot containing multiple unit dwelling(s).
10449
10450 iii. Community residential home, Type 2 as defined in section 2.2.
10451
10452 iv. Recovery residence, as defined in section 40.201.
10453
10454
10455 (C) Size of lot or site required.
10456
10457 1. Every building erected or structurally altered shall provide a site or lot or not less than the
10458 following size:
10459
10460 a. For a one-family dwelling, 7,500 square feet in area and 75 feet in width.
10461
10462 b. For a two-family dwelling, 8,500 square feet in area and 85 feet in width.
10463
10464 c. For multiple dwellings and special exception uses, wherein any structure thereon does
10465 not exceed the height of 25 feet, 100 feet in width and 100 feet in depth and 10,000
10466 square feet in area. When any structure thereon exceeds the height of (25 feet, then
10467 the required site shall contain a minimum of 200 feet of street frontage and one (1)
10468 acre in area.
10469
10470 (D) Site coverage.
10471

- 10472 1. Within the perimeter of a developed site containing four (4) or more dwelling units,
10473 excluding those areas located below the design water elevation, the maximum combined
10474 area occupied by all main and accessory structures shall be 30 percent of the site.

10475 (E) Setbacks.

- 10476 1. One-Family Dwellings. As provided for in the R-1B zoning district.
- 10477
- 10478 2. Two-Family Dwellings. As provided for in the R-2 zoning district.
- 10479
- 10480 3. Multiple Dwellings:
- 10481
- 10482 a. Street setback. No building or structure shall be located less than 25 feet from a street
- 10483 right-of-way that is less than 80 feet in width. No building or structure shall be located
- 10484 less than 35 feet from a street right-of-way that is 80 feet in width or wider, with the
- 10485 exception of Holiday Springs Boulevard.
- 10486
- 10487 b. Front setback. Every lot shall have a front setback of not less than 25 feet in depth or
- 10488 a depth equal to the height of the building, whichever is greater.
- 10489
- 10490 i. Dumpsters and Garbage Containers. Front setbacks or street setbacks shall not
- 10491 be used for storage of dumpsters or other garbage or trash containers.
- 10492
- 10493 c. Side setbacks. Every lot shall have side setbacks of at least 15 feet or one-half the
- 10494 height of the building, whichever is greater.
- 10495
- 10496 d. Rear setback. Every lot shall have a rear setback of not less than 20 feet in depth plus
- 10497 one (1) additional foot for each two (2) feet in building height, or portion thereof, over
- 10498 25 feet.
- 10499
- 10500

10501 (F) Defining required setbacks.

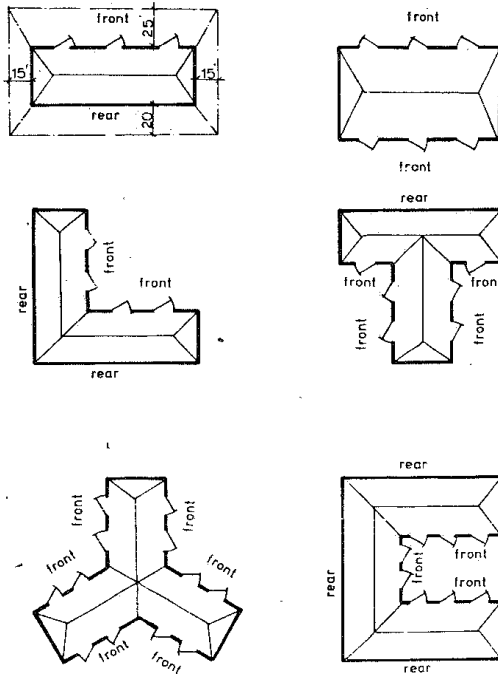
- 10502 1. For purposes of determining the setbacks the front of a multiple dwelling is defined as any
- 10503 side or facade of the building which contains a door, other than a sliding glass door which
- 10504 opens to a patio or terrace, that is used for ingress and egress to one or more dwelling
- 10505 units. There can be more than one front as used herein. The rear of a multiple dwelling
- 10506 shall be that side which is most nearly opposite the front as defined above. The side of a
- 10507 multiple dwelling shall be any side or facade not defined as a front or rear. See Table Y
- 10508 (which follows this section) for a graphic illustration.
- 10509
- 10510 2. The required setbacks of any building may not overlap those of any other building.
- 10511 Therefore, buildings placed side-to-side shall have at least a 30-foot separation; buildings
- 10512 placed rear-to-rear shall have at least a 40-foot separation; and so forth.
- 10513
- 10514 3. Buildings may be connected, side wall to side wall to form a larger single building. This
- 10515 interconnection shall be accomplished by means of open walkways, common roofline, or
- 10516
- 10517
- 10518

open connecting stairways. However, the total perimeter length of any building (the sum of all fronts, sides and rears at first floor level) shall not exceed 700 feet.

TABLE Y

Determination of setbacks in multiple-family developments. Use building type, or combinations thereof, which most closely approximate the proposed development.

TYPE YARD CONFIGURATION



(G) Minimum separation from vehicular use areas.

1. All vehicular use areas (as defined in the landscape code) shall be separated from any multiple dwelling by at least a ten (10) foot unpaved area. Said areas may only contain sidewalks, landscaping, patios, air conditioners, lights and mailboxes.

(H) Use of setback area of any setbacks abutting a street right-of-way for multiple dwellings.

1. If the lot is separated by a street from a one- or two-family district, the landscaped area shall be increased to ten (10) feet. Within said landscaped area no paving shall be permitted except for permissible driveways and walkways leading to a structure on the premises. Said landscaped area shall be bermed and contain trees and hedges as provided for in the landscape code.

(I) Minimum floor area for residential usage.

1. The minimum floor area for a one-family dwelling, exclusive of porches, terraces, carports and attached garages, shall be 1,000 square feet.

2. The minimum floor area of each dwelling unit in a two-family dwelling, exclusive of porches, terraces, carports, and attached garages, shall be 790 square feet.

(J) Maintenance of common areas.

1. Within a multiple-family site, all land and improvements (except that which has been dedicated for public use) which are located outside of the exterior walls of structures, including, but not limited to, landscaping, paving, drainage, recreational facilities and lighting, shall be under the control of a single ownership, condominium association or homeowner's association. The owner or association shall be responsible for the maintenance of all improvements as well as the common portions of individual buildings. The owner or association shall be responsible for the maintenance of all improvements as well as the common portions of individual buildings. The association shall establish rules and regulations governing improvements made to the exterior of all buildings.

40.513 Multiple Dwelling: R-3A

(A) Purpose, Intent, and Applicability.

This zoning district is intended for those parcels which have been designated as residential, with a density no greater than 25 dwelling units per acre, by the Future Land Use Element of the Margate Comprehensive Plan. The following regulations of this article shall apply in all R-3A districts.

(B) Uses permitted.

1. No building or structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than one (1) or more of the following specified uses: Any use permitted in an R-1, R-2, or R-3 district, subject to the limitations, requirements and procedure specified for such district.

(C) Size of lot.

1. Every building erected or structurally altered shall provide a site or lot of not less than the following size:
- a. For a one-family dwelling 7,500 square feet in area and 75 feet in width.
 - b. For a two-family dwelling 8,500 square feet in area and 85 feet in width.
 - c. For multiple dwellings wherein any structure thereon does not exceed the height of 25 feet; 100 feet in width and 100 feet in depth and 10,000 square feet in area. When any structure thereon exceeds the height of 25 feet, then the required site shall contain a minimum of 200 feet of street frontage and one (1) acre in area.

(D) Site coverage.

- 10595 1. Within the perimeter of a developed site containing three (3) or more dwelling units,
10596 excluding those areas located below the design water elevation, the maximum combined
10597 area occupied by all main and accessory structures shall be 37½ percent of the site.

10598 (E) Setbacks.

- 10600 1. One-Family Dwellings. As provided for in the R-1B zoning district.
- 10602 2. Two-Family Dwellings. As provided for in the R-2 zoning district.
- 10604 3. Multiple Dwellings:
- 10606 a. Street setback. No building or structure shall be located less than 25 feet from a
10607 street right-of-way that is less than 80 feet in width. No building or structure shall
10608 be located less than 35 feet from a street right-of-way that is 80 feet in width or
10609 wider, with the exception of Holiday Springs Boulevard.
- 10611 b. Front setback. Every lot shall have a front setback of not less than 25 feet in depth
10612 or a depth equal to the height of the building, whichever is greater.
- 10614 c. Side setbacks. Every lot shall have side setbacks of at least 15 feet or one-half the
10615 height of the building, whichever is greater.
- 10617 d. Rear setback. Every lot shall have a rear setback of not less than 20 feet in depth
10618 plus one (1) additional foot for each two (2) feet in building height, or portion
10619 thereof, over 25 feet.
- 10621 4. Accessory Buildings. No accessory buildings shall be located in any required street
10622 setback.
- 10624 5. Dumpsters and Garbage Containers. Front setbacks or street setbacks shall not be used
10625 for storage of dumpsters or other garbage or trash containers.

10627 (F) Defining required setbacks; maximum building length; building separation.

- 10629 1. For purposes of determining the setbacks the front of a multiple dwelling is defined as any
10630 facade of the building which contains a door, other than a sliding glass or screen door
10631 which opens to a patio or terrace, that is used for ingress and egress to one (1) or more
10632 dwelling units. There can be more than one (1) front as used herein. The rear of a multiple
10633 dwelling shall be that facade which is most nearly opposite the front as defined above.
10634 The side of a multiple dwelling shall be any length or facade not defined as a front or rear.
10635 See Table Y following section 40.512 for a graphic illustration.
- 10637 2. The required setbacks of any building may not overlap those of any other building.
10638 Therefore, buildings placed side-to-side shall have at least a 30-foot separation; buildings
10639 placed rear-to-rear shall have at least a 40-foot separation; and so forth.
- 10640
- 10641

- 10642 3. Buildings may be connected, side wall to side wall, so as to form a larger single building.
10643 This interconnection shall be accomplished by means of open walkways, common roofline
10644 or open connecting stairways. However, the total perimeter length of any building (the sum
10645 of all fronts, sides and rears at first floor level) shall not exceed 750 feet.
10646

10647 (G) Minimum separation from vehicular use areas.
10648

- 10649 1. All vehicular use areas as defined in the landscape code) shall be separated from any
10650 multiple dwelling by at least a ten (10) foot-wide buffer area. Said areas may only contain
10651 sidewalks, landscaping, patios, air conditioners, lights or mailboxes.
10652

10653 (H) Minimum floor area for residential usage.
10654

- 10655 1. The minimum floor area for a one-family dwelling, exclusive of porches, terraces, carports
10656 and attached garages, shall be 1,000 square feet.
10657
10658 2. The minimum floor area of each dwelling unit in a two-family dwelling, exclusive of
10659 porches, terraces, carports, and attached garages, shall be 790 square feet.
10660
10661 3. The minimum floor area of a unit without cooking facilities in a group care facility shall
10662 contain at least 110 square feet of floor space for rooms intended for occupancy by one
10663 (1) person and shall contain at least 90 square feet per occupant for rooms intended for
10664 occupancy by two (2) or more persons. The required area does not include bathrooms,
10665 closets or other similar appurtenances.
10666

10667 (I) Maintenance of common areas.
10668

- 10669 1. Within a multiple-family site, all land and improvements (except that which has been
10670 dedicated for public use), which are located outside of the exterior walls of structures,
10671 including, but not limited to, landscaping, paving, drainage and lighting, shall be under the
10672 control of a single ownership, condominium association or homeowner's association. The
10673 owner or association shall be responsible for the maintenance of all improvements as well
10674 as the common portions of individual buildings. The owner or association shall establish
10675 rules and regulations governing improvements made to the exterior of all buildings.
10676

10677 **40.514 Row House: R-3U**
10678

10679 (A) Purpose, Intent, and Applicability.
10680

- 10681 1. Purpose. The purpose of the R-3U District is to provide regulations for the construction of
10682 dwelling containing three (3) or more dwelling units, which are designed, arranged and
10683 constructed for the ownership of each dwelling unit and the land thereunder by separate
10684 and different owner.
10685
10686 2. Applicability. The R-3U District was repealed by the City Commission. No property owner
10687 may apply for a rezoning to the R-3U District. These developed properties are considered
10688 legal conforming uses and may be improved and reconstructed according to these
10689 standards in the event of destruction.

(B) Uses permitted.

1. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following specified uses:
 - a. Multiple dwellings which are designed, arranged and constructed for the ownership of each dwelling unit and the land thereunder by a separate and different owner.
 - b. Uses accessory to any of the above when located on the same lot and not involving the conduct of any business, trade, occupation or profession other than a home occupation.

(C) Size of lot.

1. Every lot upon which a residential structure is erected shall be not less than 75 feet in width and 7,500 square feet in area, provided that each dwelling unit of a multiple family dwelling may be located on a lot not less than 25 feet in width and 100 feet in depth, except that a portion of a common party wall separating two (2) such separate dwellings, units may be located on an adjoining lot.

(D) Lot coverage.

1. The combined area covered by all main and accessory buildings and roofed structures shall not exceed 40 percent of the area of the lot.

(E) Height.

1. No building or structure, or part thereof, shall be erected or altered to a height exceeding four (4) stories or 50 feet.

(F) Front Setback.

1. Every lot shall have a front setback not less than 25 feet in depth.

(G) Side setbacks.

1. Every lot used for a multiple dwelling shall have a side setback on each side, each of which shall be at least 10 feet in width provided that where a multiple dwelling in the form of a row house is erected on three (3) or more platted lots with the dividing party walls between separated dwelling units centered on the common lot line between two (2) platted lots, a side setback shall not be required adjacent to and on either side of said common lot line.
2. Side Setbacks Abutting - One Family Lot Lines.
 - a. Every lot used for a multiple dwelling having a side setback abutting the lot line of one-family dwellings the said side setback shall be not less than 20 feet in width, which

shall be increased by feet for each ten (10) feet, or major fraction thereof by which the height of the building exceeds 20 feet.

3. Corner Lots.

- a. Upon corner lots shall be a front setback as herein before specified and also a side setback at least 15 feet in width on the side of the lot abutting on side street.

4. Rear Setbacks.

- a. Every lot shall have a rear setback not less than 15 feet in depth.

(H) Minimum living area.

1. The minimum living area of a dwelling unit in a multiple dwelling shall be 700 square feet.

(I) Off-street parking.

1. Every building shall be provided with off-street parking facilities in accordance with the provisions of this Code for the use of occupants, employees or visitors.

2. Open Parking Areas. Open parking areas for parking of private, self-propelled passenger vehicles, shall be arranged, maintained and used in accordance with the following:

- a. All front and side setbacks as above required, shall be planted and kept in lawn that is maintained so as to present a healthy, neat and orderly appearance. The required setback shall be kept free from refuse and debris. The parking facilities shall not be included as a portion of or as constituting the required setbacks.

- b. The parking area shall be provided and maintained with a stable asphalt cement surface and graded so as to prevent surface water accumulation.

- c. Each parking space required and provided pursuant to the provisions of this Article shall be not less than nine (9) feet in width and 18 feet in length. Each parking space shall be directly accessible from an adequate aisle or driveway leading to a street or alley. Access aisles and driveways shall be of sufficient size to permit convenient maneuvering of cars, and each parking space shall be accessible without driving over or through any other parking space.

(J) Off-street parking required by this Code shall be provided and maintained on the basis of the following minimum requirements:

1. Dwelling, multiple family: one and one quarter (1 ¼) parking spaces for each dwelling unit.

DIVISION 3 BUSINESS DISTRICTS

40.520 Neighborhood Business: B-1

(A) Application of article.

1. The following regulations of this article shall apply in all B-1 districts. All minimum separation distances shall be measured in the shortest airline distance between nearest property lines unless otherwise specified.

(B) Purpose and general description.

1. The following regulations of this article shall apply in all B-1 districts. All minimum separation distances shall be measured in the shortest airline distance between nearest property lines unless otherwise specified.

(C) Permitted uses. Permitted uses specified. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one of the following specified uses:

1. Accessory uses and structures to a permitted use.
2. Artisans, studio or workshop. A workshop or studio of an artist, sculptor, photographer, jeweler, potter, craftsperson, furniture maker, cabinet maker, or other artist or artisan primarily used for on-site production of unique custom goods.
3. Bakery, retail, subject to the following limitation(s):
 - a. Must be less than 1,000 square feet in area.
4. Banks, subject to the following limitation(s):
 - a. Drive-through facilities are not permitted.
5. Business office, no stock or storage.
6. Child care facility, subject to the following limitation(s):
 - a. Same shall contain a contiguous outdoor, grassed and fenced play area located away from vehicular traffic. See section 40.705.
7. Clubs—Civic, noncommercial.
8. Dance academy, subject to the following limitation(s):
 - i. Must be less than 3,000 square feet in area.
9. Delicatessen.

- 10832 10. Dollar store. (Not permitted within 1,000 of like use, Check Cashing including Payday
10833 Loans, or secondhand merchant and / or used merchandise.)
- 10834
- 10835 11. Fire station.
- 10836
- 10837 12. Groceries, retail.
- 10838
- 10839 13. Health studio or club, gymnasium, subject to the following limitation(s):
10840
- 10841 i. Must be less than 3,000 square feet in area.
- 10842
- 10843 14. Interior decoration shop, retail.
- 10844
- 10845 15. Jewelry, watch and electronic repairs.
- 10846
- 10847 16. Laundries, coin-operated, subject to the following limitations:
10848
- 10849 i. Hours of operation limited to 7:00 a.m. to 11:00 p.m.
- 10850
- 10851 17. Mail-plus service (Less than 1,500 square feet).
- 10852
- 10853 18. Massage services, permitted as accessory use only within an approved medical office or
10854 physical therapy office.
- 10855
- 10856 19. Medical office,
- 10857
- 10858 i. Not including correctional and mental, nor institutions for care of drug or liquor
10859 patients, nor veterinary hospitals.
- 10860
- 10861 20. Merchant, retail, subject to the limitations in section 40.520(E).
- 10862
- 10863 21. Personal care services, except massage, subject to the following limitation(s):
10864 22.
- 10865 i. Body art studios are not permitted.
- 10866
- 10867 23. Pet grooming, subject to the following limitations:
- 10868
- 10869 i. Must be less than 3,000 square feet in area.
- 10870
- 10871 ii. Soundproofing required.
- 10872
- 10873 b. Pet shop, subject to the following limitations:
- 10874
- 10875 i. Must be less than 3,000 square feet in area.
- 10876
- 10877 ii. Not permitted within 100 feet of any residential district.
- 10878
- 10879 iii. No outdoor pens or runs permitted.

iv. Subject to the restrictions set forth in chapter 6 of the Margate Code of Ordinances.

24. Pharmacy, subject to the following limitations:

- i. No more than ten (10) percent of all prescription medication dispensed shall be from the list of Schedule II controlled substances provided in F.S. § 893.03.
- ii. No less than 50 percent of the floor area shall be used for retail display and transactions.

25. Picture framing.

26. Place of assembly, subject to the requirements of section 40.619 of this Code.

27. Professional office.

28. Restaurant with dining room, subject to the following limitations:

- i. May have cocktail lounge as accessory.
- ii. Live entertainment not permitted.

29. Sales office—No inventory.

30. Savings and loan institution.

31. School of instruction, nonacademic, subject to the following limitation(s):

- i. Must be less than 3,000 square feet in area.

32. Shoe repair shops.

33. Substation for utilities (as required).

34. Tailor shop, seamstress.

35. Travel agency.

36. Vending machine (outdoor), permitted as an accessory use to a permitted use and subject to the limitations contained in section 40.621 Vending machine (outdoor).

37. Walkway cafes less than 1,000 square feet in area subject to the requirements in section 40.622 of this Code.

(D) Special exception uses. The following uses are authorized upon a finding by the City Commission that a special exception to the article is warranted. The City Commission shall

consider all applications for a special exception approval pursuant to the procedure and criteria set forth in section 40.705 of this Code.

a. Animal clinic, pet hospital, subject to the following limitations:

i. Must be less than 3,000 square feet in area.

ii. Adequate soundproofing in any area where animals are contained or treated.

iii. All boarding activities shall be ancillary to the primary use.

iv. Subject to the restrictions set forth in chapter 6 of the Margate Code of Ordinances.

b. Massage services.

c. Outdoor sales, service and display, as an accessory to a permitted use.

d. Public or private elementary, middle or high school, subject to Article 7, Division 2 Supplemental Residential Development Standards.

(E) Uses prohibited.

1. Body art studio;

2. Pain management clinics, as defined in section 40.201.

3. Any use not specifically listed in section 40.520(C) is prohibited.

(F) Limitations on uses.

1. All activities of permitted uses, including sale, display, preparation and storage, shall be conducted entirely within a completely enclosed building. This prohibition shall not apply to customer and employee parking, loading zones, and play areas accessory to a child care center.

2. No secondhand or used merchandise shall be offered for sale, displayed or stored.

3. All products shall be sold at retail in connection with a permitted use. The sale of automobiles and automotive accessories, heavy machinery, chemicals and all uses specifically permitted in any other business district shall be prohibited.

4. Drive-through facilities shall not be permitted.

5. No retail store shall have a floor area open to the public, including display, service and sales, greater than 5,000 square feet.

(G) Height.

- 10975
10976 1. No building or structure shall be erected or altered for a use permitted in the B-1 district to
10977 a height exceeding two (2) stories or 30 feet.

10978
10979 (H) Lot size.

- 10980
10981 1. The minimum lot size excluding public rights-of-way shall be 10,000 square feet with a
10982 minimum of no less than 100 feet of street frontage.

10983
10984 (I) Setback.

- 10985
10986 1. All lots shall provide setbacks in accordance with the following:

10987
10988 a. Street setbacks.

- 10989
10990 i. The minimum building setback from all street rights-of-way less than 80 feet in
10991 width shall be 25 feet.
10992
10993 ii. The minimum building setback from all street rights-of-way of 80 feet in width or
10994 greater shall be 35 feet.

10995
10996 b. Side setbacks.

- 10997
10998 i. When abutting a non-residentially zoned property, there is no side setback
10999 requirement.
11000
11001 ii. When abutting a residentially zoned property, the minimum building setback shall
11002 be 38 feet.

11003
11004 c. Rear setbacks.

- 11005
11006 i. When abutting a non-residentially zoned property, the minimum building setback
11007 shall be 20 feet.
11008
11009 ii. When abutting a residentially zoned property the minimum building setback shall
11010 be 38 feet.

11011
11012 d. Uses, limited. Where a setback is required in this section, such setback may be used
11013 for walkways, parking of passenger cars, driveways, loading zones and landscaping,
11014 but not for any other use or purpose.

11015
11016 e. Dumpsters and Garbage Containers. Front setbacks or street setbacks shall not be
11017 used for storage of dumpsters or other garbage or trash containers.

11018
11019 **40.521 Community Business: B-2**

11020
11021 (A) Application of article.

The following regulations of this article shall apply in all B-2 districts. All minimum separation distances shall be measured in the shortest airline distance between nearest property lines unless otherwise specified.

(B) Purpose and general description.

The B-2 community business district is intended to provide a full range of office, retail and service uses. The location of this district may be along major and minor arterials in close proximity to residential districts. The permitted uses are relatively free of objectionable influences in their operation and appearance and exclude heavy commercial uses.

(C) Permitted uses. Permitted uses specified. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following specified uses:

1. Accessory uses and structures to a permitted use.
2. Adult day care center.
3. Answering service, subject to the following limitation(s):
 - a. No sales and/or service shall be rendered therefrom.
4. Art gallery.
5. Artisans, studio or workshop. A workshop or studio of an artist, sculptor, photographer, jeweler, potter, craftsperson, furniture maker, cabinet maker, or other artist or artisan primarily used for on-site production of unique custom goods.
6. Auto parts, equipment and accessories, retail.
7. Auto tag agency.
8. Automatic teller machine (outdoor).
9. Bakery, retail (wholesale permitted provided the storage area is less than 4,500 sq. ft.)
10. Banks.
11. Bars and taverns.
12. Bowling alley.
13. Business office, no stock or storage.
14. Caterers.
15. Ceramic studio.

- 11071
11072 16. Check cashing including Payday Loans. (Not permitted within 1,000 feet of like use,
11073 Dollar Store, Pawn Shop, or Secondhand and/or used merchandise, retail).
11074
11075 17. Child care facility, subject to the following limitation(s):
11076
11077 a. Shall contain a contiguous outdoor, grassed and fenced play area located away
11078 from vehicular traffic. See section 40.705.
11079
11080 18. Clubs—Civic, noncommercial.
11081
11082 19. Collection agency.
11083
11084 20. Commercial recreation, indoors.
11085
11086 21. Costume rentals.
11087
11088 22. Dance academy.
11089
11090 23. Delicatessen.
11091
11092 24. Dental laboratory.
11093
11094 25. Detective agency.
11095
11096 26. Dollar store. (Not permitted within 1,000 feet of like use, Check cashing including
11097 Payday Loans, Pawn Shop, or Secondhand and/or used merchandise, retail.)
11098
11099 27. Dry cleaning establishment subject to the following limitations and requirements:
11100
11101 a. Ventilation shall direct exhaust away from residential districts.
11102
11103 b. Not more than ten (10) individual cleaning units shall be used in any establishment.
11104
11105 c. and the total combined rated capacity shall not exceed 80 pounds.
11106
11107 d. See section 40.705.
11108
11109 28. Employment agency.
11110
11111 29. Finance and mortgage institutions.
11112
11113 30. Fire station.
11114
11115 31. Groceries, retail.
11116
11117 32. Formal wear rentals.
11118

- 11119 33. Funeral home.
- 11120
- 11121 34. Health studio or club, gymnasium.
- 11122
- 11123 35. Janitorial service.
- 11124
- 11125 36. Jewelry, watch and electronic repairs.
- 11126
- 11127 37. Landscaping and plant nursery.
- 11128
- 11129 38. Laundries, coin-operated, subject to the following limitation(s):
- 11130
- 11131 a. Hours of operation limited to 7:00 a.m. to 11:00 p.m.
- 11132
- 11133 39. Locksmith.
- 11134
- 11135 40. Mail-plus service.
- 11136
- 11137 41. Massage services, permitted as accessory use only within an approved medical office
- 11138 or physical therapy office.
- 11139
- 11140 42. Medical office, subject to the following limitation(s):
- 11141
- 11142 a. Not including correctional and mental, nor institutions for care of drug or liquor
- 11143 patients, nor veterinary hospitals. May have a magnetic resonance imaging (MRI)
- 11144 unit as an accessory.
- 11145
- 11146 43. Medical supply rentals.
- 11147
- 11148 44. Merchant, retail, subject to the limitations in section 40.52(E).
- 11149
- 11150 45. Museum.
- 11151
- 11152 46. Municipal buildings, parks, playgrounds.
- 11153
- 11154 47. Music, instruction, subject to the following limitation(s):
- 11155
- 11156 a. Soundproofing required.
- 11157
- 11158 48. Nightclubs, teen clubs, catering halls or dance halls, with an occupant load of less than
- 11159 250 persons.
- 11160
- 11161 49. Package store.
- 11162
- 11163 50. Personal care services, except massage, subject to the following limitation(s):
- 11164
- 11165 a. Body art studios are not permitted.
- 11166

- 11167 51. Pet grooming, subject to the following limitation(s):
11168
11169 a. Soundproofing required.
11170
- 11171 52. Pet shop, subject to the following limitation(s):
11172
11173 a. Not permitted within 100 feet of any residential district.
11174
11175 b. No outdoor pens or runs permitted.
11176
11177 c. Subject to the restrictions set forth in Chapter 6 of the Margate Code of
11178 Ordinances.
11179
- 11180 53. Pharmacy, subject to the following limitations:
11181
11182 a. No more than 10 percent of all prescription medication dispensed shall be from the
11183 list of Schedule II controlled substances provided in F.S. § 893.03.
11184
11185 b. No less than 50 percent of floor area shall be used for retail display and
11186 transactions.
11187
- 11188 54. Photograph developing and printing. See section 40.705.
11189
- 11190 55. Photograph galleries.
11191
- 11192 56. Photographer.
11193
- 11194 57. Place of Assembly, subject to the requirements of section 40.619 Place of
11195 Assembly in this Code.
11196
- 11197 58. Printing, photocopying, blueprinting shop with no more than 25 employees.
11198
- 11199 59. Picture framing.
11200
- 11201 60. Professional office.
11202
- 11203 61. Real estate and appraisal office.
11204
- 11205 62. Recording studio, subject to the following limitation(s):
11206
11207 a. Soundproofing required.
11208
- 11209 63. Restaurants.
11210
- 11211 64. Sales office—No inventory.
11212
- 11213 65. Savings and loan institution.
11214

- 11215 66. School of instruction, non-academic.
- 11216
- 11217 67. Shoe repair shops.
- 11218
- 11219 68. Small appliance repair, subject to the following limitation(s):
- 11220
- 11221 a. Not permitted within 100 feet of any residential district.
- 11222
- 11223 69. Stocks and bonds brokerage office.
- 11224
- 11225 70. Substation for utilities (as required).
- 11226
- 11227 71. Tailor shop, seamstress.
- 11228
- 11229 72. Take-out foods.
- 11230
- 11231 73. Theater, indoor.
- 11232
- 11233 74. Travel agency.
- 11234
- 11235 75. Utilities, public offices.
- 11236
- 11237 76. Vending machine (outdoor), permitted as an accessory use to a permitted use and
- 11238 subject to the following limitations contained in section 40.621 Vending machine
- 11239 (outdoor).
- 11240
- 11241 77. Walkway cafes less than 1,000 square feet in area and subject to the following
- 11242 limitations contained in section 40.622 Walkway Cafes.
- 11243
- 11244 78. Weight loss clinic.
- 11245
- 11246 (D) Special exception uses. The following uses are authorized upon a finding by the City
- 11247 Commission that a special exception to the article is warranted, pursuant to the procedure
- 11248 and criteria set forth in section 40.306 of this Code.
- 11249
- 11250 1. Amusement arcade center, in accordance with all provisions of section 40.612 of the
- 11251 Margate Zoning Code and Chapter 849 of the Florida Statutes as may be amended from
- 11252 time to time.
- 11253
- 11254 2. Animal clinic, pet hospital, subject to the following limitation(s):
- 11255
- 11256 a. Adequate soundproofing in any area where animals are contained or treated.
- 11257
- 11258 b. All boarding activities shall be ancillary to the primary use.
- 11259
- 11260 c. Subject to the restrictions set forth in Chapter 6 of the Margate Code of
- 11261 Ordinances.
- 11262

- 11263 3. Convenience store.
- 11264
- 11265 4. Drive-thru facilities (with a permitted use). See section 40.705.
- 11266
- 11267 5. Hotels, subject to the following conditions and limitations:
- 11268
- 11269 a. The minimum lot area shall be two (2) acres.
- 11270
- 11271 b. Any outdoor recreation areas including swimming pools shall be located at least
- 11272 25 feet from the lot line of any adjacent residentially zoned property unless the
- 11273 adjacent property is being utilized for business related parking.
- 11274
- 11275 c. The minimum floor area of a rental sleeping room in a motel or hotel, which
- 11276 includes all areas to be individually rented by a customer, shall be 300 square feet.
- 11277
- 11278 d. On-site common (not in room) dining facilities sufficient to serve anticipated
- 11279 hotel/motel patrons.
- 11280
- 11281 6. Laundries, coin-operated (extended hours of operation).
- 11282
- 11283 7. Massage services.
- 11284
- 11285 8. Nightclubs, teen clubs, catering halls or dance halls, with an occupancy greater than 250
- 11286 feet.
- 11287
- 11288 9. Outside sales, display, service, and/or storage with a permitted use.
- 11289
- 11290 10. Public or private elementary, middle or high school, subject to section 40.620 Public or
- 11291 Private Elementary, Middle, or High School.
- 11292
- 11293 11. Restaurants with curb or automobile service, subject to the following restrictions:
- 11294
- 11295 a. Subject property shall be located a minimum of 750 feet from single-family
- 11296 property; such distance shall be measured from the front door of the establishment
- 11297 to the single-family property line;
- 11298
- 11299 b. Such restaurant must be a free-standing building.
- 11300
- 11301 12. Swimming pool equipment and chemicals, retail, subject to the following conditions and
- 11302 limitations:
- 11303
- 11304 a. All swimming pool supplies, including pre-packaged chemicals, except bulk
- 11305 quantities of sodium hypochlorite, shall be dispensed strictly through retail sales
- 11306 and shall be stored and sold within a completely enclosed structure.
- 11307
- 11308 b. Bulk quantities shall mean any quantity stored in any container, which quantity is
- 11309 to be removed for repackaging. Bulk storage shall mean any storage of any
- 11310 material, which material is to be removed for repackaging.

- 11311
- 11312 c. No wholesale or bulk non-packaged storage or sale of calcium hypochlorite or
- 11313 muriatic acid shall be permitted. Muriatic acid shall be sold only if prepackaged.
- 11314
- 11315 d. The handling and storage of all swimming pool related chemicals and other such
- 11316 supplies shall be regulated by the standards set forth in the Florida Building Code,
- 11317 the Florida Fire Prevention Code, the provisions of the National Fire Protection
- 11318 Association relating to storage of liquid and solid oxidizing materials and storage
- 11319 of gaseous oxidizing materials, and applicable regulations established by Broward
- 11320 County, as such standards be amended from time to time.
- 11321
- 11322 e. No chemical storage area shall be permitted within 100 feet of any residential
- 11323 district or use.
- 11324
- 11325 13. Walkway cafes greater than 1,000 square feet in area, subject to the limitations of section
- 11326 40.622 Walkway Cafes.
- 11327
- 11328 (E) Permitted uses for mixed-use.
- 11329
- 11330 1. Within any mixed-use structure permitted by the Live Local Act of 2023 (Senate Bill 102)
- 11331 only the uses permitted by the City Center District shall be allowed.
- 11332
- 11333 (F) Uses prohibited.
- 11334
- 11335 1. Tattoo parlors;
- 11336
- 11337 2. Body art studio as a principle use;
- 11338
- 11339 3. Pain management clinics, as defined in section 40.201.
- 11340
- 11341 4. Any use not specifically listed in section 40.521(C) is prohibited.
- 11342
- 11343 (G) Limitations on uses.
- 11344
- 11345 1. Except for automobile parking lots, loading zones, temporary promotional events, drive-
- 11346 through facilities accessory to and serving pharmacies which are located within enclosed
- 11347 buildings containing no less than 10,000 square feet, and drive-in banks, all activities or
- 11348 permitted uses, including sale, display, preparation and storage, shall be conducted
- 11349 entirely within a completely enclosed building.
- 11350
- 11351 2. No secondhand or used merchandise shall be offered for sale, displayed or stored.
- 11352
- 11353 3. All products produced incidental to a permitted use shall be sold at retail on the premises.
- 11354
- 11355 4. No more than three (3) vehicles per user allowed on site of business.
- 11356
- 11357 5. All equipment and products stored incidental to a permitted use shall be within the
- 11358 enclosed building proper. No trailers allowed.
-

(H) Height.

1. No building or structure shall be erected or altered to a height exceeding 100 feet. However, no building or structure abutting a residential parcel shall exceed in height its horizontal setback to the residential lot line.

(I) Lot size.

1. The minimum lot size excluding public rights-of-way shall be 10,000 square feet with a minimum of 100 feet of street frontage.

(J) Setbacks.

All lots shall provide setbacks in accordance with the following:

1. Street setbacks.

- a. The minimum building setback from all street rights-of-way less than 80 feet in width shall be 25 feet.
- b. The minimum building setback from all street rights-of-way 80 feet in width or greater shall be 35 feet.

2. Side setbacks.

- a. When abutting a non-residentially zoned property, there is no side setback requirement.
- b. When abutting a residentially zoned property, the minimum building setback shall be 38 feet.

3. Rear setbacks.

- a. When abutting a non-residentially zoned property, the minimum building setback shall be 20 feet.
- b. When abutting a residentially zoned property the minimum building setback shall be 38 feet.

4. Uses, limited. Where a setback is required in this section, such setbacks may be used for walkways, parking for passenger cars, driveways, loading zones and landscaping, but not for any other use or purpose.

40.522 Regional Business: B-2A

(A) Purpose and Applicability.

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11454
1. Purpose. The B-2A regional business district allows a wide range of office, retail, and service uses. These uses deemed to have possible negative influences on adjoining properties because of attendant nuisances in their operation are allowed only through the granting of a special exception upon a finding by the City Commission that the same meets conditions and safeguards specified herein. This district is reserved for parcels of at least six (6) acres in size which have direct, controlled access to arterial highways or major thoroughfares. Commercial developments adjacent to residential or recreational areas, as designed by the Margate Comprehensive Plan, should be planned with generous setbacks, buffer landscaping, and traffic patterns leading away from those areas.
 2. Applicability. The B-2A District was repealed. These regulations apply to the only property in the City that has this designation at 5350 West Sample Road, FOLIO # 484219270020. No property owner may apply for a rezoning to the B-2A District. The property developed with these regulations is considered to be a legal conforming use and may be improved and reconstructed according to these standards in the event of destruction.
- (B) Permitted use. No building or structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than the following specified uses:
1. Promotional events that are accessory to a permitted use and temporary in nature shall be permitted pursuant to the Temporary Use Permit requirements in this Code.
 2. Coin operated amusement devices incidental to permitted uses as defined and subject to all regulations provided in section 40.612 Arcade Amusement Centers and Devices of this Code.
- The following additional uses are permitted as a right provided that all sales, display, preparation and storage are conducted within a completely enclosed building and that all goods and services are sold at retail. No manufacturing is permitted in this district.
3. All uses permitted in the B-1 district, unless specified otherwise by this article.
 4. Advertising agency.
 5. Answering service. No sales and/or service shall be rendered there from.
 6. Antique shop.
 7. Art gallery.
 8. Art Studio.
 9. Auto parts, equipment and accessories, new.
 10. Auto tag agency.
 11. Automotive teller machine (outdoor).

11455	
11456	<u>12. Billiard rooms, pool rooms.</u>
11457	
11458	<u>13. Bingo, only as an accessory use to a listed permitted use.</u>
11459	
11460	<u>14. Caterers.</u>
11461	
11462	<u>15. Ceramic studio.</u>
11463	
11464	<u>16. Check cashing service.</u>
11465	
11466	<u>17. Civic clubs.</u>
11467	
11468	<u>18. Collection agency.</u>
11469	
11470	<u>19. Consignment shop, secondhand stores. Any such use shall exclusively occupy at least</u>
11471	<u>1,000 square feet.</u>
11472	
11473	<u>20. Costume rentals.</u>
11474	
11475	<u>21. Dental Laboratory.</u>
11476	
11477	<u>22. Detective agency.</u>
11478	
11479	<u>23. Employment agency.</u>
11480	
11481	<u>24. Finance and mortgage institution.</u>
11482	
11483	<u>25. Formal wear rentals.</u>
11484	
11485	<u>26. Funeral home.</u>
11486	
11487	<u>27. Health studio or club, gymnasium.</u>
11488	
11489	<u>28. Janitorial service.</u>
11490	
11491	<u>29. Mail plus service.</u>
11492	
11493	<u>30. Medical laboratory.</u>
11494	
11495	<u>31. Medical supply rentals.</u>
11496	
11497	<u>32. Newspaper office.</u>
11498	
11499	<u>33. Package store.</u>
11500	
11501	<u>34. Pet grooming.</u>
11502	

- 11503 35. Pet shop, without kennel facilities.
- 11504
- 11505 36. Photograph developing and printing.
- 11506
- 11507 37. Photograph galleries.
- 11508
- 11509 38. Photographer.
- 11510
- 11511 39. Picture framing.
- 11512
- 11513 40. Place of Assembly, subject to the requirements of section 40.619 Place of Assembly of
11514 this Code.
- 11515
- 11516 41. Printing shop, blueprinting business, photocopying. (Maximum sheet press 25.5 inches).
- 11517
- 11518 42. Racquetball and handball courts, indoor.
- 11519
- 11520 43. Recording studio (soundproofed).
- 11521
- 11522 44. Schools of instruction, other than academic.
- 11523
- 11524 45. Stocks and bonds brokerage office.
- 11525
- 11526 46. Take-out foods.
- 11527
- 11528 47. Television and radio studio. No tower or antennas.
- 11529
- 11530 48. Telegraph office.
- 11531
- 11532 49. Theater, indoor.
- 11533
- 11534 50. Ticket office.
- 11535
- 11536 51. Video rentals.
- 11537
- 11538 52. Weight loss clinic.
- 11539
- 11540 (C) Special exception uses. Special exception uses are deemed as necessary to provide a
11541 complete distribution of commercial uses within the City, but because of their operational
11542 characteristics or area requirements need to be given individual consideration with respect to
11543 their location, access and relationship to adjacent properties and public rights of way. The
11544 following uses are authorized upon a finding by the city commission that a special exception
11545 to the article is warranted.
- 11546
- 11547 1. Animal clinics, pet hospitals.
- 11548
- 11549 2. Auction gallery. All storage of inventory and sales shall be conducted within a completely
11550 enclosed building.

- 11551
11552 3. Bars, taverns, nightclubs, teen clubs.
11553
11554 4. Bowling alley, whirleyball.
11555
11556 5. Convenience store.
11557
11558 6. Hotel or motel with recreational and dining facilities.
11559
11560 7. Landscape nursery.
11561
11562 8. Outside sales, display, service, and/or storage with a permitted use.
11563
11564 9. Post office, public utility service yard.
11565
11566 10. Repairs with a permitted use.
11567
11568 11. Restaurant with curb or automobile service.
11569
11570 12. Sales agency for new automobiles on a site not less than seven (7) contiguous acres.
11571 Used or pre-owned automobiles shall be sold only as an accessory use. A copy of the
11572 franchise agreement for new automobile sales shall be filed with the City Clerk's office of
11573 the City of Margate and shall be subject to inspection by the City upon reasonable times
11574 subsequent to initial permitting. Prior to sales of any automobiles, all improvements
11575 provided for by the site plan approved by special exception shall be completed and a
11576 certificate of occupancy issued.
11577
11578 13. Swimming pool equipment and related chemicals.
11579
11580 14. Wholesaling with a permitted use.
11581
11582 (D) Permitted uses for mixed-use.
11583
11584 1. Within any mixed-use structure permitted by the Live Local Act of 2023 (Senate Bill 102)
11585 only the uses permitted by the City Center District shall be allowed.
11586
11587 (E) Height limitation.
11588
11589 1. No building or structure, or portion thereof, shall be erected or altered to a height
11590 exceeding the following:
11591
11592 a. Retail stores. 30 feet.
11593
11594 b. Office buildings. 60 feet.
11595
11596 c. All other permitted uses. 25 feet.
11597
11598 (F) Minimum site and lot required.

- 11599
11600 1. The minimum site shall be six (6) acres with a minimum of 660 feet of street frontage.
11601
11602 2. The minimum lot size of an out parcel shall be 30,000 square feet with a minimum of 150
11603 feet of street frontage.
11604

11605 (G) Setback requirements.
11606

- 11607 1. Street setback: No building or structure shall be located less than 50 feet from a street
11608 right of way line.
11609
11610 2. Side setback:
11611
11612 a. Abutting nonresidential property. Zero (0) feet.
11613
11614 b. Abutting residential or recreational property. 60 feet.
11615
11616 3. Rear setback:
11617
11618 a. Abutting nonresidential property. Zero (0) feet.
11619
11620 b. Abutting residential or recreational property. 60 feet.
11621

11622 **40.523 Liberal Business: B-3**
11623

11624 (A) Application of article.
11625

- 11626 1. The following regulations of this article shall apply in all B-3 districts. All minimum
11627 separation distances shall be measured in the shortest airline distance between nearest
11628 property lines unless otherwise specified.
11629

11630 (B) Purpose and general description.
11631

- 11632 1. The B-3 liberal business district is intended primarily to meet the general service and
11633 heavy commercial needs of large sections of this city, adjacent areas, and the subregion.
11634 Uses which generate a substantial amount of short-duration traffic, as well as uses which
11635 produce noise, dirt, visual pollution and other emissions, vibrations and hazards, or which
11636 would have deleterious effects on nearby residents and property values, are first permitted
11637 in this district, subject to additional regulations as specified. B-3 districts are generally
11638 located with access to major arterial roadways and do not directly abut residential districts.
11639

11640 (C) Permitted uses. No building or structure, or part thereof, shall be erected, altered or used, or
11641 land or water used, in whole or in part, for other than the following specified uses. The B-3
11642 liberal business district is intended primarily to meet the general service and heavy Accessory
11643 uses and structures to a permitted use.
11644

- 11645 1. Adult day care center.
11646

- 11647 2. Animal clinics, pet hospitals, subject to the following limitation(s):
11648
11649 a. Adequate soundproofing in any area where animals are contained or treated.
11650
11651 b. All boarding activities shall be ancillary to the primary use.
11652
11653 c. Subject to the restrictions set forth in chapter 6 of the Margate Code of Ordinances.
11654
11655 3. Answering service, subject to the following limitation(s):
11656
11657 a. No sales and/or service shall be rendered therefrom.
11658
11659 4. Art gallery.
11660
11661 5. Artisans, studio or workshop. A workshop or studio of an artist, sculptor, photographer,
11662 jeweler, potter, craftsperson, furniture maker, cabinet maker, or other artist or artisan
11663 primarily used for on-site production of unique custom goods.
11664
11665 6. Auto parts, equipment and accessories, retail.
11666
11667 7. Auto tag agency.
11668
11669 8. Automatic teller machine (outdoor).
11670
11671 9. Bakery, retail (wholesale permitted provided the storage area is less than 4,500 square
11672 feet).
11673
11674 10. Banks, not including Payday Loans.
11675
11676 11. Bars and taverns.
11677
11678 12. Boats and accessories, retail.
11679
11680 13. Body art studios, subject to the following limitations:
11681
11682 a. No body art studio shall be located within 1,000 feet from any other body art studio.
11683
11684 b. No body art studio shall be located within 1,000 feet from any school or child care
11685 facility.
11686
11687 c. Body art studios shall be required to have a separate room for the purpose of tattooing
11688 and piercing. Each room shall be limited to one (1) customer chair and shall be apart
11689 from the waiting room and the public. The room(s) shall not be visible to the general
11690 public.
11691
11692 14. Bottled gas, subject to the following limitation(s):
11693
11694 a. Not permitted within 100 feet of residential districts.

- 11695
11696 15. Business office, no stock or storage.
11697
11698 16. Carpet cleaning, subject to the following limitation(s):
11699
11700 a. Not permitted within 100 feet of any residential district.
11701
11702 17. Caterers.
11703
11704 18. Check cashing including Payday Loans. (Not permitted within 1,000 feet of like use, Dollar
11705 Store, Pawn Shop, or Secondhand and/or used merchandise, retail).
11706
11707 19. Child care facility, subject to the following limitation(s):
11708
11709 a. Same shall contain a contiguous outdoor, grassed and fenced play area located away
11710 from vehicular traffic. See section 40.705.
11711
11712 20. Clubs—Civic, noncommercial.
11713
11714 21. Collection agency.
11715
11716 22. Commercial recreation (indoor).
11717
11718 23. Contractor's office.
11719
11720 24. Costume rentals.
11721
11722 25. Dance academy.
11723
11724 26. Delicatessen.
11725
11726 27. Dental laboratory.
11727
11728 28. Detective agency.
11729
11730 29. Dollar store (Not permitted within 1,000 of like use, Check cashing including Payday
11731 Loans, Pawn Shop, or Secondhand and/or used merchandise, retail).
11732
11733 30. Dry cleaning establishment subject to the following limitations and requirements:
11734
11735 a. Ventilation shall direct exhaust away from residential districts.
11736
11737 b. Not more than ten (10) individual cleaning units shall be used in any establishment,
11738 and the total combined rated capacity shall not exceed 80 pounds.
11739
11740 c. See section 40.705.
11741
11742 31. Employment agency.

11743	
11744	<u>32. Feed and seed suppliers.</u>
11745	
11746	<u>33. Finance and mortgage institution.</u>
11747	
11748	<u>34. Fire station.</u>
11749	
11750	<u>35. Formal wear rentals.</u>
11751	
11752	<u>36. Glass tinting.</u>
11753	
11754	<u>37. Groceries, retail.</u>
11755	
11756	<u>38. Gun shop and gun ranges (indoors and soundproofed).</u>
11757	
11758	<u>39. Health studio or club, gymnasium.</u>
11759	
11760	<u>40. Interior decoration shop, retail.</u>
11761	
11762	<u>41. Janitorial service.</u>
11763	
11764	<u>42. Jewelry, watch and electronic repairs.</u>
11765	
11766	<u>43. Landscaping and plant nursery.</u>
11767	
11768	<u>44. Laundries, coin-operated, subject to the following limitation(s):</u>
11769	
11770	<u>a. Hours of operation limited to 7:00 a.m. to 11:00 p.m.</u>
11771	
11772	<u>45. Locksmith.</u>
11773	
11774	<u>46. Mail-plus services.</u>
11775	
11776	<u>47. Massage services, permitted as accessory use only within an approved medical office or</u>
11777	<u>physical therapy office.</u>
11778	
11779	<u>48. Medical office, subject to the following limitation(s):</u>
11780	
11781	<u>a. Not including correctional or mental, nor institutions for care of drug or liquor patients.</u>
11782	<u>May have a magnetic resonance imaging (MRI) unit as an accessory.</u>
11783	
11784	<u>49. Medical supply rentals.</u>
11785	
11786	<u>50. Merchant, retail, subject to the limitations in section 40.523(E).</u>
11787	
11788	<u>51. Municipal buildings, parks, playgrounds.</u>
11789	
11790	<u>52. Museum.</u>

- 11791
11792 53. Music, instruction, subject to the following limitation(s):
11793
11794 a. Soundproofing required.
11795
11796 54. Nightclubs, teen clubs, catering halls or dance halls, with an occupant load of less than
11797 250 persons.
11798
11799 55. Package store.
11800
11801 56. Personal care services, except massage.
11802
11803 57. Pet grooming, subject to the following limitation(s):
11804
11805 a. Soundproofing required.
11806
11807 58. Pet shop, without kennel facilities, subject to the following limitation(s):
11808
11809 a. Not permitted within 100 feet of any residential district.
11810
11811 b. No outdoor pens or runs permitted.
11812
11813 c. Subject to the restrictions set forth in chapter 6 of the Margate Code of Ordinances.
11814
11815 59. Pharmacy, subject to the following limitations:
11816
11817 a. No more than ten (10) percent of all prescription medication dispensed shall be from
11818 the list of Schedule II controlled substances provided in F.S. 893.03.
11819
11820 b. No less than 50 percent of the floor area shall be used for retail display and
11821 transactions.
11822
11823 60. Photograph developing and printing. See section 40.705.
11824
11825 61. Photograph galleries.
11826
11827 62. Photographer.
11828
11829 63. Picture framing.
11830
11831 64. Place of Assembly, subject to the requirements of section 40.619 Place of Assembly of
11832 this Code.
11833
11834 65. Printing, photocopying, blueprinting shop with no more than 25 employees.
11835
11836 66. Printing, photocopying, blueprinting shop.
11837
11838 67. Professional office.

11839
11840 68. Real estate and appraisal office.
11841
11842 69. Recording studio, subject to the following limitation(s):
11843
11844 a. Soundproofing required.
11845
11846 70. Rental business.
11847
11848 71. Restaurants.
11849
11850 72. Sales office—No inventory.
11851
11852 73. Savings and loan institution.
11853
11854 74. Secondhand and/or used merchandise, retail. Not permitted within 1,000 feet of like use,
11855 Check Cashing including Payday Loans, Dollar Store, or Pawn Shop.
11856
11857 75. School of instruction, nonacademic.
11858
11859 76. Shoe repair shops.
11860
11861 77. Small appliance repair, subject to the following limitation(s):
11862
11863 a. Not permitted within 100 feet of any residential district.
11864
11865 78. Special residential facilities, category (2), subject to the following limitation(s):
11866
11867 a. These facilities shall not be located within the approved boundaries of the Margate
11868 Community Redevelopment Area.
11869
11870 79. Special residential facility, category (3), subject to the following limitation(s):
11871
11872 a. These facilities shall not be located within the approved boundaries of the Margate
11873 Community Redevelopment Agency.
11874
11875 80. Stocks and bonds brokerage office.
11876
11877 81. Substation for utilities (as required).
11878
11879 82. Swimming pool equipment and chemicals, retail, subject to the following conditions and
11880 limitations.
11881
11882 a. All swimming pool supplies, including pre-packaged chemicals, except bulk quantities
11883 of sodium hypochlorite, shall be dispensed strictly through retail sales and shall be
11884 stored and sold within a completely enclosed structure.
11885

- b. Bulk quantities shall mean quantity stored in any container, which quantity is to be removed for repackaging. Bulk storage shall mean any storage or any material, which material is to be removed for repackaging.
- c. No wholesale or bulk non-packaged storage or sale of calcium hypochlorite or muriatic acid shall be permitted. Muriatic acid shall be sold only if prepackaged.
- d. No chemical storage area permitted within 100 feet of any residential district.

83. Tailor shop, seamstress.

84. Take-out foods.

85. Television, radio and movie studios, subject to the following:

- a. No towers permitted.

86. Theater, indoor.

87. Theater, outdoor.

88. Travel agency.

89. Utilities, public offices.

90. Vending machine (outdoor), permitted as an accessory use to a permitted use and subject to the following limitations contained in section 40.621 Vending machine (outdoor).

91. Video rentals.

92. Vinyl graphics.

93. Walkway cafes less than 1,000 square feet subject to the limitations in section 40.622 Walkway Cafes.

94. Weight loss clinic.

(B) Special exception uses. The following uses are authorized upon a finding by the City Commission that a special exception to the article is warranted, pursuant to the procedure and criteria set forth in Article 6, Division 4 of the Margate Code of Ordinances.

1. Amusement arcade center, in accordance with all provisions of section 40.612 Arcade Amusement Centers and Devices of this Code and Chapter 849 of the Florida Statutes as may be amended from time to time.

2. Auction gallery, subject to the following limitation(s):

- a. Limited to auctions of art goods, jewelry, rugs, furniture and like items.

11934
11935 3. Automobile storage.
11936

- 11937 a. Any designated storage area shall be in a B-3, C, or M-1 district, and enclosed by an
11938 eight (8)-foot concrete block wall stuccoed or precast concrete wall on any side visible
11939 from areas outside of the property where it is situated. No storage area or wall
11940 surrounding same shall be located in a required setback area.
11941

11942 4. Automobile tires, new, subject to the following limitation(s):
11943

- 11944 a. Not permitted within 100 feet of any residential district.
11945

11946 5. Bowling alley.
11947

11948 6. Car wash, automatic, subject to the following limitations:
11949

- 11950 a. Only permitted as an accessory use to a vehicle fuel station when the lot occupied by
11951 the service station and accessory uses has not less than 135 feet of street frontage
11952 and 27,000 square feet of area.
11953

- 11954 b. Not permitted within 1,000 feet of any other automatic car wash.
11955

- 11956 c. Not permitted within 100 feet from any residential district.
11957

- 11958 d. See section 40.705.
11959

11960 7. Car wash, including detailing, hand washing, polishing, and self-service. Not permitted
11961 within 1,000 feet of any other car wash. Not permitted within 100 feet of any residential
11962 district or use. All washing requires a water containment and reclamation system.
11963

11964 8. Commercial recreation (outdoor).
11965

11966 9. Convenience store, subject to the following limitation(s):
11967

- 11968 a. Not permitted within 1,000 feet of any other convenience store.
11969

11970 10. Drive-thru facilities (with a permitted use).
11971

- 11972 a. See section 40.705.
11973

11974 11. Flea market.
11975

11976 12. Hotels, subject to the conditions and limitations listed in section 40.521(D).
11977

11978 13. Laundries, coin-operated (extended hours of operation)
11979

11980 14. Limousine service three (3) or fewer vehicles, subject to the following limitation(s):
11981

- 11982 a. Proof of adequate parking facilities shall be demonstrated prior to approval.
- 11983
- 11984 15. Massage services.
- 11985
- 11986 16. Nightclubs, teen clubs, catering halls or dance halls, with an occupancy greater than 250.
- 11987
- 11988 17. Outside sales, display, service and/or storage, subject to the following:
- 11989
- 11990 a. Shall only be permitted as an accessory to a permitted use.
- 11991
- 11992 b. All areas not completely enclosed, which are used for the storage or processing of raw
- 11993 materials, must be effectively screened from view of the adjoining streets and parcels
- 11994 through the use of a durable fence, wall or hedge, or combinations thereof.
- 11995
- 11996 18. Pain management clinic, subject to limitations and requirements of section 40.616 Pain
- 11997 Management Clinics of this Code.
- 11998
- 11999 19. Pharmacy, subject to the following limitations:
- 12000
- 12001 a. No more than ten (10) percent of all prescription medication dispensed shall be from
- 12002 the list of Schedule II controlled substances provided in F.S. §893.03.
- 12003
- 12004 b. No less than 50 percent of floor area shall be used for retail display and transactions.
- 12005
- 12006 20. Public or private elementary, middle or high school, subject to section 40.620 Public or
- 12007 Private Elementary, Middle, or High School.
- 12008
- 12009 21. Restaurants with curb or automobile service.
- 12010
- 12011 a. Subject property shall be located a minimum of 750 feet from single-family property;
- 12012 such distance shall be measured from the front door of the establishment to the single-
- 12013 family property line;
- 12014
- 12015 b. Such restaurant must be a free-standing building.
- 12016
- 12017 22. Taxi service, subject to the following limitations:
- 12018
- 12019 a. Limited to three (3) or fewer vehicles.
- 12020
- 12021 b. Proof of adequate parking facilities shall be demonstrated prior to approval.
- 12022
- 12023 23. Vehicle fuel station. Subject to requirements and limitations of section 40.613 Vehicle Fuel
- 12024 Station of this Code.
- 12025
- 12026 24. Vehicle sales agency (new and / or used vehicles). Not permitted within 100 feet of any
- 12027 residential district.
- 12028

12029 25. Walkway cafes greater than 1,000 square feet in area subject to the limitations of section
12030 40.622 Walkway Cafes of this Code.

12031
12032 (C) Permitted uses for mixed-use.
12033

- 12034 1. Within any mixed-use structure permitted by the Live Local Act of 2023 (Senate Bill 102)
12035 only the uses permitted by the City Center District shall be allowed.
12036

12037 (D) Uses prohibited.
12038

- 12039 1. Any use not specifically listed in section 40.531.
12040

12041 (E) Limitation on uses.
12042

- 12043 1. No required front or side street setback may be used for other than customer and
12044 employee parking, landscaping, drives and walkways.
12045
12046 2. Wholesale sales are prohibited except as an accessory use, same not to exceed 20
12047 percent of floor area nor total number of sales transactions.
12048

12049 (F) Height.
12050

- 12051 1. No building or structure shall be erected or altered to a height exceeding 100 feet.
12052

12053 (G) Lot size.
12054

- 12055 1. The minimum lot size, excluding public rights-of-way, shall be 10,000 square feet with a
12056 minimum of 100 feet of street frontage.
12057

12058 (H) Setbacks.
12059

12060 All lots shall provide setbacks in accordance with the following:
12061

12062 1. Street setbacks.
12063

- 12064 a. The minimum building setback from all street rights-of-way less than 80 feet in width
12065 shall be 25 feet.
12066

- 12067 b. The minimum building setback from all street rights-of-way 80 feet in width of greater
12068 shall be 35 feet.
12069

12070 2. Side setbacks.
12071

- 12072 a. When abutting a non-residentially zoned property, there is no side setback
12073 requirement.
12074

- 12075 b. When abutting a residentially zoned property, the minimum building setback shall be
12076 60 feet.

12077
12078 3. Rear setbacks.
12079

12080 a. When abutting a non-residentially zoned property, the minimum building setback shall
12081 be 20 feet.
12082

12083 b. When abutting a residentially zoned property the minimum building setback shall be
12084 60 feet.
12085

12086 4. Uses, limited. Where a setback is required in this section, such setbacks may be used for
12087 walkways, parking for passenger cars, driveways, loading zones and landscaping, but not
12088 for any other use or purpose.
12089

12090 DIVISION 4 INDUSTRIAL DISTRICTS
12091

12092 40.530 Light Industrial: M-1
12093

12094 (A) Application of article.
12095

12096 1. The M-1 light industrial district is intended to provide for light manufacturing and heavy
12097 commercial uses for large corporations as well as small entrepreneurs in multitenant
12098 warehouse space.
12099

12100 (B) Permitted uses. No building or structure or part thereof shall be erected, altered or used, or
12101 land or water used, in whole or in part, for other than the following specified uses:
12102

12103 1. Accessory uses and structures which are clearly incidental and subordinate to a permitted
12104 use.
12105

12106 2. Ambulance service, subject to the following limitation(s):
12107

12108 a. Proof of adequate parking facilities shall be demonstrated.
12109

12110 3. Armored car service.
12111

12112 4. Automobile body, tops and upholstery shop.
12113

12114 5. Automobile, motorcycle and small engine repair, subject to the following limitation(s):
12115

12116 a. Not permitted within 100 feet of any residential district.
12117

12118 6. Automobile painting, subject to the following limitation(s):
12119

12120 a. No outdoor spraying.
12121

12122 7. Automobile parts, equipment and accessories, wholesale.
12123

- 12124 8. Automobile storage.
- 12125
- 12126 9. Automobile tires, vulcanizing or retreading.
- 12127
- 12128 10. Bakery, wholesale.
- 12129
- 12130 11. Bookbinding.
- 12131
- 12132 12. Bottled gas, retail, subject to the following limitation(s):
- 12133
- 12134 a. Not permitted within 100 feet of any residential district.
- 12135
- 12136 13. Bottling plant.
- 12137
- 12138 14. Bus company, charter, subject to the following limitation(s):
- 12139
- 12140 a. Three (3) or fewer vehicles.
- 12141
- 12142 b. Proof of adequate parking facilities shall be demonstrated.
- 12143
- 12144 15. Bus terminals.
- 12145
- 12146 16. Cabinetmaking, carpentry shops.
- 12147
- 12148 17. Carpet cleaning, subject to the following limitation(s):
- 12149
- 12150 a. Not permitted within 100 feet of any residential district.
- 12151
- 12152 18. Catering, including shared kitchens.
- 12153
- 12154 19. Ceramic manufacturing.
- 12155
- 12156 20. Cleaning service—Pressure, chemical, industrial.
- 12157
- 12158 21. Concrete testing lab.
- 12159
- 12160 22. Contractor's shop – licensure not required.
- 12161
- 12162 23. Contractor's storage setbacks, subject to the following limitation(s):
- 12163
- 12164 a. Perimeter wall required.
- 12165
- 12166 24. Commissary.
- 12167
- 12168 25. Delivery service.
- 12169
- 12170 26. Dental laboratory.
- 12171

12172	<u>27. Diaper service, subject to the following limitation(s):</u>
12173	
12174	<u>a. Not permitted within 300 feet of any residential district.</u>
12175	
12176	<u>28. Distribution service.</u>
12177	
12178	<u>29. Dry cleaning and dyeing plant, subject to the following limitation(s):</u>
12179	
12180	<u>a. Not permitted within 300 feet of any residential district.</u>
12181	
12182	<u>30. Electrical utility setback.</u>
12183	
12184	<u>31. Electroplating.</u>
12185	
12186	<u>32. Engraving.</u>
12187	
12188	<u>33. Fire station.</u>
12189	
12190	<u>34. Food processing, subject to the following limitation(s):</u>
12191	
12192	<u>a. No fish, fat rendering, or restaurants.</u>
12193	
12194	<u>b. Processing shall only be done indoors and without the emission of any external</u>
12195	<u>noxious odors.</u>
12196	
12197	<u>35. Frozen food locker.</u>
12198	
12199	<u>36. Fruit packing and shipping.</u>
12200	
12201	<u>37. Glass cutting.</u>
12202	
12203	<u>38. Glass tinting.</u>
12204	
12205	<u>39. Grocery, wholesale.</u>
12206	
12207	<u>40. Gun range (indoors and soundproofed).</u>
12208	
12209	<u>41. Janitorial service.</u>
12210	
12211	<u>42. Kennels, subject to restrictions set forth in chapter 6 of the Margate Code of Ordinances.</u>
12212	
12213	<u>43. Laboratories—Chemical, medical, testing, research.</u>
12214	
12215	<u>44. Laundry, commercial.</u>
12216	
12217	<u>45. Light manufacturing, subject to the following limitations:</u>
12218	

12219 a. Shall include products from aluminum, brass, bronze, copper, steel or other metal or
12220 from cloth, leather, paper, rubber, shell, plastic, wood or other materials.
12221
12222 46. Limousine service four (4) or more vehicles, subject to the following limitation(s):
12223
12224 a. Proof of adequate parking facilities shall be demonstrated.
12225
12226 47. Liquor cutting and blending.
12227
12228 48. Locksmith.
12229
12230 49. Machine shops.
12231
12232 50. Magazine wholesale agency.
12233
12234 51. Mail order business.
12235
12236 52. Major appliance repair.
12237
12238 53. Merchant, wholesale.
12239
12240 54. Metalizing processes.
12241
12242 55. Mirror silvering.
12243
12244 56. Motion picture studio.
12245
12246 57. Moving and storage.
12247
12248 58. Ornamental iron and metal working shops.
12249
12250 59. Parking, commercial auto, subject to the following limitation(s):
12251
12252 a. Not permitted within 1,000 feet of any other commercial auto parking facility.
12253
12254 60. Pest control.
12255
12256 61. Photograph developing and printing.
12257
12258 62. Printing, photocopying, blueprinting shop with no more than 25 employees.
12259
12260 63. Public utility service yard.
12261
12262 64. Recording studio, subject to the following limitation(s):
12263
12264 a. Soundproofing required.
12265
12266 65. Refrigeration plants.

- 12267
12268 66. Rental business.
12269
12270 67. Research—Educational, scientific, and industrial.
12271
12272 68. Restaurant and dining room subject to the following limitation(s):
12273
12274 a. Only permitted as accessory to a permitted use.
12275
12276 69. Sheet metal shop, subject to the following limitation(s):
12277
12278 a. When so located that no land allocated to such use or building occupied by such use
12279 lies within 100 feet of any residential-zoned property; provided that this separation
12280 requirement shall apply only to principal uses and not to accessory uses.
12281
12282 70. Sign shop.
12283
12284 71. Sign painting, car lettering.
12285
12286 72. Spray painting business.
12287
12288 73. Stonecutting.
12289
12290 74. Substation for utilities (as required).
12291
12292 75. Swimming pool equipment and chemicals, wholesale, subject to the following limitation(s):
12293
12294 a. No chemical storage area permitted within 100 feet of any residential district.
12295
12296 76. Taxi service four (4) or more vehicles, subject to the following limitation(s)
12297
12298 a. Proof of adequate parking facilities shall be demonstrated.
12299
12300 77. Television, radio and movie studios.
12301
12302 78. Theater (outdoor).
12303
12304 79. Tinsmiths.
12305
12306 80. Tool-and-die shops.
12307
12308 81. Towing service, subject to the following limitation(s):
12309
12310 a. No wrecking.
12311
12312 82. Tractor, retail.
12313
12314 83. Trailers of all kinds, campers, mobile homes, retail.
-

12315
12316 84. Trash hauler, subject to the following limitation(s):

12317
12318 a. No dumping.

12319
12320 85. Truck and large engine repair.

12321
12322 86. Upholstery shop.

12323
12324 87. Vehicle sales agency (new and / or used vehicles). Not permitted within 100 feet of any
12325 residential district.

12326
12327 88. Warehousing and distribution.

12328
12329 (C) Special exception uses. Special exception uses may be deemed appropriate to provide a
12330 complete distribution of uses within the city, but because of their operational characteristics
12331 or area requirements need to be given individual consideration with respect to their location,
12332 access and relationship to adjacent properties and public rights-of-way, and conformity with
12333 the city's current and future redevelopment efforts.

12334
12335 1. The following uses are authorized upon a finding by the city commission that a special
12336 exception to the article is warranted, pursuant to the procedure and criteria set forth in
12337 section 40.306 of the Margate Code of Ordinances.

12338
12339 a. Recreation and open space;

12340
12341 b. Commercial recreation uses (indoor and outdoor);

12342
12343 c. Business and professional office center, subject to the following:

12344
12345 i. Said use shall be located in a building or development of at least 30,000 square
12346 feet.

12347
12348 (D) Prohibited uses.

12349
12350 1. Pain management clinics, as defined in section 40.616.

12351
12352 2. Any use not specifically listed in section 40.530(A) is prohibited.

12353
12354 3. Retail sales are prohibited except where specifically permitted in section 40.530(A) or as
12355 an accessory use, same not to exceed 20 percent of floor area nor total number of sales
12356 transaction.

12357
12358 (E) Permitted uses for mixed-use.

12359
12360 1. Within any mixed-use structure permitted by the Live Local Act of 2023 (Senate Bill 102)
12361 only the uses permitted by the City Center District shall be allowed.

(F) Height.

1. No building or structure shall be erected or altered to a height exceeding 60 feet.

(G) Lot size.

1. There shall be no minimum required size of lot.

(H) Setbacks.

All lots shall provide setbacks in accordance with the following:

1. Street setbacks.

- a. The minimum building setback from all street rights-of-way less than 80 feet in width shall be 25 feet.
- b. The minimum building setback from all street rights-of-way 80 feet in width of greater shall be 35 feet.
- c. This setback may be used for walkways, parking of passenger cars, driveways and landscaping, but not for any other use or purpose.

2. Side setbacks.

- a. When abutting a non-residentially zoned or used property, there is no side setback requirement.
- b. When abutting a residentially zoned or used property, the minimum building setback shall be 60 feet.
- c. When a mixed-use development is permitted, the minimum setback shall be 60 feet from any nonresidential use or district.

3. Rear setbacks.

- a. When abutting a non-residentially zoned or used property, there shall be no minimum building setback.
- b. When abutting a residentially zoned or used property the minimum building setback shall be 60 feet.
- c. When a mixed-use development is permitted, the minimum setback shall be 60 feet from any nonresidential use or district.

4. Outside storage areas. May be permitted when fully enclosed by a fence and continuous, dense shrubs where abutting a lot line. No required off-street parking or interior landscaped areas may be utilized for such purpose.

12411
12412 **40.531 Industrial Park: M-1A**
12413

12414 (A) Application of article.
12415

- 12416 1. The M-1A, industrial park district is intended to provide land for business and industry
12417 which expands the economic base of the City. Permitted uses are intended to include
12418 those businesses and industries primarily involved in the manufacture of goods and
12419 provision of services for sale and use outside of the limits of the City of Margate. These
12420 uses shall include research, development, and manufacture of products and large office
12421 buildings providing increased employment opportunities within the City.
12422

12423 (B) Purpose and general description.
12424

- 12425 1. The M-1A, industrial park district is intended to provide land for business and industry
12426 which expands the economic base of the City. Permitted uses are intended to include
12427 those businesses and industries primarily involved in the manufacture of goods and
12428 provision of services for sale and use outside of the limits of the City of Margate. These
12429 uses shall include research, development, and manufacture of products and large office
12430 buildings providing increased employment opportunities within the City.
12431

12432 (C) Permitted uses. No building or structure, or any part thereof, shall be erected, altered or used,
12433 or land or water used, in whole or in part, for other than one (1) or more of the following uses:
12434

12435 1. Primary uses.
12436

- 12437 a. Apparel from finished textiles;
12438
12439 b. Bottling plant;
12440
12441 c. Contractors, including service contractors;
12442
12443 d. Educational, scientific and industrial research;
12444
12445 e. Food processing;
12446
12447 f. Light manufacturing;
12448
12449 g. Meat or fish processing or slaughtering. Processing shall only be done indoors and
12450 without the emission of any external noxious odors.
12451
12452 h. Office buildings, including business, professional, and medical offices.
12453
12454 i. Minimum of 30,000 square feet of gross building area per development required.
12455
12456 j. Warehousing, trucking and distribution;
12457
12458 j. Wholesaling;

12459
12460 2. Accessory uses.
12461

- 12462 a. Corporate or business offices which serve or represent other specifically permitted
12463 industrially related users;
12464
12465 b. Restaurants and cafeterias allowed as an accessory use only in connection with a
12466 permitted office building;
12467
12468 c. Sales of goods to the general public only as an accessory use;
12469
12470 i. Sales of goods shall not exceed 25 percent of floor area nor total number of sales
12471 transactions.
12472
12473 d. Sewage pumping station;
12474
12475 e. Transformer and electrical switching station;
12476

12477 3. Special exception uses. The following uses are authorized upon a finding by the City
12478 Commission that a special exception use to this article is warranted;
12479

- 12480 a. Children's activity center as an accessory use only. For the purposes of this section,
12481 "children's activity center" is defined as any establishment containing modular retail
12482 play/soft play structures, indoor playgrounds, children's party rooms or food services.
12483 Retail play/soft play areas of children's activity centers may also contain up to ten (10)
12484 coin-operated machines designed specifically for children, ages 12 and under. Access
12485 to retail play/soft play areas of children's activity centers (including areas containing
12486 permitted coin-operated machines) shall be restricted to children, ages 12 and under,
12487 and persons accompanying such children for supervisory purposes.
12488
12489 b. The city commission shall consider all applications for special exception approval
12490 pursuant to the procedure set forth in Article 3, section 40.306 Special Exception of
12491 this Code.
12492

12493 (D) Prohibited uses. Except as specifically permitted in this district, the following uses are
12494 expressly prohibited as either principal or accessory uses:
12495

- 12496 1. Airport.
12497
12498 2. Any use or operation which creates continuous or intermittent physical effects which
12499 exceed the performance standards specified in section 40.531(E).
12500
12501 3. Automotive: maintenance, service and repair.
12502
12503 4. Die casting.
12504
12505 5. Drop forging.
12506

- 12507 6. Foundry.
- 12508
- 12509 7. Hotels, motels and any other residential use other than as a permitted accessory use.
- 12510
- 12511 8. Institutions for the aged, infirm or minors or any kind of group housing.
- 12512
- 12513 9. Manufacturing of asphalt, brick, tile, cement, lime, plaster, concrete, acids, carbon,
- 12514 disinfectants, poison, insecticides and batteries.
- 12515
- 12516 10. Oil compounding or barreling.
- 12517
- 12518 11. Open air storage in bulk of material inputs of finished products. This prohibition does not
- 12519 apply to storage of these materials in a warehouse or fully enclosed by a fence and
- 12520 continuous, dense shrubs where abutting a lot line. No required off-street parking or
- 12521 interior landscaped areas may be utilized for such purpose.
- 12522
- 12523 12. Pain management clinics, as defined in section 40.201.
- 12524
- 12525 13. Paint or varnish manufacture.
- 12526
- 12527 14. Vehicular rental.
- 12528
- 12529 (E) Permitted uses for mixed-use.
- 12530
- 12531 1. Within any mixed-use structure permitted by the Live Local Act of 2023 (Senate Bill 102)
- 12532 only the uses permitted by the City Center District shall be allowed.
- 12533
- 12534 (F) Performance standards.
- 12535
- 12536 The performance standards listed hereunder shall be the minimum standards that shall be
- 12537 permitted to be constructed, maintained and operated:
- 12538
- 12539 1. Noise and sound: A maximum of 70 decibels at the property line is permitted. Noise is
- 12540 required to be muffled so as not to become objectionable due to intermittence, beat
- 12541 frequency or shrillness. Sound may equal but not exceed street traffic noise in the vicinity
- 12542 during a normal day shift work period.
- 12543
- 12544 2. Dust, odors, gases and vapors: No dust, odors, gases and vapors, except those odors
- 12545 associated with food preparation, shall be permitted beyond the lot line so as to be readily
- 12546 detectable without the use of instruments.
- 12547
- 12548 3. Smoke: No emission shall be permitted from any chimney or otherwise of visible grey
- 12549 smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart,
- 12550 published by McGraw-Hill Publishing Company, Inc., (being a direct facsimile reduction of
- 12551 a standard Ringlemann Chart as issued by the United States Bureau of Mines), except
- 12552 that visible grey smoke of a shade equal to No. 3 on said chart may be emitted for four (4)
- 12553 minutes in any 30 minute period.
- 12554

- 12555 4. Vibration: No vibration shall be permitted which is readily detectable at the lot line without
12556 the use of instruments.
- 12557
- 12558 5. Glare: No direct or sky-reflected glare, whether from floodlights or from high-temperature
12559 processes such as combustion or welding or otherwise, so as to cast a distinct shadow of
12560 an object at the property line.
- 12561
- 12562 6. Radioactivity or electrical disturbance: No activities shall be permitted which emit
12563 dangerous radioactivity or electrical disturbance adversely affecting the operation of any
12564 equipment other than that of the creator of such disturbance. All applicable federal
12565 regulations shall be complied with.
- 12566

12567 (G) Height.

12568

- 12569 1. No building or structure shall be erected or altered to a height exceeding 50 feet.
- 12570

12571 (H) Lot size.

12572

- 12573 1. Minimum lot size shall be 20,000 square feet. Lots created through a condominium
12574 association shall have no minimum size.
- 12575

12576 (I) Minimum floor area standards.

12577

- 12578 1. No building containing a primary use shall be constructed to a size of less than 10,000
12579 square feet.
- 12580
- 12581 2. No separately owned or leased area shall be constructed or subdivided into an area
12582 smaller than 800 square feet.
- 12583

12584 (J) Setbacks.

12585

- 12586 1. No building or roofed structure shall be located less than 35 feet from Banks Road or
12587 Copans Road; 25 feet from any other street line.
- 12588
- 12589 2. Where an M-1A parcel is separated by a canal from a residential property, no building or
12590 roofed structure shall be located closer than 205 feet from the lot line adjoining said canal.
- 12591
- 12592 3. When abutting a residential property the minimum building setback shall be 60 feet.
- 12593
- 12594 4. When a mixed-use development is permitted, the minimum setback shall be 60 feet from
12595 any nonresidential use or district.
- 12596
- 12597

12598 DIVISION 5 COMMUNITY FACILITIES & RECREATIONAL

12599

12600 40.540 Community Facility: CF

12601

(A) Application of article.

1. The following regulations of this article shall apply in all community facility districts.

(B) Purpose of district.

1. The community facility district is intended to provide for the orderly development of those educational, cultural, religious, health care, recreational, and governmental facilities required to meet the needs of the community in which they are located.

(C) Permitted uses. No building or structure, or part thereof, shall be erected, altered, or used, or land or water used in whole or in part, for other than one of the following:

1. Place of Assembly, subject to the requirements of section 40.619 Place of Assembly of this Code.
2. Hospitals, detoxification facilities, pain management clinics, and long-term care facilities not including correctional or mental institutions, nor veterinary hospitals. Such use shall be located on a lot having at least 40,000 square feet, at least 200 feet of street frontage, and shall only be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways.
3. Municipal buildings, fire stations, libraries, public offices, parks, playgrounds, reservations, parking.
4. Medical office, subject to the following limitation(s):
 - a. Not including correctional or mental, nor institutions for care of drug or liquor patients. May have a magnetic resonance imaging (MRI) unit as an accessory.
5. Accessory structure or use which is clearly incidental or subordinate to the principal use and which use is located on the same lot.

(D) Special exception uses. Special exception uses may be deemed appropriate to provide a complete distribution of uses within the City, but because of their operational characteristics or area requirements need to be given individual consideration with respect to their location, access and relationship to adjacent properties and public rights-of-way, and conformity with the City's current and future redevelopment efforts.

The following uses are authorized upon a finding by the City Commission that a special exception to the article is warranted. The City Commission shall consider all applications for special exception approval pursuant to the procedures and criteria set forth in Article 3, section 40.306 Special Exception of the Margate Code of Ordinances.

1. Public or private elementary, middle, or high school, subject to section 40.620 Public or Private Elementary, Middle, or High School.

2. Public or private postsecondary educational facilities, including vocational schools. Any associated residence shall be ancillary to the permitted use and permitted only for full-time students of the post-secondary educational facility and any staff required to preserve the safety and welfare of resident students.
3. Pain Management Clinics that are located on roadways classified by the Broward County Trafficways Plan as arterial or collector roadways subject to section 40.616 Pain Management Clinics.

(E) Height.

1. Limitations.

- a. No building or structure, or part thereof, shall be erected or altered to a height exceeding four (4) stories, or 50 feet.

2. Exceptions.

- a. A steeple or tower on a Place of Assembly may extend to height of 65 feet.
- b. Hospitals with more than 200 beds for overnight patient treatment, located on a campus of at least 20 acres may be a maximum height of 122 feet.
- c. Any property owned or operated by the City of Margate or City of Margate CRA.

(F) Lot coverage.

1. The combined ground area occupied by all buildings and structures shall not exceed the following:

<u>Height of Building</u>	<u>Maximum Lot Coverage (percent)</u>
<u>One story</u>	<u>30</u>
<u>Two stories</u>	<u>30</u>
<u>Three stories</u>	<u>30</u>
<u>Four stories</u>	<u>25</u>

(G) Exceptions.

1. As an exception to the above limitations:

- a. Hospitals with more than 200 beds for overnight patient treatment, located on a campus of at least 20 acres may have a maximum lot coverage of 35 percent.
- b. Any property owned or operated by the City of Margate or City of Margate CRA.

12690 (H) Setbacks.
12691

<u>Setback</u>	<u>Feet (Minimum)</u>
<u>Front setback</u>	<u>35</u>
<u>Side setback</u>	<u>25¹</u>
<u>Rear setback</u>	<u>25¹</u>
<u>Street side setback</u>	<u>25²</u>
¹ Side and rear setback shall be increased by five (5) feet for each story above the second story.	
² Except where a greater setback is required under another provision of this Code.	

12692
12693 1. No building or roofed structure shall be located within 40 feet of any residentially zoned
12694 property, nor shall any parking areas be located within 20 feet of any residentially zoned
12695 property.

12696
12697 2. Exception. Any property owned or operated by the City of Margate or City of Margate
12698 CRA.

12699
12700 (I) Uses prohibited.

12701
12702 1. Any use not specifically listed in (C) Permitted uses is prohibited.

12703
12704 40.541 Conservation: CON

12705
12706 (A) Application of article.

12707
12708 1. The following regulations shall apply in all CON districts.

12709
12710 (B) Purpose of district.

12711
12712 1. The conservation district is intended to provide for the continuing conservation of the
12713 natural resources located within the district. The uses within this district shall be consistent
12714 with but may be more restrictive than those permitted in the conservation areas of the land
12715 use plan. This zoning district shall be applied to land designated conservation on the City's
12716 Future Land Use Map.

12717
12718 (C) Permitted uses. No building or structure, or part thereof, shall be erected, altered, or used, or
12719 land or water used in whole or in part, for other than one of the following:

12720
12721 1. Passive outdoor recreational uses such as wildlife sanctuaries and feeding stations,
12722 nature centers and trails, outdoor research stations and walkways.

12723
12724 2. Structures used for flood control, drainage and stormwater storage.

12725
12726 3. Uses which do not impair the natural environment or disturb the natural ecosystem of the
12727 area and which are not in conflict with applicable water management and wildlife
12728 protection policies of local, state and federal agencies.

12729

12730 4. Waterways.

12731
12732 40.542 Open Space: S-2

12733
12734 (A) Purpose.

- 12735
12736 1. The S-2 open space district is intended to preserve areas designated or used for active or
12737 passive recreation and to preserve areas designated or used for active or passive
12738 recreational needs of the people and to preserve open space.

12739
12740 (B) Uses permitted. No building or structure or part thereof shall be erected, altered or used, or
12741 land or water used, in whole or in part, for other than one (1) or more of the following specified
12742 uses:

12743
12744 1. Boat ramp.

12745
12746 2. Bridle, foot or bicycle path.

12747
12748 3. Open land areas or commons.

12749
12750 4. Open water areas.

12751
12752 5. Picnic area.

12753
12754 6. Country clubs and similar uses may be operated as an accessory use to a golf course in
12755 a structure does not exceed 1% of the net land area of the property.

12756
12757 7. Golf course (18-hole, 9 hole, par 3 course, pitch and putt, executive, etc.), excluding
12758 miniature golf course.

12759
12760 8. Municipal structures intended to provide for the health, safety, and welfare of the
12761 community.

12762
12763 9. Accessory uses or structures to uses permitted in this section.

12764
12765 10. Place of assembly, subject to the requirements of section 40.619 of this Code.

12766
12767 a. Such use shall not exceed 1% of the net land area of the property.

12768
12769 (C) Uses prohibited. The permissible uses enumerated above shall not be construed to include
12770 either as a principal or accessory use any of the following which are listed for emphasis:

12771
12772 1. Any business or commercial use not permitted as a principal use except when meeting
12773 the requirements of an accessory use.

12774
12775 2. Any industrial or manufacturing use.

12776
12777 3. Drive-in theatre, drive-in restaurant, or drive-in refreshment stand.

12778
12779 4. Any residential use.

12780
12781 (D) Height.

12782
12783 1. No building or structure or part thereof shall be erected or altered to a height exceeding
12784 two (2) stories or 30 feet.

12785
12786 (E) Lot size.

12787
12788 1. There shall be no minimum lot size.

12789
12790 (F) Setbacks.

12791
12792 1. No parking area shall be located within 15 feet of any residential lot.

12793
12794 2. No structure, except municipal structures, fences or walls as hereinafter provided for, shall
12795 be located within 20 feet of any residentially zoned property nor within 25 feet of any public
12796 or private street.

12797
12798 3. No building or roofed portion of any structure, except municipal structures, shall be located
12799 within ten (10) feet of any lot line.

12800
12801 4. No required open space, setback, or setback area shall be used or developed for any
12802 purpose other than landscaping and walkways and/or driveways needed to serve the
12803 permitted use.

12804
12805 **40.543 Recreational: S-1**

12806
12807 (A) Purpose.

12808
12809 1. The S-1 recreational district is intended to provide public and private open spaces and
12810 recreational facilities for active use by the patrons thereof. The permitted uses of the S-1
12811 district may take place in open air or in a building or structure.

12812
12813 (B) Uses permitted. No building or structure or part thereof shall be erected, altered or used, or
12814 land or water used, in whole or in part, for other than one or more of the following:

12815
12816 1. Passive recreational uses, including, but not limited to: nature centers and trails, scenic
12817 areas, wildlife sanctuaries and feeding stations, aquatic preserves and picnic areas.

12818
12819 2. Active recreational uses, including, but not limited to: tennis courts, playgrounds,
12820 swimming pools, athletic fields and courts, beaches and bikeways.

12821
12822 3. Boat dock.

12823
12824 4. Cabanas.

12826 5. Country clubs and similar uses may be operated as an accessory use to a golf course if
12827 said structure does not exceed one (1) percent of the net land area of the property.

12828
12829 6. Municipal structures intended to provide for the health, safety, and welfare of the
12830 community.

12831
12832 (C) Accessory uses.

12833
12834 1. Coin-operated amusement devices as specifically defined in section 40.612 with the
12835 addition that:

12836
12837 a. Same shall be allowed only in recognized structures or facilities, such as clubhouses,
12838 recreation halls, teen centers, etc., that are open for the patronage of individuals using
12839 said halls for private recreational purposes.

12840
12841 b. All proceeds from the above coin-operated amusement devices will be utilized for
12842 nonprofit purposes relating to the organization or association maintaining the above
12843 recreation facilities.

12844
12845 2. Place of Assembly, subject to the requirements of section 40.619 of this Code.

12846
12847 a. Such use shall not exceed 1% of the net land area of the property.

12848
12849 (D) Uses prohibited.

12850
12851 1. The permissible uses enumerated in 40.543(B) above shall not be construed to include
12852 either as a principal or accessory use of any of the following which are listed for emphasis:

12853
12854 a. Any business or commercial use not permitted as a principal use except when meeting
12855 requirements of an accessory use.

12856
12857 b. Any industrial or manufacturing use.

12858
12859 c. Drive-in theater, drive-in restaurant or drive-in refreshment stand.

12860
12861 **40.544 Utilities: U-1**

12862
12863 (A) Applicability.

12864
12865 1. The following regulations shall apply in all U-1 districts.

12866
12867 (B) Purpose of district.

12868
12869 1. The utilities U-1 district is intended to provide for all utility uses. The uses within this district
12870 shall be consistent with but may be more restrictive than those permitted in the utilities
12871 land use plan designation areas. This zoning district may be applied to land designated
12872 utilities on the City's Future Land Use Map.

(C) Permitted uses. No building or structure, or part thereof, shall be erected, altered, or used, or land or water used in whole or in part, for other than one of the following:

1. Communication facilities, subject to requirements of section 40.618 of this Code.
2. Electrical utility substations.
3. Telecommunications transmission facilities, subject to requirements of section 40.618 of this Code.
4. Water and wastewater plants.
5. Wellfields.
6. Uses accessory to any of the above uses when located on the same lot.

(D) Special exception uses. The following uses are authorized upon a finding by the City Commission that a special exception to the article is warranted, pursuant to the procedure and criteria set forth in section 40.306 of this Code.

1. Power plants.
2. Solid waste disposal facility.
3. Waste transfer station.

(E) Prohibited uses.

1. Landfills.
2. Resource recovery facility.
3. Solid waste disposal facility.

(F) Minimum lot area and width.

1. Every lot upon which a structure is hereafter erected shall have a minimum lot size of 10,000 square feet in area and a lot width of not less than 100 feet.
2. Exception. Any property owned or operated by the City of Margate or City of Margate CRA.

(G) Maximum height.

1. No building or structure, or part thereof shall be erected to a height exceeding seven (7) stories or 80 feet, whichever is less.
2. Exception. Any property owned or operated by the City of Margate or City of Margate CRA.

(H) Setbacks.

Every lot upon which a structure is hereafter erected shall have minimum setbacks as follows:

1. 25 feet from all property lines.
2. No parking areas shall be located within ten (10) feet of any residentially zoned property.
3. Exception. Any property owned or operated by the City of Margate or City of Margate CRA.

40.545-40.549 Reserved

DIVISION 6 PLANNED & MIXED USE DISTRICTS

40.550 Planned Residential Community: PRC

(A) Purpose.

This district may be applied to parcels that have been designated residential by the Margate Future Land Use Element. It is applicable to land under single ownership and places an emphasis on overall planning and design as a prerequisite for site plan approval. The city intends this district to result in the reduction of land development costs, energy consumption, and maintenance demands per dwelling unit without compromising individual unit privacy of property value. It encourages the creation of common recreation areas and amenities. Within all PRC developments, a condominium or homeowner's association must be created and made responsible for the perpetual control and maintenance of common elements, architectural features, fences, accessory structures, and landscaping.

(B) Applicability.

The following regulations shall apply in all PRC districts, subject to the specific criteria contained in the approved site development plan or as otherwise specified.

(C) Uses permitted.

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

1. One-family detached dwellings, each located so that one (1) side abuts a side lot line. The walls of adjoining units shall not abut.
2. Recreational facilities, only if constructed as an accessory use to the surrounding residential area.
3. Multiple-family dwellings subject to the requirements of the R-3 Zoning District, except as otherwise provided herein.

- 12969
12970 4. Uses and structures which are accessory, service-oriented, or incidental to the principal
12971 uses may be permitted. These may include accessory amenity structures such as
12972 clubhouses, meeting rooms, pool houses or other structures.
12973

12974 (D) Size of lot.
12975

12976 Every detached one-family dwelling unit which is erected, placed, or structurally altered
12977 shall provide a site or lot of not less than 45 feet in width and 90 feet in depth and 4,500
12978 square feet in area.
12979

12980 (E) Height limitation.
12981

12982 No building or structure, or part thereof, shall be erected or structurally altered in excess
12983 of the following height:
12984

- 12985 1. For one-family detached dwellings, two (2) stories or 30 feet.
12986
12987 2. For recreational buildings, two (2) stories or 35 feet.
12988

12989 (F) Minimum required setbacks for one-family dwellings.
12990

- 12991 1. Front setback. Every lot shall provide a front setback of not less than 15 feet in depth as
12992 measured from a right-of-way or roadway easement line. However, front entry garages
12993 must provide at least 20 feet between the garage and a right-of-way or roadway easement
12994 line.
12995
12996 2. Side setbacks. The side setback may be zero (0) on one (1) side of the lot provided that:
12997
12998 a. The lot contiguous to that side setback is held under the same ownership at the
12999 time of construction; and
13000
13001 b. The opposite side setback is not less than ten (10) feet, it being the intent of this
13002 district to provide for a minimum of ten (10) feet between one-family dwellings. This
13003 setback shall be perpetually maintained free of encroachments other than in-
13004 ground swimming pools (subject to all regulations of section 40.708), air
13005 conditioners, patios and appurtenance, fences, and landscaping; and
13006
13007 c. Except for units whose zero setback directly abuts common open space, the wall
13008 located at the zero side setback shall not have any openings; and
13009
13010 d. The zero side setback does not abut a public or private street without an
13011 intervening side setback of at least ten (10) feet in depth; and
13012
13013 e. Except for a maximum 24-inch roof overhang, no portion of the dwelling or
13014 architectural features project over any property line; and
13015

- 13016 f. A four (4) foot maintenance easement is provided adjacent and parallel to the zero
13017 side wall allowing for the maintenance of that wall; and
13018
- 13019 g. Storm gutters are required to ensure stormwater runoff from roofs does not spill
13020 directly onto the adjoining lot.
13021
- 13022 3. Rear setback. Every lot shall have a rear setback of not less than 15 feet in depth.
13023 However, for a one-story structure the rear setback may be reduced to ten (10) feet in
13024 depth for no more than 50 percent of the lot width. When a lot has double frontage, the
13025 rear setback abutting a street shall not be less than 20 feet in depth.
13026
- 13027 (G) Site plan required.
13028
- 13029 1. Prior to the issuance of a building permit within a PRC zoning district, an overall site
13030 development plan shall be approved by the development review committee. Said
13031 development plan shall specify and clearly delineate the location, relationship, design, and
13032 usage of all existing and proposed buildings and structures, public and private roads, utility
13033 and drainage areas, parking areas, landscaped open spaces, sidewalks, and lighting
13034 standards. Illustrative floor plans and elevations of proposed structures shall be submitted
13035 with the site plan. The committee shall consider all site plans pursuant to the criteria of
13036 section 40.301 of this Code and the provisions of this section.
13037
- 13038 (H) Unified control required.
13039
- 13040 1. Following site development plan approval, the developer shall submit documentation
13041 evidencing unified control of the subject property and the creation of a legally constituted
13042 maintenance association having responsibility for the perpetual care of common areas,
13043 recreational facilities, and architectural control. Membership in this association shall be
13044 mandatory for all property owners and successors in title to any land and improvements
13045 within the subject development, except for that which has been dedicated to the public.
13046 The city attorney shall approve said documents as meeting the requirements of this
13047 section prior to the issuance of the first certificate of occupancy.
13048
- 13049 (I) Development standards.
13050
- 13051 Every site development plan shall meet or exceed the following design standards in addition
13052 to all other applicable zoning and subdivision regulations:
13053
- 13054 1. Street design. Private streets may serve developments within this district. The design of
13055 streets shall meet the criteria of section 40.403 of this Code. The design and cross-section
13056 shall be approved by the city engineer. Streets shall be illuminated to an average intensity
13057 of at least one (1) footcandle per square foot. At no point shall the intensity of illumination
13058 fall below one-half (½) footcandle.
13059
- 13060 2. Parking. Every single-family dwelling unit shall provide a fully enclosed garage, attached
13061 to the main structure, and finished in an architecturally compatible manner with the
13062 particular house. Each such dwelling shall provide a double wide driveway of not less than

16 feet in width and 0 feet in depth. Multiple-family dwellings shall meet or exceed the parking requirements set forth in section 40.705 of this Zoning Code.

3. Fences. Except when constructed as an integral part of the main structure, no fences or walls shall be permitted within the front or street side setback of any residence. Where the rear of any lot abuts a trafficway, a buffer consisting of masonry and wood or metal rail and post, together with landscaping shall be provided along the full length of said perimeter which shall be in an area under unified control and ownership. This buffer must effectively protect the abutting residences from traffic noise and light and shall be compatible with the landscaping and architecture of the subject development and surrounding residential areas.
4. Screen enclosures. No screen enclosure shall be permitted within the front setback of any single-family lot. Any screen enclosure shall be subject to the side and rear setback requirements of section 40.550(F) above.
5. Staggered setbacks. The use of varying setback distances for adjoining lots is recommended to provide visual relief.
6. Roof material. The roof of all main structures shall be standing seam metal, barrel tile, S tile, or cement tile, or other decorative material.
7. Minimum parcel size. All PRC districts shall contain at least five (5) contiguous acres.

40.551 Planned Unit Development: PUD

(A) General.

These regulations prescribe rules and regulations governing the submission and approval of planned unit developments within the City of Margate, Florida.

(B) Intent and purpose.

1. It is intended that this district be utilized to permit great flexibility in the use and design of structures and land in situations where modification of specific provisions of this Code will not be contrary to the intent and purposes or inconsistent with the comprehensive plan upon which they are based and will not be harmful to the neighborhood in which they occur.

(C) Applicability.

1. Developed properties.

- a. The development standards contained within this Article apply to all properties developed before the adoption of this Code.
- b. All properties developed according to these regulations are considered legal conforming uses and may be reconstructed and improved according to these

- standards and may be reconstructed with them in the event of destruction or undergoes a substantial change pursuant to FEMA regulations.
- c. Any residential subdivision that is redeveloped may voluntarily use the regulations contained in Article 7 Division 2 Supplemental Residential Development Standards for the development of new residential dwellings.
2. *New Residential Development.* Any residential dwellings developed within a PUD approved after the adoption of this Code shall only be developed according to the standards in Article 7 Division 2 Supplemental Residential Development Standards.
- (D) *Definitions.*
1. *Gross area:* The total surface (land and water) area contained within the proposed PUD, including on-site streets and rights-of-way, but excluding previously dedicated rights-of-way.
2. *Gross density:* The density of a building site calculated by dividing the total number of dwelling units by the total acreage of the site without reduction of any nonresidential uses such as parks, waterways, shops, Places of Assembly, schools, etc.
3. *Master development plan:* Shall mean the total site plan of a planned unit development drawn in conformity with the requirements of this section. Said development plan shall specify and clearly illustrate the location, relationship, design, nature and character of all primary and secondary uses, public and private easements, structures, parking area, public and private roads, and common open space.
4. *Open space:* A generally unobstructed parcel or area of land permanently dedicated or reserved for the use and enjoyment of owners and occupants of the land within the PUD. Required open space shall be of a pervious nature and shall not be used for private roadways open to vehicular circulation or above grade utility infrastructure; off-street parking or loading berths, lakes, canals, and other features may be considered as required open spaces to the extent of the limitations contained herein at section 40.551(N), "Open Space Requirement and Computation."
5. *Phase:* Shall mean a specified portion of a planned unit development that may be developed as an individual component and shall be in the final development plan, and which is specified within the development schedule.
- (E) *Planned unit development defined.*
1. A "planned unit development" shall be defined as follows:
- a. A PUD is land under unified control, planned and developed as a whole in a single development operation or an approved programmed series of development operations for dwelling units and related uses and facilities.

- b. A PUD may include principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part.
- c. A PUD shall be developed according to comprehensive and detailed plans which include streets, utilities, lots, building sites and the like, and site plans, floor plans and elevations for all buildings intended to be located, constructed, used, and related to one another, and detailed plans for other uses and improvements on the land related to the buildings; and a PUD shall include a program for full provision [of] maintenance and operation of such areas, improvements, facilities and services for common use by the occupants of the planned unit development which will not necessarily be provided, operated or maintained at public expense.

(F) Unified control.

All land included for the purpose of development within a PUD district shall be under the control of the applicant (an individual, partnership or corporation, or group of individuals, partnerships, or corporations). The applicant shall present satisfactory legal documents to constitute evidence of the unified control of the entire area within the proposed PUD, which shall be certified by the city attorney. Applicant shall agree in the application for rezoning to the following:

1. To proceed with the proposed development according to the provisions of these regulations and conditions attached to the rezoning of the land to PUD;
2. To provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the city for completion of the development according to the plans approved at the time of rezoning to PUD and for continuing operation and maintenance of such areas, functions and facilities which are not proposed to be provided, operated or maintained at public expense; and
3. To bind their successors in title to any commitments made under the above. All agreements and evidence of unified control shall be examined by the city attorney, and no rezoning of land to PUD classification shall be adopted without a certification by the city attorney that such agreements and evidence of unified control meet the requirements of these regulations.
4. If the developer elects to administer common open space through an association or nonprofit corporation, said organization shall conform to the following requirements:
5. The developer shall establish by charter the association or nonprofit corporation prior to any sale;
6. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the planned unit development, and said association or corporation shall not discriminate in its members or shareholders;
7. The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities which are not dedicated to the public, shall provide for

the maintenance, administration and operation of said land and any other land within the planned unit development not publicly or privately owned, and shall secure and show evidence of adequate liability insurance on the land.

(G) Uses permitted and nonresidential development standards. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one (1) or more of the following uses:

1. All uses permitted in the R-1 residential districts of the zoning regulations, i.e., R-1, R-2, R-3.
2. All uses permitted and the development standards in the B-1 Neighborhood Business District.
3. All uses permitted and the development standards in the S-1 district.

(H) General requirements and special regulations.

1. Minimum size: All planned unit developments shall contain a minimum of ten (10) acres of contiguous land.
2. Maximum area limitations: Pursuant to more specific requirements and regulations as hereinafter prescribed, the following percentages express the maximum land area of the planned unit development that the special land use may occupy:
 - a. Commercial: Two (2) percent of gross area.
 - b. Governmental services: Five (5) percent of gross area. (Said land shall be dedicated to the City of Margate.)
3. Minimum area limitations: Planned unit developments shall contain areas at least equal to the following:
 - a. Open space: 35 percent pervious of gross area.
4. Maximum density: The maximum gross density of residential dwelling units per acre permitted within any proposed PUD shall not exceed the combined density recommendations of the Broward County and/or Margate comprehensive land use plan over the area where a particular PUD is proposed. For the purpose of density calculations, nonresidential land uses recommended by the plan shall be considered as "low-density residential."

For example, consider a proposed PUD of 50 acres. The recommended land uses of the comprehensive plan are:

	<u>Acres</u>		<u>Dwelling Units per Acre</u>	<u>Number of Dwelling Units</u>
<u>Low-density residential</u>	<u>30</u>	<u>x</u>	<u>3.9</u>	<u>117</u>
<u>Medium-density residential</u>	<u>10</u>	<u>x</u>	<u>15.9</u>	<u>159</u>
<u>Commercial</u>	<u>10</u>	<u>x</u>	<u>3.9</u>	<u>39</u>
		<u>Total Units</u>		<u>315</u>

(I) Minimum lot area, distance between structures, frontage and setbacks.

1. Each dwelling unit or other permitted use shall have access to a public street, either directly or indirectly, via a private approach road, pedestrian way, court or other area dedicated by common easement guaranteeing access. Permitted uses are not necessarily required to front on a dedicated road. The city shall be allowed access on privately owned roadways, easements and common open space to ensure the police and fire protection of the area, to meet emergency needs, to conduct city services, and to generally ensure the health and safety of the residents of the planned unit development.
2. There shall be a setback of not less than 25 feet in depth abutting all public road rights-of-way within or abutting a planned unit development district.
3. There shall be a peripheral setback from boundary lines of the PUD of not less than 25 feet in depth. Except for only the portion of accessways that cross this setback to access any adjacent road, no portion of this peripheral setback may be used for parking or other vehicular use areas.

(J) Off-street parking and loading requirements.

1. Off-street parking and loading requirements shall not deviate from 40.705 of this Code.

(K) Landscaping requirements.

1. Landscaping shall meet or exceed the requirements of this Code.

(L) Underground utilities.

1. Within the planned unit development, all utilities, including telephone, television cable, and electrical systems, shall be installed underground. Primary facilities providing service to the site may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer shall provide adequate landscaping with shrubs and plants to screen all utility facilities permitted aboveground.

(M) Open space requirements and computation.

A planned unit development shall exhibit and maintain a total open space requirement at least equal to 35 percent of the gross area of the PUD. The following areas qualify wholly or partially as open space:

1. If the major recreation use is concentrated in a localized section of the PUD with less than 30 percent of the residential dwelling units abutting it, only 50 percent of the area adjacent to the facility may count toward the open space requirement.
2. If, however, the major recreation use is dispersed throughout the PUD with between 30 and 60 percent of the residential dwelling units abutting it, 75 percent of the area contained therein may count toward the open space requirement.
3. If more than 60 percent of the residential dwelling units about the major recreation use, 100 percent of the area contained therein may count toward the open space requirement.
4. The area occupied by a multiple-use recreation building and its attendant outdoor recreation facilities, excluding a golf course, may be included as open space.
5. Only pervious land areas within the required peripheral setback may be included.
6. The area contained in public and private street rights-of-way is not considered as open space and receives no credit toward the open space requirement. All privately owned common open space shall conform to its intended use and remain as expressed in the master development plan through the inclusion in all deeds of appropriate covenants. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners. All common open space as well as public and recreation facilities shall be specifically included in the development plan schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures. At least once every 60 days the building official shall inspect the PUD site and examine the construction which has taken place on the site. If the rate of construction of dwelling units is greater than the rate which common open space and recreational facilities have been constructed and provided, no further building permits shall be issued until the proper ratio has been provided.
7. Fifty (50) percent of the area contained in man-made water bodies and canals with average water width of more than 60 feet may be considered toward meeting the open space requirements. Man-made water bodies with average water width of less than 50 feet shall not be considered toward meeting the open space requirements.
8. If the natural habitats of unique and significant value are determined to exist, the planning and zoning board may require that the area so defined be left in an undisturbed state and adequately protected or incorporated into the design of the PUD as a passive recreation area, with a minimum of improvements permitted. In either case, 100 percent of the area contained therein may be counted as open space.
9. The area contained in a continuous open space pedestrian system, consisting of permanently maintained walks and trails not less than six (6) feet wide leading to a natural

amenity, recreation facility or commercial use, offering internal pedestrian walkways that are divorced from roads and streets, may be included as open space.

10. The area contained in miniparks which may or may not be a part of the open space system, but contain at least one acre and have a minimum dimension of 100 feet together with, but not limited to, one of the following:

a. Benches;

b. Playground apparatus;

c. Barbeque pits;

d. may be included as open space.

(N) Limitations applying to commercial uses.

1. No business shall be permitted in a planned unit development until certificates of occupancy for no less than 25 percent of the total planned residential floor area or 100 residential dwelling units have been issued by the city.

2. All business uses located within the interior of the proposed planned unit development shall be designed having no storefronts, signs or advertisements visible from outside the property line so there is no indication that the business uses are within.

3. In a planned unit development having 50 acres or more, business uses may be located other than in the interior of the proposed planned unit development and do not have to meet the limitations imposed on interior business uses.

4. All products produced shall be for sale on the premises.

5. All business activities and storage of merchandise, equipment and material shall be within an enclosed building.

6. Business activities operated within a planned unit development shall not provide delivery service to locations outside the planned unit development.

(O) Professional services required.

1. Any plans submitted as part of a petition for a planned unit development shall certify that the services of two (2) or more of the following professionals were utilized in the design or planning process, and shall state their names and businesses and addresses:

a. A certified planner of the American Planning Association; and/or

b. An architect licensed by the State of Florida; together with;

- c. A professional engineer registered by the State of Florida and trained in the field of civil engineering.

(P) Information required.

1. Rezoning application.
2. Site plan approved by the Development Review Committee.
3. Plat or subdivision resurvey application (as applicable) approved by the Development Review Committee.
4. Legal documents assuring unified control of the proposed PUD and any agreements required.
5. Generalized land use plan and development program (phasing) in terms of uses, densities, and population projections.
6. Residential plan and program in terms of density and housing types, and projected population.
7. The projected net fiscal impact on the tax base of the city.
8. Staging plan, showing the proposed order of development.

(Q) Time limitations of approval.

1. Failure to obtain a final development plan approval within 18 months of the rezoning to planned unit development by the city commission shall automatically negate the rezoning of such land. The zoning shall immediately thereafter revert to the district(s) as they existed prior to the rezoning to PUD. At its discretion and for good cause, the city commission may extend, for one (1) additional year, the PUD rezoning.

40.552 Corridor: C

(A) This article is intended for all lands designated as Activity Center on the Margate Future Land Use Map. The regulations of this article shall apply to the following zoning districts.

1. Corridor;
2. Gateway;
3. City Center.

(B) After the effective date of this article, the building design and site design standards and any and all other land use and development requirements, standards, regulations, or other provisions set forth in this article shall apply to all new development and redevelopment within these districts.

(C) After the effective date of this article, the building design and site design standards and any and all other land use and development requirements, standards, regulations, or other provisions set forth in this article shall apply to all new development and redevelopment within these districts.

(D) Purpose and general description.

The Corridor, Gateway, and City Center districts are specifically created to implement and encourage the redevelopment of lands designated as Activity Center on the future land use plan map of the City of Margate Comprehensive Plan. These districts generally include right-of-way and private properties abutting or proximate to the State Road 7/U.S. 441 corridor and comprising approximately 1,184 acres. This area is designated on the City of Margate Future Land Use Map (FLUM) and the Broward County Land Use Plan Map as Activity Center.

This article provides general guidance and specific standards necessary to promote the goals, objectives and policies contained within the future land use element and is designed to maximize the development potential of the State Road 7/U.S. 441 corridor, foster a mix [of] land uses, promote shopfronts and commercial uses at street level, accommodate wide pedestrian-friendly and multimodal sidewalks, encourage upper story office uses, and provide on-site parking facilities in the rear setback and accesses when possible through rear alleys or side streets.

The city encourages development and redevelopment projects that contribute to the following objectives:

1. Promoting well-planned development and redevelopment;
2. Encouraging the reduction of impacts on adjacent neighborhoods through building placement and sensitivity of building design and green building standards;
3. Encouraging infill and redevelopment with an emphasis on pedestrian orientation, increased mobility and integration of transit and bicycle systems that provide alternatives to the automobile and promote a sustainable environment;
4. Encouraging a closer relationship between primary building entrances, the public sidewalk, and pedestrians with entrances to building shopfronts, workplace and housing oriented directly to the public street;
5. Providing opportunities for a range of housing types and price levels to accommodate diverse ages and incomes;
6. Planning transportation corridors in coordination with land use and coordinating the intensity of development proximate to mass transit and encouraging a sustainable environment;
7. Encouraging development that is pedestrian-oriented with a variety of uses including mixed-use development;

- 13480
- 13481 8. Providing that ordinary activities of daily living may occur within walking distance of most
- 13482 dwellings, allowing independence to those who do not drive;
- 13483
- 13484 9. Providing for interconnected networks of tree-lined or shaded roads to be designed and
- 13485 created incrementally to improve pedestrian access to transit and to disperse and reduce
- 13486 the length of automobile trips;
- 13487
- 13488 10. Creating an interconnected rear alleyway system;
- 13489
- 13490 11. Promoting the small scale of newly formed blocks with public open spaces to serve
- 13491 corridor residents, workers and visitors for increasing social gathering, active and passive
- 13492 recreation, and visual amenities;
- 13493
- 13494 12. Promoting appropriate building densities and land uses be provided within walking
- 13495 distance of transit stops;
- 13496
- 13497 13. Creating a range of open space including parks, squares, and playgrounds and positioning
- 13498 buildings to front streets and open spaces;
- 13499
- 13500 14. Encouraging buildings, streetscapes and landscaping to contribute to creating community
- 13501 living spaces;
- 13502
- 13503 15. Promoting a street environment and building orientation that emphasize comfort, safety,
- 13504 and distinctive identity, with the provision of urban greenways along major corridor
- 13505 roadways containing a variety of shopfronts that provide a high level of transparency at
- 13506 the sidewalk level;
- 13507
- 13508 16. Maximizing the development potential for the Corridor, Gateway, and City Center districts;
- 13509 and
- 13510
- 13511 17. Encouraging energy efficiency through building design and site development.
- 13512
- 13513 (E) Corridor permitted uses. No building or structure, or part thereof, shall be erected, altered or
- 13514 used, or land or water used, in whole or in part, for other than any of the uses specified below.
- 13515 All minimum separation distances shall be measured in the shortest airline distance between
- 13516 nearest property lines unless otherwise specified.
- 13517
- 13518 1. Accessory uses and structures to a permitted use.
- 13519
- 13520 2. Adult day care center.
- 13521
- 13522 3. Art gallery.
- 13523
- 13524 4. Artisans, studio or workshop. A workshop or studio of an artist, sculptor, photographer,
- 13525 jeweler, potter, craftsperson, furniture maker, cabinet maker, or other artist or artisan
- 13526 primarily used for on-site production of unique custom goods.
- 13527

- 13528 5. Automatic teller machine (outdoor).
- 13529
- 13530 6. Bakery, retail (wholesale permitted provided the storage area is less than 4,500 sq. ft.)
- 13531
- 13532 7. Banks and other financial institutions, not including Payday Loans.
- 13533
- 13534 8. Bars, and taverns.
- 13535
- 13536 9. Body art studios, subject to the following limitations:
- 13537
- 13538 a. No body art studio shall be located within 1,000 feet from any other body art studio;
- 13539 and
- 13540
- 13541 b. No body art studio shall be located within 1,000 feet from any academic school for
- 13542 minors or child care facility; and
- 13543
- 13544 c. Body art studios shall be required to have a separate room for the purpose of tattooing
- 13545 and piercing. Each room shall be limited to one (1) customer chair and shall be apart
- 13546 from the waiting room. The rooms shall not be visible to the general public.
- 13547
- 13548 10. Bowling Alley
- 13549
- 13550 11. Bottled gas (Not permitted within 100 feet of any residential district or use).
- 13551
- 13552 12. Brewery, distillery or winery. Permitted if the use does not exceed 15,000 square feet in
- 13553 floor area and includes a tasting room and includes manufacturing of goods to be sold
- 13554 primarily on-site and to the general public as retail sales.
- 13555
- 13556 13. Business office, no stock or storage.
- 13557
- 13558 14. Carpet cleaning (Not permitted within 100 feet of any residential district).
- 13559
- 13560 15. Caterers.
- 13561
- 13562 16. Check cashing including Payday Loans (Not permitted within 1,000 feet of like use, Dollar
- 13563 Store, Pawn Shop, or Secondhand and/or used merchandise, retail).
- 13564
- 13565 17. Child care facility. Same shall contain a contiguous outdoor fenced or walled-in play area
- 13566 located away from vehicular traffic and providing no less than 30 percent shade coverage.
- 13567 The outdoor play area shall be covered in turf, mulch, sand or other nonhazardous
- 13568 pervious materials. The outdoor play area shall not be credited toward open space
- 13569 requirements.
- 13570
- 13571 18. Clubs—Civic, noncommercial.
- 13572
- 13573 19. Commercial recreation (indoor).
- 13574
- 13575 20. Dental laboratory.

- 13576
13577 21. Dollar store (Not permitted within 1,000 of like use, Check cashing including Payday
13578 Loans, Pawn Shop, or Secondhand and/or used merchandise, retail).
13579
13580 22. Dry cleaning establishment subject to the following limitations and requirements:
13581
13582 a. Ventilation shall direct exhaust away from residential districts and uses; and
13583
13584 b. Not more than ten (10) individual cleaning units shall be used in any establishment,
13585 and the total combined rated capacity shall not exceed 80 pounds; and
13586
13587 23. Fire station.
13588
13589 24. Funeral home.
13590
13591 25. Groceries, retail.
13592
13593 26. Gun shop and gun ranges (indoors and soundproofed).
13594
13595 27. Health studio or club, gymnasium.
13596
13597 28. Janitorial service.
13598
13599 29. Jewelry, watch, and electronic repairs.
13600
13601 30. Landscaping and plant nursery.
13602
13603 31. Laundries, coin-operated (may only be open for operation from 7:00 a.m. to 11:00 p.m.).
13604
13605 32. Locksmith.
13606
13607 33. Mail-plus service.
13608
13609 34. Massage services, permitted as accessory use only within an approved medical office or
13610 physical therapy office.
13611
13612 35. Medical office. Not including correctional or mental, nor institutions for care of drug or
13613 liquor patients.
13614
13615 36. Merchant, retail.
13616
13617 37. Municipal buildings, parks, playgrounds.
13618
13619 38. Museum.
13620
13621 39. Music, instruction (indoors and soundproofed only).
13622

- 13623 40. Nightclubs, teen clubs, catering halls or dance halls, with an occupant load of less than
13624 two 250 persons.
- 13625
- 13626 41. Package store.
- 13627
- 13628 42. Personal care services, except massage.
- 13629
- 13630 43. Pet grooming (soundproofed only).
- 13631
- 13632 44. Pet shop, subject to restrictions set forth in chapter 6 of the Margate Code of Ordinances.
- 13633
- 13634 45. Pharmacy, subject to the following limitations:
- 13635
- 13636 a. No more than ten (10) percent of all prescription medication dispensed shall be from
13637 the list of Schedule II controlled substances provided in F.S. § 893.03.
- 13638
- 13639 b. No less than 50 percent of floor area shall be used for retail display and transactions.
13640 Photography studio and developing. Subject to requirements of section 40.705 of this
13641 Code.
- 13642
- 13643 46. Picture framing.
- 13644
- 13645 47. Place of Assembly, subject to the requirements of section 40.619 of this Code.
- 13646
- 13647 48. Printing, photocopying, blueprinting shop with no more than 25 employees.
- 13648
- 13649 49. Professional office.
- 13650
- 13651 50. Recording studio (indoors and soundproofed only).
- 13652
- 13653 51. Rental business. (Not vehicular).
- 13654
- 13655 52. Restaurant.
- 13656
- 13657 53. School of instruction, non-academic.
- 13658
- 13659 54. Secondhand and/or used merchandise, retail. Not permitted within 1,000 feet of like use,
13660 Check cashing including Payday Loans, Pawn Shop, or Dollar Store.
- 13661
- 13662 55. Shoe repair shop.
- 13663
- 13664 56. Small appliance repair. Not permitted within 100 feet of any residential district.
- 13665
- 13666 57. Substation for utilities.
- 13667
- 13668 58. Swimming pool equipment and chemicals, retail, subject to the following conditions and
13669 limitations:
- 13670

- 13671 a. All swimming pool supplies, including prepackaged chemicals, except bulk quantities
13672 of sodium hypochlorite, shall be dispensed strictly through retail sales and shall be
13673 stored and sold within a completely enclosed structure.
- 13674
- 13675 b. No wholesale or bulk nonpackaged storage or sale of calcium hypochlorite or muriatic
13676 acid shall be permitted. Muriatic acid shall be sold only if prepackaged.
- 13677
- 13678 c. Chemical storage area not permitted within 100 feet of any residential district.
- 13679
- 13680 59. Tailor shop, seamstress.
- 13681
- 13682 60. Television, radio and movie studios (no towers).
- 13683
- 13684 61. Theater, indoor. Subject to requirements of section 40.705 of this Code.
- 13685
- 13686 62. Utilities, facility offices.
- 13687
- 13688 63. Vehicle dealership, new, subject to the following limitations and requirements:
- 13689
- 13690 a. Minimum size of three (3) acres of contiguous land.
- 13691
- 13692 64. Vending machine (outdoor), permitted as an accessory use to a permitted use and subject
13693 to the following limitations contained in section 40.621 of this Code.
- 13694
- 13695 65. Walkway cafes less than 1,000 square feet in area; permitted subject to the limitations
13696 contained in section 40.622 of this Code.
- 13697
- 13698 (F) Special exception uses. Special exception uses may be deemed appropriate to provide a
13699 complete distribution of uses within the City, but because of their operational characteristics
13700 or area requirements need to be given individual consideration with respect to their location,
13701 access and relationship to adjacent properties and public rights-of-way, and conformity with
13702 the City's current and future redevelopment efforts.
- 13703
- 13704 The following uses are authorized upon a finding by the City Commission that a special
13705 exception to the article is warranted, pursuant to the procedure and criteria set forth in section
13706 40.306 of the Margate Code of Ordinances.
- 13707
- 13708 1. Amusement arcade centers in accordance with all provisions of section 40.612 of this
13709 Code and F.S. Chapter 849.
- 13710
- 13711 2. Animal clinics, pet hospitals, subject to the following limitations:
- 13712
- 13713 a. Adequate soundproofing in any area where animals are contained or treated; and
- 13714
- 13715 b. All boarding activities shall be ancillary to the primary use; and
- 13716
- 13717 c. Subject to restrictions set forth in chapter 6 of the Margate Code of Ordinances.
- 13718

- 13719 3. Auction gallery for art goods, jewelry, rugs, furniture, and other similar items.
- 13720
- 13721 4. Automobile tires, new. Not permitted within 100 feet of any residential district or use.
- 13722
- 13723 5. Car wash, including automated tunnels, brushless, detailing, hand washing, and polishing.
- 13724 Not permitted within 1,000 feet of any other car wash rack. Not permitted within 100 feet
- 13725 of any residential district or use. All washing requires a water containment and reclamation
- 13726 system.
- 13727
- 13728 6. Commercial recreation (outdoor).
- 13729
- 13730 7. Drive through facilities (with a permitted use).
- 13731
- 13732 8. Vehicle fuel station. Subject to requirements and limitations of section 40.613 of this Code.
- 13733 Fuel pumps not permitted within 60 feet of any residential district or use.
- 13734
- 13735 9. Hotels and motels, subject to the following conditions and limitations:
- 13736
- 13737 a. Any outdoor recreation areas including swimming pools shall be located at least 25
- 13738 feet from the lot line of any adjacent residentially zoned property; and
- 13739
- 13740 b. The minimum floor area of rental sleeping room in a motel or hotel, which includes all
- 13741 areas to be individually rented by a customer, shall be 300 square feet.
- 13742
- 13743 10. Laundries, coin operated (extended hours of operation).
- 13744
- 13745 11. Limousine or taxi service three (3) or fewer vehicles; proof of adequate parking facilities
- 13746 shall be demonstrated).
- 13747
- 13748 12. Night clubs, teen clubs, catering halls or dance halls, with an occupancy greater than 250.
- 13749
- 13750 13. Massage services.
- 13751
- 13752 14. Outside sales, display, service, and/or storage. Outside sales, display, service, and/or
- 13753 storage with a permitted use are authorized upon a finding by the city commission that a
- 13754 special exception to this article is warranted. In addition, all areas not completely enclosed
- 13755 which are used for the storage or processing of raw materials must be effectively screened
- 13756 from view of the adjoining streets and parcels through the use of durable fence, wall or
- 13757 hedge, or combination thereof.
- 13758
- 13759 15. Pain management clinic, subject to limitations and requirements of section 40.616 of this
- 13760 Code.
- 13761
- 13762 16. Public or private elementary, middle, or high school, subject to section 40.620 of this Code.
- 13763
- 13764 17. Residential, including multiple-family dwellings, including horizontal and vertical mixed
- 13765 use.
- 13766

13767 18. Restaurants with curb or automobile service. Such approval shall also be subject to the
13768 following restrictions:

- 13769
13770 a. Subject property shall be located a minimum of 750 feet from one-family dwelling
13771 districts; such distance shall be measured from front door of the establishment to the
13772 single-family property line; and

13773
13774 19. Theater, outdoor.

13775
13776 20. Vehicle sales agency (new and / or used vehicles). Not permitted within 100 feet of any
13777 residential district or use.

13778
13779 21. Vehicle rental business.

13780
13781 22. Walkway cafes greater than 1,000 square feet in area, subject to the limitations in section
13782 40.622 of this Code.

13783
13784 (G) Lands previously zoned Business Special.

13785
13786 1. Lands located within the Corridor district that were previously zoned Business Special may
13787 utilize all uses currently permitted in the Business Special district as provided in Ordinance
13788 1500.505 and Ordinance 1500.575, until such a time that said properties have been
13789 redeveloped or rebuilt after catastrophe under Corridor district regulations.

13790
13791 2. After redevelopment occurs, as described above, this special extension of rights shall
13792 expire.

13793
13794 (H) Specific design standards.

13795
13796 1. Development and design standards for types of streets, buildings, heights, building design,
13797 site design, access, mixes of uses and other development components are all those that
13798 apply in section 40.553(E) 40.554(E).

13799
13800 40.552 40.553 Gateway: G

13801
13802 (A) Permitted uses. No building or structure, or part thereof, shall be erected, altered or used, or
13803 land or water used, in whole or in part, for other than any of the uses specified below. All
13804 minimum separation distances shall be measured in the shortest airline distance between
13805 nearest property lines unless otherwise specified.

13806
13807 1. Accessory uses and structures to a permitted use.

13808
13809 2. Adult day care center.

13810
13811 3. Art gallery.

- 13813 4. Artisans, studio or workshop. A workshop or studio of an artist, sculptor, photographer,
13814 jeweler, potter, craftsperson, furniture maker, cabinet maker, or other artist or artisan
13815 primarily used for on-site production of unique custom goods.
- 13816
- 13817 5. Automatic teller machine (outdoor).
- 13818
- 13819 6. Banks and other financial institutions, not including Payday Loans.
- 13820
- 13821 7. Bars and taverns.
- 13822
- 13823 8. Bowling alley.
- 13824
- 13825 9. Brewery, distillery or winery. Permitted if the use does not exceed 15,000 square feet in
13826 floor area and includes a tasting room and includes manufacturing of goods to be sold
13827 primarily on-site and to the general public as retail sales.
- 13828
- 13829 10. Business office, no stock or storage.
- 13830
- 13831 11. Caterers.
- 13832
- 13833 12. Child care facility. Same shall contain a contiguous outdoor fenced or walled-in play area
13834 located away from vehicular traffic and providing no less than 30 percent percent shade
13835 coverage. The outdoor play area shall be covered in turf, mulch, sand or other
13836 nonhazardous pervious materials. The outdoor play area shall not be credited toward open
13837 space requirements. Subject to requirements of section 40.705.
- 13838
- 13839 13. Clubs—Civic, noncommercial.
- 13840
- 13841 14. Commercial recreation (indoor).
- 13842
- 13843 15. Dental laboratory.
- 13844
- 13845 16. Dollar store (Not permitted within 1,000 feet of a like use, Check Cashing or Payday loans,
13846 or Secondhand and/or used merchandise, or Pawn Shop).
- 13847
- 13848 17. Dry cleaning establishment subject to the following limitations and requirements:
- 13849
- 13850 a. Ventilation shall direct exhaust away from residential districts and uses; and
- 13851
- 13852 b. Not more than ten (10) individual cleaning units shall be used in any establishment,
13853 and the total combined rated capacity shall not exceed 80 pounds.
- 13854
- 13855 18. Fire station.
- 13856
- 13857 19. Groceries, retail.
- 13858
- 13859 20. Health studio or club, gymnasium.
- 13860

- 13861 21. Janitorial service.
- 13862
- 13863 22. Jewelry, watch, and electronic repairs.
- 13864
- 13865 23. Locksmith.
- 13866
- 13867 24. Mail-plus service.
- 13868
- 13869 25. Massage services, permitted as accessory use only within an approved medical office or
- 13870 physical therapy office.
- 13871
- 13872 26. Medical office. Not including correctional or mental, nor institutions for care of drug or
- 13873 liquor patients.
- 13874
- 13875 27. Merchant, retail.
- 13876
- 13877 28. Municipal buildings, parks, playgrounds.
- 13878
- 13879 29. Museum.
- 13880
- 13881 30. Music, instruction (indoors and soundproofed only).
- 13882
- 13883 31. Nightclubs, teen clubs, catering halls or dance halls, with an occupant load of less than
- 13884 250 persons.
- 13885
- 13886 32. Package store.
- 13887
- 13888 33. Personal care services, except massage.
- 13889
- 13890 34. Pet grooming (soundproofed only).
- 13891
- 13892 35. Pet shop, subject to restrictions set forth in chapter 6 of the Margate Code of Ordinances.
- 13893
- 13894 36. Pharmacy, subject to the following limitations:
- 13895
- 13896 a. No more than ten (10) percent of all prescription medication dispensed shall be from
- 13897 the list of Schedule II controlled substances provided in F.S. §893.03.
- 13898
- 13899 b. No less than 50 percent of the floor area shall be used for retail display and
- 13900 transactions.
- 13901
- 13902 37. Photography studio and developing. Subject to requirements of section 40.705.
- 13903
- 13904 38. Picture framing.
- 13905
- 13906 39. Place of Assembly, subject to the requirements of section 40.619 of this Code.
- 13907
- 13908 40. Professional office.

13909
13910 41. Recording studio (indoors and soundproofed only).

13911
13912 42. Rental business. (Not vehicular).

13913
13914 43. Restaurant.

13915
13916 44. School of instruction, non-academic.

13917
13918 45. Secondhand and/or used merchandise, retail; subject to the following limitations:

13919
13920 a. Not permitted within 1,000 feet from any other secondhand dealer selling like
13921 merchandise; and

13922
13923 b. Not permitted within 1,000 feet of any pawn shop; and

13924
13925 c. Not permitted within 1,000 feet of a Check Cashing or Payday loans; or Dollar Store;
13926 and

13927
13928 d. No consignment.

13929
13930 46. Substation for utilities.

13931
13932 47. Tailor shop, seamstress.

13933
13934 48. Television, radio and movie studios (no towers).

13935
13936 49. Theater, indoor.

13937
13938 50. Vehicle dealership, new, subject to the following limitations and requirements:

13939
13940 a. Minimum size of three (3) acres of contiguous land.

13941
13942 51. Vending machine (outdoor), permitted as an accessory use to a permitted use and subject
13943 to the following limitations contained in section 40.621.

13944
13945 52. Walkway cafes less than 1,000 square feet in area; permitted subject to the limitations
13946 contained in section 40.622.

13947
13948 (B) Special exception uses. Special exception uses may be deemed appropriate to provide a
13949 complete distribution of uses with the City, but because of their operational characteristics or
13950 area requirements need to be given individual consideration with respect to their location,
13951 access and relationship to adjacent properties and public rights-of-way, and conformity with
13952 the City's current and future redevelopment efforts.

13953
13954 The following uses are authorized upon a finding by the City Commission that a special
13955 exception to the article is warranted, pursuant to the procedure and criteria set forth in section
13956 40.306 Special Exception of the Margate Code of Ordinances.

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14004
1. Amusement arcade centers in accordance with all provisions of section 40.612 Arcade Amusement Centers and Devices and Chapter 849 of the Florida Statutes as may be amended from time to time.
 2. Animal clinics, pet hospitals, subject to the following limitations:
 - a. Adequate soundproofing in any area where animals are contained or treated; and
 - b. All boarding activities shall be ancillary to the primary use; [and]
 - c. Subject to restrictions set forth in chapter 6 of the Margate Code of Ordinances.
 3. Automobile detailing, washing and polishing. Not permitted within 1,000 feet of the same use or a car wash. Not permitted within 100 feet of any residential district or use. All washing requires a water containment and reclamation system.
 4. Commercial recreation (outdoor).
 5. Drive through facilities (with a permitted use).
 6. Hotels, subject to the following conditions and limitations:
 - a. Any outdoor recreation areas including swimming pools shall be located at least 25 feet from the lot line of any adjacent residentially zoned property; and
 - b. The minimum floor area of rental sleeping room in a motel or hotel, which includes all areas to be individually rented by a customer, shall be 300 square feet.
 7. Massage services.
 8. Night clubs, teen clubs, catering halls or dance halls, with an occupancy greater than 250 persons.
 9. Outside sales, display and/or service. Outside sales, display and/or service with a permitted use are authorized upon a finding by the city commission that a special exception to this article is warranted.
 10. Public or private elementary, middle, or high school, subject to section 40.620 of this Code.
 11. Vehicle fuel station. Subject to the limitations of section 40.621 of this Code.
 12. Residential multiple-family dwellings, including horizontal and vertical mixed use.
 13. Theater, outdoor.
 14. Walkway cafes greater than 1,000 square feet in area, subject to the limitations in section 40.622 of this Code.

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(C) Specific design standards.

1. Development and design standards for types of streets, buildings, heights, building design, site design, access, mixes of uses and other development components are those that apply in section ~~40.553(E)~~ 40.554(E).

~~40.552~~ 40.554 City Center: CC

(A) Permitted uses. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than any of the uses specified below. All minimum separation distances shall be measured in the shortest airline distance between nearest property lines unless otherwise specified.

1. Accessory uses and structures to a permitted use.
2. Adult day care center.
3. Art gallery.
4. Artisans, studio or workshop. A workshop or studio of an artist, sculptor, photographer, jeweler, potter, craftsperson, furniture maker, cabinet maker, or other artist or artisan primarily used for on-site production of unique custom goods.
5. Automatic teller machine (outdoor).
6. Banks and other financial institutions, not including Payday Loans.
7. Bars and taverns.
8. Brewery, distillery or winery. Permitted if the use does not exceed 15,000 square feet in floor area and includes a tasting room and includes manufacturing of goods to be sold primarily on-site and to the general public as retail sales.
9. Business office.
10. Child care facility, permitted on secondary streets only. Same shall contain a contiguous outdoor fenced or walled-in play area located away from vehicular traffic and providing no less than 30 percent shade coverage. The outdoor play area shall be covered in turf, mulch, sand or other non-hazardous pervious materials. The outdoor play area shall not be credited toward open space requirements. Subject to requirements of section 40.705 of this Code.
11. Clubs—Civic, noncommercial.
12. Dry cleaning establishment subject to the following limitations and requirements:
 - a. Ventilation shall direct exhaust away from residential districts and uses; and

14053 b. Not more than ten (10) individual cleaning units shall be used in any establishment,
14054 and the total combined rated capacity shall not exceed 80 pounds.
14055
14056 13. Fire station.
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14058 14. Groceries, retail.
14059
14060 15. Health studio or club, gymnasium.
14061
14062 16. Jewelry, watch, and electronic repairs.
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14064 17. Locksmith.
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14066 18. Mail-plus service.
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14068 19. Massage services, permitted as accessory use only within an approved medical office or
14069 physical therapy office.
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14071 20. Merchant, retail.
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14073 21. Municipal buildings, parks, playgrounds.
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14075 22. Museum.
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14077 23. Music, instruction (indoors and soundproofed only).
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14079 24. Package store.
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14081 25. Personal care services, except massage.
14082
14083 26. Pet grooming (soundproofed only).
14084
14085 27. Pharmacy, subject to the following limitations:
14086
14087 a. No more than ten (10) percent of all prescription medication dispensed shall be from
14088 the list of Schedule II controlled substances provided in F.S. § 893.03.
14089
14090 b. No less than 50 percent of the floor area shall be used for retail display and
14091 transactions.
14092
14093 28. Photography studio and developing.
14094
14095 29. Place of Assembly, subject to the requirements of section 40.619 of this Code.
14096
14097 30. Professional office.
14098
14099 31. Restaurant.
14100

14101 32. Tailor shop, seamstress.

14102
14103 33. Theater, indoor. Subject to requirements of section 40.705 of this Code.

14104
14105 34. Vending machine (outdoor), permitted as an accessory use to a permitted use and subject
14106 to the following limitations contained in section 40.621.

14107
14108 35. Walkway cafes less than 1,000 square feet in area; permitted subject to the criteria and
14109 limitations in section 40.622 of this Code.

14110
14111 (B) Special exception uses. Special exception uses may be deemed appropriate to provide a
14112 complete distribution of commercial uses within the City, but because of their operational
14113 characteristics or area requirements need to be given individual consideration with respect to
14114 their location, access and relationship to adjacent properties and public rights-of-way, and
14115 conformity with the City's current and future redevelopment efforts. The following uses are
14116 authorized upon a finding by the City Commission that a special exception to the article is
14117 warranted, pursuant to the procedure and criteria set forth in section 40.306 Special
14118 Exception.

14119
14120 1. Amusement arcade centers in accordance with all provisions of section 40.612 of this
14121 Code and Chapter 849 of the Florida Statutes as may be amended from time to time.

14122
14123 2. Commercial recreation (indoor).

14124
14125 3. Hotels.

14126
14127 a. Any outdoor recreation areas including swimming pools shall be located at least 25
14128 feet from the lot line of any adjacent residentially zoned property; and

14129
14130 b. The minimum floor area of rental sleeping room in a hotel, which includes all areas to
14131 be individually rented by a customer, shall be 300 square feet.

14132
14133 4. Massage services.

14134
14135 5. Nightclubs, teen clubs, catering halls or dance halls.

14136
14137 6. Outside sales, display and/or service. Outside sales, display and/or service with a
14138 permitted use are authorized upon a finding by the city commission that a special
14139 exception to this article is warranted.

14140
14141 7. Residential multiple-family dwellings, including vertical and horizontal mixed use.

14142
14143 8. Theater, outdoor.

14144
14145 9. Walkway cafes greater than 1,000 square feet in area, subject to the criteria and limitations
14146 in section 40.622.

14147
14148 (C) Lands previously zoned M-1 Light Industrial District.

- 14149
- 14150 1. Lands located within the City Center District that were previously zoned M-1 Light
- 14151 Industrial and developed under M-1 Light Industrial regulations may utilize all uses
- 14152 currently permitted in the M-1 Light Industrial district until such a time that the
- 14153 approximately seventeen-acre parcel of land located at 1000 North State Road 7 (Parcel
- 14154 A of "MARGATE THIRD ADDITION", according to the plat thereof, as recorded in Plat
- 14155 Book 44, Page 48 of the public records of Broward County, Florida) has been fully
- 14156 developed under City Center District regulations.
- 14157
- 14158 2. After the above-mentioned development occurs, this special extension of rights shall
- 14159 expire, and all lands located within the City Center District that were previously zoned M-
- 14160 1 Light Industrial shall be considered legally non-conforming until such time as those lands
- 14161 have been redeveloped under City Center District regulations. While in legally
- 14162 nonconforming status, said lands shall comply with all provisions of section 40.308 of this
- 14163 Code.
- 14164

14165 (D) Uses prohibited.

14166

- 14167 1. Any use not specifically listed in section 9.3 is prohibited in Corridor District.
- 14168
- 14169 2. Any use not specifically listed in section 9.4 is prohibited in Gateway District.
- 14170
- 14171 3. Any use not specifically listed in section 9.5 is prohibited in City Center District.
- 14172
- 14173 4. Pain management clinics are prohibited in Gateway and City Center districts District.
- 14174

14175 (E) Specific design standards.

14176

- 14177 1. Intent. This article illustrates the types of streets, buildings, heights, and mixes of uses
- 14178 that create the desired "form" presented in the master plan and Corridor, Gateway, and
- 14179 City Center Districts. Guidelines for building design, site design, access, and other
- 14180 development components are transect-based with a corresponding regulating plan that
- 14181 prescribes the appropriate land uses, and project and site design principles relating to the
- 14182 appropriate form for the pedestrian orientation, streetscape, and public realm in the
- 14183 subject area.
- 14184
- 14185 2. In general, development is able to maximize developable heights and developable volume
- 14186 by positioning buildings at the back of the public sidewalk. Parcels with less than 200 feet
- 14187 of lot depth will also find increased flexibility in achieving greater developable height and
- 14188 building volume while maintaining or increasing separation from adjacent residential
- 14189 properties located to the rear.
- 14190
- 14191 3. A minimum height of two (2) enclosed floors of active use is required for all new
- 14192 development and redevelopment in the City Center District.
- 14193
- 14194 4. Building placement. The building placement regulations contained in this article assume
- 14195 the implementation of a 150-foot minimum trafficways reservation width for parcels
- 14196 fronting the State Road 7 corridor and 175 minimum trafficways reservation at the

intersection of State Road 7 and Atlantic Boulevard as described in Appendix 2, Broward County Trafficways Map Series.

5. Setbacks along street frontages. The building placement regulations contained in this article assume the implementation of sidewalk improvements and associated adjustments to the State Road 7 corridor right-of-way widths and related back-of-sidewalk locations as described in subsection (O) "Streets and blocks" and Appendix 2, Broward County Trafficways Map Series Placement of future buildings is encouraged to reflect either:

- a. Location of back of sidewalk following street reconstruction, or
- b. If street reconstruction has not yet taken place, approved city plans for sidewalk reconstruction that relocate the back of sidewalk.

6. Front setback. The minimum required distance from the back-of-sidewalk line along a primary street to the primary building façade.

a. Minimum primary frontage setbacks for roads classified by the Broward Metropolitan Planning Organization's Federal Functional Classification are:

- i. Arterial roadway: 18 feet.
- ii. All other roadways: 16 feet.

7. Secondary frontage setback. The minimum required distance from the right-of-way line back of curb along the side street to the side street building facade. Minimum secondary frontage setbacks are:

- a. Arterial roadway: 18 feet.
- b. All other roadways where an urban greenway is required: 16 feet.

8. Side setback. For the purposes of this article side setback is defined as the required minimum distance from the side property line to the primary building. There is no minimum side setback between buildings or minimum space between buildings.

9. Rear setback. Rear setback is defined as the required minimum distance from the rear property line to the nearest building. The creation and maintenance of a new and interconnected rear alleyway system is a major goal of this section. Rear setbacks must be maintained to accommodate rear alleyway creation and provide separation between nonresidential uses in the Corridor, Gateway, and City Center Districts and residential uses outside of the Corridor, Gateway, and City Center Districts.

a. The minimum rear setback shall be 38 feet when new development abuts a residential district or use.

10. Alleyway setback. An alleyway setback is defined as the required minimum distance from the alleyway edge of pavement to any building. The minimum alleyway setback shall be

12 feet. The minimum paved width of a one-way alley in the Corridor, Gateway, and City Center Districts shall be ten (10) feet, the minimum width of a two-way alley in the Corridor, Gateway, and City Center Districts shall be 18 feet. Portions of an alley which serve parking spaces shall meet minimum dimensions provided in section 40.705 of this Code.

11. Space between buildings. There is no minimum space between buildings on the same parcel, except for the provision of pedestrian zones.

12. Height limits. Standards:

a. Corridor District. Maximum height of two (2) enclosed floors of active use is required for all new development and redevelopment in the City Center district.

b. Gateway District. Maximum height of six (6) floors not to exceed 94 feet.

i. Buildings with more than 150 feet roadway frontage are limited such that:

a. Not more than 75 percent of the building may exceed four (4) floors not to exceed 66 feet.

b. This massing limitation shall not apply to buildings that are setback at least 75 feet from a right-of-way.

c. This massing limitation shall not apply to buildings that have 150 feet or less of roadway frontage.

c. City Center District.

i. Minimum of two (2) floors of active use for all new development and redevelopment.

ii. Maximum of eight (8) floors not to exceed 122 feet.

13. Lot size. The minimum lot size, excluding public rights-of-way, shall be 10,000 square feet with a minimum of 100 feet of street frontage.

14. Streets and blocks.

a. The maximum primary block face is 700 feet and total block perimeter is 2,100 feet. New development and redeveloped sites are encouraged to share connections to roadways and provide rear alley connections.

(F) Standards for urban greenways:

1. Shall consist of a landscape buffer and broad multi-modal path lying between travel lanes of adjacent roadways and buildings within the Corridor, Gateway, and City Center Districts;

- 14293 2. Are intended to replace existing sidewalks;
- 14294
- 14295 3. May be required to be wider than the minimum requirement if any right-of-way reservation
- 14296 dedications, or roadway, utility, or other easements have been previously granted;
- 14297
- 14298 4. Shall maintain a minimum width of 18 feet along all roads classified as an arterial roadway
- 14299 by the Broward Metropolitan Planning Organization's Federal Functional Classification
- 14300 Map;
- 14301
- 14302 5. Shall have a minimum width of 16 feet along all other roads, except for rear alleys and
- 14303 connections;
- 14304
- 14305 6. Beginning from the curb or edge of travel lanes, a landscape buffer shall be provided within
- 14306 the urban greenway which meets the minimum design criteria of the City's landscape
- 14307 code. Behind the landscape buffer, a multi-modal paved path of at least ten (10) feet in
- 14308 width shall be provided within urban greenways built along arterial roadways.
- 14309
- 14310 7. When built along all other roads, shall provide a multi-modal path of at least eight (8) feet
- 14311 in width behind the landscape buffer and within the urban greenway. The paved multi-
- 14312 modal path shall be made of a uniform material, and concrete paths shall not have seams
- 14313 or joints running the length of the path. No obstructions, temporary or permanent, are
- 14314 allowed within the minimum required width of the multi-modal path. Multi-modal paths and
- 14315 landscape buffers wider than the above described minimums are also encouraged. A
- 14316 public access easement shall be dedicated and recorded for any portion of an urban
- 14317 greenway located on privately owned property.
- 14318
- 14319 8. Up to 50 percent of the length of the required landscape buffer within an urban greenway
- 14320 on a local street owned by the City of Margate or a private entity may be utilized for parallel
- 14321 on-street parking if approved by the Department of Environmental and Engineering
- 14322 Services, provided that one (1) tree is planted every three (3) parking spaces. Said tree
- 14323 shall meet the meet the minimum requirements described in this Code. The minimum
- 14324 width of the paved multi-modal path shall not be reduced to accommodate on-street
- 14325 parking and shall be elevated at least six (6) above the grade of the on-street parking.
- 14326

14327 (G) Limitations on uses.

14328

- 14329 1. All activities or permitted uses, including sale, display, preparation and storage, shall be
- 14330 conducted entirely within a completely enclosed building unless otherwise specified in the
- 14331 Code. This prohibition shall not apply to the following:
- 14332
- 14333 a. Access to any drive-through via rear access drive is required. No more than two (2)
- 14334 drive-through lanes per user allowed on site of business.
- 14335
- 14336 b. All equipment and products stored incidental to a permitted use shall be located
- 14337 entirely within an enclosed building proper with the exception of propane or natural
- 14338 gas tanks which shall be completely screened from with a screening structure. No
- 14339 storage trailers allowed.
- 14340

(H) Mixing of uses.

1. The mixing of residential and nonresidential uses may be authorized in all Corridor, Gateway, and City Center Districts by Special Exception, provided that residential uses are not facing nonresidential loading areas or dumpster enclosures.
2. Mixing of residential and nonresidential uses within the same building of at least four (4) stories in height may be authorized within the Corridor, Gateway, and City Center Districts by Special Exception, subject to the following functionally appropriate separation of the uses, including, but not limited to:
 - a. Separate stories.
 - b. Separate access.
 - c. Separation and buffering of residential units from loading areas and noisy nonresidential uses via any or all of the following:
 - i. One (1) or more intervening stories of office use;
 - ii. Extra-thick concrete floors;
 - iii. Soundproofing ceilings, walls and sound-containing openings.
 - iv. Operational standards and time limits.
 - v. Or other proven technique acceptable to the city.
3. The following uses shall not be located within a building containing residential use:
 - a. Bars, taverns and nightclubs.
 - b. Body art studios.
 - c. Bottled gas.
 - d. Caterers and catering halls.
 - e. Check cashing, Payday Loans.
 - f. Commercial recreation.
 - g. Gun shop.
 - h. Music instruction and dance instruction.
 - i. Dance halls.

- 14389 j. Package store.
- 14390
- 14391 k. Pet grooming and pet shop.
- 14392
- 14393 l. Recording studio.
- 14394
- 14395 m. Pain management clinic.
- 14396
- 14397 (l) Allocation of dwelling units.
- 14398
- 14399 1. Within the Activity Center land use designation, the city has a bank of 710 dwelling units
- 14400 to allocate. Of the 710 units, not more than 300 units shall be utilized north of the city
- 14401 center, and not more than 300 units shall be utilized south of the city center. The city
- 14402 planner shall maintain an inventory of available dwelling units to be used within the Activity
- 14403 Center. Activity Center dwelling units shall be allocated on a “first-come, first-served”
- 14404 basis; however, before any dwelling units may be allocated to a development or
- 14405 redevelopment site, the following criteria must be satisfied:
- 14406
- 14407 a. There are a sufficient number of available dwelling units to allocate within the specified
- 14408 area of the Activity Center.
- 14409
- 14410 b. The proposed development shall maintain a valid site plan approval from the
- 14411 development review committee.
- 14412
- 14413 c. A total of 15 percent of the Activity Center residential units shall be provided as
- 14414 affordable housing. For the purposes of this policy, the term “affordable housing” shall
- 14415 include the meaning as defined by the Broward County Land Use Plan. New
- 14416 development and redevelopment shall at minimum provide a proportionate share of
- 14417 affordable housing until at least 15 percent of the total number of Activity Center units
- 14418 have been reserved as affordable. Affordable housing shall be recorded on a covenant
- 14419 running with the land for a minimum of 15 years.
- 14420
- 14421 d. The proposed development shall demonstrate a high level of connectivity and access
- 14422 to adjacent properties and transit stops.
- 14423
- 14424 e. The proposed development shall demonstrate the residential use as a principal
- 14425 component of a mixed-use development, or be located within 1,000 feet of supportive
- 14426 commercial, office, and other nonresidential uses.
- 14427
- 14428 f. The proposed development shall be designed to enhance and support pedestrian
- 14429 travel and the use of public transportation.
- 14430
- 14431 g. The proposed development shall demonstrate that the residential use will be both
- 14432 compatible and able to successfully integrate into the surrounding neighborhoods and
- 14433 developments. Demonstration shall be implemented through the incorporation of
- 14434 adequate buffers and effective site design.
- 14435

- h. The proposed development shall demonstrate adequate public plazas, urban open spaces, or green spaces that are accessible to the public.
- i. That the developer shall begin construction of the proposed development within one (1) year of a successful petition for an allocation of dwelling units within the Activity Center, and that construction of the proposed development shall be completed in no more than five (5) years.
- i. If construction of the proposed development has not started within one (1) year of a successful petition for an allocation of dwelling units, then any and all approvals for the allocation of dwelling units shall become null and void. A one-year waiting period, starting from the date of the nullification of approval, shall be required prior to any future petition for an allocation of dwelling units.
- ii. If after five (5) years the project has started but has not been completed, the developer may petition the Development Services Department for an extension of the allocation of dwelling units. An extension may be granted, provided the following criteria have been satisfied:
- a. That certain extenuating circumstances created a genuine hardship that prevented completion of the development within the allotted time.
- b. That the developer can demonstrate the means and ability to complete construction.
- c. That a lapse in active development permits have been no greater than six (6) months during the previous five-year period.
- d. The proposed development has a valid site plan approval. Site plans may be resubmitted to the development review committee, if necessary.
- e. That any extension of an allocation of Activity Center dwelling units shall not exceed three (3) years. Only one (1) extension may be granted before an allocation expires.
2. If a proposed development has not been completed within the allotted time (including extensions), then any and all approvals for the allocation of dwelling units shall become null and void. A one-year waiting period, starting from the date of the nullification of approval shall be required prior to any future petition for an allocation of dwelling units.
3. If the development plans for a proposed development that has been allocated dwelling units are significantly modified, to the extent of changing the nature or intensity of the proposed development, then any and all approvals for the allocation of dwelling units shall become null and void. The applicant must then petition the City for the use of available dwelling units; however, no waiting period(s) shall be imposed for modifying development plans.

(J) The Regulating Plan.

- 14484
14485 1. Any property within the Activity Center Future Land Use Plan Map designation shall only
14486 be zoned according to the adopted Regulating Plan Map.
14487

14488 (K) Parking standards.
14489

- 14490 1. Regulation of parking. This section contains development standards and design
14491 guidelines to ensure that parking throughout Corridor, Gateway, and City Center Districts
14492 is convenient and accessible, accommodates all land uses, and supports the Regulating
14493 Plan's intended goals, including:
14494

- 14495 a. Enable people to park once at a convenient location and to access a variety of
14496 commercial enterprises in pedestrian friendly environments by encouraging shared
14497 parking.
14498
14499 b. Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas.
14500
14501 c. Maximize on-street parking.
14502
14503 d. Encourage parking to be located to the rear of buildings.
14504
14505 e. Provide flexibility for redevelopment of small sites.
14506
14507 f. Parking shall be connected with the street by a driveway.
14508
14509 g. New on-street parking spaces provided adjoining ground floor residential uses may be
14510 counted toward the minimum parking requirement for that property.
14511
14512 h. Parking types are defined as either surface or structured.
14513

14514 2. Surface parking.
14515

- 14516 a. Open. The location of surface parking lots to the rear of buildings is encouraged in
14517 order to showcase the buildings, provide more visual interest to passersby and provide
14518 superior visibility to businesses.
14519

14520 3. Parking structure.
14521

- 14522 a. Exposed. An above-ground parking structure that is fully or partially exposed to the
14523 primary front street(s) on the ground level. Exposed parking structures shall not be
14524 located between the street and habitable buildings they serve. The parking structure
14525 may be exposed to the building's street frontage(s) on upper levels. Lights with the
14526 structure shall be recessed and shielded so they are not visible to any surrounding
14527 properties.
14528
14529 b. Wrapped with liner use on ground level. An above-ground parking structure where
14530 non-parking uses are integrated into the ground level of the building along the parcel's
14531 primary street frontage(s). Non-parking uses are encouraged to be integrated into the

14532 building along secondary street frontages, further hiding the parking structure from
14533 view. The parking structure may be exposed to the building's street frontage(s) on
14534 upper levels.

14535
14536 c. Wrapped with liner use on all levels. An above-ground parking structure where non-
14537 parking uses are integrated into the building along the parcel's front street frontage(s)
14538 on all levels of the building. Non-parking uses are encouraged to be integrated into the
14539 building along all street frontages, further hiding the parking structure from view.

14540
14541 4. Access.

14542
14543 a. Access to parking facilities shall be provided from alleyways, rear roads, or side streets
14544 wherever possible. Parking facilities on adjoining lots are encouraged to share access
14545 points and driveways subject to a recorded covenant running with the affected uses.

14546
14547 b. The total width of parking access openings on the ground level of structured parking
14548 may not exceed 30 feet.

14549
14550 5. Parking calculations.

14551
14552 a. Buildable density on a lot shall be determined by the sum of the actual parking
14553 calculated as that provided:

14554
14555 i. Within the lot

14556
14557 ii. Along the parking lane corresponding to the lot frontage.

14558
14559 b. Lots immediately adjacent to, or within 400 linear feet (on the same side of a roadway)
14560 of a designated Broward County Transit stop, Margate Circulator, or other mass transit
14561 stop, shall be eligible for a parking credit.

14562
14563 i. A standard transit stop shall provide a credit of two (2) percent of required parking
14564 spaces, or no less than three (3) spaces.

14565
14566 ii. If the transit stop has a shelter from sun and rain, the transit stop shall provide a
14567 credit of five (5) percent of required parking, or no less than seven (7) spaces.

14568
14569 iii. If a transit station no less than 400 square feet in area has been incorporated into
14570 the primary facade of a principal structure the transit station shall provide a credit
14571 of seven (7) percent of required parking, or no less than ten (10) spaces.

14572
14573 iv. A standard transit stop shall provide a credit of two (2) percent of required parking
14574 spaces, or no less than three (3) spaces.

14575
14576 v. If the transit stop has a shelter from sun and rain, the transit stop shall provide a
14577 credit of five (5) percent of required parking, or no less than seven (7) spaces.

14578

- 14579 vi. If a transit station no less than 400 square feet in area has been incorporated into
14580 the primary facade of a principal structure the transit station shall provide a credit
14581 of seven (7) percent of required parking, or no less than ten (10) spaces.
14582
- 14583 c. Minimum parking requirements are described in section 40.705 of this Code, unless
14584 specifically provided for below.
14585
- 14586 i. Residential. Residential parking requirements shall be those provided in section
14587 40.705(C) of this Code, and subject to:
14588
- 14589 a. Required parking for residential use shall be located within 300 feet of the
14590 entrance(s) to the building it serves, and
14591
- 14592 b. Two and one-half (2 1/2) percent parking reduction for multiple-family dwelling
14593 units within developments containing at least 50 dwelling units, and a
14594
- 14595 c. Five (5)-percent reduction for multiple-family dwelling units within
14596 developments containing at least 100 dwelling units.
14597
- 14598 d. Bicycle parking.
14599
- 14600 i. For residential development, the developer must provide one (1) tenant bicycle
14601 parking rack or bicycle locker (i.e., storage for one (1) bicycle) per three (3) units
14602 and one (1) visitor bicycle parking rack per 50 units.
14603
- 14604 ii. For retail development, the developer must provide one (1) bicycle parking rack or
14605 bicycle locker per 2,500 square feet of gross floor area.
14606
- 14607 iii. For office development, the developer must provide one (1) bicycle parking rack
14608 or bicycle locker per (2,000 square feet of gross floor area.
14609
- 14610 iv. All bicycle parking facilities are to be highly visible to intended users. Bicycle racks
14611 provided at designated transit stops shall not count towards meeting the bicycle
14612 parking requirements, unless said transit stop is located wholly on the site to be
14613 developed or redeveloped. The bicycle parking facilities, including the bicycle, shall
14614 not encroach on any area in the public right-of-way intended for use by
14615 pedestrians, shall not occupy space on a multi-use or shared pathway, nor shall
14616 they encroach on any required fire egress.
14617
- 14618 (L) Open space and computation.
14619 1. The Margate Comprehensive Plan requires an additional 12 acres of open space to be
14620 provided in the Corridor, Gateway, and City Center District. This goal will be accomplished
14621 by the following open space standards and computations:
14622
- 14623 a. For lots of less than three (3) acres, the provision of urban greenways or front
14624 sidewalks and street trees shall satisfy open space requirements.
14625

- b. Lots of three (3) acres or more shall provide a minimum of three (3) percent of gross acreage of the development as open space in addition to the urban greenway. Each open space area shall be subject to the following:
- i. At least 30 percent of the area shall be shaded by trees or decorative shade structures; and
- ii. Shall provide a paved pedestrian connection to the public sidewalk that is at least six (6) feet wide, and further shall remain accessible to the general public; and
- iii. Shall provide pedestrian amenities such as benches, waste cans, public art, fountains, etc.; and
- iv. Shall be located away from dumpster enclosures, loading zones, and other incompatible uses; and
- v. Shall be one (1) contiguous area.

DIVISION 7 MISCELLANEOUS DISTRICTS

40.560 Mobile Home: T-1

(A) Purpose and applicability.

1. Purpose. The purpose of the T-1, Mobile Home Park District is to provide regulations for the parking or placement of mobile homes and travel trailers for occupancy as living quarters, wherein the park is owned or operated as a unit and individual spaces are occupied on a rental basis.
2. Applicability. The T-1 District was repealed. No property owner may apply for a rezoning to the T-1 District. These developed properties are considered legal conforming uses and may be reconstructed according to these standards in the event of destruction. The following regulations are provided to only regulate the existing developed residential properties with this designation.

(B) Definitions.

1. For the purpose of this section 40.560 Mobile Home Park T-1 District Regulations, the following definitions shall apply:
- a. Travel trailer. A trailer coach 28 feet or under in over-all length.
- b. Mobile Home. A trailer coach over 28 feet in overall length.

(C) Uses permitted.

1. No building or structure or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one or more of the following specified uses:
- a. Mobile home parks for rental of sites for occupancy by mobile homes and/or travel trailers as living quarters, wherein the mobile home park is owned and/or operated as a unit.
 - b. Accessory uses and structures, including recreational facilities.
 - c. No businesses except for home occupations.
 - d. The sale, by its owner or licensed dealer, of used mobile homes or travel trailers on sites presently or previously occupied by the owner of such mobile home or travel trailer.
 - e. The sale of new display models by dealers preparatory to occupancy or between periods of occupancy.
 - f. Storage or parking of mobile homes or travel trailers on sites preparatory to occupancy or between periods of occupancy.

(D) Prohibited uses.

1. The following uses are prohibited:
- a. A separate utility building on any mobile home or travel trailer site, except for a demountable, Code-approved storage closet or shed.
 - b. Cooking or sanitary facilities other than in the mobile home or travel trailer.
 - c. Storage or parking of mobile homes or travel trailers except when a mobile home or travel trailer is located on a site preparatory to occupancy or between periods of occupancy.

(E) Height.

1. No building or structure, or part thereof, shall be erected or altered to a height exceeding two (2) stories or 30 feet.

(F) Development Standards.

The following development standards to be applied to each site:

1. Minimum site requirements.
- a. Mobile Home. A mobile home consisting of one (1) or more units designed as a single dwelling shall be placed upon a lot a minimum of 2,400 square feet in area and 40 feet in average width.

- b. Travel Trailer. A travel trailer shall be placed upon a lot that is a minimum of 1,000 square feet in area and 30 feet in average width.
2. Minimum setbacks.
- a. Front. Ten (10) from the edge of a street, 25 feet when the property across such street is zoned in any Residential District.
- b. Side. Ten (10) between homes.
- c. Rear. Ten (10) feet.
3. Sheds, storage buildings, and temporary storage containers in accordance with section 40.600 General Provisions.
4. Minimum Separations.
- a. No part of any mobile home or travel trailer, or any addition or addition or appurtenance thereto shall be placed within ten (10) feet of any other mobile home or travel trailer, addition or appurtenance thereto.
- b. No part of any mobile home or travel trailer or addition or appurtenance thereto shall be located within 25 feet of any accessory or service building, or structure used in connection with a mobile home park.
5. Driveways and parking. Each site shall have a driveway that provides the following:
- a. Driveways.
- i. Paved area according to this Code.
- ii. Minimum 30 feet in length for a minimum two (2) vehicles.
- iii. Adequate lighting.
6. Porches and additions.
- a. Structures of a permanent nature added to or attached to a mobile home or travel trailer such as enclosed porches, screened enclosures, storage closets and carports shall conform to all applicable development standards of this Code.
- b. On travel trailer sites there shall be no addition or attachment except a demountable canvas awning.
7. All portable or demountable awnings, roofs or appurtenances which are not permitted as permanent structures shall be dismantled and stored either within the mobile home or travel trailer or in some permanent building during the following circumstances:

a. Within one (1) hour after any advisory for potentially hazardous weather events.

b. If the mobile home or travel trailer is not to be occupied for a period of 30 days or more.

40.561 Recreational Vehicle Resort Park: RVRP

(A) Intent and application.

1. This zoning district is intended for those parcels which have been designated as residential, with a density of ten (10) dwelling units per acre to 14 dwelling units per acre, in the future land use element of the Margate Comprehensive Plan. Development of a recreational vehicle resort park is subject to final site development plan review by the development review committee and approval by the city commission.

2. An RVRP is land under unified control, planned and developed as a whole in a single development operation or an approved programmed series of development operations for dwelling units and related uses and facilities.

3. An RVRP may include principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part.

4. An RVRP shall be developed according to comprehensive and detailed plans which include streets, utilities, lots, buildings, sites and the like, and site plans, floor plans and elevations for all buildings intended to be located, constructed, used, and related to one another, and detailed plans for buildings. An RVRP shall also include a program for full provision of maintenance and operation of such areas, improvements, facilities and services for common use by the occupants of the recreational vehicle resort park which shall not be provided, operated, or maintained at public expense.

5. The following regulations of this article shall apply in all RVRP districts.

(B) Unified control.

1. All land included for the purpose of development within an RVRP district shall be under the control of the applicant (an individual, partnership or corporation, or group of individuals, partnerships, or corporations). The applicant shall present satisfactory legal documents to constitute evidence of the unified control of the entire area within the proposed RVRP via a condominium association established pursuant to F.S. chapter 718, which shall be certified by the city attorney. The applicant shall agree in the application for rezoning to the following:

a. To proceed with the proposed development according to the provisions of these regulations and conditions attached to the rezoning of the land to RVRP;

b. To provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the city for completion of the development according to the plans approved at the time of rezoning to RVRP and for continuing operation and

- 14815 maintenance of such areas, functions and facilities which are not proposed to be
14816 provided, operated or maintained at public expense;
14817
14818 c. To bind their successors in title to any commitments made under the above. All
14819 agreements and evidence of unified control shall be examined by the city attorney,
14820 and no rezoning of land to RVRP classification shall be adopted without a certification
14821 by the city attorney that such agreements and evidence of unified control meet the
14822 requirements of these regulations.
14823
14824 2. The developer shall administer common open space through a condominium association
14825 which shall conform to the following requirements:
14826
14827 a. The developer shall establish by charter the condominium association prior to any
14828 sale;
14829
14830 b. Membership in the condominium association shall be mandatory for all property
14831 owners within the recreational vehicle resort park, and said condominium association
14832 shall not discriminate in its members or shareholders;
14833
14834 c. The condominium association shall manage all common open space and recreational
14835 and cultural facilities which are dedicated to the public, shall provide for the
14836 maintenance, administration and operation of said land and any other land within the
14837 recreational vehicle resort park not publicly or privately owned, and shall secure and
14838 show evidence of adequate liability insurance on the land.
14839
14840 3. Every recreational vehicle park manager or operator shall maintain a register containing
14841 a record of all recreational vehicle occupants using the recreational vehicle park. Such
14842 register shall be available to any authorized person inspecting the park, and shall be
14843 preserved for one year from the date of listing herein. Such register shall contain the
14844 names and addresses of all recreational vehicle occupants stopping at the park and the
14845 make, model and license number of the motor vehicle and the recreational vehicle.
14846
14847 (C) Uses permitted. No building or structure, or part thereof, shall be erected, altered or used, or
14848 land or water used, in whole or in part, for other than one of the following specified uses:
14849
14850 1. Recreational vehicle (RV) parks of no less than five (5) RV sites.
14851
14852 2. Recreational vehicle (RV) sites, within an RV park, for ownership or tenant usage, for
14853 nonpermanent residency.
14854
14855 3. Clubhouses, recreational buildings and facilities, and social centers.
14856
14857 4. Common storage areas for trailers and vehicles, for use by owners and tenants of the
14858 recreational vehicle resort park only.
14859
14860 5. Place of Assembly, subject to the requirements of section 40.619 of this Code.
14861
14862 6. Uses accessory and clearly incidental to any of the above uses.

(D) Uses prohibited.

1. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for any of the following specified uses:
 - a. Tents utilized for sleeping, camping, group camping, or building to be used as hostel or hotel is prohibited.
 - b. The conduct of any business or trade by any tenant or nonpermanent resident, other than selling or leasing RV sites.
2. Where RV sites are being sold to individuals, the developer/owner of the lot(s) shall include in the title transfer document a covenant attesting to the fact that the lot cannot be used as a place of permanent occupancy.
3. Any use not specifically listed in section 40.561(C).

(E) Design standards.

1. RV park standards:

- a. Minimum park size: 10) acres.
- b. Setbacks:
 - i. No building or structure, except fences or walls as hereinafter provided for, shall be located within 1) feet of any property outside of the RVRP district.
 - ii. No recreational vehicle site pad shall be located within 1) feet of the recreational vehicle park perimeter.
- c. Density: RV sites are subject to the density limitations set forth in the applicable land use category of the future land use element of the Margate Comprehensive Plan.

2. Landscaping:

- a. All required landscape buffers and landscaped common areas are subject to the planting and maintenance requirements of this Code, and shall utilize the principles of Naturescape Broward, or a similar native landscape program acceptable to the city.
- b. Each RV park shall create and maintain a ten (10) foot-wide unpaved perimeter buffer along the perimeter property line. This perimeter buffer shall provide a six (6) foot-high unpierced decorative masonry wall, constructed in conformance to applicable building codes and painted on both sides. Said wall shall be located wholly on the RV park side of the perimeter property line and shall run its full length, except whereas provided for below. No decorative wall or fence shall be required on portions of an RV park perimeter that are contiguous to a body of water that provides a minimum of 80 feet of

14911 separation from the nearest property on the opposite side of the body of water; except
 14912 that a decorative aluminum fence may be installed in such areas.
 14913
 14914 c. Trees shall be planted every 15 lineal linear feet of the perimeter, in a staggered
 14915 pattern, within and throughout the entire length of the ten (10) foot perimeter buffer.
 14916 The tree species used shall be Category I (as provided for in this Code) and
 14917 nondeciduous. The pruning, trimming, removal, or replanting of, or mitigation to, a tree
 14918 on residential property shall be in accordance with the City's landscape code.
 14919
 14920 d. Each RV site shall be subject to the following minimum landscape requirements:
 14921
 14922 i. Lawns shall be placed on all areas not covered by buildings, shrubs, ground cover
 14923 landscape elements, walks or drives and shall extend to any abutting street
 14924 pavement edge and the mean waterline of any abutting lake, canal or waterway.
 14925 Required landscaping for RV sites within an approved RV park may be planted in
 14926 any area within the RV site that is appropriate to accommodate such landscaping.
 14927
 14928 3. RV site standards:
 14929
 14930 a. Minimum site size: 3,100 square feet.
 14931
 14932 b. Improvements:
 14933
 14934 i. RV sites shall be clearly defined and shall be exclusive of any space used for
 14935 common areas, such as roadways, walkways, and recreation areas.
 14936
 14937 ii. All RV sites shall include a pad and driveway, and shall be paved with concrete or
 14938 pavers, or as approved by the city, and be designed to provide runoff of surface
 14939 water. The use of asphalt as a paving material for RV pads and driveways shall
 14940 not be permitted unless specifically provided for on a temporary basis pursuant to
 14941 a recorded agreement with the city. RV parking on any unpaved surface is strictly
 14942 prohibited.
 14943
 14944 iii. Each RV site shall not exceed 65 percent impervious area. The minimum 35
 14945 percent pervious area(s) of each RV site shall contain the minimum landscaping
 14946 requirements for the site and any remaining areas in the pervious area shall be
 14947 covered in turf.
 14948
 14949 c. Separation: No RV pad shall be within five (5) feet of any RV site lot line.
 14950
 14951 d. Occupancy: Occupancy of each RV site is limited to one (1) recreational vehicle, one
 14952 (1) automobile or truck, one (1) motorcycle and one (1) golf cart, accommodating one
 14953 (1) party. Permanent RV lot structures and decorative features are allowed, as
 14954 permitted in the individual recreational vehicle site, and all such structures shall
 14955 conform to the Florida Building Code and the Broward County Surface Water
 14956 Management Division permit for the RVRP.
 14957

- e. Parking: Each site shall include adequate parking space for allowable vehicles. Any vehicles not accommodated within this parking space shall be stored offsite or within a screened storage yard.
- f. Access: Each site shall have direct access to a driveway or interior road.
- g. Utilities: Each site shall have direct connections to water, sewer, and electric service.
- h. RV lot structure: Each site may include an RV lot structure, subject to the following conditions:
- i. One (1) satellite dish or antenna may be attached to each RV lot structure in accordance with section 40.618.
 - ii. All RV lot structures shall be located on an approved RV pad.
 - iii. No RV lot structure shall be located within five (5) feet of an RV site lot line.
 - iv. The maximum height for any RV lot structure to be located on an RV site shall be 25 feet, measured from the finished floor elevation to the peak of the roof.
 - v. RV lot structures may include interior improvements such as a bathroom with shower, washer and dryer, utility sink, work bench, golf cart charger, storage cabinets, lighting, air conditioning, general purpose electrical receptacles, kitchens, sleeping quarters and adequate space for the storage of a golf cart.
- i. Decorative features: Each site may include decorative features such as gazebos, tiki huts, decorative railings, walls, benches, patios, steps, decks, trellises, arbors, water fountains, ponds, waterfalls, bridges, planters and flower beds, fire pits, fireplaces, barbecues, outdoor kitchens and bars, outdoor lighting, outdoor living and entertainment areas, heaters, furniture, and additional landscaping improvements.
- i. All features must comply with individual lot setbacks as provided for in this article.
 - ii. No decorative feature shall be installed on any lot without first obtaining a permit from the Margate Building Department.
 - iii. All applications for decorative features proposed to be located off of the approved pad on a site must demonstrate compliance with the approved drainage permit for the RV Resort Park.
 - iv. Decks. Shall be permitted in drainage easements with a minimum of setback of five (5) feet from adjacent RV sites with approval from Broward County Surface Water Management Division, the RV Resort Park Condominium Association, and compliance with the Florida Building Code.
 - v. Viewing platforms. Shall be permitted in canal maintenance easements, whether they are publicly or privately maintained, subject to the requirements of Section

15006 11-21 of this Code with the exception that a minimum setback of five (5) feet from
15007 adjacent RV sites shall be required, with approval from Broward County Surface
15008 Water Management Division, the RV Resort Park Condominium Association and
15009 compliance with the Florida Building Code.

- 15010
- 15011 4. *Underground utilities:*
- 15012
- 15013 a. Within the recreational vehicle resort park, all utilities, including telephone, television
15014 cable, and electrical systems, shall be installed underground. Primary facilities
15015 providing service to the site may be exempted from this requirement. Large
15016 transformers shall be placed on the ground and contained within pad mounts,
15017 enclosures or vaults. The developer shall provide adequate landscaping with shrubs
15018 and plants to screen all utility facilities permitted above ground.
- 15019

ARTICLE 6 USE REGULATIONS

ARTICLE 6 USE REGULATIONS

DIVISION 1 USE TABLES

40.600 General Provisions

(A) Reserved.

40.601 Use Tables

(A) Reserved.

DIVISION 2 SPECIFIC USE REGULATIONS

40.610 Adult Entertainment

(A) Location restricted.

1. Definitions. As used in this section:

a. Adult bookstore: Any establishment.

i. Which advertises itself as, or designates itself as, an adult, x-rated or "sex" related store or establishment; or

ii. Where 25 percent or more of the stock of videos, tapes, films, magazines, aids, toys, clothing, games, etc. or any other objects or depictions of whatever nature are designated, advertised, or otherwise indicated to be x-rated, adult related, or of a sex theme.

iii. An adult bookstore shall also be defined as any establishment described in subsection (b) which has less than 25 percent of the articles described in subsection (b), but which does not keep said articles in a separate area wherein no access is granted to minors.

b. Adult theatre: Any enclosed building, or any area or section within any enclosed building, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, for observation by patrons therein.

c. Specified anatomical areas is defined as:

i. Less than completely and opaquely covered:

a. Human genitals, pubic region;

b. Buttock;

- 15067 c. Female breast below a point immediately above the top of the areola; and
15068
15069 ii. Human male genitals in a discernibly turgid state, even if completely and opaquely
15070 covered.
15071
15072 d. Specified sexual activities is defined as:
15073
15074 i. Human genitals in a state of sexual stimulation or arousal;
15075
15076 ii. Acts of human masturbation, sexual intercourse or sodomy; and
15077
15078 iii. Fondling or other erotic touching of human genitals, pubic region, buttock, or
15079 female breast.
15080
15081 e. Alcoholic beverage means all beverages containing more than one (1) percent of
15082 alcohol by weight.
15083
15084 f. Place of Assembly: An establishment providing a place for persons to gather together
15085 for a common purpose in a meeting, recreational, religious or social facility. This
15086 definition shall include, but is not limited to auditoriums, private clubs and lodges,
15087 community centers, clubhouses, theaters, and places of worship or other facilities that
15088 are used for prayer and assembly by persons of similar beliefs.
15089
15090 2. Applicability. Adult book stores or establishments, and adult theatres may be located only
15091 in commercial and industrial zones of the City of Margate, pursuant to all provisions
15092 contained in this section.
15093
15094 3. Opacity. All adult establishments shall be opaque on all sides and no depiction of adult
15095 themes may be represented which is visible from the outside of said establishment.
15096
15097 4. Distance between establishments. No adult bookstore or adult theatre shall be located
15098 within 1,000 feet, to be measured from front door to front door of said establishment by
15099 airline route, of an existing adult bookstore or adult theatre located within or outside the
15100 corporate limits of the City of Margate.
15101
15102 5. Distance from Place of Assembly, child care facility, or school. No adult bookstore or adult
15103 theatre shall be located within 1,000 feet of any established Place of Assembly, child care
15104 facility, or school located within or outside the corporate limits of the City of Margate,
15105 measured from the front door of the adult bookstore or adult theatre to the nearest point
15106 of the place of assembly, child care facility or school property used as a part of such facility
15107 measured along public thoroughfares by airline measurement.
15108
15109 6. Distance from alcoholic beverage establishment. No adult bookstore or adult theater shall
15110 be located within 1,000 feet, measured from the front door of the adult bookstore or adult
15111 theatre or property used as a part of such facility measured along public thoroughfares by
15112 airline measurement, of an existing establishment which sells alcoholic beverages for
15113 consumption on premises located within or outside the corporate limits of the City of
15114 Margate.

7. Distance from residential district. No adult bookstore or adult theatre shall be located within 1,000 feet airline measurement from any residentially zoned district. For the purposes of this subsection, distances shall be measured from the nearest property line of the premises to the nearest boundary of a residentially zoned district.

<u>Minimum Distance of Separation of Establishments from Adult Bookstores or Establishments and Adult Theatres</u>	
<u>Use</u>	<u>Minimum Separation</u>
<u>Another adult bookstore, adult establishment or adult theatre</u>	<u>1,000'</u>
<u>Alcoholic beverage establishment or any other use licensed to sell or serve alcohol</u>	<u>1,000'</u>
<u>Child care facility</u>	<u>1,000'</u>
<u>Place of Assembly or school within or outside the corporate limits of the City (excluding colleges, universities or trade schools)</u>	<u>1,000'</u>
<u>Any residentially zoned district</u>	<u>1,000'</u>

8. Application to new Places of Assembly or schools. Where an adult bookstore or adult theatre is located in conformity with the provisions of this section, the subsequent location of a Place of Assembly or school in the proximity of such existing establishment shall not be construed to cause such establishment to be in violation of this section nor to cause such establishment to be deemed a nonconforming use.
9. Existing establishments. The provisions of this section shall not be construed to be retroactive, and any existing adult bookstore or adult theatre which conformed to the regulations in effect when such establishment was established shall not be rendered illegal or in violation through the adoption of these regulations.

(B) Nude or semi-nude entertainment.

1. Definitions. The following definitions shall apply in this section:
- a. Advertisement means a display, notice or other information designed to attract public attention, including, but not limited to, handbills, signs, billboards, soundtracks, placards, signboards and written notices.
 - b. Alcoholic beverages means all beverages containing more than one (1) percent of alcohol by weight, including beer and wine.
 - c. City commission means the city commission of the City of Margate, Florida.
 - d. Commercial means operated for pecuniary gain, which shall be presumed for any establishment which has received an occupational license local business tax receipt. For purposes of this section, operating for pecuniary gain shall not depend on actual profit or loss.

- e. Establishment means a physical plant or location, or the commercial activities or operations being conducted, or both together, as the context of this section may require.
- f. Nude or semi-nude entertainment consists of the following:
- i. The actual or simulated displaying of the genitals, pubic area, buttocks, anus or anal cleft or cleavage.
- ii. The actual or simulated displaying by a female of her nipple, areola or any portion thereof, or any portion of her breast directly below the areola.
- g. Person means individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, government officials, government entities and all other groups or combinations.
- h. Premises means a physical plant or location, which is enclosed by walls or any other enclosing structural device, or which is covered by a single roof or with a single shared entrance, if not covered by a single roof, and shall include any structure, structures or land, or contiguous structures or land, within 300 feet of the physical plant or location where such structures or land and the physical plant or location are under common ownership, control or possession.
- i. Areola means the darkening ring surrounding the nipple of a female breast.

2. Prohibitions:

- a. It shall be unlawful for any person to engage in nude or semi-nude entertainment in any commercial establishment at which alcoholic beverages are, or are available to be, sold, dispensed, consumed, possessed or offered for sale or consumption on the premises.
- b. It shall be unlawful for any female person, while on the premises of a commercial establishment at which alcoholic beverages are, or are available to be, sold, dispensed, consumed, possessed or offered for sale or consumption on the premises, to expose to public view her nipple, areola or any portion thereof, or any portion of her breast directly below the areola or to employ any device or covering which is intended to give the appearance of or simulate such areas of the female breast as described herein.
- c. It shall be unlawful for any person while on the premises of a commercial establishment at which alcoholic beverages are, or are available to be, sold, dispensed, consumed, possessed or offered for sale or consumption on the premises, to expose to public view his or her genitals, pubic areas, buttocks, anus or anal cleft or cleavage or employ any device or covering which is intended to give the appearance of or simulate his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage.

- d. It shall be unlawful for any entertainer, performer, or employee, while on the premises of a commercial establishment regulated under this section, to dance in such a manner as to simulate sexual activity with any patron, spectator, employee or other person not employed therein.
- e. It shall be unlawful for any entertainer, performer or employee, while on the premises of a commercial establishment regulated under this section, to sit upon or straddle the leg, legs, lap or body of any patron, spectator or other person therein, or to engage in or simulate sexual activity while touching or being touched by said patron, spectator or other person.
- f. It shall be unlawful for any person while on the premises of a commercial establishment regulated under this section to engage in any sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act which is prohibited by law, touching, caressing or fondling of human breasts, genitals, pubic area, buttocks, anus or anal cleft or cleavage or the simulation thereof within an establishment dealing in alcoholic beverages.
- g. It shall be unlawful for any person to show or cause to be shown in a commercial establishment regulated under this section any graphic representation, including pictures or projection of film, which depicts human genitals, pubic area, buttocks, anus, anal cleft or cleavage, female nipple, female areola, female breast directly below the areola, sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual act prohibited by law or touching, caressing or fondling of the human genitals, pubic area, buttocks, anus, anal cleft or cleavage, female nipple, female areola, or female breast directly below the areola.
- h. It shall be unlawful for any person owning, maintaining, operating or leasing any commercial establishment at which alcoholic beverages are, or are available to be, sold, dispensed, consumed, possessed or offered for sale or consumption on the premises to suffer or permit any person on the premises to engage in any conduct prohibited in subparagraphs (1) through (7) above.
- i. It shall be unlawful for any person owning, maintaining, operating or leasing a commercial establishment regulated under this section to suffer or permit any outside advertisement which encourages, solicits, induces or promotes conduct or activities prohibited by this section in such establishment.
3. *Presumptions:* The following presumptions shall apply in actions brought for violation of this section:
- a. Any person who owns, maintains, operates, leases or enters a commercial establishment where nude or semi-nude entertainment actually takes place on the premises in violation of this section is presumed to be aware that said nude or semi-nude entertainment is taking place in the establishment.
- b. Any establishment which has received a local business tax receipt to operate commercially is presumed to be a commercial establishment.

15246
15247 4. Proof:
15248

15249 a. In all actions, civil or criminal, for violation of this section, proof that the beverage was
15250 an alcoholic beverage may be made by any person who, by experience in the past in
15251 handling or use of alcoholic beverages, or who by taste, smell or drinking of such
15252 liquids has knowledge of the presence of alcoholic content thereof or the intoxicating
15253 effect thereof, may testify as to his or her opinion whether such beverage is an
15254 alcoholic beverage.

15255
15256 b. The presence of alcoholic content of any beverage may be shown by hydrometer or
15257 gravity test made in or away from the presence of the fact finder by any person who
15258 has knowledge of the use of said instrument.
15259

15260 5. Penalties: Any person who shall violate any provision of this section shall be guilty of an
15261 offense against the city punishable as provided in section 1-8 of the City Code. In addition,
15262 if the owner, operator, lessor, licensee, lessee, manager, employee or any other person
15263 participating in the operation of a commercial establishment located within the City of
15264 Margate at which alcoholic beverages are offered for sale or consumption on the premises
15265 shall be convicted of any of the offenses designated in this section, then the occupational
15266 license local business tax receipt of said establishment shall be revoked by the city after
15267 giving reasonable notice thereof to the holder of said license and affording the holder an
15268 opportunity to be heard.
15269

15270 40.611 Alcoholic Beverages
15271

15272 (A) Definitions.
15273

- 15274 1. The terms, words and phrases used in this chapter shall be defined as those words, terms
15275 and phrases are defined in the alcoholic beverage law of the State of Florida, known as
15276 Chapters 561, 562, 563, 564, 565, 567 and 568, Florida Statutes, as may be amended
15277 from time to time.
15278
15279 2. The term "license" as used in this chapter shall be defined as the city approval as is
15280 required by the rules and regulations of the state beverage department.
15281

15282 (B) State beverage law adopted by reference; enforcement authority of city police.
15283

- 15284 1. The provisions of Chapters 561, 562, 563, 564, 565, 567, and 568, Florida Statutes as
15285 may be amended from time to time, relating to alcoholic beverages, except those sections
15286 thereof which are by their nature inapplicable to municipalities, are hereby adopted as a
15287 part of this Code as fully as if set forth herein in full.
15288
15289 2. The city police department shall be charged with the duty of enforcing the provisions
15290 hereof and shall be vested with such power and authority as necessary in enforcing the
15291 beverage laws of the city and state in carrying out their duties hereunder.
15292

15293 (C) Public consumption, possession, prohibited.

- 15294
- 15295 1. It shall be unlawful for any person to drink or consume alcoholic beverages, or have in
- 15296 their possession any open container containing alcoholic beverages, including liquor,
- 15297 beer, or wine, in any commercial establishment as defined by state law, on any public
- 15298 street, in any public park, in any public or quasi-public parking lot, or in any other public
- 15299 place, unless such place is licensed by the State of Florida for the sale of alcoholic
- 15300 beverages.
- 15301
- 15302 2. For temporary City or Community Redevelopment Agency events, temporary uses, or
- 15303 outdoor promotional events approved by the City Commission or Development Services
- 15304 Department in accordance with the criteria contained in section 40.630, outdoor sales
- 15305 and/or consumption of alcoholic beverages shall be permitted where:
- 15306
- 15307 a. The sale and/or consumption of alcoholic beverages in a designated outdoor area is
- 15308 approved by the City Commission or the Development Services Department; and
- 15309
- 15310 b. A license from the State of Florida for such temporary event has been obtained.
- 15311
- 15312 3. This section shall not be construed to permit drinking or consumption of any of the
- 15313 beverages listed herein in public parking lots or in any other public place wherein adjacent
- 15314 stores may be licensed by the City for the sale of alcoholic beverages.
- 15315
- 15316 (D) For this section, the definition of quasi-public shall be that private property where a private
- 15317 owner permits the general and common use of a street or way by the public such as parking
- 15318 lots, shopping centers, and those areas where the public is deemed to be invited. Quasi-public
- 15319 shall also include those portions of private property which are parking lots, streets, or common
- 15320 areas of apartment buildings, condominiums, mobile home parks, and like organizations,
- 15321 where the private owner or organization in control of said areas has requested from the City
- 15322 in writing that this section be enforced.
- 15323
- 15324 (E) Those outdoor portions of any established golf course of which access is limited to only
- 15325 patrons who have paid the appropriate admission fees shall be considered private property
- 15326 and therefore exempt from the prohibitions of this section. The sale and consumption of
- 15327 alcoholic beverages shall be permitted in these areas upon approval of the City Commission.
- 15328
- 15329 (F) Exemption of vendors, etc., from city alcoholic beverage license tax. All vendors, distributors,
- 15330 manufacturers, [and] exporters of alcoholic beverages, as well as clubs and caterers, shall be
- 15331 exempt from the payment of a City alcoholic beverage license tax; provided, this exemption
- 15332 shall not affect the levy of any Local Business Tax Receipt or other City license authorized by
- 15333 state law.
- 15334
- 15335 (G) Authority of administration. The Director of Development Services, or designee, is hereby
- 15336 authorized and directed to execute approvals for applicants for various types of beverage
- 15337 licenses pursuant to the provisions of this section.
- 15338
- 15339 (H) Distance restrictions. The City does not require a minimum separation from establishments
- 15340 licensed to sell or serve alcohol accept for adult uses that sell or serve alcohol.

(I) Persons to whom sale prohibited. No person licensed under the provisions of this section or of state law shall give, sell, deliver, serve or permit to be served any alcoholic beverages or liquors, including wines or beers, as follows:

1. To any person less than 21 years of age, actually or apparently.

2. To any person who is intoxicated.

(J) Hours.

1. Generally. No vendor of alcoholic beverages shall sell or offer for sale or deliver or serve or permit to be consumed upon the premises of such vendor any alcoholic beverage of any kind regardless of alcoholic content during the hours specified herein.

a. Sales or services for on-premises consumption: The sale or serving of alcoholic beverages for consumption on the premises shall be unlawful between the hours of 2:00 a.m. and 8:00 a.m. Monday through Saturday, and between the hours of 2:00 a.m. and 11:00 a.m. on Sundays, unless a special permit for extended hours has been issued by the City.

i. As an exception to the above limitations of hours, the sale or serving of alcoholic beverages for consumption on the premises shall be permitted between 2:00 a.m. and 4:00 a.m. on the following specified dates of any given year without the need of acquiring a special permit for extended hours permit:

a. January 1.

b. March 18.

c. May 6.

d. July 5.

e. December 25.

f. December 26.

ii. No person, vendor or distributor of any place of business licensed under the provisions of this section or by the State of Florida, or any employee thereof, shall permit any person who is not a proprietor, licensed vendor or employee thereof to remain on the licensed premises beyond the legally authorized closing hour; provided however, if said premises are divided so that the portion of said premises where alcoholic beverages are kept, stored or dispensed is segregated by partition and locked doors after the legal hour, then such prohibition shall not apply.

b. Sales for off-premises consumption: The sale of alcoholic beverages for consumption off the premises, including delivery service, shall be unlawful between the hours of 12:00 midnight and 7:00 a.m., seven days a week.

- 15389
- 15390 2. Special permits for extended hours. The privilege to sell, serve or permit the consumption
- 15391 of alcoholic beverages at any commercial establishment between the hours of 2:00 a.m.
- 15392 and 4:00 a.m. is hereby declared to be a privilege subject to termination by the City
- 15393 Manager, and no person may reasonably rely on the continuance of said privilege. Any
- 15394 establishment which has not been granted or been approved for renewal of an extended
- 15395 hours permit by the City Manager may not operate beyond the hours provided in
- 15396 subsection (A) above. Any person or business entity which sells or serves alcoholic
- 15397 beverages for consumption on the premises may apply for a special permit for extended
- 15398 hours.
- 15399
- 15400 3. Presumption. The presence of any alcoholic beverage not within an unopened container,
- 15401 along with individuals who are not employees, within an establishment serving alcoholic
- 15402 beverages after closing hour shall be presumed the unlawful sale or service of alcoholic
- 15403 beverages after permitted hours.
- 15404
- 15405 a. Vendors. A special permit granted to a vendor of alcoholic beverages shall permit said
- 15406 vendor to sell, serve and allow consumption of alcoholic beverages on the premises.
- 15407
- 15408 b. The hours of sale of alcoholic beverages consumed or served on the premises where
- 15409 a state liquor license for consumption on the premises has been approved, if a special
- 15410 permit pursuant to this section has been approved, are as follows:
- 15411
- 15412 i. Tier 1 Special permit for extended hours for weekends only:
- 15413 From 2:00 a.m. until 4:00 a.m. on Saturday and Sunday;
- 15414
- 15415 ii. Tier 2 Special permit for extended hours seven (7) days a week:
- 15416 From 2:00 a.m. until 4:00 a.m., Monday through Sunday;
- 15417
- 15418 c. Extended hours shall not be permitted for sale at retail as package goods or for any
- 15419 other reason than consumption on the premises.
- 15420
- 15421 4. Approval process and criteria for special permit for extended hours permit. The following
- 15422 criteria for granting, applying and renewing a special permit for extended hours:
- 15423
- 15424 a. Criteria for granting. Each special permit for extended hours shall expire on September
- 15425 30 of each year or upon the change in ownership or location of any permitted
- 15426 establishment. All applications shall be filed with the Development Services
- 15427 Department, on forms provided by same.
- 15428
- 15429 b. All applications for transfer of ownership or location shall be deemed initial
- 15430 applications. However, applications for transfer of ownership or locations shall be
- 15431 automatically approved for a temporary period of 35 days from the date of either the
- 15432 initial opening of an establishment serving alcoholic beverages or date transfer of
- 15433 ownership or location occurs.
- 15434

- c. At the end of the 35 days proceeding, establishments shall be prohibited from serving alcoholic beverages except by permission of the City Manager pursuant to subsections (J)(2).
- d. The City Manager may grant or deny such special permits for extended hours.
- e. The criteria which the City Manager shall consider in making a decision whether to grant or deny a special permit for extended hours to an applicant shall be as follows:
- i. The amount of parking demands created by the establishment being considered, especially with regard to the adverse impact on adjacent residential areas or any illegal or hazardous parking.
 - ii. The amount and degree of law and code enforcement activities being generated by the establishment being considered, both inside and outside the location, with emphasis on vandalism, noise, vehicular use by patrons and illegal activity of any kind by employees (including municipal violations), patrons and others associated with the establishment during and immediately after the hours of operation.
 - iii. The adverse effect, if any, that the establishment will have on the neighboring properties, especially with respect to the effects of noise, parking, glare from headlights or exterior lighting on neighborhood residential properties.
 - iv. That an establishment be wholly enclosed, soundproofed and air conditioned, and any windows, doors or other openings kept closed except for normal and emergency ingress and egress, in order that noise and music emanating therefrom will not disturb the peace and quiet of the neighborhood.
 - a. As an exception to this criteria, approved walkway cafes are not required to be fully enclosed.
 - v. Those criteria specified in the City Code.
 - vi. Conformance with property maintenance standards and municipal codes directly related to the establishment requesting extended hours.

5. Applications.

- a. Any person, vendor or place of business which has been regularly licensed by the State of Florida to sell and dispense alcoholic beverages may apply for a special permit for extended hours. Any person, vendor or place of business desiring a special permit for extended hours shall file with the Development Services Department an electronic or printed application forms provided by the City. Such application, among other things, shall state the location where such business is to be conducted; the name of the applicant together with the names of the individuals operating a business under their own or under a trade name; the names of all the officers or members of the firms engaged in any such business; the names of all individuals or business entities owning five (5) percent or more of the assets of a business (excluding publicly owned

corporations); the type of business license issued by the State of Florida and the number thereof. The applicant shall also furnish such other information as may be deemed reasonable by the City and shall pay the application fee, established by resolution of the City Commission. No application may be deemed completed until the requirements of this paragraph are met.

- b. The Police Department shall review and forward each completed application to the City Manager with a recommendation based on the criteria provided above. The City Manager may require, as a condition of the privilege of extending hours of operation, compliance with any reasonable conditions deemed by the City Manager to be necessary to mitigate or eliminate the adverse effects of such extended hours. These conditions may include, without being limited to, provision by the owner or operator of the premises to provide at their expense additional off-street parking, security personnel, off-duty police personnel, screening and buffering from nearby properties. The City Manager may also require a cash bond in an amount he/she/they deems appropriate. The maximum bond amount that can be levied shall be established by resolution of the City Commission. No bond as provided herein will be forfeited unless the City Manager has determined that the conditions which have been required have not been performed.
- c. The granting of a special permit to a particular licensee has been and continues to be a privilege subject to modification or termination by the City Manager each year at renewal time, and no person may reasonably rely on a continuation of that privilege.
- d. The licensee shall be deemed the owner of an establishment for which application has been made and any transfer of ownership or location shall necessitate a new application to be made pursuant to this section. Should an establishment owned by an entity transfer five (5) percent or more of its assets, said transfer shall be deemed to be a transfer of ownership, pursuant to this section.

6. Renewals.

- a. The renewal of any special permit shall be determined by the City Manager in the manner specified in subsection (2) above. Applications shall be received by July 15 of each year. Completed applications for renewal which are not received by the Development Services Department by July 15 of each year shall be subject to a late fee, established by resolution of the City Commission.
- b. If prior to renewal time the city administration determines that any licensee has either violated a condition of renewal or is operating in a manner harmful to the public health, safety or welfare based upon the criteria specified in subsection (2) above, the City Manager may revoke the special permit issued. Written notice of the charges against the licensee shall be sent to the special permit holder. The permit holder shall have not more than 30 calendar days to send a written response those charges.
- c. After consideration of the matter and allowing the licensee to respond to charges, the City Manager may revoke, modify or condition the special permit. The criteria to be used by the City Manager in such matters shall be the criteria specified in subsection

- 15531 (2) above. Should the license or privilege be revoked, conditioned or modified, the
15532 licensee may seek review of such action, after three (3) months, before the City
15533 Manager. The City Manager may then modify or refuse to modify their action. Only
15534 one (1) such review shall be given within a 12-month period.
15535
- 15536 d. No person, vendor or distributor of any place of business licensed under the provisions
15537 of this section or by the State of Florida, or any employee thereof, shall permit any
15538 person who is not a proprietor, licensed vendor or employee thereof to remain on the
15539 licensed premises beyond the legally authorized closing hour; provided however, if
15540 said premises are divided so that the portion of said premises where alcoholic
15541 beverages are kept, stored or dispensed is segregated by partition and locked doors
15542 after the legal hour, then such prohibition shall not apply.
15543
- 15544 e. Violations declared, prohibited; penalty. It shall be unlawful for any person, firm or
15545 corporation to violate any of the provisions of this section or the state beverage laws
15546 incorporated herein; and said violation is declared to be a misdemeanor of the second
15547 degree, punishable as otherwise provided in the Florida Statutes.
15548
- 15549 (K) Right of commission to recommend revocation and suspension of state licenses to state
15550 beverage department. The City Commission retains the right to recommend to the state
15551 beverage department the revocation or suspension of any license upon cause appearing to
15552 the violation by any licensee of any of the laws of the State of Florida or of the United States
15553 or of any of the provisions of this section or ordinances of the City or of his maintaining a
15554 nuisance or unsanitary premises, disorderly conduct on the premises where such beverage
15555 business is conducted, or permitting loud and boisterous noises to be made or loud and
15556 disturbing music to be played on said premises.
15557
- 15558 (L) Exceptions to section provisions. The following exceptions are made from the terms of this
15559 section or subsections as referred to:
15560
- 15561 1. Vendors holding licenses for off-premises sales of beer or malt beverages, wine, fortified
15562 wine or beverages made of fresh fruits, berries or grapes, either by natural fermentation
15563 or by natural fermentation with brandy added, including all sparkling wines, champagnes,
15564 combinations of the aforesaid beverages, vermouths and like products, shall not be
15565 subject to the distance restrictions contained in subsection (VIII) of this section.
15566
- 15567 2. The exemption from distance regulations granted by this subsection shall not, however,
15568 permit the issuance of alcoholic beverage licenses to those persons or places or
15569 establishments excepted, where said establishment is located in a zoning district as
15570 defined in the zoning classification ordinances of the city, unless said establishment
15571 qualifies as a previously existing nonconforming use in that district.
15572
- 15573 (M) Bottle clubs. Bottle clubs, as defined in Florida Statute 561.01 as may be amended from time
15574 to time, are prohibited within the City of Margate.
15575
- 15576 (N) Prohibition of minors.
15577
- 15578 1. Definitions.

- 15579
- 15580 a. Establishment whose primary business is the sale and consumption of alcoholic
- 15581 beverages: A business where consumption of alcoholic beverages on the premises is
- 15582 permitted and where the sale of alcoholic beverages amounts to 50 percent or more
- 15583 of the gross receipts of the business in any given month.
- 15584
- 15585 b. Adult: An individual over the age of 21 years.
- 15586
- 15587 c. Minor: An individual under the age of 21 years.
- 15588
- 15589 2. Minors unaccompanied by an adult are prohibited from entering establishments whose
- 15590 primary business is the sale and consumption of alcoholic beverages.
- 15591
- 15592 3. In establishments whose primary business is not for the sale and consumption of alcoholic
- 15593 beverages, but where an area has been set aside or separated for the sale of alcoholic
- 15594 beverages, minors are prohibited from entering said area unless accompanied by an adult.
- 15595
- 15596 (O) Nuisance abatement related to establishments serving alcoholic beverages.
- 15597
- 15598 1. Any place or premises serving alcoholic beverages pursuant to section 40.611 may be
- 15599 declared to be a public nuisance, and such nuisance may be abated pursuant to the
- 15600 procedures provided in this section. The violations constituting a nuisance are as follows:
- 15601
- 15602 a. On more than two (2) occasions within a six-month period as a site of a violation of
- 15603 F.S. § 796.07;
- 15604
- 15605 b. On more than two (2) occasions within a six-month period as the site of the unlawful
- 15606 sale, delivery, manufacture, or cultivation of any controlled substance;
- 15607
- 15608 c. On one (1) occasion as the site of the unlawful possession of a controlled substance,
- 15609 where such possession constitutes a felony and that has been previously used on
- 15610 more than one (1) occasion as the site of the unlawful sale, delivery, manufacture, or
- 15611 cultivation of any controlled substance;
- 15612
- 15613 d. By a criminal street gang for the purpose of conducting a pattern of criminal street
- 15614 gang activity as defined by [F.S.] § 874.03; or
- 15615
- 15616 e. On more than two (2) occasions within a six-month period as the site of a violation of
- 15617 F.S. § 812.019 relating to dealing in stolen property.
- 15618
- 15619 2. An administrative board composed of the City Commission is hereby empowered to hear
- 15620 complaints regarding nuisances described in subsection (1). The administration of the City
- 15621 may bring a complaint before the City Commission after giving not less than three (3)
- 15622 calendar days' written notice of such complaint to the owner of the place or premises at
- 15623 their last known address. After the hearing, in which the Commission may consider any
- 15624 evidence, including evidence of the general reputation of the place or premises, and at
- 15625 which the owner of the premises or place shall have an opportunity to present evidence in

his or her defense, the Commission may declare the place or premises to be a public nuisance as described in subsection (1).

3. If the City Commission declares the place or premises to be a public nuisance, it may enter an order requiring the owner of such place or premises to adopt such procedures as may be appropriate under the circumstances to abate any such nuisance, or it may enter an order immediately prohibiting:
 - a. The maintaining of the nuisance;
 - b. The operating or maintaining of the place or premises, including the closure of the place or premises; or any part thereof; or
 - c. The conduct, operation or maintenance of any business or activity on the premises which is conducive to such nuisance.
4. An order entered under subsection (3) shall expire after one (1) year or at such earlier time as is stated in the order.
5. An order entered under subsection (3) may be enforced pursuant to the procedure contained in F.S. § 120.69. However, no other section of F.S. chapter 120 shall be applicable.
6. The City may bring a complaint under F.S. § 60.05 seeking temporary and permanent injunctive relief against any nuisance described in subsection (1).
7. As used in this subsection (XVIII), the term "controlled substance" includes any substance sold in lieu of a controlled substance in violation of F.S. § 817.563, or any imitation controlled substance defined in F.S. § 817.564.
8. The City Commission, upon a hearing and appropriate finding, may provide:
 - a. For imposition of a fine on the establishment or place declared a nuisance, not to exceed \$250.00 per day;
 - b. Reasonable costs, including reasonable attorney's fees associated with investigations and hearings for public nuisances;
 - c. Continuing jurisdiction for a period of one (1) year over any place or premises that has been declared to be a public nuisance;
 - d. Fines for recurring violations may be made up to and including \$500.00 per day.
9. Orders of the Commission pursuant to this section shall be reduced to writing. The City Clerk, upon the order of the City Commission, shall record a certified copy of the order of the City Commission with the public records of Broward County. Recorded orders on public nuisances shall become liens against the real property that is subject to the order. Upon order of the City Commission, the lien may be foreclosed subject to a lien with

15674 recoverable costs including reasonable attorneys' fees associated with the recording of
15675 orders and foreclosure.

15676 40.612 Arcade Amusement Centers and Devices

15677
15678
15679 (A) Definitions. The following definitions shall apply to this article.

15680
15681 1. Amusement games or machines: A game or machine operated only for the bona fide
15682 entertainment of the general public which a person activates by inserting or using currency
15683 or a coin, card, coupon, slug, token, or similar device, and, by the application of skill, with
15684 no material element of chance inherent in the game or machine, the person playing or
15685 operating the game or machine controls the outcome of the game. The term does not
15686 include:

15687
15688 a. Any game or machine that uses mechanical slot reels, video depictions of slot machine
15689 reels or symbols, or video simulations or video representations of any other casino
15690 game, including, but not limited to, any banked or banking card game, poker, bingo,
15691 pull-tab, lotto, roulette, or craps.

15692
15693 b. A game in which the player does not control the outcome of the game through skill or
15694 a game where the outcome is determined by factors not visible, known, or predictable
15695 to the player.

15696
15697 c. A video poker game or any other game or machine that may be construed as a
15698 gambling device under the laws of this state.

15699
15700 d. Any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless
15701 excluded under 15 U.S.C. s. 1178.

15702
15703 2. Arcade amusement center: A place of business having at least 50 amusement games or
15704 machines on premises which is operated for the entertainment of the general public and
15705 tourists as a bona fide amusement facility.

15706
15707 3. Game room: An establishment, room or place where less than 50 amusement games or
15708 machines are available to the general public and constitute the accessory use of the
15709 establishment as defined by this article.

15710
15711 (B) Gambling devices prohibited.

15712
15713 1. Nothing in this article shall in any way be construed to authorize, license or permit any
15714 gambling devices whatsoever, or any mechanism that is prohibited by Chapter 849 of the
15715 Florida Statutes, has been judicially determined to be a gambling device, in any way
15716 contrary to law, or that may be contrary to any future laws of the state.

15717
15718 (C) Location of arcade amusement centers.

15720 1. Arcade amusement centers shall be permitted by special exception in the C, G, CC, B-2
15721 and B-3 zoning districts, as provided in the city's Zoning Code pursuant to the procedure
15722 and criteria set forth in section 40.306 of this Code, with the following exceptions:

15723
15724 a. Arcade amusement centers shall not be permitted within 1,000 feet of another similar
15725 establishment, nor in any case within the same plaza, shopping center, mall, or other
15726 facility as another similar establishment.

15727
15728 b. The distance shall be measured by airline route from the main entrance or front door
15729 of one amusement arcade center to the main entrance or front door of the other similar
15730 establishment.

15731
15732 (D) Location of game rooms.

15733
15734 1. Game rooms may be permitted as an accessory use, supplemental to the permitted
15735 primary use of a premises, as outlined in this section, so long as no more than 25 percent
15736 of the gross square footage of the floor area of the premises is utilized for amusement
15737 games or machines. For the purpose of this article, each amusement game or machine is
15738 hereby determined to utilize 25 square feet.

15739
15740 2. Game rooms shall be permitted as accessory uses to the following uses within any CC,
15741 G, C, B-2, or B-3 District:

15742
15743 a. Establishments in which the primary income is derived from serving food;

15744
15745 b. Bowling alleys or indoor recreation centers;

15746
15747 c. Business establishments having a minimum floor area of 2,000 square feet.

15748
15749 (E) Location of amusement games or machines with a permitted use.

15750
15751 1. Five (5) or fewer amusement games or machines shall be permitted within any
15752 establishment in any B-1, B-2, B-3, CC, G, C district, and the business portion of any PUD
15753 Zoning District. Two (2) additional amusement games or machines shall be permitted,
15754 provided that at least two (2) of the amusement games and machines in the establishment
15755 are designed for placement upon a bar, counter, table, etc. Additionally, the use of such
15756 amusement games or machines shall constitute an accessory use as defined in section
15757 40.612(A) of this Code.

15758
15759 (F) Additional development standards.

15760
15761 1. Signage. All signs for amusement arcades shall follow the guidelines set forth in section
15762 40.706. In addition, the use of any imagery referencing gambling such as, but not limited
15763 to, slot machines, poker wheels, etc., shall not be permitted when visible from the exterior
15764 of the tenant space, including, but not limited to, wall signage and window signage.

15765
15766 2. Operations.

15768 a. Hours of operation. The hours of operation of any amusement arcade center which is
15769 duly licensed to sell or serve alcoholic beverages shall be limited to those hours which
15770 it is permitted to sell or serve alcoholic beverages. The hours of operation for
15771 amusement arcade centers which do not sell or serve alcohol shall be as follows:

15772
15773 i. From 8:00 a.m. until 2:00 a.m. of the following day, Monday through Thursday;

15774
15775 ii. From 8:00 a.m. Friday until 4:00 a.m. the following Saturday;

15776
15777 iii. From 8:00 a.m. Saturday until 4:00 a.m. the following Sunday;

15778
15779 iv. From 10:00 a.m. Sunday until 2:00 a.m. the following Monday.

15780
15781 b. Supervision. An employee at least 21 years of age or older shall be on the center
15782 premises of an arcade amusement center at all times and shall supervise the operation
15783 thereof during all hours of operation.

15784
15785 c. Age restrictions. No person under the age of 18 years is permitted on premises of an
15786 arcade amusement center before 4:00 p.m. on any day the public or private schools
15787 are in session, unless such person is accompanied by his or her parent or legal
15788 guardian.

15789
15790 3. Additional special exception criteria.

15791
15792 a. In granting or denying the special exception as identified in this article, the city
15793 commission shall additionally consider the following:

15794
15795 i. That any amusement game or machine proposed to be installed is legally designed
15796 and will be operated according to state law.

15797
15798 ii. That any amusement game or machine be electrically safe and acceptable in the
15799 manner in which it is installed and operated and certified by the administration as
15800 same.

15801
15802 iii. That the proposed use does not materially alter the main use of the applicant's
15803 business.

15804
15805 iv. That the proposed use will not alter the surrounding business area or its
15806 environment.

15807
15808 **40.613 Vehicle Fueling Stations**

15809
15810 (A) Purpose. The following regulations shall apply to facilities which dispense automobile fuel,
15811 contain vehicle charging stations, oil, or lubricants to the general public. These regulations
15812 are supplemental and in addition to other requirements of the applicable zoning district. In the
15813 case of a conflict, the regulations contained herein shall apply.
15814

(B) Distance separation. All minimum separation distances shall be measured in the shortest airline distance between nearest property lines.

1. No vehicle fuel station shall be located within 1,000 feet of any other vehicle fuel station.
2. No vehicle fuel station shall be located within 100 feet of any residential use.

(C) Size of lot.

1. Minimum width: 100 feet.
2. Minimum depth: 125 feet.

(D) Location of fuel dispensers, canopies and other structures.

1. Distance from right-of-way for fuel dispenser: Minimum of 35 feet.
2. Fuel dispenser distance from property line: Minimum of 15 feet.
3. Fuel dispenser distance from property access point: Minimum of 50 feet.
4. Distance from right-of-way for canopies: Minimum of 25 feet.
5. All fuel dispensers shall be covered by a canopy.
6. All fuel dispensers shall have hoses long enough to dispense on either side of a vehicle.

(E) Building site coverage, pavement and green space.

1. Minimum of 25 percent landscaped or pervious area.
2. Along a road right-of-way: A landscaped strip at least 25 feet in depth.
3. All impervious area, not used as building foundation, shall be concrete. Asphalt shall not be permitted.
4. Pavement markings in thermoplastic shall be provided to direct the flow of vehicles throughout the site.

(F) Access.

1. No driveway to a vehicle fuel station may connect to a local road unless the property has both ingress and egress access to an arterial or collector roadway as shown on the Broward County Trafficways Plan.
2. Maximum width of curbcut: 36 feet.
3. Minimum width of aisle: 24 feet.

(G) Lighting. All lights and lighting shall be so designed and arranged as to not cause a direct glare onto an adjacent right-of-way or property.

(H) Storage of flammable liquids.

1. All gasoline, benzene, diesel fuel, naphtha or other volatile flammable liquids stores incidental to the operation of a service station, shall be kept in underground tanks.

2. All vents associated with the storage of flammable liquids shall be screened.

(I) Outdoor display. No outdoor stacking of any product other than propane is permitted.

40.614 Home Occupations

(A) Home occupations.

Home occupations, where permitted, shall be subject to following conditions and use standards:

1. Only a legal resident of the subject dwelling of a home occupation shall be permitted to be an owner or employee of said home occupation. The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two (2) employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.

2. Any home occupation shall be incidental and subordinate to the use of the dwelling for residential purposes and shall not change the character of the dwelling.

3. The home occupation shall not occupy more than 25 percent of the floor area of the dwelling.

4. There shall be no advertising display.

5. There shall be no outdoor storage or display of any materials, products, or equipment associated with the home occupation.

6. The home occupation shall not involve the use of any accessory building or setback space, or activity outside of the main building not normally associated with a residential use.

7. There shall not be conducted on the premises the business of selling stock of merchandise, supplies, or products, however orders previously made by telephone, internet, or at a sales party may be filled on the premises. That is, the direct sale of products off display shelves or racks is not allowed.

8. The home occupation shall not cause any external effect, such as increased noise, excessive lighting, or offensive odor, which is incompatible with the characteristics of a residential zone.

- 15911
- 15912 9. Cottage food operations, as defined in F.S. § 500.03, are permitted as a valid home
- 15913 occupation when operated in accordance with F.S. § 500.80 and the preceding provisions.
- 15914
- 15915 10. As viewed from the street, the use of the residential property shall be consistent with the
- 15916 uses of the residential areas that surround the property. External modifications made to a
- 15917 residential dwelling to accommodate a home-based business must conform to the
- 15918 residential character and architectural aesthetics of the neighborhood.
- 15919

15920 **40.615 Medical Marijuana Treatment Center Dispensing**

15921 (A) Purpose, findings, and prohibition.

- 15922
- 15923
- 15924 1. Purpose. It is the purpose of this ordinance (article) to prohibit Medical Treatment Centers
- 15925 created pursuant to Art. X, § 29 of the Florida Constitution and Chapter 2017-232 Laws of
- 15926 Florida (Codified in F.S. chapter 381) as may be amended from time to time from
- 15927 establishing Medical Marijuana Treatment Center Dispensing Facilities within the
- 15928 municipal limits of the City of Margate.
- 15929
- 15930 2. Findings. Based on authority granted to municipalities in F.S. 381.986(11) as may be
- 15931 amended from time to time, the City Commission finds that a ban on the establishment of
- 15932 Medical Marijuana Treatment Center Dispensaries within the City of Margate is in the best
- 15933 interest of the City.
- 15934
- 15935 3. Prohibition. Medical Marijuana Treatment Center Dispensing Facilities are prohibited
- 15936 within the boundaries of the City of Margate. No variance, special exception or other
- 15937 procedural or regulatory exemption to this City-wide ban may be processed by or granted
- 15938 by the City.
- 15939

15940 **40.616 Pain Management Clinics**

15941 (A) General.

- 15942
- 15943
- 15944 1. Notwithstanding any other provision of the Margate Code of Ordinances that allows
- 15945 medical clinics, doctors' offices, or pharmacies as a permitted use in any other zoning
- 15946 district, pain management clinics, as defined in section 40.201, shall be allowed only as a
- 15947 special exception use in the CF, Community Facilities District, the Corridor District, and
- 15948 the B-3 Liberal Business District. In order to provide adequate protection to the community
- 15949 and establish the legitimacy of the business, the following regulations shall apply to the
- 15950 location, design, operation, and maintenance of pain management clinics, and shall be in
- 15951 addition to all other requirements or limitations of this chapter:
- 15952
- 15953 a. A special exception must be approved by the City Commission prior to the
- 15954 establishment of any pain management clinic.
- 15955
- 15956 b. The application for a special exception for a pain management clinic shall disclose, in
- 15957 detail, the owners and operators of the facility, and shall be updated by the
- 15958 owner/operator annually at the time of renewal of the local business tax receipt for the

15959 business, or at any time that there is a change of owner or the physician of record
 15960 pursuant to F.S. § 458.3265 or F.S. § 459.0137, as may be amended from time to
 15961 time.

15962

15963 c. The applicant shall provide to the City proof of registration with the Florida Department
 15964 of Health, pursuant to F.S. § 458.3265 or F.S. § 459.0137, as may be amended from
 15965 time to time, upon application of a special exception. If the registration of a pain
 15966 management clinic is revoked or suspended by the Florida Department of Health, the
 15967 City's special exception shall be revoked automatically.

15968

15969 d. The application for a special exception shall include an affidavit by the owner or
 15970 physician of record pursuant to F.S. § 458.3265 or F.S. § 459.0137, as may be
 15971 amended from time to time, attesting to the fact that no employee of the business, nor
 15972 any independent contractor or volunteer having regular contact with customers of the
 15973 business, has been convicted of a drug-related felony within the five-year period prior
 15974 to the date of application, and that the business shall not employ or allow any such
 15975 convicted employee, independent contractor, or volunteer on the premises thereafter.

15976

15977 e. The application for a special exception shall include written documentation from a fully
 15978 licensed and accredited Broward or Palm Beach County hospital, hospice and/or
 15979 facility for the treatment of the terminally ill that there is an affiliation with the applicant
 15980 pain management clinic, and that the physician(s) of record pursuant to F.S. §
 15981 458.3265 or F.S. § 459.0137, as may be amended from time to time, has/have treating
 15982 privileges at said hospital, hospice, or treatment facility.

15983

15984 f. A pain management clinic shall be limited to the hours of operation between 7:00 a.m.
 15985 and 9:00 p.m., Monday through Saturday.

15986

15987 g. A pain management clinic shall post the required special exception resolution in a
 15988 conspicuous location at or near the entrance to the facility so that it may be easily read
 15989 at any time.

15990

15991 h. No pain management clinic shall be permitted to be located within 1,200 feet of another
 15992 pain management clinic or a place of assembly, child care center, or educational
 15993 center. The applicant shall furnish a certified survey to the City upon application for a
 15994 special exception for the business. Said survey shall be prepared by a registered land
 15995 surveyor in the State of Florida, indicating the distance in linear feet between the
 15996 proposed pain management clinic and another pain management clinic, and any place
 15997 of assembly, child care facility, and educational center, measured from the nearest
 15998 point of one (1) facility to the nearest point of the other facility in a straight line. Any
 15999 pain management clinic legally in existence prior to the effective date of this section,
 16000 but now in violation of its provisions due this Subsection, shall be considered a legal
 16001 nonconforming use for a period of one (1) year from the effective date of this section.
 16002 After the one-year period of time, such nonconforming use shall be removed or
 16003 discontinued.

16004

16005 i. Pain management clinics are prohibited from having any outdoor seating areas,
 16006 queues, or customer waiting areas. All activities of the pain management clinic,

including sale, display, preparation, and storage, shall be conducted entirely within a completely enclosed building.

j. With the exception of subsection viii above, all pain management clinics legally in existence prior to the effective date of this section shall comply with the requirements herein within 60 days of the effective date of this section.

k. If at any time the City determines that a pain management clinic is operating in any manner that is inconsistent with, or contrary to, the provisions of this article or any other applicable code or statute, the City may revoke the special exception.

40.617 Self-service Storage

(A) Where any structure or site was lawfully developed for the use of self-service storage, said use may continue as originally permitted, subject to the limitations of 40.308 of this Code, and the following:

1. Self-service storage shall not be a part of any structure devoted to any other permitted use; and
2. Individual storage units or private postal boxes in a self-service storage shall not be considered a premises for the purpose of assigning a legal address in order to obtain a local business tax receipt to do business.

40.618 Wireless Communication Facilities

(A) Intent. The goals of this section are to:

1. Minimize the impacts of wireless communication facilities on surrounding land uses by establishing standards for location, structural integrity, and compatibility;
2. Avoid potential injury to persons and properties from tower failure and debris hazards through structural standards and setback requirements;
3. Preserve the scenic and visual character of the geographic area by encouraging the location, design and architectural treatment of wireless communication facilities to avoid the disruption of the natural and built environment, and to ensure harmony and compatibility with surrounding land use patterns;
4. Facilitate the provision of wireless communication services to residents, businesses, and visitors;
5. Provide a uniform and comprehensive framework for evaluating proposals for wireless communication facilities;
6. Encourage builders and tenants of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

7. Encourage the location and collocation of telecommunication equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional antenna support structures;
8. Accommodate the growing need and demand for telecommunication services;
9. Encourage coordination between suppliers and providers of telecommunication services;
10. Establish predictable and balanced codes governing the construction and location of wireless communications facilities, within the confines of permissible local regulations;
11. Establish review procedures to ensure that applications for wireless communications facilities are reviewed and acted upon within a reasonable period of time and in accordance with F.S. § 365.172;
12. Respond to the policies embodied in the Telecommunications Act of 1996, if applicable, in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services;
13. Encourage the use of public lands, buildings, and structures as locations for wireless communications infrastructure demonstrating concealed technologies and revenue generating methodologies;

(B) Definitions. The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Abandoned: Any tower without any mounted transmitting and/or receiving antennas in continued use for a period of 180 days or more.
2. Alternative structure: A structure that is not primarily constructed for the purpose of supporting antennas but on which one (1) or more antennas may be mounted. Alternative structures include, but are not limited to, buildings, water tanks, light stanchions, billboards, Place of Assembly steeples and electric power transmission towers.
3. Amateur radio tower: Any tower used for amateur radio transmissions consistent with the "Complete FCC U.S. Amateur Part 97 Rules and Regulations" for amateur radio facilities.
4. Ancillary structure: For the purposes of this section, any form of development associated with a wireless communications facility, including, but not limited to: foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.
5. Antenna: Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including, but not limited to: telephonic, radio or television communications. Types

of elements include but are not limited to: omnidirectional (whip) antennas, sectionalized (panel) antennas, multi- or single-bay (FM and TV), yagi, or parabolic (dish) antennas.

6. Antenna array: A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.
7. Antenna element: Any antenna or antenna array.
8. ASR: The antenna structure registration number as required by the FAA and FCC.
9. Antenna support facility: A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Antenna support structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than 20 feet. Types of support structures include the following: guy, lattice and monopole structures.
10. Base station: The electronic equipment utilized by the telecommunication provider(s) for the transmission and reception of radio signals.
11. Breakpoint technology: The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five (5) percent more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.
12. Collocation: The practice of installing and operating multiple wireless service providers, and/or radio common carrier licensees on the same antenna support structure or attached wireless communication facility using different and separate antenna, feed lines and radio frequency generating equipment.
13. Combined antenna: An antenna or an antenna array designed and utilized to provide services for more than one (1) wireless provider, or a single wireless provider utilizing more than one (1) frequency band or spectrum, for the same or similar type of services.
14. Concealed: A tower, ancillary structure, or equipment compound that is not readily identifiable as such and is designed to be aesthetically compatible with existing and proposed building (s) and uses on a site. There are two (2) types of concealed facilities: (1) antenna attachments and (2) freestanding.
 - a. Examples of concealed attached facilities include, but are not limited to, the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure.

- b. Freestanding concealed towers usually have a secondary, obvious function which may be, but is not limited to, the following: Place of Assembly steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree.

15. DRC: The City of Margate Development Review Committee.

16. Equipment compound: The fenced area surrounding the ground-based communication facility including the areas inside or under the following: an antenna support structure's framework and ancillary structures such as equipment necessary to operate the antenna on the tower that is above the base flood elevation including: cabinets, shelters, pedestals, and other similar structures.

17. Equipment cabinet: Any structure above the base flood elevation including cabinets, shelters, pedestals, and other similar structures. Equipment cabinets are used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

18. Extraordinary conditions: Subsequent to a hurricane, flood, or other natural hazard or subsequent to a defective finding on a previous inspection.

19. FAA: The Federal Aviation Administration.

20. FCC: The Federal Communications Commission.

21. Feed lines: Cables used as the interconnecting media between the transmission and/or receiving base station and the antenna.

22. Flagpole concealed facility: A concealed facility which has a federal, state or local jurisdiction flag attached to it as part of the concealment efforts.

23. Flush-mounted: Any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

24. Guyed tower: A style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

25. Geographic search ring: An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

26. Handoff candidate: A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless communications facility.

- 16197
- 16198 27. Lattice structure: A tapered style of antenna support structure that consists of vertical and
- 16199 horizontal supports with multiple legs and cross-bracing, and metal crossed diagonal strips
- 16200 or rods to support antennas.
- 16201
- 16202 28. Least visually obtrusive profile: The design of a telecommunication facility intended to
- 16203 present a visual profile that is the minimum profile necessary for the facility to properly
- 16204 function.
- 16205
- 16206 29. Wireless master plan: A plan developed for the City of Margate by the city's
- 16207 telecommunications consultant intended to enforce the planning and zoning issues of the
- 16208 city while complying with all applicable laws, rules, and mandates of all governing bodies.
- 16209
- 16210 30. Microcell facility: A wireless communications facility consisting of an antenna (as defined
- 16211 above) and related equipment which is located either on a tower or affixed to a structure
- 16212 in some fashion for the provision of wireless services.
- 16213
- 16214 31. Microwave dish antenna: A dish-like antenna used to link wireless service sites together
- 16215 by wireless transmission of voice or data.
- 16216
- 16217 32. Mitigation: A modification of an existing antenna support structure to increase the height
- 16218 or to improve its integrity, by replacing or removing one (1) or several antenna support
- 16219 structure(s) located in proximity to a proposed new antenna support structure in order to
- 16220 encourage compliance with this section or improve aesthetics or functionality of the overall
- 16221 wireless network.
- 16222
- 16223 33. Monopole structure: A style of freestanding antenna support structure consisting of a
- 16224 single shaft usually composed of two (2) or more hollow sections that are in turn attached
- 16225 to a foundation. This type of antenna support structure is designed to support itself without
- 16226 the use of guy wires or other stabilization devices. These facilities are mounted to a
- 16227 foundation that rests on or in the ground or on a building's roof.
- 16228
- 16229 34. Monopole tower: A tower consisting of a single pole or spire self-supported by a permanent
- 16230 foundation, constructed without guy wires and ground anchors.
- 16231
- 16232 35. Non-concealed: A wireless communication facility that is readily identifiable as such and
- 16233 can be either freestanding or attached.
- 16234
- 16235 36. Panel antenna: A grouping of antennas designed for signal gain.
- 16236
- 16237 37. Personal wireless service: Commercial mobile services, unlicensed wireless services, and
- 16238 common carrier wireless exchange access services, as defined in the
- 16239 Telecommunications Act of 1996.
- 16240
- 16241 38. Public safety communications equipment: All communications equipment utilized by a
- 16242 public entity for the purpose of ensuring the safety of the citizens of the city and operating
- 16243 within the frequency range of 150 MHz, 450 MHz, 700 MHz and 1,000 MHz and any future
- 16244 spectrum allocations at the direction of the FCC.

- 16245
16246 39. Radio frequency emissions: Any electromagnetic radiation or other communications signal
16247 emitted from an antenna or antenna-related equipment on the ground, antenna support
16248 structure, building, or other vertical projection.
16249
- 16250 40. Replacement: The removal of an existing tower for purposes of erecting a new tower of
16251 nearly equal dimensions usually for the purposes of improving structural integrity.
16252
- 16253 41. Roofline: The overall ridge line of the structure which does not include cupolas, elevator
16254 towers, clock towers or other features that are permitted to exceed the maximum height
16255 of the building.
16256
- 16257 42. Satellite earth station: A single or group of parabolic (or dish) antennas mounted to a
16258 support device that may be a pole or truss assembly attached to a foundation in the
16259 ground, or in some other configuration. A satellite earth station may include the associated
16260 separate equipment cabinets necessary for the transmission or reception of wireless
16261 communications signals with satellites.
16262
- 16263 43. Self-support lattice tower: A tapered structure broad at the base and more narrow at the
16264 top consisting of cross-members and diagonal bracing and without guyed support.
16265
- 16266 44. Structure: Anything constructed or erected, the use of which required permanent location
16267 on the ground, or attachment to something having a permanent location on the ground,
16268 including advertising signs.
16269
- 16270 45. Tower: Any staffed or unstaffed location for the transmission and/or reception of radio
16271 frequency signals, or other wireless communications, and usually consisting of a tower or
16272 towers, an antenna or group of antennas, transmission cables, and equipment cabinets,
16273 and may include an antenna support structure.
16274
- 16275 46. Tower base: The foundation, usually concrete, on which the tower and other support
16276 equipment are situated. For measurement calculations, the tower base is that point on the
16277 foundation reached by dropping a perpendicular line from the geometric center of the
16278 tower.
16279
- 16280 47. Tower height: The vertical distance measured from the grade line to the highest point of
16281 the tower, including any antenna, lighting, lightning protection or other equipment affixed
16282 thereto.
16283
- 16284 48. Tower site: The land area that contains, or will contain, a proposed tower, support
16285 structures and other related buildings and improvements.
16286
- 16287 49. Waiver: A modification of the terms of this section where, owing to conditions peculiar to
16288 the property, a literal enforcement of this section would result in an unnecessary hardship.
16289 A waiver shall be reviewed and issued by the city commission.
16290
- 16291 50. Wireless broadband facility: A subtype of wireless communications facility that is an
16292 unstaffed location for the wireless transmission and/or reception of broadband data

16293 services exclusively, usually consisting of a tower, an antenna or group of antennas,
16294 transmission cables, and equipment cabinets, and may include an antenna support
16295 structure.

16296
16297 51. Wireless communications facility: A staffed or unstaffed location for the wireless
16298 transmission and/or reception of voice/data services, including new, mitigated, or existing
16299 towers, antenna support structures, public antenna support structures, replacement
16300 antenna support structures, collocation on existing antenna support structures, attached
16301 wireless communications facilities, concealed wireless communication facilities, and non-
16302 concealed wireless communication facilities. Antenna support structures do not include
16303 any device used to attach antennas to an existing building, unless the device extends
16304 above the highest point of the building by more than 20 feet. Types of support structures
16305 include, but are not limited to, guyed, lattice, monopole, and other similar type towers,
16306 utility distribution poles, and water tanks.

16307
16308 52. Whip antenna: A cylindrical antenna that transmits and/or receives signals in 360 degrees.

16309

16310 (C) Tower siting in certain zoning districts. Freestanding towers shall be located in the following
16311 order of hierarchy:

16312

16313 1. City-owned property.

16314

16315 2. Utilities U-1 district.

16316

16317 3. Light industrial M-1 district.

16318

16319 4. Industrial park M-1A district.

16320

16321 5. Liberal business B-3 district.

16322

16323 6. Community business B-2 district.

16324

16325 7. Corridor district.

16326

16327 8. Gateway district.

16328

16329 9. Recreational S-1 district.

16330

16331 10. Open space S-2 district.

16332

16333 11. Community facility CF district.

16334

16335 12. City Center district.

16336

16337 13. Conservation CON district.

16338

16339 City-owned property shall take preference over privately owned property. If the proposed site
16340 is other than city-owned property, the applicant shall provide an affidavit stating that there is
16341 a demonstrated need for the placement of the facility at that location and that there is not a
16342 technically suitable location available to accommodate the need on city-owned property.

16343

16344 (D) City-owned property. Freestanding towers shall be deemed a permitted use on any city-owned
16345 property in accordance with an executed lease agreement acceptable to the city. The city
16346 shall have no obligation whatsoever to execute such lease even if the applicant can meet the
16347 criteria set forth herein.

16348

16349 i. The city may, as appropriate, to protect its property and the public interest establish
16350 additional requirements beyond the minimum requirements of a permit for city-owned
16351 property. Setback and distance requirements in Article 5 of this Code may be modified
16352 to the extent necessary to provide for the public interest as determined by the city
16353 commission. This provision further does not preclude the city from issuing a letter of
16354 interest for the purposes of leasing sites on designated city property for the
16355 construction and installation of wireless communications facilities. For designated city-

16356 owned property, the city will encourage the installation of wireless communications
16357 facilities which have a minimal impact on the surrounding areas and are consistent
16358 with the development of the affected area.
16359

16360 (E) Freestanding towers as permitted use. Freestanding towers shall be deemed a permitted use
16361 in light industrial M-1 and industrial park M-1A districts subject to DRC approval meeting the
16362 requirements of the minimum standards for development of towers as specified in this
16363 ordinance.
16364

16365 (F) Freestanding towers—Conditional. Freestanding towers shall be deemed conditional within
16366 the following zoning districts:
16367

16368 i. Recreational S-1 district;
16369

16370 ii. Open space S-2 district;
16371

16372 iii. Liberal business B-3 district;
16373

16374 iv. Community business B-2 district;
16375

16376 v. Community facility CF district;
16377

16378 vi. Corridor district;
16379

16380 vii. Gateway district;
16381

16382 viii. City Center district.
16383

16384 Each conditional use pursuant to paragraph (F) above shall be reviewed by the DRC and
16385 approval of the city commission obtained to determine if said conditional use is appropriate
16386 in the area where same is to be placed, based upon the criteria set forth herein including,
16387 but not limited to, the aesthetics of the proposed facility in conjunction with its surrounding
16388 physical environment. The city commission shall make specific written findings of fact
16389 regarding the approval or denial of the conditional use.
16390

16391 (G) Towers as part of existing utility poles shall be permitted as a conditional use pursuant to
16392 paragraph (c) in the Florida Power and Light easement, used for major electric transmission
16393 that traverses the city in a north-south corridor approximately 285 feet wide. Said area is
16394 parallel to and east of Rock Island Road. No freestanding towers constructed exclusively as
16395 a wireless communications facility shall be permitted other than as provided in paragraphs
16396 (C), (D), and (E). No additional rights other than provided herein shall be deemed created by
16397 this designation.
16398

16399 (H) Prohibitions. The location of a new tower on a property other than those specified on (C), (D),
16400 (E) or (F) shall be prohibited, except as may be granted a waiver by the city commission due
16401 to unnecessary hardship or extenuating circumstances, and after consideration of the
16402 aesthetics of the proposed facility in connection with its surrounding physical environment; in
16403 particular, the applicant must demonstrate:

- i. That special conditions and circumstances exist which, if there is a literal and strict enforcement of the provisions of this section 40.618, would constitute a hardship or practical difficulty in the use of the property involved; and
- ii. Granting of the waiver will not be contrary to the public interest or the general purpose sought to be accomplished by this section 40.618. The city commission shall make specific written findings of fact regarding the circumstances and conditions constituting said hardship or circumstances prior to granting or denying such waiver.
- (I) Time limit on project completion. Once a wireless communications facility is approved by the city a building permit shall be obtained within six (6) months.
- (J) Minimum standards for development of new towers. All new towers must meet the following minimum standards:
1. Tower types. To minimize adverse visual impacts, tower types shall be selected based upon the following hierarchy:
 - a. Concealed monopole;
 - b. Monopole;
 - c. Self-support/lattice tower;
 - d. Guyed tower.

The applicant shall be required to demonstrate, in a technical manner acceptable to the city commission, why each choice in the hierarchy cannot be used for the particular application in order to justify the selection of a tower type lower in the hierarchy.
 2. Site development plan. Prior to the issuance of a building, electrical, engineering or a construction permit, a site development plan shall be presented to the DRC. Each application for a proposed tower shall include all requirements for site development plan approval as required in other sections of the City Code. To help ensure compatibility with surrounding land uses, each application for a proposed new tower shall include the following information:
 - a. A report and supporting technical data demonstrating that all antenna attachments and collocations including all potentially useable utility distribution towers and other elevated structures within the proposed service area, and alternative antenna configurations have been examined, and found unacceptable. The report shall include reasons existing facilities such as utility distribution and other elevated structures are not acceptable alternatives to a new freestanding tower. The report regarding the adequacy of alternative existing facilities or the mitigation of existing facilities to meet the applicant's need or the needs of service providers indicating that no existing

wireless communications facility could accommodate the applicant's proposed facility shall consist of any of the following:

- i. No existing wireless communications facility located within the geographic area meets the applicant's engineering requirements, and why.
 - ii. Existing wireless communications facilities are not of sufficient height to meet the applicant's engineering requirements and cannot be increased in height.
 - iii. Existing wireless communications facilities do not have sufficient structural integrity to support the applicant's proposed telecommunications facilities and related equipment, and the existing facility cannot be sufficiently improved.
 - iv. Other limiting factors that render existing wireless communications facilities unsuitable.
- b. Technical data included in the report shall include certification by a radio frequency engineer qualified to practice before the Federal Communications Commission or other qualified professional, which qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed tower and accompanying maps and calculations demonstrating the need for the proposed tower.
- c. A map showing the designated search ring along with the exact location of the proposed wireless communications facility on a City of Margate zoning map.
- d. A radio frequency propagation lot indicating the coverage of existing wireless communications sites, coverage prediction, and design radius, together with a certification from the applicant's radio frequency (RF) engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as a concealed facility, attached facility, replacement facility, collocation, or new antenna support structure. NOTE: These documents are needed to justify a facility and to determine if the proposed location is the only or best one (1) in the designated geographic area of the proposed facility.
- e. An affidavit by a radio frequency engineer demonstrating compliance with section 40.618(C) (siting alternatives hierarchy). If a lower ranking alternative is proposed the affidavit must address why higher ranked options are not technically feasible, practical or justified given the location of the proposed wireless communications facility.
- f. One (1) original and two (2) paper copies plus one (1) digital copy in pdf format of a survey of the property completed by a registered professional surveyor, licensed in the State of Florida showing all existing uses, structures, and improvements.
- g. Three (3) sets (24 inch x 36 inch) of site plans, one (1) of which must be signed and sealed by a Florida registered Professional Engineer, plus one (1) digital copy in pdf format including antenna support structure elevations, landscape plans, maximum height of the proposed tower and antenna, including individual measurement of the tower base, the antenna support structure and lightning rod, structural designs that

16499 take into account the latest edition of the FBC, and preliminary grading plans, which
16500 may be included on site plans or separately submitted in equal quantities. The site
16501 plan shall identify adjacent landowners, land uses, height of principal building, size of
16502 lots, and existing zoning and land use designation.

16503
16504 h. The site plan shall include deed book, and page and map book and page reference;
16505 name of project; scale, north arrow, vicinity map, zoning, watershed classification—
16506 percent coverage of lot to be impervious surface (if located in a designated watershed
16507 area; also delineate the location and classification of all major public or private streets
16508 and rights-of-way, driveways, public parking areas, pedestrian ways, trails and
16509 bikeways within 500 feet of property boundary, including zoning district boundaries,
16510 on a 24 inch x 36 inch sheet.

16511
16512 i. Proof that a property and/or antenna support structure owner's agent has appropriate
16513 authorization to act upon the owner's behalf (if applicable). A signed statement from a
16514 qualified person, together with their qualifications, shall be included that warrants radio
16515 frequency emissions from the antenna array(s) comply with FCC standards regarding
16516 interference to other radio services. The statement shall also certify that both
16517 individually and cumulatively, and with any other facilities located on or immediately
16518 adjacent to the proposed facility, the proposed wireless communications facility
16519 complies with FCC standards.

16520
16521 j. A stamped or sealed structural analysis of the proposed antenna support structure
16522 prepared by a registered professional engineer licensed by the State of Florida
16523 indicating the proposed and future loading capacity of the antenna support structure
16524 is compliant with EIA/TIA 222G (as amended).

16525
16526 k. The applicant shall provide a statement as to the potential visual and aesthetic impacts
16527 of the proposed tower and equipment on all adjacent residential zoning districts.

16528
16529 l. All other documentation, evidence, or materials necessary to demonstrate compliance
16530 with the applicable approval criteria set forth in this ordinance.

16531
16532 m. A written statement by a registered professional engineer licensed by the State of
16533 Florida specifying the design structural failure modes of the proposed facility.

16534
16535 n. The applicant shall demonstrate that the following notice was mailed (via certified mail)
16536 to all other wireless service providers licensed to provide service within the city as
16537 indicated on the list of wireless service providers provided by the city:

16538
16539 "Pursuant to the requirements of section 40.618 of the Margate Unified
16540 Development Code, we are hereby providing you with notice of our intent to meet
16541 with the City Staff in a pre-application conference to discuss the location of a
16542 freestanding wireless communications facility that would be located at _____
16543 (physical address, latitude and longitude (NAD-83)). In general, we plan to
16544 construct a support structure of _____ feet in height for the purpose of providing
16545 _____ (type of wireless service). Please inform City staff if you have any desire
16546 for placing additional wireless facilities or equipment within 2 miles of our proposed

16547 facility. Please provide us with this information within 20 business days after the
16548 date of this letter. Your cooperation is sincerely appreciated. Sincerely, (pre-
16549 application applicant, wireless provider)"
16550

16551 o. Title report or American Land Title Association (A.L.T.A.) survey showing all
16552 easements on the subject property, together with a full legal description of the property.
16553

16554 p. Prior to issuance of a building permit, proof of FAA compliance with subpart C of the
16555 Federal Aviation Regulations, part 77, and "Objects Affecting Navigable Airspace," if
16556 applicable.
16557

16558 q. A line of sight analysis which shall include the following information:
16559

16560 i. An identification of significant existing natural and manmade features adjacent to
16561 the proposed tower location, to indicate those features that will provide buffering
16562 for adjacent properties and public rights-of-way;
16563

16564 ii. An identification of specific points, measured 2,000 feet north of the proposed
16565 tower, 1,000 feet south of the proposed tower, and 500 feet east and west of the
16566 proposed tower from which the line of sight analysis is presented or the closest
16567 accessible public property from each of the above delineated points;
16568

16569 iii. A graphic illustration of the visual impact of the proposed tower, at a scale that
16570 does not exceed five (5) degrees of horizontal distance, presented from specific
16571 points identified within the line of sight analysis;
16572

16573 (K) Collocation. No new tower shall be built, constructed or erected in the city unless such tower
16574 is capable of accommodating, at a future date, additional wireless communications facilities
16575 owned by other persons and the tower owners agree to comply with subsection 40.618(J)
16576 existing towers. All new towers shall be designed and built to accommodate multiple users; at
16577 a minimum, monopole towers shall be able to accommodate two (2) users and at a minimum,
16578 self-support/lattice or guyed towers shall be able to accommodate three (3) users. As wireless
16579 technology advances, applicants may be required to construct facilities utilizing advancing
16580 technologies including, but not limited to, combined antennas when determined necessary for
16581 health, safety, welfare aesthetics, and compatible with providers technical, capacity and
16582 coverage requirements. The applicant shall state in any application for permit that it will, as a
16583 condition of issuance of the permit, accommodate antenna facilities of other providers, on a
16584 nondiscriminatory basis on terms which are reasonable in the industry unless the applicant
16585 can affirmatively demonstrate, based on verifiable objective data, why it cannot do so. Refusal
16586 to continually comply with this obligation shall be a violation of this section and shall be
16587 grounds for revoking applicant's permit.
16588

16589 1. Written statement required. In order to facilitate the regulation, placement, and
16590 construction of an antenna, and to ensure that all parties are complying to the fullest extent
16591 possible with the rules, regulations, and/or guidelines of the FCC, each owner of an
16592 antenna, antenna array or applicant for a new wireless communications facility or a
16593 collocation in additional to the requirements of subsection 40.618(J) shall agree in a
16594 written statement to the following:

- 16595
- 16596 a. Compliance with "good engineering practices" as defined by the FCC in its rules and
- 16597 regulations.
- 16598
- 16599 b. Compliance with FCC regulations regarding susceptibility to radio frequency
- 16600 interference, frequency coordination requirements, general technical standards for
- 16601 power, antenna, bandwidth limitations, frequency stability, transmitter measurements,
- 16602 operating requirements, and any and all other federal statutory and regulatory
- 16603 requirements relating to radio frequency interference (RFI).
- 16604
- 16605 c. In the case of an application for collocated wireless communications facilities, the
- 16606 applicant, together with the owner of the subject site, shall use their best efforts to
- 16607 provide a composite analysis of all users of the site to determine that the applicant's
- 16608 proposed facilities will not cause radio frequency interference with the city's public
- 16609 safety communications equipment and will implement appropriate technical measures,
- 16610 as described in antenna element replacements, to attempt to prevent such
- 16611 interference.
- 16612
- 16613 d. Whenever the city has encountered radio frequency interference with its public safety
- 16614 communications equipment, and it believes that such interference has been or is being
- 16615 caused by one (1) or more antenna arrays, the following steps shall be taken:
- 16616
- 16617 i. The city shall provide notification to all wireless service providers operating in the
- 16618 city of possible interference with the public safety communications equipment, and
- 16619 upon such notifications, the owners shall use their best efforts to cooperate and
- 16620 coordinate with the city and among themselves to investigate and mitigate the
- 16621 interference, if any, utilizing the procedures set forth in the joint wireless industry-
- 16622 public safety "Best Practices Guide," released by the FCC in February 2001,
- 16623 including the "Good Engineering Practices," as may be amended or revised by the
- 16624 FCC from time to time.
- 16625
- 16626 ii. If any equipment owner fails to cooperate with the city in complying with the
- 16627 owner's obligations under this section or if the FCC makes a determination of radio
- 16628 frequency interference with the city public safety communications equipment, the
- 16629 owner who failed to cooperate and/or the owner of the equipment which caused
- 16630 the interference shall be responsible, upon FCC determination of radio frequency
- 16631 interference, for reimbursing the city for all costs associated with ascertaining and
- 16632 resolving the interference, including, but not limited to, any engineering studies
- 16633 obtained by the city to determine the source of the interference. For the purposes
- 16634 of this subsection, failure to cooperate shall include failure to initiate any response
- 16635 or action as described in the "Best Practices Guide" within 24 hours of the city's
- 16636 notification.
- 16637
- 16638 (L) Access. A parcel of land upon which a tower is located must provide access during normal
- 16639 business hours to at least one (1) paved vehicular parking space on site.
- 16640
- 16641 (M) Compliance with radio frequency emission standards. Each application for a wireless
- 16642 communications facility may be required to include a statement that there is no objection from

other federal or state agencies that may regulate wireless communications facility siting, design and construction. All proposed wireless communication facilities shall comply with current radio frequency emissions standards of the FCC, or other legally regulating body.

(N) Waiver of requirements. Requirements in this section may be waived where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the city and in the best interest of wireless communication service to the community.

(O) Notice of public notification. Notice of an application for a conditional use permit shall be sent via certified mail to all property owners within a 100 foot radius of the affected property. The applicant shall pay all of the costs associated with the certified mailing.

(P) Height/setbacks and related location requirements.

1. The height of a tower shall not exceed 150 feet not including nonstructural lightning rods and required safety lightning. Tower height shall be measured from the crown of the road of the nearest public street.
2. Towers shall at a minimum conform with the setback established for the underlying zoning district; the minimum setback from water, sewer, fiber, and storm-water facilities shall be 10 feet.
3. Monopole, lattice or guyed towers shall not be permitted within 200 feet of any residential district or use.
4. Monopole, lattice or guyed towers shall not be located within 750 feet of any existing monopole, lattice or guyed tower.
5. All buildings and other structures to be located on the same property as a tower shall conform with the setbacks established for the underlying zoning district.
6. The minimum tower separation distance shall be calculated and applied irrespective of city jurisdictional boundaries.
7. The provisions of this section may be waived where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the city or compliance with other regulations, and in the best interest of wireless communication service to the community provided that the proposed tower utilizes "breakpoint" technology at a height on the tower which is acceptable to the city.

(Q) Buffering.

1. An eight-foot-high fence or wall, as measured from the finished grade of the site, shall be required around the base of any tower and may be required around any accessory buildings or structures. In no case will barbed wire or razor wire fencing be permitted. Access to the tower shall be through a locked gate.

2. Landscaping, consistent with the requirements of the landscape code, shall be installed around the entire perimeter of any fence or wall. Additional landscaping may be required around the perimeter of a fence or wall and around any or all anchors or supports if deemed necessary to buffer adjacent properties. The city may require landscaping in excess of the requirements of the City Code in order to enhance compatibility with adjacent properties.

3. Landscaping consistent with perimeter and on-site requirements of the City Code shall be installed around any accessory buildings or structures.

(R) High voltage, "no trespassing" and other warning signs.

1. If high voltage is necessary for the operation of the wireless communications facility or any accessory structures, "HIGH VOLTAGE—DANGER" warning signs shall be permanently attached to the fence or wall and shall be placed no more than 40 feet apart.

2. "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than 40 feet apart.

3. The letters for the "HIGH VOLTAGE—DANGER" and "NO TRESPASSING" warning signs shall be at least six (6) inches in height. The two (2) warning signs may be combined into one (1) sign. The warning signs shall be installed at least five (5) feet above the finished grade of the fence.

4. The warning signs may be attached to freestanding poles if the content of the signs may be obstructed by landscaping.

5. Signs noting ASR number (if required) shall be attached to the tower structure in compliance with federal regulation.

(S) Equipment storage. Mobile or immobile equipment not used in direct support of a wireless communications facility shall not be stored or parked on the site of the wireless communications facility, unless repairs to the facility are being made. Portable emergency generators may be temporarily located at a wireless communications facility in the event of a power outage but must be removed upon resumption of power. Portable "crank-up" or otherwise mobile wireless communications facilities may not be located at a wireless communications facility.

(T) Removal of abandoned or unused facilities. All abandoned or unused wireless communications facilities shall be removed by the tower owner/operator within 90 days of the cessation of use. A tower shall be considered abandoned if use has been discontinued for 180 consecutive days. Towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision where superseded by the requirements of other county, state or federal regulatory agencies.

(U) Signs and advertising. The use of any portion of a tower for signs or advertising purposes, including company name, banners, streamers, etc., shall be strictly prohibited.

(V) Ancillary structures. All ancillary structures shall meet all building design standards as listed in this Code and in accordance with the provisions of the South Florida Building Code, latest Broward County Edition. All accessory buildings or structures shall require a building permit.

1. Accessory structures shall be designed to resemble the basic design of the principal use or be designed to resemble the neighborhood's basic building design. In no case will metal exteriors be allowed for ancillary buildings.

(W) Aesthetic design. Except where superseded by the requirements of other county, state, or federal regulatory agencies possessing jurisdiction over wireless communications facilities, towers shall be painted or constructed in neutral colors, and may include other decorative features designed to blend into the surrounding environment.

(X) Inspection report required.

1. Wireless communication facility owners shall submit a report to the Department of Development Services certifying structural and electrical integrity once every two (2) years.
2. Inspections shall be conducted by an engineer licensed to practice in the State of Florida. Based upon the results of an inspection, the Director of the Department of Development Services may require repair or removal of a wireless communication facility.
3. The city may conduct periodic inspections with the cost of such inspection paid by the owner of the wireless communications facility to ensure structural and electrical integrity. The owner of the wireless communication facility may be required by the city to have more frequent inspections if there is evidence that the wireless communications facility has a safety problem or is exposed to extraordinary conditions.

(Y) Existing towers.

1. All wireless communications facilities that existed on July 2, 1997, (the effective date of this section) which did not meet the requirements of this section shall be considered legally nonconforming under this section and allowed to continue their legal usage as they existed at that time, with the exception of federal regulations relating to the health and safety of exposure levels as defined by the Occupational Safety and Health Act as amended and radio frequency (RF) exposure levels as defined by FCC regulations. Any modification of a legal nonconforming wireless communications facility (except as set forth in subsection (b) below) must be made by submittal of information required by subsection 40.618(J) and review and approval of the DRC. Further review and approval of the city commission is not required. New construction other than routine maintenance on an existing wireless communications facility shall comply with the requirements of this section.
2. Notwithstanding the provisions of subsection (1) above, new or replacement antennas that do not cause an increase in the height or width of a tower or increase the size of the equipment compound may be placed on existing wireless communications facilities with sufficient loading capacity without review and approval of the DRC, but after review and

approval by the director of development services, upon submittal of the following information:

- a. A description of the proposed modifications to the antenna, including modifications to antenna element design, type and number, as well as changes in the number and/or size of any feed lines, from the base of the equipment cabinet to such antenna elements.
 - b. A signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards relating to interference to other radio services. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement or additional antenna(s) complies with FCC standards relating to human exposure to RF energy.
 - c. A stamped or sealed structural analysis of the existing structure prepared by a registered professional engineer licensed by the State of Florida indicating that the existing antenna support structure as well as all existing and proposed appurtenances meets Florida Building Code (FBC) requirements (including wind loading) for the antenna support structure.
 - d. Any replacement or addition that otherwise would be processed under this subsection (2) but which increases the height or width of the subject tower or increases the size of the applicable equipment compound shall require review in accordance with subsection 40.618(J) above.
3. Any owner upon whose parcel of land a tower is located, which contains additional capacity for installation or collocation of wireless communications facilities, shall allow other persons to install or collocate wireless communications facilities (including, but not limited to, wireless broadband facilities) on such a tower subject to reasonable terms and conditions negotiated between the parties.
 4. An existing tower may be modified to accommodate collocation of additional wireless communications facilities as follows:
 - a. Application for a development permit shall be made to the DRC which shall have the authority to issue a development permit without further approval by the city commission.
 - b. The total height of the modified tower and wireless communications facilities attached thereto shall not exceed the premodification height approved for that location.
 - c. A tower that is being rebuilt to accommodate the collocation of additional wireless communications facilities may be moved on site subject to the setback requirements of the zoning district where the tower is located.
 - d. The tower that is relocated on site shall continue to be measured from the original tower location for the purpose of calculating the separation distances between towers as provided herein.

e. Additional antennas, communication dishes and similar receiving or transmission devices to an existing facility proposed for attachment to an existing tower, shall require review and approval by the director of development services as set forth in subsection (Y) above. The application for approval to install additional antennas shall include all of the requirements specified in subsection (2) above. A visual impact analysis shall be included as part of the application for approval to install one (1) or more additional devices to an existing tower. Applicants must still meet all requirements of subsection (2) above, prior to construction.

(Z) Permit fees, application and inspection fees required.

1. Permit required. No construction shall be started until a permit to construct has been granted by the city building department. At the time of filing the construction drawings and documents referred to herein, the developer or owner or applicant shall provide a detailed cost analysis of the cost of construction of the wireless communications facilities covered by this section. The applicant, developer, or owner shall pay the City of Margate permit fees.

2. Application fee required.

a. A filing fee in the amount as specified in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate, shall be submitted to the DRC for any application made pursuant to this section 40.618. In addition, a biennial inspection fee as specified in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate, is due the city at the time of inspection.

(AA) Maintenance.

1. Providers shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

2. Providers shall install and maintain towers, wireless communications facilities, wires, cables, fixtures and other equipment in compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations, and in such manner that will not interfere with the use of other property.

3. All towers, wireless communications facilities and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person. Owners with flagpole concealed facilities shall, as part of maintenance required herein, repair or replace flags which comprise part of the concealment technology not less than every six (6) months and more often when such flags show visible signs of damage or wear. Failure to undertake such maintenance as required herein and by applicable federal law shall result in citation(s) of noncompliance.

- 16882 4. All maintenance or construction on a tower, wireless communications facilities or antenna
16883 support structure shall be performed as provided by law.
16884
16885 5. All towers shall maintain compliance with current radio frequency emissions standards of
16886 the FCC.
16887
16888 6. In the event any portion of the use of the tower is discontinued by any provider, that
16889 provider shall provide written notice to the city of its intent to discontinue use and the date
16890 when the use shall be discontinued.
16891

16892 (BB) Antennas not located on towers.
16893

- 16894 1. Conditional uses. Concealed and non-concealed rooftop or building-mounted antennas
16895 not exceeding 20 feet above roofline and not exceeding ten (10) feet above maximum
16896 height of applicable zoning district shall be permitted as a conditional use only as an
16897 accessory use in the following districts:
16898

- 16899 a. City-owned property.
16900
16901 b. Light industrial M-1 district.
16902
16903 c. Industrial park M-1A district.
16904
16905 d. Liberal business B-3 district.
16906
16907 e. Community business district B-2 district.
16908
16909 f. Corridor district.
16910
16911 g. Gateway district.
16912
16913 h. Recreational S-1 district.
16914
16915 i. Open space S-2 district.
16916
16917 j. Community facility CF district.
16918
16919 k. City center district.
16920

16921 The city commission shall make specific written findings of fact regarding the approval or
16922 denial of the conditional use.
16923

- 16924 2. City-owned property preferred location. City-owned property shall take preference over
16925 privately owned property. If the proposed site is other than city-owned property, the
16926 applicant shall provide an affidavit stating that there is a demonstrated need for the
16927 placement of the facility at that location and that there is not a technically suitable location
16928 available to accommodate the need.
16929

a. Concealed and non-concealed rooftop or building-mounted antennas shall be deemed a permitted use on any city-owned alternative structures in accordance with an executed lease agreement acceptable to the city. The city shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein. The city may, as appropriate, to protect its property and the public interest, establish additional requirements beyond the minimum requirements of a permit for city-owned alternative structures property. Setback and distance requirements in this Code may be, modified to the extent necessary to provide for the public interest as determined by the city commission. This provision further does not preclude the city from issuing a letter of interest for the purposes of leasing sites on designated city property for the construction and installation of telecommunications facilities. For designated city-owned alternative structures, the city will encourage the installation of wireless communications facilities which have a minimal impact on the surrounding areas and are consistent with the development of the affected area.

3. Minimum standards. Buildings or rooftop antennas shall be subject to the following standards:

- a. No commercial advertising shall be allowed on an antenna;
- b. No signals, lights, or illumination shall be permitted on an antenna, unless required by the FCC or the FAA;
- c. Any related unmanned equipment building shall not contain more than 750 square feet of gross floor area or be more than 12 feet in height;
- d. If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than 25 percent of the roof area;
- e. Each application shall contain a rendering or photograph of the antenna including, but not limited to, colors and screening devices. This shall be subject to administrative approval for consistency with the definition of concealed facility;
- f. Antennas shall only be permitted on buildings which are at least two (2) stories in height;
- g. Antennas may not exceed more than ten (10) feet above the highest point of a roof. Concealed antennas attached to but not above rooftop structures shall be exempt from this provision;
- h. Antennas and related equipment buildings shall be located or screened to minimize the visual impact of the antenna upon adjacent properties and shall be of the material or color which matches the exterior of the building or structure upon which it is situated;
- i. When located on building facade, building-mounted antennas shall be painted and texturized to match the existing building;

j. Requirements in this section may be waived where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the city and in the best interest of telecommunication service to the community. Applications entitled to the streamlined processes described in F.S. § 365.172(12) shall satisfy the requirements of subsection 40.618(X).

4. Antenna types. To minimize adverse visual impacts, antenna types shall be selected based upon the following hierarchy:

a. Panel;

b. Dish;

c. Whip.

d. If a nonconcealed antenna(s) is proposed, the applicant shall be required to demonstrate why each choice in the hierarchy cannot be used for the particular application in order to justify the selection of an antenna type lower in the hierarchy. This does not preclude a combination of the various types of antennas.

5. Antenna dimensions. A statement shall be submitted, prepared by a professional registered engineer licensed to practice in the State of Florida, and competent to evaluate suitability of antennas types, to certify the need for required dimensions.

6. Aircraft hazard. Prior to the issuance of a building permit, the application shall provide evidence that the wireless communications towers or antennas are in compliance with (FAA) regulations. Where an antenna will not exceed the highest point of the existing structure upon which it is mounted, such evidence shall not be required.

(CC) Shared use of towers.

1. Notwithstanding any other provision of this article, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of facilities on existing or new towers shall be encouraged by:

a. Only issuing permits to approved shared facilities at locations where it appears there may be more demand for towers than the property can reasonably accommodate; or

b. Giving preference to approved shared facilities over other facilities in authorizing use at particular locations.

c. Participation in the wireless master plan as set forth in subsection 40.618(T) hereinbelow.

2. No development approval to develop, build, construct, or erect a tower pursuant to this section shall be granted to any person on the basis that it is economically unfeasible for such person to collocate or install its wireless communications facilities on a tower or antenna support structure owned by another person.

- 17025
- 17026 3. Collocation of wireless communications antennas by more than one (1) provider on
- 17027 existing or new towers shall take precedence over the construction of new single-use
- 17028 towers. Accordingly, each application for a tower shall include the following:
- 17029
- 17030 a. A written evaluation of the feasibility of sharing a tower, if appropriate towers are
- 17031 available. The evaluation shall analyze one (1) or more of the following factors:
- 17032
- 17033 i. Structural capacity of the towers;
- 17034
- 17035 ii. Radio frequency interference;
- 17036
- 17037 iii. Geographical search area requirements;
- 17038
- 17039 iv. Mechanical or electrical incompatibility;
- 17040
- 17041 v. Inability or ability to locate equipment on the tower or towers;
- 17042
- 17043 vi. Availability of towers for collocation;
- 17044
- 17045 vii. Any restrictions or limitations of the FCC that would preclude the shared use of the
- 17046 tower;
- 17047
- 17048 viii. Additional information requested by the city.
- 17049
- 17050 b. The city may deny an application if an available collocation is feasible and the
- 17051 application is not for such collocation.
- 17052
- 17053 c. For any tower approved for shared use, the owner of the tower shall provide notice of
- 17054 the location of the tower.
- 17055
- 17056 d. Requirements in this section may be waived where it is determined that based upon
- 17057 site, location, or facility, such waiver is in the best interest of the health, safety, welfare,
- 17058 or aesthetics of the city and in the best interest of wireless communication service to
- 17059 the community.
- 17060
- 17061 4. Applications under this subsection that are entitled to the streamlined processes described
- 17062 in F.S. § 365.172(12) shall meet all of the requirements set forth in subsection 40.618(X).
- 17063
- 17064 (DD) Satellite earth station (SES).
- 17065
- 17066 1. Compliance standards. Satellite earth stations which are larger than one (1) meter (39.37
- 17067 inches), intended to receive signals from orbiting or geo-stationary satellites and other
- 17068 sources, or to link wireless service sites together by wireless transmission of voice or data
- 17069 shall comply with the following provisions.
- 17070
- 17071 a. Single- and two-family residential standards.
- 17072

- 17073 i. Rooftop SESs are prohibited.
- 17074
- 17075 ii. An SES shall be considered an accessory structure; however, an SES shall be
- 17076 permitted within five (5) feet of a side and/or rear property line.
- 17077
- 17078 iii. No SES shall be permitted within any front, corner, or street side setbacks. For lots
- 17079 having more than one (1) street setback, an SES shall be located in a side setback
- 17080 which does not abut a public or private right-of-way.
- 17081
- 17082 iv. No SES shall exceed 15 feet in height. No dish shall exceed ten (10) feet in
- 17083 diameter.
- 17084
- 17085 v. Any SES located in a rear setback is hereby required to provide a visual screen
- 17086 from neighboring properties and any adjacent rights-of-way. Said screen may take
- 17087 the form of a dense hedge that meets the planting requirements of the landscape
- 17088 code or an opaque fence made of wood or vinyl, or a masonry wall.
- 17089
- 17090 vi. There shall be no more than one (1) antenna as described in paragraph (1) on any
- 17091 single- and two-family lot.
- 17092
- 17093 b. Nonresidential and multifamily standards.
- 17094
- 17095 i. All SESs shall be ground-mounted and located in the rear setback so as not to be
- 17096 visible from any public right-of-way.
- 17097
- 17098 ii. An SES may not be located in the rear setback if the rear lot line abuts a public
- 17099 right-of-way, lands zoned residential or S-1.
- 17100
- 17101 iii. All SES equipment permitted by this section is hereby required to provide a visual
- 17102 screen from neighboring properties and any adjacent rights-of-way. Said screen
- 17103 may take the form of a dense hedge that meets the planting requirements of the
- 17104 landscape code or an opaque fence made of wood or vinyl, or a masonry wall.
- 17105 Said screen material shall be planted or installed within ten (10) feet of the SES.
- 17106
- 17107 iv. No SES shall exceed 20 feet in height measured from grade. No dish shall exceed
- 17108 15 feet in diameter.
- 17109
- 17110 v. Nonresidential SES's may be considered for roof installation provided that
- 17111 application is made to the DRC as a conditional use and same shall be granted or
- 17112 denied by the city commission of the City of Margate. Roof-mounted SES's must
- 17113 be screened by parapets that appear to be an integral part of the building so that
- 17114 not more than 25 percent of the antenna height is visible from grade level of
- 17115 adjacent property and adjacent public or private rights-of-way. The city commission
- 17116 shall make specific written findings of fact regarding the approval or denial of the
- 17117 conditional use.
- 17118
- 17119 vi. All SES's shall not be light reflective. Dish antennas shall not have any sign copy
- 17120 on them nor shall they be illuminated.
-

vii. Each person wishing to place SESs in nonresidential and multifamily zoned property shall make application to the DRC as a conditional use and same shall be granted or denied by the city commission of the City of Margate.

viii. There shall be no more than one (1) antenna as described in paragraph (a) on any lot. However, where business is licensed by the city as a dealer of electronic equipment [such business] may have two (2) antennas as described in paragraph (a) for their lot.

(EE) Wireless master plan.

1. The city has developed and adopted a wireless master plan ("plan"). Except as specifically provided herein, the terms of this ordinance, and the requirements established thereby, shall be applicable to all antenna support facilities to be developed or collocated on city-owned sites.

2. If an applicant requests a permit to develop a site on city-owned property, the permit granted hereunder shall not become effective until the applicant and the city have executed a written agreement or lease setting forth the particular terms and provisions under which the permit to occupy and use the public lands of the jurisdiction will be granted.

3. No permit granted under this section shall convey any exclusive right, privilege, permit, or franchise to occupy or use the publicly owned sites of the jurisdiction for delivery of wireless communications services or any other purpose.

4. No permit granted under this section shall convey any right, title or interest in the public lands, but shall be deemed a permit only to use and occupy the public lands for the limited purposes and term stated in the agreement between the lessor and lessee. Further, no permit shall be construed as a conveyance of a title interest in the property.

(FF) Payment to the City of Margate for towers and antennas. All monies received for the leasing of property of the City of Margate for telecommunication towers and antennas shall be deposited in the parks and recreation trust fund as provided for in subsection 29-30.E.(4) of the Margate City Code.

(GG) Wireless broadband facilities.

1. Location hierarchy. Wireless broadband facilities ("WBF") shall be located in the same order of hierarchy provided in subsection 40.618(C). City-owned property shall take preference over privately owned property. If the proposed site is other than city-owned property, the applicant shall provide an affidavit stating that there is a demonstrated need for the placement of the facility at that location and that there is not a technically suitable location available to accommodate the need on city-owned property.

2. City-owned property. Freestanding WBF shall be deemed a permitted use on any city-owned property in accordance with an executed lease agreement acceptable to the city.

The city shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein. The city may, as appropriate, to protect its property and the public interest establish additional requirements beyond the minimum requirements of a permit for city-owned property. Setback and distance requirements in of this Code may be modified to the extent necessary to provide for the public interest as determined by the city commission. This provision further does not preclude the city from issuing a letter of interest for the purposes of leasing sites on designated city property for the construction and installation of WBF. For designated city-owned property, the city will encourage the installation of WBF which have a minimal impact on the surrounding areas and are consistent with the development of the affected area.

3. Permitted use. Wireless broadband facilities shall be deemed a permitted use in light industrial M-1 and industrial park M-1A districts subject to DRC approval meeting the requirements of the minimum standards for development of WBF as specified in this section.

4. Conditional use. Wireless broadband facilities shall be deemed conditional within the following zoning districts:

a. Recreational S-1 district;

b. Open space S-2 district;

c. Liberal business B-3 district;

d. Community business B-2 district;

e. Community facility CF district;

f. Corridor district;

g. Gateway district;

h. City Center district.

5. Each conditional use pursuant to this paragraph shall be reviewed by the DRC and approval of the city commission obtained to determine if said conditional use is appropriate in the area where same is to be placed, based upon the criteria set forth herein. The city commission shall make specific written findings of fact regarding the approval or denial of the conditional use.

6. As part of existing utility poles. WBF as part of existing utility poles shall be permitted as a conditional use pursuant to paragraph (4) in the Florida Power and Light easement used for major electric transmission that traverses the city in a north-south corridor approximately 285 feet wide. Said area is parallel to and east of Rock Island Road. No freestanding towers constructed exclusively as a wireless broadband facility shall be permitted other than as provided in paragraphs (2), (3) , and (4). No additional rights other than provided herein shall be deemed created by this designation. The city commission

shall make specific written findings of fact regarding the approval or denial of the conditional use.

7. Prohibitions. The location of a new WBF on a property other than those specified on (2), (3), (4) or (5) shall be prohibited, except as may be granted a waiver by the city commission due to unnecessary hardship or extenuating circumstances.

8. Application requirements. Each application for a proposed WBF shall include all requirements for site development plan approval as required in other sections of the City Code. To help ensure compatibility with surrounding land uses, each application for a proposed new tower shall also include the information required by subsection 40.618(D) above.

(HH) Exempt facilities. The following items are exempt from the provisions of this ordinance; notwithstanding any other provisions:

1. Amateur radio towers less than 75 feet in height;

2. Any tower less than 35 feet in height; or

3. Wireless communications towers existing or permitted prior to the adoption of this section shall be allowed to continue to operate provided they meet the requirements set forth in Ordinance No. 1500.453 et seq. at the time of final inspection, or shall be required to be brought into current standards upon the final inspection of any modifications, additions or upgrades.

4. Satellite earth stations that are one (1) meter (39.37 inches) or less in diameter in all residential districts and two (2) meters or less in all other zoning districts.

5. A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the city designee; except that such facility must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this division beyond the duration of the state of emergency.

6. A government-owned wireless communications facility erected for the exclusive purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.

7. A temporary, commercial wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the city and approved by the city; except that such facility must comply with all federal and state requirements. The wireless communications facility may be exempt from the provisions of this division up to three (3) months after the duration of the state of emergency.

8. A temporary, commercial wireless communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval

by the city, except that such facility must comply with all federal and state requirements. Said wireless communications facility may be exempt from the provisions of this division up to one (1) week after the duration of the special event.

(II) Streamlined process.

1. Applications entitled to the streamlined processes described in F.S. § 365.172(12), shall meet all the following requirements: When applicable, the applicant shall submit an affidavit stating that the application is entitled to the streamlined processes and identifying the specific statutory basis for such entitlement.
2. A collocation application entitled to streamlined processing shall be reviewed by the city within 45 business days of a completed submission, (or within some other mutually agreed upon timeframe). The city shall notify an applicant within 20 business days of initial submission if there are any deficiencies relating to the application materials, otherwise the initial submission shall be deemed complete.
3. Approval or denial of the application shall be administratively determined by city staff without the necessity of a public hearing, shall be in writing and shall be postmarked to the applicant by the forty-fifth business day from the date of receipt. Denials shall identify the deficiencies in the application which, if cured, would make the application complete.
4. Upon resubmitting of the revised site plan and paperwork the city shall follow the process identified in (1) and (2) above until all deficiencies identified are deemed cured.
5. If the city does not respond in writing to the applicant within the specified timeframe detailed above, then the application shall be deemed approved.

40.619 Place of Assembly

(A) Legislative intent.

1. The Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc to 2000cc-5, is a civil rights law that protects individuals and religious assemblies and institutions from discriminatory and unduly burdensome land use regulations.
2. RLUIPA provides a number of important protections for the religious freedom of persons, places of worship, religious schools, and other religious assemblies and institutions.
3. RLUIPA prohibits the implementation of any land use regulation that imposes a “substantial burden” on the religious exercise of a person or religious assembly or institution except where justified by a “compelling governmental interest” that the government pursues in the least restrictive way possible.
4. The City seeks to assure that it remains in compliance with RLUIPA, with federal policy on this issue, and with the case law interpreting and applying RLUIPA.

(B) Applicability; Development and operational standards.

1. Applicability. If a use is interpreted to be a "place of assembly" use as defined by this Code, the requirements of this article shall prevail over any inconsistent provisions of the zoning or land development codes.
2. Development and Operational Standards. Place of assembly, as defined by this Code, shall be subject to the following regulations:
 - a. C, G, CC, B-1, B-2, B-2A, and B-3 zoning districts.
 - i. Such use shall be intended to serve the surrounding neighborhood.
 - ii. A safe and adequate pedestrian circulation system shall be provided.
 - iii. Games of chance, including but not limited to bingo and other similar uses, shall only be an accessory use.
 - b. CF, R-1, R-1A, R-1B, R-1C, R-1D, RVRP, and PUD zoning districts.
 - i. Such use shall be located on a lot having at least 40,000 square feet and at least 200 feet of street frontage.
 - ii. There shall be no residential uses on the site, except a rectory, parish house or similar individual dwelling.
 - iii. Private academic schools, including childcare facilities may be permitted as an accessory use when located on the same lot as an existing place of assembly.
 - iv. In addition to subsections ((1) to (2)) listed above, places of assembly shall adhere to the following:
 - a. The coverage of all roofed structures shall not exceed 25 percent of the lot area.
 - b. No building or roofed structure shall be located within 40 feet of any other residentially zoned property.
 - c. No parking area shall be located within ten (10) feet of any lot line.

(C) RLUIPA Relief Procedures.

1. This section implements the policy of the city for addressing possible violations of RLUIPA identified during implementation of this Code, and related rules, policies, and procedures.
 - a. Relief Request. A person, including a religious assembly or institution, may request relief under this section in writing by completing a RLUIPA Relief Request form, which

is available from the City's Development Services Department (the "Department"). The form shall contain such questions and requests for information as are necessary for evaluating the relief requested.

b. Hearing Officer Authorized; Public Hearing Required. The hearing officer or designee shall have the authority to consider and act on requests for RLUIPA relief submitted to the Department, after notice is posted as provided in subsection (8). A public hearing shall be held within 21 days of receipt by the city of the request for relief. During the public hearing, the hearing officer or designee shall solicit comment and information from the public to be taken under advisement.

c. Written determination. The hearing officer shall issue a written determination no later than 45 days after the receipt by the city of the request for relief. The determination may:

i. grant the relief requested,

ii. grant a portion of the request and deny a portion of the request, or

iii. deny the request, in accordance with federal law.

The determination may impose conditions upon the grant or partial grant of the request. Any determination denying the requested relief shall be in writing and shall state the reasons the relief was denied. All determinations shall advise the requesting party that the determination may be appealed immediately to a court of competent jurisdiction upon the filing of an appropriate pleading. The written determination shall be sent to the requesting party by certified mail, return receipt requested.

d. Request for additional information. If necessary prior to issuing a written determination, the hearing officer or designee may request additional information from the requesting party, specifying in sufficient detail what information is required. The requesting party shall have 15 days after the date the information is requested to provide the needed information.

In the event a request for additional information is made to the requesting party by the hearing officer or designee, the 30-day period to issue a written determination shall no longer be applicable, and the hearing officer, or designee, shall issue a written determination within 30 days after receipt of the additional information from the requesting party.

If the requesting party fails to respond to the requested additional information within 15 days after the hearing officer's or designee's request for additional information, the hearing officer, or designee, shall issue a written notice advising the requesting party failed to timely submit the additional information and the request for relief shall be deemed abandoned and/or withdrawn and no further action by the city with regard to said reasonable relief request shall be required.

- e. Determination of Relief. In determining whether the RLUIPA relief request shall be granted or denied, the requesting party shall be required to establish:
- i. The requesting party is a claimant under RLUIPA; and
 - ii. The city has imposed a substantial burden on the religious exercise of the requesting party, whether a person, religious assembly or instruction, and the burden is not a result of the city furthering a compelling governmental interest and is not the least restrictive means of furthering that compelling governmental interest; or
 - iii. The city has imposed or implemented a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.
- f. Appeal. In the event a RLUIPA relief request is denied, made subject to conditions, or a decision is not rendered in accordance with the time requirements of this article, the requesting party may immediately seek judicial review before a court of competent jurisdiction upon the filing of an appropriate pleading.
- g. No fee shall be imposed by the city in connection with a request for RLUIPA relief under this section. The city shall have no obligation to pay a requesting party's or an appealing party's attorney fees or costs in connection with the request for an appeal.
- h. While an application for RLUIPA relief is pending before the city, the city will not enforce the subject zoning ordinance, rules, policies, and procedures against the requesting party.
- i. The city shall display a notice in the city's public notice bulletin board and shall maintain copies available for review in the Department, the Building Department, and the city clerk's Office, advising the public that a request for relief under RLUIPA has been filed. The date and time of the applicable public hearing shall be included in the notice.

40.620 Public or Private Elementary, Middle, or High Schools

(A) Use standards.

1. The following use standards shall be adhered to in reviewing the application.
 - a. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, subject to the standards below:
 - b. Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways. Access to schools shall not be from roadways classified by Broward County Metropolitan Organization's Broward County Highway Functional Classifications map as arterial roadways.

- c. School must be located in freestanding single use structure(s), located on a parcel no smaller than the minimum size required by the School Board of Broward County for public schools. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C) as may be amended from time to time.
- d. School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.
- e. In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Development Services Department at least nine months before the start of the school year. This time requirement cannot be waived or reduced.

40.621 Vending Machine, Outdoor

(A) Use standards. Vending machine (outdoor), permitted as an accessory use to a permitted use is subject to the following limitations:

1. Only one (1) vending machine shall be permitted outdoors per building; and
2. All vending machines must be located on a paved surface; and
No vending machine shall obstruct any pedestrian means of travel nor reduce any walkway to less than four (4) feet in width, nor shall any vending machine be permitted within any parking space, drive aisle, or alley; and
3. All products offered for sale shall be completely enclosed within an approved vending machine and packaged for individual retail sale; and
4. The content of vending machines shall be limited to products that are naturally and customarily associated with the type of business utilizing the vending machine; and
5. No tobacco, vaporizers, synthetic nicotine substances or alcohol products shall be permitted to be sold from a vending machine; and
6. Only the product or service offered via the vending machine shall be permitted to be advertised on the vending machine; and
7. The maximum size of an outdoor vending machine shall be 30 square feet in area, and no taller than six and one-half (6½) feet in height.

- 17500 8. All outdoor vending machines must be permitted by the Margate Building Department prior
17501 to installation. All outdoor vending machines must be plugged directly into a power source.
- 17502
- 17503 9. Prior to issuing a permit for an outdoor vending machine, a letter of authorization from the
17504 property owner must be submitted with the permit application.
- 17505

17506 **40.622 Walkway Cafes**

17507

- 17508 (A) Walkway cafes are permitted as an accessory use to a restaurant or other food service
17509 establishment and subject to the following requirements and limitations:
- 17510

17511 1. Application requirements.

17512

17513 a. Walkway cafe application form.

17514

17515 b. Photographs, drawings, or manufacturers' brochures describing the appearance of all
17516 proposed tables, chairs, umbrellas, or other objects related to the walkway cafe;

17517

17518 c. Hold Harmless Agreement. A signed statement that the applicant shall hold harmless
17519 the City, its officers, and employees and shall indemnify the City, its officers, and
17520 employees for any claims for damages to property or injury to persons which may be
17521 occasioned by any activity carried on under the terms of the permit.

17522

17523 d. A copy of public liability insurance, food products liability insurance, and property
17524 damage insurance from all claims and damage to property or bodily injury, including
17525 death, which may arise from operations under the permit or in connection therewith.
17526 Such insurance shall provide coverage of not less than \$1,000,000.00 for bodily injury,
17527 and property damage respectively per occurrence. Such insurance shall be without
17528 prejudice to coverage otherwise existing therein and shall name as additional insured
17529 the City, its officers and employees.

17530

17531 e. For walkway cafe applicants that serve alcoholic beverages, liquor liability insurance
17532 in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage
17533 is required. The applicant shall furnish and maintain such public liability, liquor
17534 products liability, and property damage insurance from all claims and damage to
17535 property or bodily injury, including death, which may arise from operations under the
17536 permit or in connection therewith. Such insurance shall be without prejudice to
17537 coverage otherwise existing therein and shall name as additional insured, the City, its
17538 officers and employees. Such insurance will be primary to any insurance or self-
17539 insurance whether collectible or not which may be available to the City, its officers or
17540 employees;

17541

17542 f. All of the policies of insurance so required to be purchased and maintained shall
17543 contain a provision or endorsement that the coverage afforded shall not be canceled,
17544 materially changed or renewal refused until at least 30 calendar days' written notice
17545 has been given to the City by certified mail.

17546

g. The required insurance coverage shall be issued by an insurance company duly authorized and licensed to do business in the State of Florida with the following minimum qualifications in accordance with the latest edition of A.M. Best's Insurance Guide: Financial Stability: B+ to A+;

2. Use standards. The following use standards shall be adhered to in reviewing the application:

a. The walkway cafe dining area shall be located adjacent to the primary business, with a minimum four (4) foot clear pedestrian passage provided throughout that shall be measured and maintained when chairs and tables are occupied.

b. The walkway cafe seating area shall not interfere with the circulation of pedestrian and/or vehicular traffic and shall be defined with an appropriate barrier. If fence material is used it shall be no more than three (3) feet in height and 75 percent see-through visibility notwithstanding the regulations for walls and fences of this Code;

c. Tables, chairs, umbrellas, and any other objects associated with the walkway cafe shall be safe and convenient for users and passers-by. The design, materials and colors of such objects must be compatible with section 40.5 (Exterior building or structural color of the property maintenance standards) of this Code.

d. Walkway cafes under 1,000 square feet require no additional parking;

e. Walkway cafes over 1,000 square feet shall be required to provide parking.

f. Cooking facilities are prohibited on the sidewalk with the exception of those temporary mobile facilities that are used in the finishing of meals that were substantially prepared inside the building. All cooking facilities permitted under this subsection shall be removed immediately when not in use;

g. Audio/visual devices (televisions), are permitted in the walkway cafe dining area;

h. Speakers are permitted that play the same music that would be played inside the dining establishment, as long as such music is not audible in the public right-of-way. Public address systems are prohibited;

i. Awning signs meeting the specifications provided in section 40.406(G) of this Code are permitted. Logos up to four square feet are permitted on umbrellas;

j. The hours of operation for the walkway cafe shall be no greater than that of the principal restaurant;

k. Upon the issuance of any advisory for potentially hazardous weather events, all outdoor furniture shall be removed from the walkway cafe dining area;

- l. The sidewalk area and all tables, chairs, umbrellas and any other objects associated with the walkway cafe must be kept in a clean, orderly and safe condition, and the area shall be cleared of all debris throughout the day and at the close of business.
- m. All tableware must be immediately removed at the close of business;
- n. No tables, chairs, umbrellas, nor any other part of a walkway cafe shall be attached, chained or in any manner affixed to any tree, post, sign, or other fixtures, curb, or sidewalk within or near the permitted area.
3. Temporary suspension.
- a. The City may require the temporary removal of walkway cafes when street, sidewalk, or utility repairs necessitate such action.
- b. The City may immediately remove or relocate all or parts of any walkway cafe in emergency situations; and
- c. The City, its officers, and employees shall not be responsible for any walkway cafe components relocated during emergencies;
- d. Denial, revocation or suspension of permit. The City may deny, revoke or suspend a permit for any walkway cafe if it is found that:
- i. Any necessary business or health permit has been suspended, revoked or canceled;
- ii. The permit holder does not have insurance which is correct and effective in the minimum amount described in this chapter;
- iii. Changing conditions of pedestrian or vehicular traffic cause congestion that necessitates the removal of a walkway cafe. Such decisions shall be based upon findings of the City Manager or their designee that the minimum four (4) foot pedestrian path provided is insufficient under existing circumstances and represents a danger to the health, safety or general welfare of pedestrians or vehicular traffic; and/or
4. The permit holder has failed to correct violations of this chapter or conditions of his permit within seven days of receipt of a City notice of same.
5. Tables, chairs and other vestiges of the walkway cafe may be removed by the City, and a reasonable fee charged for labor, transportation and storage, should the permit holder fail to remove said items within 36 hours of receipt of the City's final notice to do so for any reason provided under this chapter.
6. A revocation or suspension of a permit shall be authorized only upon seven (7) days' notice to the permit holder at the address listed on said permit. During said time, the permit

holder may offer any documents or any other evidence of why the permit should not be revoked.

7. Upon denial or revocation, the City shall give notice of such action to the applicant or the permit holder in writing stating the action taken and the reason thereof. If the action of the City is based on subsections iv.2. or iv.3. of this section, the action shall be effective upon giving such notice to permit holder. Otherwise, such notice shall become effective within seven days unless appealed to the City Commission within five (5) days' notice of the decision of the City Manager or their designee.

DIVISION 3 TEMPORARY USE

40.630 Temporary Use Permits

- (A) Permit required: All outdoor temporary uses which are provided in this section shall be set up or erected only after obtaining a Temporary Use Permit (TUP) and all necessary building permits. The TUP shall not commence until all necessary inspections are approved. This section shall not override and shall not be a substitute for any other section of this Code which requires another type of permit, certificate, or approval.
- (B) Review and approval: An application for a TUP shall be submitted and reviewed in conformance with the procedures contained in this section. Notice and public hearing requirements shall not apply to TUPs. The payment of an application fee, established by the City Commission, shall be included with the application for a TUP. All tax-exempt organizations that qualify under Section 501 of the Internal Revenue Code are exempt from payment of the fee, except for those with 501c4 tax exempt status. TUP applications shall be reviewed and approved by the Development Services Department or the City Commission, as provided for in subsections (1) and (2) below, who may impose reasonable conditions upon the TUP.
1. Administrative approval: The establishment of the following uses shall require a TUP issued by the Development Services Department, with review from other City departments as necessary:
- a. Temporary sales offices and model homes established for the express purpose of marketing a real estate development project with final site plan and Broward County Plat approval. The model homes and sales offices shall be located on contiguous parcels or lots and limited to the property that is being marketed for sales.
- b. Seasonal sales lots offering products such as holiday or seasonal trees, pumpkins, or flowers; provided, however, that no TUP shall be issued for sales within public rights-of-way or for more than 45 days, unless the City Commission grants an extension. Firework and sparkler sales shall be subject to approval from the Development Services Department, Department of Building and Code Services, and Margate Fire Rescue Department

- 17686 c. The City Commission may grant an extension of time for any TUP by application
17687 submitted to the Development Services Department subject to payment of double the
17688 fee for the initial application as specified on the fee schedule.
17689
- 17690 d. Walkway or parking lot sales by businesses having a City-issued Local Business Tax
17691 Receipt, with all such activities located within the property of those businesses and not
17692 in any right-of-way.
17693
- 17694 e. Farmers' markets.
17695
- 17696 f. Community garage sales.
17697
- 17698 g. Promotional events for businesses and community facilities having a City-issued Local
17699 Business Tax Receipt, which anticipate having fewer than 500 attendees at any given
17700 time. All such activities shall be located within the property of those businesses and
17701 community facilities and not in any right-of-way.
17702
- 17703 h. Block parties in residential areas with an anticipated attendance greater than 75
17704 people but fewer than 500 people. Block parties in residential areas with an anticipated
17705 attendance of 75 people or fewer are not required to apply for a TUP, but must notify
17706 the Police Department seven calendar days in advance.
17707
- 17708 i. Political, religious, or social gatherings which anticipate having fewer than 500
17709 attendees at any given time.
17710
- 17711 2. City Commission approval: Applications for the following types of TUPs shall be
17712 transmitted to the Development Services Department for review and input by various City
17713 departments. Subsequent to administrative review, the Development Services
17714 Department shall schedule the application for review by the City Commission. The City
17715 Commission may approve the application by resolution and may impose reasonable
17716 conditions as necessary to ensure public safety and welfare:
17717
- 17718 a. Carnivals, fairs, and circuses.
17719
- 17720 b. Promotional events for businesses and community facilities which anticipate having
17721 500 or more attendees at any given time.
17722
- 17723 c. Fireworks displays and shows.
17724
- 17725 d. Other temporary uses or structures which in the opinion of the Development Services
17726 Department may require City Commission review.
17727
- 17728 e. Block parties in residential areas with an anticipated attendance of 500 or more people.
17729
- 17730 f. Political, religious, or social gatherings which anticipate having 500 or more attendees
17731 at any given time.
17732

(C) Maximum time limit: A maximum time limit shall be established for all TUPs based on the minimum amount of time needed to conduct the permitted activity.

1. TUPs related to real estate development projects shall not be maintained longer than the time necessary to complete the construction of the project (issuance of the final certificate of occupancy).

2. Seasonal sales shall be limited to 4530 consecutive calendar days.

3. Walkway or parking lot sales shall be limited to seven consecutive calendar days.

4. TUPs for all other events shall not be maintained longer than a total of 21 consecutive calendar days, such that an event may utilize up to three calendar days for set-up prior to the commencement of an event, up to 15 calendar days to hold the event, and up to three calendar days after the close of an event for tear down and clean-up.

5. As an exception to the above, the Development Services Department may grant an extension to a TUP of not more than seven consecutive calendar days for unforeseen circumstances, such as natural disturbances, but not including economic hardships.

6. All events approved by TUP shall close by 10:00 p.m., unless approved for a later time by the City Commission.

(D) Revocation of permits: Any temporary use or structure which becomes a nuisance violates the conditions of the permit, endangers the public health or safety or is in violation of this Code shall be immediately subject to revocation by the City Manager.

(E) Exemptions: A TUP will not be required for:

1. Any use or structure that is part of a construction project by or for the City; however, a building permit shall be required.

2. Any outdoor event organized, operated, and funded either by the City or CRA that is held upon any City or CRA owned land.

3. All tax-exempt organizations that qualify under Section 501 of the Internal Revenue Code are exempt from payment of the fee, except for those with 501c4 tax exempt status.

4. A temporary use permit shall not be required for a person or entity having a facilities rental agreement with the Department of Parks and Recreation for a specific purpose.

(F) General criteria and limitations:

1. The temporary use must be compatible with the surrounding land uses.

2. Parking: A parking problem must not be created. If off-site parking is to be utilized, permission must be in writing from the subject property owner who must demonstrate that

the parking requirement of the temporary use does not cause the loss of legally required parking spaces for the site and provides ADA accessible parking.

3. Amount of TUPs: Each property shall be limited to four temporary use permits within a calendar year. An applicant may not conduct two or more events consecutively at one time. An applicant may not receive a TUP on the same property more than once per 30-day time period.
4. Applicants for a TUP requiring administrative approval per section 40.630(B)(1) shall file an application with the Development Services Department at least 30 calendar days prior to said event, together with an application fee. Any applicant applying for a TUP requiring City Commission approval per section 40.630(B)(2) shall submit an application with the Development Services Department at least 90 calendar days prior to such event. The applicant, at a minimum, must submit the following with the application:
 - a. A notarized affidavit from the owner of the land where the event is to be held which grants permission for the event;
 - b. A detailed description of the event, including dates, hours of operation, provision of water and/or electric service, access to restrooms, and the provision of security;
 - c. A site plan providing detailed information about the site and the surrounding area(s) to be impacted, including a diagram of the event set-up, cooking areas, tents, vendors, seating areas, shows, parking areas, restroom facilities, garbage collection, and where any other activities are to take place;
 - d. A hold harmless agreement indemnifying the City of any liability;
 - e. Proof of insurance, including a certificate that names the City of Margate as additional insured; and
 - f. Temporary Use Permit application fees shall be provided upon submission of a complete application as specified in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate.
5. Additional information related to and including, but not limited to, signage, parking, traffic circulation, building and fire prevention regulations, appropriate food vendor or catering licenses from the Florida Department of Business and Professional Regulations, where applicable, shall be provided to ensure that the Margate Code of Ordinances is implemented properly for temporary uses.

ARTICLE 7 ZONING & DEVELOPMENT REGULATIONS

ARTICLE 7 ZONING & DEVELOPMENT REGULATIONS

DIVISION 1 GENERAL SUPPLEMENTAL REGULATIONS

40.700 General Provisions

(A) Purpose, intent and applicability.

1. Purpose. The purpose of this article is to provide supplement regulations for permitted uses.
2. Intent. The intent is to provide standards in as simple and user-friendly manner as possible but still able to achieve development regulation.
3. Applicability. These standards are applicable to all permitted uses in which these supplemental regulations have been assigned.

40.701 Accessory Buildings and Structures

(A) Sheds and storage buildings.

1. Twenty-four-inch side and rear setbacks. Structures shall not be permitted in any front or street side setback, or recorded easement.
2. All single-family and duplex residential lots shall be limited to two (2) sheds and/or storage buildings per unit not to exceed a cumulative maximum size of 144 square feet per unit.
3. All multi-family residential developments shall be limited to two (2) sheds and/or storage buildings not to exceed a cumulative maximum size of 800 square feet, and no single shed and/or storage building shall exceed a dimension of 40 feet in length and 10 feet in width.
4. Not to exceed eight and one-half (8½) feet in height.
5. All sheds require a building permit from the Margate Building Department and shall be subject to the requirements of the most recently adopted version of the Florida Building Code at the time of permitting.

(B) Temporary storage containers. The following regulations are applicable to temporary storage containers:

1. Shall only be permitted in front setbacks, on a paved driveway, permitted by the Department of Building and Code Services. Any vehicle(s) normally parked at a residence which may become displaced due to a permitted temporary storage container shall find another means to be lawfully parked.
2. Shall not be placed on any portion of any street, sidewalk, or swale.

- 17869 3. Single-family detached dwellings, duplex dwellings, villas, and townhouses shall be limited
17870 to a maximum of one (1) temporary storage container at a given residence at any time.
- 17871
- 17872 4. In order to be granted a permit, residents who live within a homeowner's association or
17873 condo association must submit written approval of the portable storage container from
17874 their association.
- 17875
- 17876 5. The temporary storage container must be removed within 72 hours of Department of
17877 Building and Code Services having declared the threat of landfall of a hurricane or
17878 immediately upon the issuance of a flood warning notification.
- 17879
- 17880 6. The temporary storage container is permitted twice a year only and shall remain a
17881 maximum of 15 calendar days per application.
- 17882

17883 **40.702 Fences, Walls and Hedges**

17884

17885 (A) *Walls and fences.* All walls and fences shall be constructed in accordance with the following
17886 regulations with the exception of any standards or deviations approved with a Planned Unit
17887 Development or required by the Planned Residential Community (PRC) District development
17888 standards. For the purposes of this section any property containing a mixed-use (horizontal
17889 or vertical) shall follow the standards for nonresidential properties.

17890

- 17891 1. *Permitted materials.* Aluminum, chain link, concrete block covered with stucco or pre-cast
17892 concrete, molded polyethylene composite, polyvinyl chloride (PVC), weather proofed
17893 wood, or other material deemed similar by the Development Services Director. Barbed,
17894 razor or similar type wire, broken glass, plywood and sheet metal are prohibited.
- 17895
- 17896 a. *Chain link exception.* Chain link or other similar style fences shall not be permitted
17897 within the Corridor, Gateway, and City Center zoning districts, except when used on a
17898 temporary basis to secure an active construction site.
- 17899
- 17900 b. *Finished side.* All fences shall have the finished side facing the outside of the property,
17901 with the exception that interior fences abutting properties where an existing fence or
17902 wall prevents the erection of the fence, in those cases the finished side may face into
17903 the subject property.
- 17904
- 17905 c. *Maintenance.* All walls and fences shall be maintained in a state of good repair, free
17906 of any breaks, discolorations and graffiti and in a safe condition. All wood fences shall
17907 have weatherproofing applied.
- 17908
- 17909 d. *Gate operation.* Gates must operate entirely on the property in which they are installed
17910 unless there is an easement that allows access to the adjoining property. Gates are
17911 prohibited from operating on any right-of-way.
- 17912
- 17913 e. *Setback from a right-of-way or access easement.* When any property is developed
17914 after the date of the adoption of this Code, any perimeter fence or wall of a
17915 development shall be setback a minimum of five (5) feet from any adjacent right-of-

17916 way or access easement in an area that is under unified control and ownership. Lots
 17917 within an existing residential subdivision are exempt from this requirement.
 17918
 17919 *f. Easements.*
 17920 *i. When a wall or fence is proposed to be installed in a recorded utility easement the*
 17921 property owner shall provide a notarized affidavit acknowledging that the utility
 17922 provider will not be responsible in any way for repairs to, or replacement of, any
 17923 portion of it and that any removal and replacement of this construction necessary
 17924 for the use of this easement will be done at the property owner's expense. Further
 17925 understanding that the owner will assume full responsibility for any damage
 17926 incurred to the utility facilities during the construction.
 17927
 17928 *ii. When a wall or fence is proposed to be installed in a recorded drainage, canal or*
 17929 lake maintenance easement the property owner shall obtain written permission
 17930 from the applicable easement holder to install the wall or fence.
 17931
 17932 *g. Subdivision or common development walls or fences. All subdivision or common*
 17933 development walls and fences shall be constructed in a uniform design, material,
 17934 pattern and color throughout the length of the same development.
 17935
 17936 *i. Where one (1) or more lots or lots directly abut the public right-of-way, a uniform*
 17937 plan or design for a wall or fence shall be submitted at the time that a site plan is
 17938 considered, and the area in which is it placed shall be under unified control and
 17939 ownership.
 17940
 17941 *ii. A subsequent development which abuts the same right-of-way which is*
 17942 unseparated by an intersecting street shall conform to the uniform plan for the
 17943 wall or fence which had been previously submitted to the development review
 17944 committee. No certificate of occupancy shall be issued prior to the completion of
 17945 that portion of the wall or fence which has been approved for the lot where
 17946 development is to take place.
 17947
 17948 *a. Aluminum picket with decorative concrete posts*
 17949
 17950 *b. Concrete block with stucco*
 17951
 17952 *c. Molded Polyethylene Composite*
 17953
 17954 *d. Pre-cast concrete*
 17955
 17956 *e. PVC*
 17957
 17958 *f. A combination of the above*
 17959
 17960 *iii. Walls and solid fences for a common subdivision or development shall be provided*
 17961 where the rear setback abuts the public right-of-way or access easement, setback
 17962 a minimum of five (5) feet, and the area in which is it placed shall be under unified

17963 control and ownership. Walls and fences shall be constructed only where approved
17964 by the Development Review Committee.

17965
17966 iv. Existing subdivisions. On the lots identified in subsections (a and b) below, only
17967 white PVC privacy fencing as depicted in Figure 1, may be installed along the side
17968 and rear lot lines.
17969



Figure 1

17970
17971
17972
17973
17974 a. Generally.
17975
17976 Banks Road from NW 32nd Street to NW 28th Street
17977 Coral Gate Boulevard from the City limits to the Courtyard Condominiums
17978 Royal Palm Boulevard from NW 57th Terrace west to the bridge
17979 Royal Palm Boulevard from Rock Island Road east to the bridge
17980 Royal Palm Boulevard from NW 67 Avenue west to NW 78 Avenue
17981 Rock Island Road from the C-14 Canal to Southgate Boulevard
17982 Southgate Boulevard from Rock Island Road west to the City limits
17983 SW 11th Street from SW 49th Terrace to State Road 7

17984
17985 b. Specifically.
17986

FOLIO	SITE ADDRESS
484219100250	5199 NW 32 CT
484219030010	5301 NW 32 CT
484219100130	5184 NW 32 CT
484219031160	5300 NW 32 CT
484219100240	5187 NW 32 ST
484219031170	5301 NW 32 CT
484219100010	5180 NW 32 ST
484219030410	3120 NW 53 TER
484219030420	3110 NW 53 TER
484219100120	5181 NW 31 ST
484219030430	3100 NW 53 TER
484219030440	3020 NW 53 TER

18000	<u>484219050010</u>	<u>5282 NW 31 ST</u>
18001	<u>484219030450</u>	<u>3010 NW 53 TER</u>
18002	<u>484219050110</u>	<u>5273 NW 30 CT</u>
18003	<u>484219030460</u>	<u>3000 NW 53 TER</u>
18004	<u>484219030470</u>	<u>2990 NW 53 TER</u>
18005	<u>484219050120</u>	<u>5274 NW 30 CT</u>
18006	<u>484219030480</u>	<u>2980 NW 53 TER</u>
18007	<u>484219030490</u>	<u>2970 NW 53 TER</u>
18008	<u>484219050200</u>	<u>5265 NW 30 ST</u>
18009	<u>484219030260</u>	<u>5350 NW 29TH CT</u>
18010	<u>484219030500</u>	<u>2960 NW 53 TER</u>
18011	<u>484219030270</u>	<u>5340 NW 29 CT</u>
18012	<u>484219030510</u>	<u>2950 NW 53 TER</u>
18013	<u>484219030280</u>	<u>5332 NW 29 CT</u>
18014	<u>484219050210</u>	<u>5256 NW 30 ST</u>
18015	<u>484219030290</u>	<u>5330 NW 29 CT</u>
18016	<u>484219030520</u>	<u>2946 NW 53 TER</u>
18017	<u>484219030300</u>	<u>5322 NW 29 CT</u>
18018	<u>484219050260</u>	<u>5257 NW 29 CT</u>
18019	<u>484219030530</u>	<u>2930 NW 53 TER</u>
18020	<u>484219030310</u>	<u>5320 NW 29 CT</u>
18021	<u>484219030320</u>	<u>5312 NW 29 CT</u>
18022	<u>484219030540</u>	<u>2920 NW 53 TER</u>
18023	<u>484219030330</u>	<u>5310 NW 29 CT</u>
18024	<u>484219050270</u>	<u>5258 NW 29 CT</u>
18025	<u>484219030340</u>	<u>5321 NW 29 ST</u>
18026	<u>484219030550</u>	<u>2912 NW 53 TER</u>
18027	<u>484219030350</u>	<u>5311 NW 29 ST</u>
18028	<u>484219050320</u>	<u>2931 NW 52 WAY</u>
18029	<u>484219030560</u>	<u>2910 NW 53 TER</u>
18030	<u>484219030360</u>	<u>2901 NW 53 TER</u>
18031	<u>484219030570</u>	<u>2902 NW 53 TER</u>
18032	<u>484219050330</u>	<u>2921 NW 52 WAY</u>
18033	<u>484219030580</u>	<u>2900 NW 53 TER</u>
18034	<u>484219050340</u>	<u>2911 NW 52 WAY</u>
18035	<u>484219050350</u>	<u>2900 NW 52 WAY</u>
18036	<u>484219050540</u>	<u>2904 NW 51 TER</u>
18037	<u>484219050360</u>	<u>2901 NW 51 TER</u>
18038	<u>484219050810</u>	<u>2859 NW 52 TER</u>
18039	<u>484219050820</u>	<u>2869 NW 52 TER</u>
18040	<u>484219050800</u>	<u>2849 NW 52 TER</u>
18041	<u>484219050830</u>	<u>2879 NW 52 TER</u>
18042	<u>484219050840</u>	<u>2841 NW 52 TER</u>
18043	<u>484219050550</u>	<u>2840 NW 51 TER</u>
18044	<u>484219050790</u>	<u>2839 NW 52 TER</u>
18045	<u>484219050780</u>	<u>2829 NW 52 TER</u>
18046	<u>484219050770</u>	<u>2819 NW 52 TER</u>
18047	<u>484219050930</u>	<u>5226 NW 28 ST</u>

18048	<u>484219051040</u>	<u>5235 NW 27 CT</u>
18049	<u>484219051050</u>	<u>5224 NW 27 CT</u>
18050	<u>484219051160</u>	<u>5233 NW 27 ST</u>
18051	<u>484219051170</u>	<u>5220 NW 27 ST</u>
18052	<u>484219051280</u>	<u>5231 NW 26 CT</u>
18053	<u>484219050760</u>	<u>5220 NW 26 CT</u>
18054	<u>484126141140</u>	<u>7758 NW 21 ST</u>
18055	<u>484126141130</u>	<u>7748 NW 21 ST</u>
18056	<u>484126141120</u>	<u>7738 NW 21 ST</u>
18057	<u>484126141110</u>	<u>7728 NW 21 ST</u>
18058	<u>484126141100</u>	<u>7718 NW 21 ST</u>
18059	<u>484126141090</u>	<u>7708 NW 21 ST</u>
18060	<u>484126140690</u>	<u>7698 NW 21 ST</u>
18061	<u>484126140700</u>	<u>7688 NW 21 ST</u>
18062	<u>484126140710</u>	<u>7678 NW 21 ST</u>
18063	<u>484126140720</u>	<u>7668 NW 21 ST</u>
18064	<u>484126140730</u>	<u>7658 NW 21 ST</u>
18065	<u>484126140740</u>	<u>7648 NW 21 ST</u>
18066	<u>484125070440</u>	<u>5817 NW 20 CT</u>
18067	<u>484125070450</u>	<u>5813 NW 20 CT</u>
18068	<u>484125070460</u>	<u>5809 NW 20 CT</u>
18069	<u>484125070470</u>	<u>5805 NW 20 CT</u>
18070	<u>484125070480</u>	<u>5801 NW 20 CT</u>
18071	<u>484126140920</u>	<u>2101 NW 76 AVE</u>
18072	<u>484126100280</u>	<u>2001 NW 70 LN</u>
18073	<u>484126100010</u>	<u>2000 NW 70 LN</u>
18074	<u>484126100210</u>	<u>2000 NW 69 TER</u>
18075	<u>484126100100</u>	<u>2001 NW 70 AVE</u>
18076	<u>484126100110</u>	<u>2000 NW 70 AVE</u>
18077	<u>484126100200</u>	<u>2001 NW 69 TER</u>
18078	<u>484135060250</u>	<u>150 SW 70TH WAY</u>
18079	<u>484135060770</u>	<u>7201 SW 1ST ST</u>
18080	<u>484135060760</u>	<u>150 SW 72 TER</u>
18081	<u>484135060260</u>	<u>160 SW 70TH WAY</u>
18082	<u>484135060750</u>	<u>160 SW 72 TER</u>
18083	<u>484135060270</u>	<u>170 SW 70TH WAY</u>
18084	<u>484135060740</u>	<u>170 SW 72 TER</u>
18085	<u>484135060280</u>	<u>180 SW 70TH WAY</u>
18086	<u>484135060730</u>	<u>180 SW 72 TER</u>
18087	<u>484135062200</u>	<u>183 SW 73 TER</u>
18088	<u>484135060290</u>	<u>190 SW 70TH WAY</u>
18089	<u>484135060300</u>	<u>191 SW 70TH TER</u>
18090	<u>484135060720</u>	<u>190 SW 72 TER</u>
18091	<u>484135062190</u>	<u>191 SW 73 TER</u>
18092	<u>484135062130</u>	<u>190 SW 74TH AVE</u>
18093	<u>484135062120</u>	<u>191 SW 74TH AVE</u>
18094	<u>484135062060</u>	<u>190 SW 74 TER</u>
18095	<u>484135062050</u>	<u>191 SW 74 TER</u>

18096	<u>484135061990</u>	<u>190 SW 75TH AVE</u>
18097	<u>484135061980</u>	<u>191 SW 75TH AVE</u>
18098	<u>484135061920</u>	<u>190 SW 75 TER</u>
18099	<u>484135061910</u>	<u>191 SW 75 TER</u>
18100	<u>484135061850</u>	<u>190 SW 76 AVE</u>
18101	<u>484135061840</u>	<u>191 SW 76 AVE</u>
18102	<u>484135061780</u>	<u>190 SW 76TH TER</u>
18103	<u>484135061770</u>	<u>191 SW 76TH TER</u>
18104	<u>484135061710</u>	<u>190 SW 77TH AVE</u>
18105	<u>484135061700</u>	<u>191 SW 77TH AVE</u>
18106	<u>484135061640</u>	<u>190 SW 77TH TER</u>
18107	<u>484135061630</u>	<u>191 SW 77TH TER</u>
18108	<u>484135061570</u>	<u>190 SW 78TH AVE</u>
18109	<u>484135061560</u>	<u>191 SW 78TH AVE</u>
18110	<u>484135061510</u>	<u>190 SW 78 TER</u>
18111	<u>484135061500</u>	<u>191 SW 78 TER</u>
18112	<u>484135061450</u>	<u>190 SW 79 AVE</u>
18113	<u>484135061440</u>	<u>191 SW 79 AVE</u>
18114	<u>494101091100</u>	<u>300 SW 66 AVE</u>
18115	<u>494101091090</u>	<u>6605 SW 3 ST</u>
18116	<u>494101091080</u>	<u>6625 SW 3 ST</u>
18117	<u>494101091070</u>	<u>6635 SW 3 ST</u>
18118	<u>494101091060</u>	<u>6655 SW 3 ST</u>
18119	<u>494101091020</u>	<u>300 SW 67 AVE</u>
18120	<u>494101091010</u>	<u>6721 SW 3 ST</u>
18121	<u>494101091000</u>	<u>6741 SW 3 ST</u>
18122	<u>494101090990</u>	<u>6761 SW 3 ST</u>
18123	<u>494101090980</u>	<u>6801 SW 3 ST</u>
18124	<u>494101090970</u>	<u>6851 SW 3 ST</u>
18125	<u>494101090960</u>	<u>6901 SW 3 ST</u>
18126	<u>494101090870</u>	<u>250 SW 70 WAY</u>
18127	<u>494101090860</u>	<u>275 KATHY LN</u>
18128	<u>494206190610</u>	<u>1034 SW 49 TER</u>
18129	<u>494206190520</u>	<u>1023 SW 49 WAY</u>
18130	<u>494206190510</u>	<u>1024 SW 49 WAY</u>
18131	<u>494206190420</u>	<u>1013 SW 49 AVE</u>
18132	<u>494206190410</u>	<u>1014 SW 49 AVE</u>
18133	<u>494206190720</u>	<u>1100 SW 49 TER</u>
18134	<u>494206190710</u>	<u>4911 SW 11 CIR</u>
18135	<u>494206200100</u>	<u>1031 SW 56 AVE</u>
18136	<u>494206190700</u>	<u>4921 SW 11 CIR</u>
18137	<u>494206190290</u>	<u>1071 SW 50 AVE</u>
18138	<u>494206190690</u>	<u>4931 SW 11 CIR</u>
18139	<u>494206200090</u>	<u>1041 SW 56 AVE</u>
18140	<u>494206190680</u>	<u>4941 SW 11 CIR</u>
18141	<u>494206190010</u>	<u>1080 SW 50 AVE</u>
18142	<u>494206200080</u>	<u>5570 SW 10 PL</u>
18143	<u>494206190670</u>	<u>4951 SW 11 CIR</u>

18144	<u>494206200070</u>	<u>5560 SW 10 PL</u>
18145	<u>494206190660</u>	<u>4961 SW 11 CIR</u>
18146	<u>494206200010</u>	<u>5500 SW 10 PL</u>
18147	<u>494206200020</u>	<u>5510 SW 10 PL</u>
18148	<u>494206200030</u>	<u>5520 SW 10 PL</u>
18149	<u>494206200060</u>	<u>5550 SW 10 PL</u>
18150	<u>494206200040</u>	<u>5530 SW 10 PL</u>
18151	<u>494206200050</u>	<u>5540 SW 10 PL</u>
18152	<u>494206200840</u>	<u>1090 SW 55 AVE</u>
18153	<u>494206190900</u>	<u>5001 SW 11 CIR</u>
18154	<u>494206190890</u>	<u>5011 SW 11 CIR</u>
18155	<u>494206190880</u>	<u>5021 SW 11 CIR</u>
18156	<u>484126120030</u>	<u>6965 NW 19 CT</u>
18157	<u>484126120011</u>	<u>6985 NW 19 CT</u>
18158	<u>484126120021</u>	<u>6975 NW 19 CT</u>
18159	<u>484126120340</u>	<u>1999 NW 70 LN</u>
18160	<u>484135060011</u>	<u>190 SW 69TH TER</u>

2. Locations. All walls and fences shall only be installed in the following locations:

a. Single-family attached and detached dwellings.

i. May be installed along any side and rear lot line.

ii. Front setbacks. Prohibited in front setbacks. For the purposes of this section, the front setback of a home is considered to be the setback where the home has its primary entrance.

a. On an irregularly shaped lot, a wall or fence may extend off the front corners of a house so that the wall or fence intersects with the side property line at a 90-degree angle, and in no instance shall it extend further than the wall of the house closest to the front property line.

b. In the case of a corner lot, where the primary entrance is angled and faces both streets, the side of the home with the primary driveway shall be considered the front setback.

iii. Front setback exception. Walls or fences may be located in a front setback on lots on a cul-de-sac that terminate adjacent to roadways classified by Broward County Trafficways Plan Map as arterial roadways.

iv. Knee walls or planters boxes exception. Knee walls or planters boxes not to exceed two and one half (2.5) feet in height may be constructed to encroach a maximum of five (5) feet in to a front setback.

b. Multiple family dwellings.

i. May be installed along any side and rear lot line.

ii. Front setback. May be installed with at least 90 percent see through visibility.

c. Nonresidential properties.

i. May be installed along any side and rear lot line.

d. Outdoor recreational areas and parks.

i. Within the setbacks allowed by the zoning district of the property.

ii. Exceptions. Any property owned or operated by the City of Margate or City of Margate CRA is exempt from these provisions.

3. Heights. All walls and fences shall be measured from the grade of the property in which they are located and only installed to the following maximum height limits:

a. Single-family attached and detached dwellings.

i. Six (6) feet.

ii. Nonresidential use exception. A property developed with a permitted residential use may install a wall or fence to a height not to exceed eight (8) feet along any side or rear property line that is adjacent to or separated by a canal right-of-way less than 80 feet in width, or an alley from a nonresidential use.

b. Multiple family dwellings.

i. Four (4) feet in front setbacks.

ii. Six (6) feet all other allowed locations.

iii. Nonresidential use exception. A property developed with a permitted residential use may install a wall or fence to a height not to exceed eight (8) feet along any side or rear property line that is adjacent to or separated by a canal right-of-way less than 80 feet in width, or an alley from a nonresidential use.

c. Nonresidential properties.

i. Eight (8) feet.

ii. Required walls. When a nonresidential property is developed, redeveloped, or undergoes a substantial improvement as defined by FEMA regulations, that directly abuts or is separated by a canal right-of-way less than 80 feet in width, or an alley with a permitted residential use, concrete block covered with stucco or pre-cast concrete, eight (8) feet in height shall be installed along any side and/or rear property line facing or abutting the residential use.

- iii. Connectivity. No fence or wall shall be erected within the Corridor, Gateway, and City Center district that isolates any property, or otherwise inhibits connectivity and the availability of shared parking, with the exception of residential-only developments.
- i. Vacant land or abandoned developed properties. Vacant land or abandoned developed properties may be secured with a fence constructed in the following manner along all property lines:
 - i. Split rail ranch style fence constructed out of wood or polyvinyl chloride (PVC) (see Figure 2)
 - a. White in color
 - b. No more than three (3) horizontal members
 - c. No more than four (4) feet in height above ground level or the level of an existing berm.

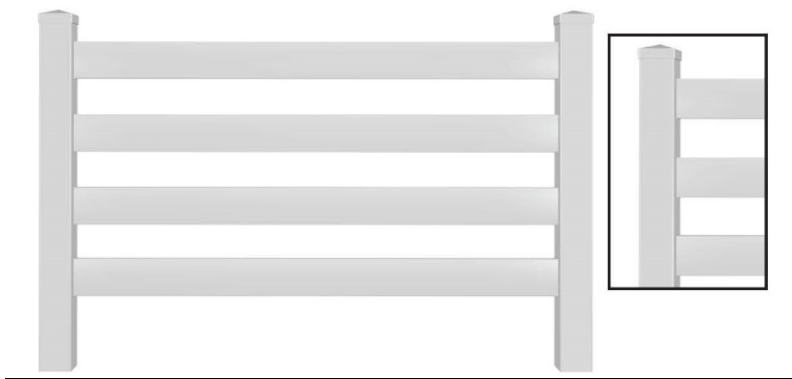


Figure 2

ii. At driveways, end posts or bollards shall be installed and connected with chain or wire provided any legal access to another property is not blocked.

a. Bollards are to be painted white or safety yellow.

(B) Hedges and / or shrubs. Hedges and/or shrubs may be planted and maintained in the following manner unless otherwise prohibited by this Code:

1. Not to exceed six (6) feet in height along any lot line that is not a front or corner setback.

a. Multiple family dwellings. Not to exceed four (4) feet in height in front setbacks and corner setbacks unless at least 90 percent opacity (see-through visibility) is provided.

b. Abutting nonresidential property or abutting a right-of-way greater than 100 feet in width exception. In side setbacks (not corner setbacks) and rear setbacks not to exceed 10 feet.

2. Shall be placed no closer than two (2) feet within the lot line and shall be maintained no further than the lot line.

3. Easements.

a. When a hedge or shrub is proposed to be installed in a recorded utility easement the property owner shall provide a notarized affidavit acknowledging that the utility provider will not be responsible in any way for repairs to, or replacement of, any portion of it and that any removal and replacement of this construction necessary for the use of this easement will be done at the property owner's expense. Further understanding that the owner will assume full responsibility for any damage incurred to the utility facilities during the construction.

b. When a hedge or a shrub is proposed to be installed in a recorded drainage, canal or lake maintenance easement the property owner shall obtain permission from the applicable provider to install the wall or fence.

40.703 Swimming Pools and Screen Enclosures

(A) Construction of swimming pools, screen enclosures and safety barriers.

1. Swimming Pools. All swimming pools in all districts shall be constructed in accordance with the following regulations with the exception of any standards approved with a Planned Unit Development or in the Planned Residential Community District.

2. Swimming pools shall not be located less than seven and one-half (7½) feet from any side and five (5) feet from rear lot line, measured from the pool structure, providing that no pool or pool enclosure shall be placed within a utility or drainage easement, or closer than five (5) feet to any canal retaining wall, or waterway if no such retaining wall exists.

3. All pools shall be surrounded by a safety barrier that shall take the form of one (1) of the following: A screened-in patio or an approved wall or fence material.

4. The safety barrier shall be erected either around the swimming pool or around the premises on which the swimming pool is erected, provided the minimum setbacks as required in this section are met. In either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area. Barriers on a frontage abutting a navigable waterway shall be in compliance with the Florida Building Code as may be amended periodically.

5. Gates shall be equipped with a positive lock so that they shall automatically be in a closed and fastened position at all times and said lock will be at a minimum height per the Florida Building Code as may be amended periodically.

6. It shall be the responsibility of the owner and/or occupant of the premises upon which the swimming pool has been constructed or is hereafter erected to install and maintain and keep in proper and safe condition with the safety barrier required and erected in accordance with this section.

7. Swimming pools constructed above ground shall conform to all ordinances governing in-ground swimming pools.

(B) Screen Enclosures.

1. Open mesh screening may be placed in a required side or rear setback subject to the limitations below but shall not be placed in a required front or street side setback. A screen enclosure is permitted according to these regulations whether or not it is being used to screen a swimming pool.

2. Any screen enclosure part of a pool which has a is covered by a roof or enclosed by side walls over five (5) feet in height shall be subject to the limitations on location of a building and shall not be placed in any required setback.

40.704 Landscaping

(A) Objectives.

The objectives of these regulations are to beautify the city and improve the quality of life for its citizens by requiring Florida friendly landscaping that will conserve water, soften the hardscape of modern development, provide tree canopy, natural habitat, and shade areas. These objectives further include the maintenance of high-quality air and water resources, the provision of buffer areas between and among various land uses, the preservation of residential property values, the revitalization of existing commercial areas, and the preservation of indigenous vegetation.

(B) Definitions.

All definitions provided herein shall be read in conjunction with those definitions provided in this Chapter of the Code, except that should a conflict exist between the definitions in this section and of this Chapter that are irreconcilable, then as to matters relating to this section, the definitions within this section shall prevail.

For the purpose of this section, the following terms and words shall have the meaning herein prescribed unless the context clearly requires otherwise:

1. **Building.** Any structure used for the shelter or enclosure of persons, animals or property of any kind.

2. **Diameter breast height (DBH).** The diameter of the trunk of a tree measured at breast height. The DBH of trees with multiple trunks shall be the sum of the individual trunk

- 18371 diameters at breast height. Trees with less than four and one-half (4½) feet of clear trunk
18372 shall be measured as the diameter of the largest vertical branch or leader at breast height.
18373
- 18374 3. *Directly abutting.* To share a common property line without any intervening canal or
18375 roadway at least 50 feet in width located along said common property line.
18376
- 18377 4. *Drip line.* The peripheral limits of the horizontal crown of a tree spread vertically to the
18378 ground; provided, however, that the same shall not be less than a circle with a five (5) foot
18379 radius measured from the center of the tree.
18380
- 18381 5. *Driveway.* A private road connecting a vehicular use area (defined below) to an access
18382 easement, right-of-way, private road or another site.
18383
- 18384 6. *Drought tolerant species.* Any plant species that will survive extended periods without rain
18385 or supplemental irrigation, while remaining healthy and retaining an acceptable
18386 appearance.
18387
- 18388 7. *Encroachment.* Any extension by any part of a vehicle, boat or trailer into a landscaped
18389 area.
18390
- 18391 8. *Florida native species.* A native plant species shall be those plant species indigenous to
18392 the ecological communities of South Florida, as indicated on lists provided by City of
18393 Margate, or that can be scientifically documented to be native to South Florida.
18394
- 18395 9. *Florida Friendly Landscaping.* As defined Under Chapter 373, Florida Statutes (as may be
18396 amended from time to time) this addresses landscaping including, but not limited to,
18397 planting the right plant in the right place, efficient watering, appropriate fertilization,
18398 mulching, attraction of wildlife, responsible management of yard pests, recycling yard
18399 waste, reduction of stormwater runoff, and waterfront protections. Additional components
18400 of Florida-friendly landscape include planning and design, soil analysis, the uses of solid
18401 waste compost, practical use of sod, and proper maintenance.
18402
- 18403 10. *Ground cover.* A planting of low growing plants that covers the ground in place of turf sod
18404 and which naturally grows to a height of two and one-half (2½) feet or less.
18405
- 18406 11. *Hedge.* A close planting of shrubs which form a compact, dense, visually opaque, living
18407 barrier when mature.
18408
- 18409 12. *Landscaping.* Sod, ground covers, shrubs, vines, accents, hedges, trees, and other
18410 decorative forms of live vegetation.
18411
- 18412 13. *Landscaping element.* Nonliving material commonly used in landscaping, including but not
18413 limited to, statues, walls, fences, trellises, decorative benches, pergolas, arbors, curbing,
18414 fountains, ponds, and boulders, etc. However, not synthetic turf. All proposed ponds or
18415 water bodies must meet the South Florida Drainage District specification, guidelines and
18416 standards.
18417

- 18418 14. *Mulch*. An arsenic-free organic soil covering such as compost, wood chips, bark or straw
18419 used to reduce evaporation, prevent erosion, control weeds, enrich the soil, and lower soil
18420 temperature for around trees, palms, accents, shrubs and ground covers per code and not
18421 to be utilized as mulch beds only.
- 18422
- 18423 15. *Nonresidential property*. All land that is used for commercial, industrial, and/or community
18424 facility uses.
- 18425
- 18426 16. *Pervious area*. A natural ground surface area that allows the penetration of water.
- 18427
- 18428 17. *Right-of-way*. Land, usually in a strip, acquired for or devoted to transportation purposes.
- 18429
- 18430 18. *Scalping*. Cutting lawn grass low so that the stems of the grass blades are exposed due
18431 to operator error or improperly maintained equipment.
- 18432
- 18433 19. *Shade tree*. A category 1 tree as specified in this section.
- 18434
- 18435 20. *Shrub*. A multi-stemmed woody plant with several permanent stems instead of a single
18436 trunk and usually not over ten (10) feet in height.
- 18437
- 18438 21. *Site*. An area of land consisting of a lot, tract, parcel or other unit of land recorded in the
18439 public records, or combinations thereof, and having a common development scheme
18440 presented to the city as a single project whether simultaneously or in phases.
- 18441
- 18442 22. *Sod or Lawn*. A mat layer of living monocotyledonous grass plants such as, but not limited
18443 to, Bahia, Bermuda, Centipede, Seaside Paspalum, St Augustine, and Zoysia and their
18444 cultivars. However, this definition does not include any type of synthetic/artificial turf.
- 18445
- 18446 23. *Synthetic turf*. Means a dense and continuous surface of synthetic fibers mounted on a
18447 permeable backing and of sufficient density and green color to replicate the appearance
18448 of healthy, natural grass.
- 18449
- 18450 24. *Tree*. Any living, self-supporting, dicotyledonous or monocotyledonous woody perennial
18451 plant which has a DBH of no less than three (3) inches at maturity and which normally
18452 grows to an overall height of no less than ten (10) feet in southeast Florida.
- 18453
- 18454 25. *Vehicular use area*. Any area used by vehicles, except public rights-of-way, to include, but
18455 not be limited to, areas for parking, display or traverse of any and all types of vehicles,
18456 cars, motorcycles, buses, boats, trailers, campers or heavy construction equipment. Also
18457 included are areas paved or compacted for outdoor storage, display or sales.
- 18458
- 18459 26. *Vine*. A plant which produces climbing, meandering stems and which will grow only as tall
18460 as their supporting object.
- 18461
- 18462 27. *Weed*. An uncultivated plant of rapid growth, generally characterized by the production of
18463 large quantities of seeds, which tends to overgrow or choke out more desirable plants.
- 18464
- 18465 (C) *Application of landscaping code.*

- 18466
- 18467 1. No new building or vehicular use area shall be erected or paved, unless in conformity with
- 18468 the regulations specified herein.
- 18469
- 18470 2. The provisions of this landscaping code regarding the installation of new landscaping
- 18471 material (other than replacement landscaping material) shall apply in the following
- 18472 instances:
- 18473
- 18474 a. When any existing building or vehicular use area is expanded, extended, redeveloped,
- 18475 or enlarged; however, single-family homes undergoing driveway expansion or repave
- 18476 shall not be required to install new landscaping at the time of permitting.
- 18477
- 18478 b. For any special exception use application that involves new construction,
- 18479 redevelopment, or substantially redeveloping or reconstructing an existing building.
- 18480
- 18481 c. Any existing affected area related to an application for special exception use within an
- 18482 existing building, other than described above.
- 18483
- 18484 d. Any exterior affected areas related to an application.
- 18485
- 18486 3. The standards for landscaping maintenance shall be applicable to all landscaping within
- 18487 the city regardless of when same was installed.
- 18488

18489 (D) Plan required.

18490

- 18491 1. A landscaping plan and irrigation plan shall be submitted with every DRC application for
- 18492 site plan approval, or amendment, or special exception, or any other building permit
- 18493 application for a new building, expansion of building, or building permit to substantially
- 18494 redevelop or reconstruct a building or principal structure. Said landscaping plan shall be
- 18495 prepared by a Florida registered landscape architect.
- 18496
- 18497 2. Landscaping plan specifications. Landscaping plans shall be required to be submitted as
- 18498 follows:
- 18499
- 18500 a. The landscaping plan must be drawn to scale and show the location and dimensions
- 18501 of all existing and proposed structures and infrastructure, including, but not limited to,
- 18502 vehicular use areas, driveways, surface water areas, site lighting, walls, fences, gates,
- 18503 signs, transformers, berms, utilities, and fire lanes, zones and hydrants.
- 18504
- 18505 b. The landscaping plan shall indicate the location, size, grade and specifications of all
- 18506 existing and proposed landscaping materials, including common and botanical names,
- 18507 planting instructions, soil and fertilizer requirements, mulch specifications, berm
- 18508 elevations, protective curbs or other devices, existing trees, and the description of any
- 18509 adjacent conditions which affect the landscaping of the subject site. Also, provide
- 18510 planting and staking details including, but not limited to, planting and staking
- 18511 specifications, general notes, and tree protection barricade details.
- 18512

- c. Plant species and materials shall be selected and located on the plan so that plant groupings are organized by water, light, and soil condition requirements.
- d. An irrigation plan signed and sealed by a State of Florida Registered Landscape Architect for all landscaped areas within the site and adjacent right-of-way or access easement shall be submitted simultaneously with the landscaping plan. Said irrigation plan shall show the source of water, pumps, valves, pipe sizes, rain sensors, head types, locations and spray patterns.
- e. The landscape plan shall also include any trees or landscaping on adjacent properties within 25 feet that may impact the landscape plan.
- f. Such other information that may be required to give a complete understanding of the proposed plans.
3. The Development Services Department shall review the landscaping plan for compliance with the minimum requirements of this code. All landscaping shall be installed pursuant to the landscaping plan as approved by the department of development services before a final certificate of occupancy is issued. Substitutions of comparable plant material are permitted if first approved by the Development Services Department.
4. Applicable permits for irrigation systems, tree removal, and the planting of trees in a swale must be obtained. Additionally, permits may be required by the City in conjunction with expansions of structures, redevelopment, and new construction as determined by the Development Services Department during site plan approval.

(E) Materials, installation and irrigation requirements.

1. All required landscaping installed after the effective date of this article shall be drought tolerant and / or Florida Friendly. A minimum of 50 percent of all required landscaping installed after the effective date of this article shall be South Florida native species. All plant material utilized shall be Florida Fancy or better, as specified by Grades and Standards for Nursery Plants, Parts I and II, Florida Department of Agriculture and Consumer Services, as amended.
2. Tree size at the time of planting for required trees shall be as follows:
- a. Minimum of twelve (12) feet in height and two (2) inches DBH.
- b. Palms: Minimum of eight (8) feet of clear trunk or greywood. A grouping of three (3) palms may be substituted for one (1) shade tree, subject to the following:
- i. Washingtonia and Chinese Fan palms must be planted in clusters of three (3) or more at staggered heights. Royal palms and coconut palms shall be only planted in areas that will not be utilized by pedestrian or vehicular traffic.
- ii. When grouping palms, each palm shall be spaced no greater than six (6) to 12 feet from the nearest palm in the cluster, depending on the palm species.

- 18561
- 18562 iii. Nonresidential, mixed use, and multifamily properties shall not be permitted to
- 18563 substitute palm trees for more than 25 percent of the shade trees required by this
- 18564 section.
- 18565
- 18566 iv. A palm with multiple trunks shall be counted as a single palm.
- 18567
- 18568 v. Multi-trunk palms may not be used as a hedge material. This includes but is not
- 18569 limited to such species as Areca palm (Dypsis lutescens), Bamboo palm
- 18570 (Chamaedorea seifrizii), Fishtail palm (Caryota mitis), Lady Palm (Rhapis excelsa),
- 18571 or Lipstick palm (Cyrtostachys renda).
- 18572
- 18573 c. Tree size requirements shall only be applied to landscaping required through
- 18574 processes outlined in this Code.
- 18575
- 18576 d. Sabal palmetto/cabbage palm planted after December 20, 2023, do not provide credit
- 18577 toward tree requirements outlined in this Code.
- 18578
- 18579 3. Shrubs and hedges shall be mulched and installed at a minimum of two (2) feet in height
- 18580 after planting. Where hedges are required, shrubs must be planted every (3) feet on
- 18581 centers. Shrubs used for hedges shall be woody, evergreen species.
- 18582
- 18583 4. Ground covers shall be mulched and planted at 75% coverage in sufficient quantity as to
- 18584 present a finished appearance and to provide complete coverage within three (3) months.
- 18585 5. Lawn areas shall be sodded with St. Augustine Floratam, Palmetto or Bermuda, with the
- 18586 following exceptions except as permitted below:
- 18587
- 18588 a. Shrubs, ground covers, and planting beds may be substituted for any area otherwise
- 18589 required to provide lawns or sod. Landscapes made entirely of rock, mulch, shell, or
- 18590 other similar materials are not permitted.
- 18591
- 18592 b. Landscape elements may be substituted for up to 25 percent of any area otherwise
- 18593 required to provide lawns or sod.
- 18594
- 18595 c. Bahia sod is generally prohibited but may be permitted in specific approved retention
- 18596 areas.
- 18597
- 18598 d. Bare soil is prohibited in any area otherwise required to be sodded.
- 18599
- 18600 e. Plant species listed as prohibited within the South Zone as provided in the University
- 18601 of Florida's Institute of Food and Agricultural Sciences biennial Assessment of Non-
- 18602 Native Plants shall hereby be prohibited from use and installation within the city.
- 18603

18604 (F) Installation.

18605

- 18606 1. All landscaped areas within nonresidential, multifamily, and mixed-use developments shall
- 18607 be protected from vehicular encroachment by curbing or other durable barriers. All shade
- 18608 trees, except palms, installed within six (6) feet of public infrastructure, including, but not

limited to, utility lines, sidewalks, curbing, asphalt and paved rights-of-way, shall utilize at least a 24" deep root barrier system, structure soil or suspended pavement system as approved by the department of environmental and engineering services. The front of parked vehicles may overhang a protected landscaped area if said area is at least seven (7) feet wide.

2. Planting holes shall be a minimum of twice the diameter of the root ball or container and shall be free of limerock, rocks, asphalt or other debris. All planting holes shall be backfilled with suitable soil, free of clay, stone, plants, roots, and other debris. The root flare shall be visible at time of planting.

3. Slow-release general fertilizer shall be applied at the time of planting and contain trace elements iron and manganese in addition to N-P-K. However, fertilizer shall not be applied within ten (10) feet of any body of water.

4. Trees.

a. All trees shall be stabilized in a workmanlike manner at the time of planting. The use of nails, wire, rope, or any other method which damages the tree is prohibited. Trees shall remain stabilized until establishment, but in no instance shall a tree remain stabilized for more than 12 months. Trees shall be re-staked in the event of blow over or other failures of the stabilization.

b. All proposed Trees and palms shall not be planted under Roof, overhangs, and balconies.

c. All proposed Trees and palms within or overhanging pedestrian areas shall have a Clear Trunk at least eight (8) feet in height to allow unobstructed pedestrian movement under or around.

d. All proposed tot lots or swimming pools, except for a Single-Family home, shall be required to have a minimum shade requirement of 30% to allow Persons to seek refuge from the sun.

e. The use of very poisonous, thorny, spiny, deciduous, messy fruit or an aggressive root system Tree or palm shall be reviewed case by case.

f. All Trees and palms shall be a minimum of four feet from all underground Utility lines. This distance shall be measured from the root flare at time of planting to the closest locator marks.

g. All shade trees shall be installed a minimum of 15 feet away from light Poles. All small Trees and palms shall be installed a minimum of seven and one-half feet away from light Poles. This distance shall be measured from the root flare at time of planting. Light fixtures installed in such areas that provide adequate vertical clearance from existing trees/landscaping may be permitted.

- h. All Trees and palms shall be installed seven and one-half feet from the front and sides of fire hydrants, and fire department connection (FDC) and four feet from the rear. This distance shall be measured from the root flare at time of planting.
- i. All proposed multi-trunk Trees shall have a minimum of three trunks with no more than five trunks of equal diameters originating from the ground with angles no less than 45 degrees and no crossing branches. (The City can require either multi-trunk or single trunk on certain Trees.)
- j. All proposed coconut palms shall be certified to be resistant to lethal yellowing.
- k. The use of wind tolerant Trees and palms is required due to the high risk of hurricanes in South Florida. Every effort shall be utilized to reduce the risk of damage and liability by utilizing more wind tolerant Landscaping.

5. Shrubs and Hedges.

- a. Shrubs shall be planted in a manner that prevents branches from touching the Building walls or walkways at time of planting.
- b. Shrubs shall be installed seven and one-half feet from the front and sides of fire hydrants, and fire department connection (FDC) and four feet from the rear.
- c. Planting Shrubs around Trees shall be done in a manner that prevents trunk damage.
- d. Planting Shrubs in layers shall be done in a manner that promotes plant species diversity and the City's aesthetics with taller Shrubs in the back and shorter Shrubs in the front.
- e. Shrubs shall be multi-stem with a minimum of three stems originating from the ground.
- f. The use of plant material that can be hazardous to Persons, pets or property shall be reviewed on a case-by-case basis.
- g. Shrubs shall be a minimum of two (2) feet in height at time of planting, except that half of the shrubs that are part of a layered landscape design may be planted at a height of 18 inches.

6. Vines.

- a. Vines used for vertical screening shall be a minimum 60 inches in supported height immediately after planting. The method of Attachment shall be indicated on the Landscape plans. The use of very poisonous, thorny, spiny, deciduous, or messy fruit Vines shall be subject to the approval of the City. Support Structures, including, such as, but not limited to, pergolas, trellises and arbors, require Vines.

7. Mulching.

- a. Where mulch is applied in landscape areas, it shall be laid so that it is a minimum of three (3) inches thick. Trees in sodded areas shall be mulched under the drip line, except that no mulch shall be laid within six (6) three (3) inches of any tree trunk. Shrubs, groundcovers, and planting beds shall be mulched at the time of planting. Where run off into drains is evident, the city may require a suitable barrier to keep the landscape mulch from going into drains.

8. Sod.

- a. All sod areas, including but not limited to, swales, lake maintenance easements, and Retention Areas, shall be solid St. Augustine Floratam, Palmetto or Bermuda laid on a smooth planting base with tight joints at 100% coverage at time of planting and cut to fit all Landscape planters and curb areas. Sod shall be green, healthy, clean, and visibly free of weeds, pests, and diseases. Sod areas shall be identified and labeled on the Landscape plans. Seeding and plugs are prohibited.

9. Setbacks and easements.

- a. Hedges, trees, and palms shall be planted no closer than two (2) feet from any lot line. The planting of hedges, trees, or palms within any easement of record shall be permitted only when written permission is granted by the applicable departments and/or utility companies.

10. Irrigation.

- a. All landscaping required by this code shall be supplied with water through an underground irrigation system. Said irrigation system shall deliver 100 percent coverage and 50 percent overlap of all landscaping plants, including swale turf sod. Irrigation systems shall not spray upon abutting property, adjoining sidewalks and streets, or any other impervious surfaces.
- b. Trees, shrubs, flowers, and ground covers may be irrigated with low volume drip, micro-spray, or bubbler emitters.
- c. All irrigation systems installed after the effective date of this article shall properly install, maintain, and operate technology that inhibits or interrupts operation of the system during period of sufficient moisture in accordance with Section 373.62, Florida Statutes, as amended. Such technologies include, but are not limited to, rain sensors, also called rain shutoff devices, and soil moisture sensors.
- d. A zone layout plan (minimum scale one (1) inch equals 20 feet).
- e. Indication of water source, valves, pumps, backflow preventers, controllers, main line, lateral lines, sleeves, headtypes, specifications, and spacing.
- f. All irrigation systems utilizing non-potable water shall include a treatment system to prevent rust stains.

- 18751 g. An indication of methods used to achieve compliance with University of Florida's The
18752 Florida Friendly Landscaping Guide to Plant Selection and Landscape Design as
18753 required by F.S. Statute 373.185, unless provided for herein.
18754
18755 h. A non-potable water source must be used, if available. A well shall be drilled if the
18756 necessary permit can be obtained.
18757
18758 i. Such other information that may be required to give a complete understanding of the
18759 proposed plan.
18760
18761 j. No irrigation system that draws water from a canal or similar waterway shall be
18762 installed such that the irrigation suction line float encroaches further than 10% of the
18763 width of the canal or waterway where it is located, measured from the canal retaining
18764 wall. Where there is no canal retaining wall, the distance shall be measured from the
18765 property line unless same is not submerged, in which case the measurement shall be
18766 from the average high-water line.
18767

18768 (G) Florida-Friendly Landscaping.
18769

18770 Within the City of Margate, the principles of Florida-friendly landscaping shall be incorporated into
18771 all landscape designs. These include the following:
18772

- 18773 1. Preserving existing native trees and vegetation, if feasible. Where established natural
18774 vegetation is incorporated into the landscape design, irrigation of those areas shall not be
18775 required.
18776 2. The plant palette and irrigation system shall be appropriate for site conditions, taking into
18777 account that, in some cases, soil improvements can enhance water use efficiency.
18778 Drought resistant plants are emphasized.
18779
18780 3. Plants shall be grouped together by irrigation demand.
18781
18782 4. The percentage of landscaped area in irrigated high-water use hydrozones shall be
18783 minimized. The maximum percentage of irrigated landscape area that may be included in
18784 high water use hydrozones, excluding sod, shall not exceed 20 percent. These high-water
18785 use limits shall not apply to landscaped areas requiring large amounts of sod for their
18786 primary functions, e.g., ball fields and playgrounds.
18787
18788 5. Soil improvements are encouraged to improve the soil with organic materials prior to the
18789 installation of any irrigation system.
18790
18791 6. An efficient irrigation system shall be required and designed according to the water needs
18792 of the planting groups.
18793
18794 7. Reclaimed or non-potable water should be used for irrigation if an acceptable source is
18795 determined to be available by the City Utilities Department. If such reclaimed water or non-
18796 potable water is available from the City to service a site, a local water provider, if different
18797 than the City, shall allow such use of reclaimed water, unless prohibited by Statute.
18798

- 18799 8. Low impact design principles such as bio-swales, bio-retention areas and other creative
18800 stormwater management techniques.

18801
18802 (H) Required landscaping abutting rights-of-way. On the site of a building or vehicular use area
18803 directly fronting on a public right-of-way, with the exception of single-family detached dwellings
18804 and duplex detached dwellings, there shall be landscaping provided between the site and the
18805 right-of-way as follows:

- 18806
18807 1. In nonresidential districts, mixed-use and multi-family residential districts, a strip of land at
18808 least ten (10) feet in width, adjacent to and parallel with the right-of-way, shall be
18809 landscaped. Within said strip there shall be planted at least one (1) shade tree for every
18810 40 linear feet of frontage or portion thereof. In addition, a hedge shall be planted within
18811 the landscape strip and parallel with the street. All hedges must be planted a minimum of
18812 two (2) feet back from any public sidewalk. The remaining area of this strip shall be
18813 covered with additional shrubs, ground covers, and/or sod.

18814
18815 a. Mixed-use developments are permitted to encroach into this landscaped area for
18816 facilities related pedestrian-friendly amenities.

18817
18818 b. Mixed-use developments are permitted to utilize smaller trees in these landscaped
18819 areas where a structure abuts the landscaped area.

- 18820
18821 2. In mixed-use districts, where developments are required to provide an urban greenway of
18822 varying widths based on the size of the abutting roadway. The following provisions shall
18823 apply:

18824
18825 a. An eight (8) foot-wide planting strip measured from the curb or edge of pavement
18826 inward toward the private development, running parallel with the right-of-way shall be
18827 provided.

18828
18829 b. Within said planting strip, one (1) shade tree shall be planted within a 80 square foot
18830 pervious area every 30 linear feet of frontage. Sod, shrubs or ground covers shall fill
18831 areas of the pervious area not occupied by the required shade tree.

18832
18833 c. Where a substitution for a smaller tree is necessary because of existing overhead
18834 utility lines, each category 2 tree shall be planted within a 64 square foot pervious area,
18835 and each category tree shall be planted within a minimum 40 square foot pervious
18836 area.

18837
18838 d. Palm trees are permitted within the urban greenway but shall not be credited toward
18839 the urban greenway tree requirement.

18840
18841 e. Public amenities requested by the Development Review Committee shall be provided
18842 within the planting strip at the time of development, including but not limited to, paved
18843 connections to the right-of-way, benches and other public seating, waste receptacles,
18844 bicycle racks or lockers, etc.

18847 3. Where overhead utilities are pre-existing and in conflict with the installation of required
18848 trees, a smaller category of tree may be planted at an increased frequency in lieu of the
18849 category 1 shade tree requirement and as follows:

18850
18851 a. One (1) category 2 tree shall be planted for every 24 linear feet of frontage; or

18852
18853 b. One (1) category 3 tree shall be planted for every 18 linear feet of frontage.

18854
18855 (I) Requirements for planting of trees under or adjacent to utilities.

18856
18857 1. Small trees. Defined as less than 20 feet in height at maturity and may be planted adjacent
18858 to, or under, power lines.

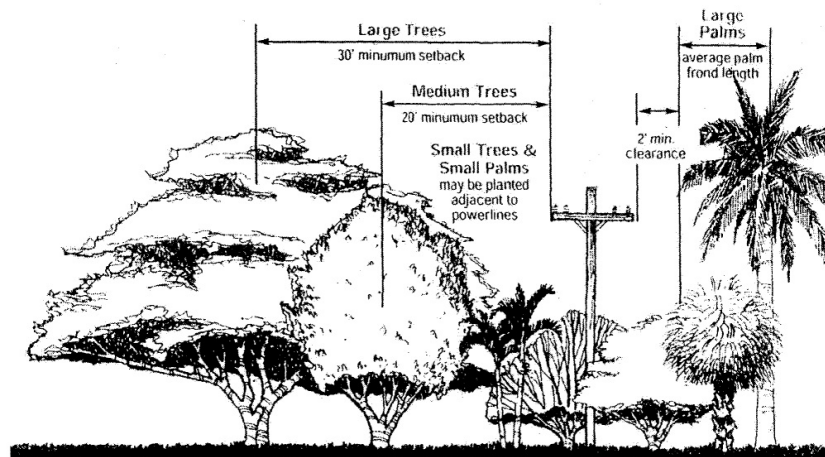
18859
18860 2. Medium trees. Defined as 20 feet to 30 feet in height at maturity, and must have a setback
18861 of 20 feet from the crossbar of the power-line poles, as depicted in Exhibit "A."

18862
18863 3. Large trees. Greater than 30 feet in height at maturity and must have a setback of 30 feet
18864 from the crossbars of the power-line pole, as depicted in Exhibit "A."

18865
18866 4. Small palms. Small palms shall be defined as less than 20 feet in height and can be
18867 planted adjacent to, or under, power lines.

18868
18869 5. Large palms. Large palms shall be defined as greater than 20 feet in height at maturity
18870 and shall be planted at the average frond length plus two (2) feet for minimum clearance
18871 from the crossbar of the power poles as depicted in Exhibit "A."

18872
18873 Exhibit "A"



18876
18877 (J) Visual clearance.

18878
18879 1. Public rights-of-way. When a site abuts the intersection of two (2) public rights-of-way,
18880 landscaping shall be maintained within the sight triangle to provide adequate visibility. The
18881

public right-of-way sight triangle is the triangular area formed by the chord connecting 35 feet from the intersection of the right-of-way lines or tangent extensions thereof. The following provisions shall apply within the sight triangle:

- a. Hedges and any other low-growing vegetation shall be maintained to a maximum height of 24 inches.
- b. Tree limbs shall be properly pruned to provide a minimum of eight (8) feet of vertical clearance.
- c. When problems with visibility persist due to unique circumstances of the site, such as a road curvature or varying elevations, the property owner may be required to maintain landscaping to a stricter standard or remove certain problematic landscaping.
- d. The preceding provisions and restrictions shall not apply to single-family detached dwellings or duplex detached dwellings. However, a 10 foot by 10 foot sight triangle is required with sections (a), (b), and (c).

2. Private driveways. Where a private driveway intersects with a public right-of-way, landscaping shall be maintained within the safety sight triangle to provide adequate visibility. The private driveway site sight triangle is the triangular area formed by the chord connecting 25 feet from the intersection of the right-of-way line and a perpendicular line formed by the outer edge of the driveway pavement. The following provisions shall apply within the site sight triangle:

- a. Hedges and any other low-growing vegetation shall be maintained to a maximum height of 24 inches.
- b. Tree limbs shall be properly pruned to provide a minimum of eight (8) feet of vertical clearance.
- c. When problems with visibility persist due to unique circumstances of the site, such as a road curvature or varying elevations, the property owner may be required to maintain landscaping to a stricter standard or remove certain problematic landscaping.
- d. The preceding provisions and restrictions shall not apply to single-family detached dwellings or duplex detached dwellings. However, a 10 foot by 10 foot sight triangle is required with sections (a), (b), and (c).

(K) Required landscaping adjacent to other perimeters.

1. Abutting properties. All sites of buildings or vehicular use areas, except single-family detached dwellings and duplex detached dwellings, shall provide a perimeter landscape strip not less than five (5) feet in width along parcel lines that do not directly abut a public right-of-way or residential property. Nonresidential developments which abut residential property shall provide the buffer requirements described in this Code. At the time both abutting properties are developed according to these standards, there will be a landscape strip of no less than ten (10) feet in width, both properties considered.

- 18930
- 18931 a. Within the perimeter landscape strip described above, each abutting property shall
- 18932 plant one (1) shade tree along the common property line for every for every 75 linear
- 18933 feet or fractional part thereof. Such shade trees shall be located with consideration
- 18934 given to the trees provided by the abutting property, so that adequate spacing is
- 18935 provided between the trees. If overhead utility lines are in conflict with the selection of
- 18936 shade tree species, then right tree right place shall prevail.
- 18937
- 18938 b. The remaining area of the perimeter landscape strip shall be planted with small
- 18939 ornamental trees, shrubs, ground covers, and turf sod. Not more than 50 percent of
- 18940 the perimeter landscape strip may be sodded.
- 18941

18942 The provisions of this section shall be modified in the following instances:

18943

- 18944 i. Where buildings are located along a common property line, the requirements of
- 18945 this section shall not apply to those portions of the perimeter covered by such
- 18946 buildings.
- 18947
- 18948 ii. Where an agreement to operate abutting properties as a joint parking area or a
- 18949 cross access agreement is in force, the perimeter landscape strip requirements
- 18950 between said properties shall be waived for the portions of the perimeter used for
- 18951 vehicular access until the agreement is terminated.
- 18952

18953 2. Property owner responsibility for waterway frontage.

18954

- 18955 a. All canals, lakes and retention areas shall be kept clear of any and all bushes, trees,
- 18956 vegetation, or debris of any sort emanating from adjacent banks that interfere with the
- 18957 free flow of water within such canals, lakes and retention areas.
- 18958
- 18959 b. Where tree limbs overhang into a canal right-of-way or over any other body of water,
- 18960 said tree limbs shall be properly pruned to provide a minimum of eight (8) feet of
- 18961 vertical clearance measured from the mean water level or top of sea wall.
- 18962
- 18963 c. The banks adjacent to all canals, lakes and retention areas not containing seawalls
- 18964 shall be cleared, and kept clear, of all Florida Holly, Australian pines, weeds, and other
- 18965 noxious species.
- 18966
- 18967 d. Such banks shall be graded at a slope no steeper than four (4) horizontal to one (1)
- 18968 vertical and shall be covered with sod down to the design water elevation.
- 18969

18970 (L) Parking area and pedestrian zone interior landscaping.

18971

18972 Interior landscaping shall be located within the vehicular use area subject to the following

18973 requirements:

18974

- 18975 1. Terminal islands. Landscaped terminal islands of at least 11 feet in width (including curbs)
- 18976 and 18 feet in length shall be provided at the end of each parking row. All islands of less

than 11 feet due to turning radii requirements shall have polyethylene root barriers installed against the full perimeter of the island.

2. Interior islands. At least one landscaped interior island shall be provided for every ten parking spaces. Interior islands shall measure at least 11 feet in width (including curbs) and 18 feet in length.
3. Landscape treatment. All interior planting areas not dedicated to trees, shrubs, or existing vegetation shall be landscaped with sod, ground cover, or other appropriate landscape treatment (no sand, rock, pavement, or base soil). In no instance shall there be less than one shade tree for each landscaped island.
4. Site lighting and trees. No light poles shall be located within 15 feet of a canopy tree or within seven and one-half feet of a palm species or small tree. This distance shall be measured from the root flare at time of planting. All final light pole locations shall be illustrated on planting plans. Light fixtures installed in such areas that provided adequate vertical clearance from existing trees/landscaping may be permitted.
5. When provided, divider medians shall be a minimum of eleven feet in width, including Type D curbs.
6. All limerock shall be excavated from interior landscaping areas to a depth of two and one-half feet and backfilled with the specified planting mix.
7. There shall be one (1) shade tree and three (3) shrubs per 200 square feet, or fraction thereof, of interior landscaping in the VUA minus the landscape islands. Trees used shall provide visual and vertical clearance for automobiles, emergency vehicles and service trucks. In addition to the tree requirement, all such areas shall be landscaped with sod, ground covers, and shrubs. Not more than 70 percent of the parking area interior landscaping may be sodded.
8. In mixed-use districts, all building frontages not directly abutting a public road shall provide landscaped pedestrian zones immediately adjacent to the building. The pedestrian zones shall provide a sidewalk no less than eight (8) feet in width, and a landscape area no less than four (4) five (5) feet in width lying between the sidewalk and building. The landscape area provided in the pedestrian zone shall accommodate such landscaping materials as groundcovers, shrubs, and small trees and palms. Larger landscaping may be accommodated as the width of the landscaping area increases, if desired by the property owner.
 - a. Small street furnishings may be located within the pedestrian zone (including landscaped portions) provided that sidewalks maintain a minimum of five (5) feet of clear path.
 - b. The pedestrian zone shall not be required for buildings, or portions thereof, that have dwelling units on the ground floor.

c. Two (2) adjacent buildings may share a single pedestrian zone by providing a single eight-foot-wide paved sidewalk between the two (2) buildings with a four-foot five (5) feet landscape buffer between the sidewalk and each building.

d. Portions of a building facade abutting loading spaces and other similar incompatible features are not required to provide a pedestrian zone.

(M) Dumpster and other screening requirements.

1. All dumpsters, compactors, and sites containing five (5) or more garbage cans within the city shall be located on a reinforced concrete pad and screened by a durable opaque enclosure that is not less than six (6) feet in height. Said enclosure shall not be made of chain link or any other similar material. Each enclosure shall be equipped with durable gates. A minimum 36-inch tall continuous hedges shall be planted on any side of the enclosure that is visible from the right-of-way or residential property in a planting bed not less than three (3) feet in width.

2. Previously developed sites that are legally non-conforming with this section shall be required to comply at the time of any DRC application for site plan approval or amendment, or special exception that involves new construction, redevelopment, or substantially redeveloping or reconstructing an existing building.

To achieve the objectives of this section, existing off-street parking facilities may be reduced upon administrative review and approval of a site plan amendment by the Development Review Committee.

3. All mechanical, utility, or any other equipment installed outside and on the ground shall be screened from all public rights-of-way by a continuous hedge, fence or wall maintained to a height not less than six (6) inches above the height of the installed equipment. The screening material shall be planted or installed within ten (10) feet of the equipment that it was planted intended to screen.

4. Shopping centers and strip centers shall place litter receptacles along the front walkways of said centers at an interval of 200 linear feet or a minimum of two (2) per center, whichever is greater. Freestanding commercial buildings shall contain a minimum of one (1) trash receptacle per building.

a. For the purposes of this section, litter receptacle shall be defined as any container which is made of wood, recycled plastic, metal or stone and is a minimum of thirty (30) gallons in size. Said container shall be provided and usable for the disposal of litter, garbage or trash and same shall be collected and disposed of on a regular basis.

b. Litter receptacles shall be architecturally compatible with the surrounding development and shall be permanently anchored to the wall or ground to prevent theft and/or vandalism.

c. For food and beverage drive-through uses, litter receptacles shall also be placed at the exit of drive through lanes to allow for vehicular traffic to utilize receptacles.

19072
19073 (N) Planting in swales.
19074

- 19075 1. Certain species prohibited. The planting of the following types of trees shall be prohibited
19076 within or nearby to the nontravelled public rights-of-way (swales, parkways, etc.) of a
19077 highway, road, street or any thoroughfare held as public property for public access within
19078 the city: the Florida Holly, Ficus, Brazilian Pepper, any tree of the Moraceae family, and
19079 any tree or shrub having an excessive root system that is considered undesirable by the
19080 City for maintenance of streets, sidewalks and public utilities.
19081
19082 2. Application required. Anyone planting trees or shrubs within any portion of the nontravelled
19083 public rights-of-way (swales, parkways, etc.) within the city shall make written application
19084 for said planting to the department of environmental and engineering services, and obtain
19085 approval if there are no water mains in the swales. If a tree is planted and has not been
19086 approved by the City, it shall be removed by the property owner who planted it if not
19087 approved by the City.
19088
19089 3. Maintenance. Landscaping other than trees and sod shall be maintained to a maximum
19090 height of 24 inches. Tree limbs shall be properly pruned to ANSI 300 standards to provide
19091 a minimum of eight (8) feet of vertical clearance above grassy areas and adjacent
19092 sidewalks, and a minimum of 14 feet of vertical clearance above adjacent paved
19093 roadways. Sod shall be maintained to a maximum height of six (6) inches.
19094

19095 (O) Minimum landscape requirements for zoning districts.
19096

19097 The following are the minimum landscaping requirements for the designated zoning districts:
19098

- 19099 1. Sites of Single-family dwellings, and two-family dwellings, and individual RV sites within
19100 an RVRP district shall provide the following minimum landscaping on site. However, right
19101 trees and right place, site specific trees, and the sustainability of the trees shall take
19102 precedence with the selection of the trees required. Not less than 50 percent of the
19103 required landscaping shall be planted in the front half of the lot.
19104
19105 2. Lawns/Sod. Lawns shall be placed on all areas not covered by buildings, shrubs, ground
19106 covers, landscape elements, walks or drives and shall extend to any street pavement edge
19107 and to the mean waterline of any abutting lake, canal or waterway.
19108
19109 3. Trees. Minimum tree requirements shall be based on lot size, as follows:
19110
19111 a. Canopy area values considered for this section shall be the same as those specified
19112 in the table provided in this Code.
19113
19114 b. When calculating tree requirements, fractional portions shall be rounded up to the
19115 nearest whole tree requirement.
19116
19117 c. Lots of 15,000 square feet or greater shall provide the canopy equivalent of 12 percent
19118 of the gross lot size.
19119

- d. Lots ranging from 6,000 to 14,999 square feet or greater shall be required to provide a tree canopy equivalent of ten (10) percent of the gross lot size.
- e. Lots of 5,999 square feet or less shall provide the canopy equivalent of eight (8) percent six (6) percent of the gross lot size., however, no lot shall provide less than two (2) Category 3 trees and one (1) Category 4 tree.
4. Shrubs. Every lot shall provide at least one (1) shrub per thousand square feet of gross area, or fractional portion thereof, however, no lot shall provide less than six (6) shrubs.
5. Multiple family dwelling districts, including but not limited to R-3, R-3A, R-3U, PRC, and PUD districts. In addition to any other landscaping required by this Code, each site shall contain a minimum of six (6) shrubs and the canopy equivalent of one (1) category 2 tree per dwelling unit. Lawns shall be placed on all areas not covered by buildings, shrubs, ground covers, landscape elements, walks or drives and shall extend to any abutting street pavement edge and to the mean waterline of any abutting lake, canal, or waterway.
6. Nonresidential districts.
- a. In cases of nonresidential development or redevelopment, on that portion of the site which is abutting or adjacent to residentially zoned or designated property, the nonresidential property owner shall create a buffer zone along the common property line in order to screen light, noise, traffic and trash from the residential parcel.
- b. The buffer zone is required when a nonresidential site directly abuts a residential site or residential use.
- c. The buffer zone is required when the nonresidential site is separated from a residential site or use by any private roadway, any alley, and/or any roadway classified by the Broward County Trafficways Plan Map as a local road.
- d. The buffer zone is required when the nonresidential site is separated from a residential site or use by a canal or other waterbody that has an average width of less than 80 feet.
- e. The buffer zone requirement does not apply to City parks.
7. The nonresidential site shall create a 20-foot wide unpaved strip along the common property line.
- a. This buffer strip shall provide an eight (8) foot high unpierced decorative masonry wall, constructed in conformance to applicable building codes and stuccoed include a decorative, painted or dyed, finished surface and painted on both sides, and maintained in good condition.
- b. Said wall shall be located wholly on the nonresidential site adjacent to the common property line and running its full length. Walls within the same subdivision shall conform to a uniform compatible design and appearance.

- 19168
- 19169 c. One (1) category 1 non-deciduous tree shall be planted for every 25 linear feet of the
- 19170 strip. Trees shall be planted in a staggered pattern, but in no instance shall a tree be
- 19171 permitted to be planted within five (5) feet of the required wall or a paved area.
- 19172
- 19173 8. When the nonresidential site directly abuts the residential site or residential use, the wall
- 19174 shall be contiguous to the property line that separates them.
- 19175
- 19176 a. When the nonresidential site is separated from the residential site or use by a road or
- 19177 waterbody, the wall shall be located along the most inward extent of the buffer zone,
- 19178 so that the buffer trees are provided along the outside of the wall.
- 19179
- 19180 9. Where a structure within a nonresidentially zoned property nonresidential development
- 19181 has been permitted without a buffer adjacent to residentially zoned property or use under
- 19182 unified control, prior to development permits being issued on the residential property, it
- 19183 shall be the responsibility of the residential property owner to comply with the following
- 19184 conditions:
- 19185
- 19186 a. The residential site shall provide an eight (8) foot high unpierced decorative masonry
- 19187 wall, constructed in conformance to applicable building codes and stuccoed and
- 19188 painted include a decorative painted finish on both sides and maintained in good
- 19189 condition.
- 19190
- 19191 b. Such wall shall be located wholly on the residential site adjacent to the common
- 19192 property line and running its full length. Walls within the same subdivision shall
- 19193 conform to a uniform appearance.
- 19194
- 19195 c. The residential site shall create a 20-foot wide landscape strip adjacent to the wall
- 19196 within the residential side.
- 19197
- 19198 d. One (1) category 1 non-deciduous tree shall be planted for every 25 linear feet of the
- 19199 common property line. Trees shall be planted in a staggered pattern, but in no instance
- 19200 shall a tree be permitted to be planted within five (5) feet of the required wall or a paved
- 19201 area.
- 19202
- 19203 e. This section shall not apply to the installation of additions/alterations to previously
- 19204 permitted residential property.
- 19205
- 19206 f. The buffer zone is required when a nonresidential site built without a conforming buffer
- 19207 is separated from the residential site or use by any private roadway, any alley, and/or
- 19208 any roadway classified by the Broward County Trafficways Plan Map as a local road.
- 19209
- 19210 g. The buffer zone is required when a nonresidential site built without a conforming buffer
- 19211 is separated from a residential site or use by a canal or other waterbody that has an
- 19212 average width of less than 80 feet.
- 19213
- 19214 h. When a nonresidential site directly abuts the residential site or residential use, the wall
- 19215 shall be contiguous to the property line that separates them.

- 19216
19217 i. When a nonresidential site is separated from the residential site or use by a road or
19218 waterbody, the wall shall be located along the most inward extent of the buffer zone,
19219 so that the buffer trees are provided along the outside of the wall.
19220

19221 (P) Maintenance of landscaping.
19222

19223 1. Responsible party.
19224

- 19225 a. The owner or owners, together with their tenants and individuals or entities legally in
19226 control or responsible for real property, shall be jointly and severally responsible for
19227 the maintenance of all landscaping existing or which previously had been installed on
19228 any developed site which they own or control within the city, including landscaping
19229 located within an abutting swale or canal bank.
19230

19231 2. Requirements.
19232

- 19233 a. All landscaping shall be maintained in a healthy and growing condition. Visual
19234 evidence of disease or pest damage is unacceptable, and damaged plants shall be
19235 treated immediately.
19236
19237 b. Trees and palms shall be maintained in a healthy and aesthetically pleasing manner,
19238 free of pests and disease.
19239
19240 c. Fruit, nuts, flowers, fronds, and branches that fall from a tree must be removed
19241 immediately.
19242
19243 d. All cuttings not shredded for use as mulch onsite shall be disposed of properly and
19244 removed from the site. Grass clippings and other yard waste are not permitted to be
19245 disposed of within any storm drain.
19246
19247 e. All trash container and dumpster areas shall be maintained so as to prevent the
19248 runover spillover of refuse.
19249
19250 f. Walls, fences and curbing shall be maintained free of breaks, decay and stains.
19251

19252 3. Pruning of Trees.
19253

- 19254 a. Proper pruning must be performed in accordance with the American National
19255 Standards Institute, ANSI A-300 and Broward County standards, as amended.
19256
19257 b. All tree pruners which provide services in the city are required to have a valid Broward
19258 County tree trimmer license.
19259
19260 c. Tree limbs found growing into street rights-of-way shall be properly pruned to provide
19261 eight (8) feet of vertical clearance above sidewalks and swales, and fourteen (14) feet
19262 of vertical clearance above paved roadways.
19263

- d. Tree limbs found growing into a canal right-of-way shall be pruned to provide eight (8) feet of vertical clearance above the mean water level or top of seawall.
- e. Trees, or any other landscaping, located on private property or the swale of a public roadway determined to be obstructing streetlights shall be properly pruned by the property owner, or adjacent property owner to restore light output of the light fixture(s).
- f. Trees, or any other landscaping, determined to be obstructing parking lot lights shall be properly pruned by the property owner to restore the required light output of the light fixture(s).

4. Tree Pruning exemptions.

- a. The removal of diseased or dead portions of one (1) tree or the removal of an interfering, obstructing or weak branch of a tree such that the result is a tree which is not a threat to public safety or to adjacent property is allowed. Proper pruning to reduce or eliminate interference with or obstruction of streetlights, stop signs or traffic signals is an example of an allowed proper pruning activity; provided tree abuse does not occur.
- b. In emergencies such as floods, hurricanes or other disasters, or in cases which a fallen tree is interrupting service or is limiting access to utility facilities, the requirements for implementing the American National Standards Institute (ANSI A-300) shall not apply to utility companies.

5. Pruning of shrubs and hedges.

- a. Shrubs and hedges shall be properly pruned to prevent encroachment into any sidewalk, driveway, or roadway.
- b. Shrubs and hedges shall be maintained in a healthy and aesthetically pleasing manner, free of pests and disease.
- c. For all lots lots of single-family detached dwellings, and duplex detached dwellings, and RV sites, shrubs and hedges shall be pruned as follows: planted along any lot line or within the required yard shall be maintained in a healthy and to a height not exceeding six (6) feet above the established grade.
- d. As an exception to the preceding paragraph, hedges that are not located within a site triangle may be maintained to a height of ten (10) feet above the established grade yards and rear yards abutting nonresidential property or abutting a right-of-way 100 feet in width or greater.
- e. Shrubs and hedges planted along any plot line or within the required building setbacks shall not exceed six (6) feet in height.
- f. For the purposes of this section areca palms and similar species are not considered hedges.

- 19312
- 19313 g. Shrubs and hedges planted within eight (8) feet of a window shall be maintained to a
- 19314 height below the bottom of the window.
- 19315
- 19316 h. Nonresidential use exception. Shrubs and hedges may be maintained to a height of
- 19317 eight (8) feet along any side or rear property line that is adjacent to or separated by a
- 19318 canal right-of-way less than 80 feet in width, or an alley, from a nonresidential use.
- 19319
- 19320 i. For all nonresidential and mixed-use developments, hedges and shrubs shall be
- 19321 pruned as follows:
- 19322
- 19323 i. Shrubs and hedges planted along or within 15 feet of a property line adjacent to a
- 19324 roadway shall be maintained to a height of 42 inches, unless part of a residential
- 19325 buffer. Hedges and shrubs within a sight triangle shall be maintained to a maximum
- 19326 height of 24 inches.
- 19327
- 19328 ii. Shrubs and hedges that are part of a residential buffer or planted along or within
- 19329 15 feet of an interior property line shall be maintained to a height of six (6) feet.
- 19330
- 19331 iii. Shrubs and hedges planted within or adjacent to a vehicular use area shall be
- 19332 maintained to a height of 42 inches.
- 19333
- 19334 j. For all multifamily developments, hedges and shrubs shall be pruned as follows:
- 19335
- 19336 i. Shrubs and hedges planted along or within 15 feet of a property line adjacent to a
- 19337 roadway shall be maintained to a height not less than three (3) feet, but not more
- 19338 than six (6) feet, unless part of a residential buffer. Hedges and shrubs within a
- 19339 sight triangle shall be maintained to a maximum height of 24 inches.
- 19340
- 19341 ii. Shrubs and hedges planted along or within 15 feet of an interior property line shall
- 19342 not exceed six (6) feet in height, unless part of a residential buffer.
- 19343
- 19344 iii. Nonresidential use exception. Shrubs and hedges may be maintained to a
- 19345 maximum height of eight (8) feet along any side or rear property line that is
- 19346 adjacent to or separated by a canal right-of-way less than 80 feet in width, or an
- 19347 alley, from a nonresidential use.
- 19348
- 19349 iv. Shrubs and hedges planted within eight (8) feet of a window shall be maintained
- 19350 to a height below the bottom of the window.

19351

19352 6. Sod and ground covers mowing, edging, and trimming.

19353

- 19354 a. Lawns, sod, and ground covers shall be maintained in a healthy and aesthetically
- 19355 pleasing manner, free of pests and disease.
- 19356
- 19357 b. Sod areas on a developed site shall be mowed to a height that shows no signs of
- 19358 scalping.
- 19359

- 19360 c. No lawn or sod area on a developed site shall be permitted to grow taller than six (6)
19361 inches in height.
- 19362
- 19363 d. It shall be unlawful for the owner, occupant, lessee or person in control of any
19364 undeveloped land to allow grass or weeds to grow in excess of 12 inches.
- 19365
- 19366 e. All lawns and ground covers shall be trimmed or edged to prevent encroachment onto
19367 any adjacent sidewalk, driveway, roadway, curb or other public hardened surface.
- 19368

19369 7. Fertilizers, herbicides, and pesticides.

19370

- 19371 a. Fertilizers, herbicides, and pesticides shall not be applied within ten (10) feet of any
19372 body of water.
- 19373
- 19374 b. Fertilizers, herbicides, and pesticides shall only be applied per the manufacture's label.
- 19375
- 19376 c. All fertilizer, herbicides, and pesticides shall be removed from hard surfaces, in an
19377 effort to reduce storm water runoff.
- 19378
- 19379 d. The provisions of this section shall apply to all fertilizer applications within the City of
19380 Margate with the following exceptions:
- 19381
- 19382 i. Bona fide farm operations as defined in Florida Right to Farm Act, Section 823.14,
19383 F.S., as amended, provided that fertilizers are applied in accordance with the
19384 appropriate best management practices manual adopted by the Florida
19385 Department of Agriculture and Consumer Services, Office of Agricultural Water
19386 Policy for the crop in question; and
- 19387
- 19388 ii. Fertilizer application for golf courses, parks, and athletic fields shall follow the
19389 provisions as indicated in Rule 5E-1.003(2)(d), F.A.C., as amended.
- 19390
- 19391 iii. Non-commercial applicators not otherwise required to be certified, such as private
19392 citizens on their own residential property, are encouraged to follow the
19393 recommendations of the UF/IFAS Extension and UF/IFAS Florida Yards and
19394 Neighborhoods program when applying fertilizers.
- 19395
- 19396 e. Licensing and Training of commercial fertilizer or pesticide applicators.
- 19397
- 19398 i. Any commercial fertilizer or pesticide applicator to an urban landscape must be
19399 certified by the Department of Agriculture and Consumer Services, in accordance
19400 with the NPDES operating permit, pursuant to Section 482.1562, F.S., as
19401 amended, in accordance with the NPDES operating permit.
- 19402
- 19403 ii. All commercial and institutional applicators of fertilizer within the City of Margate,
19404 shall successfully complete and apply fertilizers in accordance with the six-hour
19405 training program in the "Florida-Friendly Best Management Practices for Protection
19406 of Water Resources by the Green Industries" offered by the Florida Department of
19407 Environmental Protection through the UF/IFAS Extension.

f. Fertilizer content and application rates.

- i. Fertilizers applied to sod and/or landscape plants within the City of Margate shall be formulated and applied in accordance with requirements and directions provided on the fertilizer bag and by Rule 5E-1.003(2), F.A.C. Nitrogen or phosphorus fertilizer shall only be applied to sod or landscape plants during growth periods, not during dormant periods. These fertilizers shall not be applied except as provided for by the directions on the fertilizer bag unless soil or plant tissue deficiency has been verified by UF/IFAS Extension or another accredited laboratory or test.

g. Timing of fertilizer application.

- i. In no case shall fertilizers containing nitrogen and/or phosphorus to sod and/or landscape plants during times which a flood, tropical storm, or hurricane watch or warning issued by the National Weather Service is in effect for any portion of Broward County.

h. Application practices.

- i. Deflector shields are required when fertilizing via rotary spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.
- ii. Fertilizer shall not be applied, spilled or otherwise deposited on any impervious surface.
- iii. Any fertilizer applied, spilled or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
- iv. Fertilizer released on an impervious surface shall be immediately contained and either legally applied to sod or any other legal site or returned to the original or other appropriate container.
- v. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyance, or water bodies.

i. Pesticide Management.

- i. All landscape applications of pesticides, including "Weed and Feed" products, for hire should be made in accordance with State and Federal Law and with the most current version of the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries, as amended.
- ii. Property owners and managers are encouraged to use an Integrated Pest Management Strategy as currently recommended by the UF/IFAS Extension publications.

- 19456
19457 iii. When using pesticides, all label instructions of State and Federal law should be
19458 adhered to. The Florida Department of Agriculture and Consumer Services is
19459 responsible for enforcement of pesticide laws.

19460
19461 j. Irrigation Limitations.
19462

- 19463 i. Irrigation of landscaping which has been planted in the ground for more than ninety
19464 (90) days shall be limited to two (2) days per week, as follows:
19465
19466 a. Residences and businesses with an odd-numbered street address may water
19467 on Wednesdays and/or Saturdays only.
19468
19469 b. Residences and business with an even-numbered street address or other
19470 locations without an address may water on Thursdays and/or Sundays only.
19471
19472 ii. Irrigation systems shall not apply more than one (1) inch of water per cycle.
19473
19474 iii. Irrigation is not permitted between the hours of 10:00 a.m. and 4:00 p.m.
19475
19476 iv. Irrigation overspray or flooding onto adjacent impervious areas is not permitted.
19477
19478 v. All wasteful and unnecessary irrigation, including, but not limited to allowing water
19479 to be dispersed without any practical purpose to the water use, allowing water to
19480 be dispersed in a grossly inefficient manner, and allowing water to flow through a
19481 broken or malfunctioning water delivery or landscape irrigation system is not
19482 permitted.

19483
19484 8. Irrigation Exemptions.
19485

- 19486 a. Irrigating any landscaping which has been planted and established for 90 calendar
19487 days or less, "new landscaping," shall comply with the following provisions:
19488
19489 i. New landscaping may be irrigated once on the day it is installed without regard to
19490 the listed watering days and times. Irrigation of soil immediately prior to the
19491 installation of the new landscaping is allowed without regard to the listed watering
19492 days and times.
19493
19494 ii. A 90-day establishment period begins on the day new landscaping is installed. The
19495 new landscaping shall be installed within a reasonable time from the date of
19496 purchase, which may be demonstrated with a dated receipt or invoice.
19497
19498 iii. Irrigation of new landscaping that has been in place for 30 calendar days or less
19499 may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday,
19500 and/or Sunday, but shall not occur between the hours of 10:00 a.m. and 4:00 p.m.
19501

- 19502 iv. Irrigation of new landscaping that has been in place for 31 to ninety 90 calendar
19503 days may be accomplished on Monday, Wednesday, Thursday, and/or Sunday,
19504 but shall not occur between the hours of 10:00 a.m. and 4:00 p.m.
19505
- 19506 v. Irrigation of new landscaping is limited to areas containing only new landscaping.
19507 An entire zone of an irrigation system shall only be utilized for landscape irrigation
19508 under this exemption if the zone in question is for an area that contains at least 50
19509 percent new landscaping. If a zone contains less than 50 percent new landscaping,
19510 or if the new landscaping is in an area that will not typically be irrigated by an
19511 irrigation system, only the individual new plantings are eligible for additional
19512 irrigation. Targeted watering may be accomplished by low-volume hand watering
19513 by one (1) person, with one (1) hose, fitted with a self-cancelling or automatic
19514 shutoff nozzle, or any appropriate method with isolates and waters only the new
19515 landscaping.
19516
- 19517 b. Agricultural businesses, including plant nurseries.
19518
- 19519 c. Irrigation systems supplied with reclaimed water.
19520
- 19521 d. Irrigation systems supplied with water captured in a rain barrel or other similar device.
19522
- 19523 e. Low-volume hand watering of landscape by one (1) person, with one (1) hose, fitted
19524 with a self-cancelling or automatic shutoff nozzle.
19525
- 19526 f. Irrigation of athletic play areas which includes golf course fairways, tees, roughs, and
19527 greens, and other athletic play surfaces including football, baseball, soccer, polo,
19528 tennis, and lawn bowling fields, and rodeo, equestrian and livestock arenas.
19529
- 19530 g. Irrigation systems may be operated outside restricted days and/or times for cleaning,
19531 maintenance, and repair with an attendant on-site in the area being tested. Landscape
19532 irrigation systems may routinely be operated for such purposes no more than once per
19533 week, and the run time for any one (1) test should not exceed ten (10) minutes per
19534 zone.
19535
- 19536 h. Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides,
19537 fungicides, and herbicides, where such watering-in is required by the manufacturer, or
19538 by federal, state, or local law, shall be allowed under the following conditions:
19539
- 19540 i. Such watering-in shall be limited to one (1) application in the absence of specific
19541 alternative instructions from the manufacturer; and
19542
- 19543 ii. Such watering-in shall be accomplished during normal watering days and times
19544 permitted by 40.704(P)(8)(a) unless a professional licensed applicator has posted
19545 a temporary sign containing the date of application and the dates of needed
19546 watering-in activity.
19547
- 19548 i. In the event the South Florida Water Management District, or its successor agency,
19549 imposes restrictions on landscape irrigation for new and existing installations which

are more restrictive than those imposed by this Code, such as under the declaration of a water shortage or water shortage emergency, the more restrictive regulations shall apply for the applicable duration of the more restrictive regulations.

- j. A licensed contractor who performs work on an automatic landscape irrigation system must test for the correct operation of each device that is intended to inhibit or interrupt the operation of the system during periods of sufficient moisture. If such device or switches are not installed on the system or are not in proper operating condition, the contractor must install new ones or repair the existing ones and confirm that each device or switch is in property operating condition before completing other work on the system.

9. Irrigation waiver application and appeal process.

- a. A user of an irrigation system affected by this Code may apply for a waiver to the City of Margate Department of Environmental and Engineering Services (DEES). A waiver from specific day or days identified by this section may be granted if strict application of the restrictions would lead to unreasonable or unfair result, provided the applicant demonstrates with particularity that compliance with the schedule will result in substantial economic, health, or other hardship on the applicant, or those the applicant serves. Relief may be granted only upon a determination that such hardship exists, is peculiar to the person or affected property, is not self-imposed, and further demonstrates that granting the waiver would be consistent with the general intent and purpose of this Code.

- b. Examples of qualifying circumstances for a waiver include, but are not limited to:

- i. Two (2) or more properties share a common source of water;
- ii. A public or private water system is experiencing, or anticipates distribution problems;
- iii. Where a user maintains an irrigation system that uses soil moisture sensors with remote monitoring and adjustment capabilities that satisfies the requirements set forth in Section 373.62(7), F.S., as may be amended;
- iv. Where contiguous property is divided into different zones, a waiver may be granted so that each zone may be irrigated on day different than other zones of the property;
- v. Where a user maintains, manages, or owns a nonresidential property, such as a house of worship, market (farmer/flea), where the primary day of use, operation, or attendance for the property coincides with the prescribed water day for the address.

- c. However, no single zone may be irrigated more than two (2) days per week unless a user maintains an irrigation system uses soil moisture sensors.

- d. Applicants utilizing technology (e.g., soil moisture sensor) as justification for waiver are required to provide documentation from a licensed irrigation professional that said technology if is fully functional and its setup meets the requirements of this Code.
- e. Upon receipt of an application for waiver from the requirements of the section DEES shall render a decision on the waiver within 15 calendar days. Denials of waiver may be appealed to the city manager within 15 calendar days of the applicant's receipt of the notice of denial. Any notice of denial or subsequent appeal shall be sent by certified mail, return receipt requested.
- f. A waiver application and/or granting a waiver under provisions of this Code shall operate prospectively, shall not stay or abate the enforcement of the provisions of this Code, and shall not affect any prior or pending enforcement actions against the affected person that have been initiated pursuant to the provisions of this Code.
- g. If a waiver is granted, the applicant shall be required to post a notice at each parcel to which the waiver pertains, no later than five (5) days after the waiver is granted. Said notice is subject to approval by city staff but at a minimum, shall be conspicuous and posted such that it is visible from the exterior of any building on the property.
- h. A waiver is invalid if it has expired or if the applicant or its agent violates the terms of the waiver.
- i. Approved waivers shall expire on the date specified on the approval. However, no waiver shall be valid for a term greater than two (2) years.
- j. Application fee. To be acceptable, an application for an irrigation waiver shall be accompanied by a nonrefundable application fee in the following amount, as appropriate:
- i. Initial waiver application or re-application (waivers which have been invalidated per the above or were previously denied are re-applications): \$100.00.
- ii. Renewal of waiver (for renewal applications which have been received by the city prior to the expiration of a currently valid waiver): \$50.00.
- iii. Transfer of waiver to a new property owner: \$50.00.
- k. Notice to abate. Should the owner or occupant of any area where there has not been compliance with section refuse or neglect to comply with the above subsection, or fail to repair any city improvements, abatement or repair shall be accomplished pursuant to the procedures contained in this Code.
- l. Violations of this chapter shall be enforced pursuant to section 1-8 of the City Code.

10. Synthetic Turf.

- a. Permitted locations. Synthetic Turf may be permitted only as follows:

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- i. On Single-Family and Duplex properties within the rear yard between the back of a Structure to the property line or as part of an overall design within a concrete or brick paver vehicular driveway or front walkway, subject to the requirements and procedures set forth in this Section.
- ii. Putting Greens. Putting Greens may consist of natural grass or Synthetic Turf. Putting Greens that consist of Synthetic Turf shall comply with the requirements of this Section.
- iii. Synthetic Turf for athletic fields and public facilities shall be allowed if reviewed and approved by the Development Services Department.
- iv. As shown on an approved landscape plan.
- b. Design standards. Synthetic Turf shall comply with all of the following design standards and shall:
 - i. Simulate the appearance of live turf, organic turf, grass, sod or lawn, and shall have a minimum eight (8) year "no fade" warranty.
 - ii. Be of a type known as cut pile infill with pile fibers of a minimum height of 1.75 inches and a maximum height of 2.5 inches, except for Putting Greens, which may have a minimum height of ¼ inch.
 - iii. Have a minimum face weight of 75 ounces per square yard.
 - iv. Be manufactured from polyethylene monofilament, dual yarn system, and manufactured in the United States.
 - v. Have backing that is permeable.
 - vi. Be lead free and flame retardant.
- c. Installation standards. Synthetic Turf shall comply with all of the following installation standards and shall:
 - i. Be installed in a manner prescribed by the manufacturer.
 - ii. Be installed over an evenly graded, porous crushed rock aggregate material that is a minimum of three (3) inches in depth.
 - iii. Be anchored at all edges and seams consistent with the manufacturer's specifications.
 - iv. Not have visible seams between multiple panels.
 - v. Have seams that are joined in a tight and secure manner.

- 19694
- 19695 vi. Be a minimum of six (6) feet from a Tree or palm and 12 inches from Hedges,
- 19696 Shrubs or Ground Cover, including the separator.
- 19697
- 19698 vii. Have an infill medium consisting of clean silica sand or other mixture, pursuant to
- 19699 the manufacturer's specifications that shall:
- 19700
- 19701 a. Be brushed into the fibers to ensure that the fibers remain in an upright position;
- 19702
- 19703 b. Provide ballast that will help hold the Synthetic Turf in place; and
- 19704
- 19705 c. Provide a cushioning effect.
- 19706
- 19707 d. Additional standards. Synthetic Turf shall comply with all of the following additional
- 19708 standards:
- 19709
- 19710 i. Areas of living plant material shall be installed and/or maintained in conjunction
- 19711 with the installation of Synthetic Turf. Living plant material shall be provided per
- 19712 the minimum code requirements. Synthetic Turf shall not be counted towards the
- 19713 minimum required landscaped areas and shall not be considered part of the
- 19714 Pervious Area.
- 19715
- 19716 ii. Synthetic Turf shall be separated from planter areas and Tree wells by a concrete
- 19717 mow strip or other barrier with a minimum four (4) inch thickness to prevent the
- 19718 intrusion of living plant material into the Synthetic Turf.
- 19719
- 19720 iii. Irrigation systems proximate to the Synthetic Turf shall be directed so that no
- 19721 Irrigation affects the Synthetic Turf.
- 19722
- 19723 iv. Synthetic Turf strips of no more than four (4) inches in width are allowed only as a
- 19724 part of an overall design to enhance a concrete or brick paver vehicular driveway
- 19725 or front walkway for Single-Family or Duplex properties.
- 19726
- 19727 v. Synthetic Turf strips are allowed on Front and only as part of an overall driveway
- 19728 or front walkway design and shall meet all applicable Setback requirements for
- 19729 driveways or front walkways.
- 19730
- 19731 e. Maintenance standards. Synthetic Turf shall comply with all of the following
- 19732 maintenance standards and shall:
- 19733
- 19734 i. Be maintained in an attractive and clean condition, and shall not contain holes,
- 19735 tears, stains, discoloration, seam separations, uplifted surfaces or edges, heat
- 19736 degradation or excessive wear.
- 19737
- 19738 ii. Be maintained in a green fadeless condition and free of weeds, Debris, and
- 19739 impressions.
- 19740
- 19741 f. Prohibitions. Except as otherwise allowed in this Section, the following are prohibited:

- 19742
- 19743 i. Synthetic Turf in Public Rights-Of-Way or Swales.
- 19744
- 19745 ii. Synthetic Turf shall not be used as a screening material where screening is
- 19746 required by the Code.
- 19747
- 19748 iii. Synthetic Turf shall not be within a lake maintenance easement or drainage
- 19749 easement.
- 19750

19751 (Q) Preservation and Protection of Trees.

19752

- 19753 1. Legislative findings. The City Commissioner hereby find that trees use their leaf surfaces
- 19754 to trap and filter out ash, dust and pollen in the air, thereby helping to alleviate air pollution;
- 19755 that trees help prevent erosion of the soil, thereby helping to protect the resources of all
- 19756 of the city belonging to the general public; that removal of trees causes increased surface
- 19757 runoff, which contributes to water pollution; that protection of trees increases the value of
- 19758 property, enhances the economic integrity of an area, by providing a camouflage for harsh
- 19759 scenery and softening the outline of masonry, metal and glass, thereby being a part of
- 19760 comprehensive land use planning; that trees slow down forceful wind velocities and cut
- 19761 noise pollution; that the living communities of native trees are a valuable educational and
- 19762 aesthetic natural heritage; and that it is necessary to regulate the cutting, trimming and
- 19763 pruning of trees to help ensure that the health, function and value of these important
- 19764 resources are protected.
- 19765
- 19766 2. Documents incorporated by reference. The following documents, as amended, are
- 19767 adopted as standards and are incorporated into this Article by reference: The American
- 19768 National Standards Institute A-300, Tree, Shrub and Other Woody Plant Maintenance—
- 19769 Standard Practices, and Z-133.1, Pruning, Repairing, Maintaining, and Removing Trees,
- 19770 and Cutting Brush—Safety Requirements; Florida Department of Agriculture Division of
- 19771 Plant Industry, Grades and Standards for Nursery Plants; Jim Clark and Nelda Matheny,
- 19772 Trees and Development; Council of Tree and Landscape Appraisers, Guide for Plant
- 19773 Appraisal, Tenth Edition; 2019 Richard Harris, Arboriculture Integrated Management of
- 19774 Landscape Trees, Shrubs and Vines, Second Fourth Edition; Gary W. Watson and E.B.
- 19775 Himelick, Principles and Practices of Planting Trees and Shrubs; Florida Urban Forestry
- 19776 Council, Selecting and Planting Trees for the South Florida Urban Forest; and Florida
- 19777 Power and Light's Plant The Right Tree In the Right Place brochure. South Florida
- 19778 Version; Timothy K. Broschat & Alan W. Meerow, 49 Betrock's Reference Guide to Florida
- 19779 Landscape Plants, Third Printing, 1994; Edward 50 F. Gilman, Trees for Urban and
- 19780 Suburban Landscapes, 1st Edition, 1997; and Dr. 51 George K. Rogers, Landscape Plants
- 19781 For South Florida: A Manual For Gardeners, 52 Landscapers & Homeowners, 1st Edition,
- 19782 2009; and Florida Invasive Species Council's 53 List of Invasive Plant Species.
- 19783
- 19784 3. Definitions. When a word, term, or phrase is not defined herein, the definitions set forth in
- 19785 this Code and publications recognized as authoritative in the scientific and engineering
- 19786 fields, as applicable, shall apply. Such publications shall include the latest edition of Trees
- 19787 Native to Tropical Florida by Tomlinson; 500 Plants of South Florida by Julia Morton; Dig
- 19788 Manual by the State of Florida; Guide for Plant Appraisal by the Council of Tree and
- 19789 Landscape Appraisers; Trees and Development by Jim Clark and Nelda Matheny; Tree,

Shrub and Other Woody Plant Maintenance—Standard Practices by the American National Standards Institute (ANSI A-300); Grades and Standards for Nursery Plants by the Florida Department of Agriculture and Consumer Services. South Florida Version; Timothy K. Broschat & Alan W. Meerow, 49 Betrock's Reference Guide to Florida Landscape Plants., Third Printing, 1994; Edward 50 F. Gilman, Trees for Urban and Suburban Landscapes, 1st Edition, 1997; and Dr. 51 George K. Rogers, Landscape Plants For South Florida: A Manual For Gardeners, 52 Landscapers & Homeowners, 1st Edition, 2009; and Florida Invasive Species Council's 53 List of Invasive Plant Species (These publications, as amended, are adopted and incorporated into this article by reference.

The following words, phrases, and terms when used in this article shall have the indicated meanings:

- a. Breast height. A height of four and one-half (4½) feet above the natural grade.
- b. Canopy coverage. The areal extent of ground within the drip line of the tree.
- c. DEES. The City of Margate Department of Environmental and Engineering Services.
- d. Destruction of the natural habit of growth. Pruning that causes irreparable damage and permanent disfigurement to a tree such that, even with regrowth, the tree will never regain the original characteristics of its tree species; or pruning which amounts to tree abuse as defined herein that results in the death of the tree.
- e. Developed land. Land upon which permanent, principal building or buildings have been constructed.
- f. Diameter breast height (DBH). The diameter of the trunk of a tree measured at breast height. The DBH of trees with multiple trunks shall be the sum of the individual trunk diameters at breast height. Trees with less than four and one-half (4½) feet of clear trunk shall be measured as the diameter of the largest vertical branch or leader at breast height.
- g. Drip line. The peripheral limits of the horizontal crown of a tree spread vertically to the ground; provided, however, that the same shall not be less than a circle with a five (5) foot radius measured from the center of the tree.
- h. DSD. The City of Margate Development Services Department.
- i. Effectively destroy. To cause, suffer, allow or permit any act which will cause a tree to die or go into a period of unnatural decline within a period of one (1) year from the date of the act. Acts which may effectively destroy a tree include, but are not limited to, damage inflicted upon the root system by heavy machinery, excessive trimming, changing the natural grade above the root system or around the trunk, damage inflicted on the tree permitting infection or pest infestation, application of herbicides or other chemical agents or intentional fire damage to the tree permitting infection or pest infestation, the infliction of a trunk wound that is 50 percent or greater of the

- 19837 circumference of the trunk, or the removal of sufficient canopy to cause the unnatural
19838 decline of the tree.
- 19839
- 19840 j. Hatrack. To sever the leader or leaders, or to prune a tree by stubbing of mature wood.
- 19841
- 19842 k. Historical tree. A particular tree or group of trees which has historical value because
19843 of its unique relationship to the history of the region, state, nation or world as
19844 designated by the City Commission.
- 19845
- 19846 l. Horizontal plane. An imaginary line that begins at the base of the live frond petioles.
- 19847
- 19848 m. Land clearing. The clearing of vegetation and soils for the purpose of land
19849 development activities. This includes, but is not limited to, construction for buildings,
19850 rights-of-way, utility easements, access or drainage ways, parking lots and other
19851 structures, rock mining, the control of weeds or the initial clearing of vegetation to
19852 enhance property value or agricultural activities that involve the removal of trees as
19853 defined by this article.
- 19854
- 19855 n. Mitigation. To compensate for impacts to tree(s).
- 19856
- 19857 o. Nuisance tree. Any of the following tree species:
- 19858
- 19859 i. Metopium toxiferum (Poisonwood).
- 19860
- 19861 ii. Araucaria excelsia (Norfolk Island Pine).
- 19862
- 19863 iii. Leucaena leucocephala (Lead Tree).
- 19864
- 19865 iv. All tree species identified as Category 1 on the Florida Invasive Species Councils
19866 List of Invasive Plant Species, as may be amended.
- 19867
- 19868 p. Owner-occupied. A dwelling in a habitable condition occupied by the owner of record,
19869 as the owner's primary residence, and holding a valid certificate of occupancy.
- 19870
- 19871 q. Overlift. The removal of the majority of the inner lateral branches and foliage thereby
19872 displacing weight and mass to the ends of the branches. The alteration of the tree's
19873 live crown ratio may be considered as evidence of overlifting.
- 19874
- 19875 r. Person. Any natural person, individual, owner, operator, public or private corporation,
19876 firm, association, joint venture, partnership, municipality, governmental agency,
19877 political subdivision, public or private utilities, public officer, responsible party or any
19878 other entity whatsoever, or combination thereof, of whatever kind.
- 19879
- 19880 s. Protective barrier. A conspicuously colored fences or like structures constructed of
19881 sturdy materials that are at least four (4) feet in height which prevent or obstruct
19882 passage.
- 19883
- 19884 t. Prune or trim. To cut away, remove, cut off or cut back parts of a tree.

- 19885
- 19886 u. Remedial action. A corrective action required to offset the impacts of tree abuse, as
- 19887 defined herein.
- 19888
- 19889 v. Removal. To cut down, dig up, destroy, effectively destroy, or the unlicensed relocation
- 19890 of any tree.
- 19891
- 19892 w. Shape. The regular and frequent shearing of outer tree branches, making pruning cuts
- 19893 of one (1) inch in diameter or less, for the purpose of controlling the size and shape of
- 19894 the tree canopy.
- 19895
- 19896 x. Shearing. The cutting of many small-diameter stems of one (1) inch in diameter or
- 19897 less.
- 19898
- 19899 y. Specimen. Any tree which has a DBH of 18 inches or greater, with the exception of a
- 19900 condition rating of 60 percent or greater in accordance with the condition rating
- 19901 guidelines as specified in the Guide for Plant Appraisal, as amended except for the
- 19902 following:
- 19903
- 19904 i. Non-native fruit trees that are cultivated or grown for the specific purpose of
- 19905 producing edible fruit, including, but not limited to: mangos, avocados, or citrus.
- 19906
- 19907 a. Species of the genus Ficus except Ficus Aurea (strangler fig), Ficus Laevigata
- 19908 (short leaf fig), Ficus Rubiginosa (rusty fig or rusty leaf fig), Ficus Jacquinifolia;
- 19909
- 19910 b. All multi-trunk palms.
- 19911
- 19912 c. Trees that are in poor condition or form as determined by DEES.
- 19913
- 19914 z. Structure. Anything built or constructed. Examples include, but are not limited to,
- 19915 buildings, trailers, fences, billboards, swimming pools, poles, pipelines, ditches, roads,
- 19916 utility installation, transmission lines, track and advertising signs.
- 19917
- 19918 aa. Substantial deviation. Any proposed modification or modification to a development, a
- 19919 License Permit or a License Permit application which, either individually or
- 19920 cumulatively with other changes, creates a reasonable likelihood of additional
- 19921 environmental impact, as covered by the scope of this article, or any change or
- 19922 proposed change that may result in any impacts on trees not previously reviewed by
- 19923 DEES as covered by the scope of this article.
- 19924
- 19925 bb. Topiary pruning. The practice of pruning a tree into an ornamental shape by pruning
- 19926 branches one (1) inch in diameter or less.
- 19927
- 19928 cc. Tree. Any living, self-supporting, dicotyledonous or monocotyledonous woody
- 19929 perennial plant which has a DBH of no less than one and one-half (1.5) inches and
- 19930 which normally grows to an overall height of no less than ten (10) feet in southeast
- 19931 Florida.
- 19932

19933 dd. Tree abuse:

- 19934
- 19935 i. Hatracking a tree; or
- 19936
- 19937 ii. Destroying the natural habit of tree growth; or
- 19938
- 19939 iii. Pruning which leaves stubs or results in a flush cut; or splitting of limb ends; or
- 19940
- 19941 iv. Removing tree bark to the extent that if a line is drawn at any height around the c
- 19942 circumference of the tree, over one-third (1/3) of the length of the line falls on
- 19943 portions of the tree where bark no longer remains; or
- 19944
- 19945 v. Using climbing spikes, nails or hooks, except for purposes of total tree removal or
- 19946 as specifically permitted by standards set by the American National Standards
- 19947 Institute, as amended; or
- 19948
- 19949 vi. Pruning that does not conform to standards or recommendations set by the
- 19950 American National Standards Institute, as amended; or
- 19951
- 19952 vii. Pruning of live palm fronds which initiate above the horizontal plane; or
- 19953
- 19954 viii. Overlifting a tree; or
- 19955
- 19956 ix. Shaping a tree.
- 19957

19958 ee. Tree canopy. The upper portion of the tree consisting of limbs, branches, and leaves.

19959

19960 ff. Tree removal License Permit. A written authorization with conditions issued by DEES

19961 to remove or relocate a tree.

19962

19963 gg. Tree survey. A document signed and sealed by a Florida registered land surveyor

19964 meeting the requirements of F.S. § 472.025, as amended, which must provide, at a

19965 minimum, the following information:

19966

- 19967 i. The location, plotted by accurate techniques, of all existing non-nuisance trees;
- 19968
- 19969 ii. The common and scientific name of each tree;
- 19970
- 19971 iii. The DBH of each tree, or if a multiple-trunk tree, the sum DBH for all trunks; and
- 19972
- 19973 iv. Canopy coverage, if required by DEES.
- 19974

19975 4. General prohibitions. Unless otherwise authorized by this article, no person shall cause,

19976 suffer, permit or allow:

19977

- 19978 a. The removal of any historical tree without first obtaining approval from the City
- 19979 Commission to conduct the removal.
- 19980

- b. The removal of any tree without first obtaining a tree removal license permit from DEES as herein provided.
- c. Tree abuse as defined by this Code.
- d. Any encroachments, excavations, or change of the natural grade within the drip line of a tree unless it can be demonstrated to DEES prior to the commencement of said activity, that the activity will not negatively impact any tree.
- e. Land clearing or the operation of heavy equipment in the vicinity of a tree without placing and maintaining a protective barrier around the drip line of the tree. The protective barrier shall be conspicuous enough and high enough to be seen easily by operators of trucks and other equipment.
- f. The storage or use of materials or equipment within the drip line of any tree, or attachments, other than those of a protective and nondamaging nature, to any tree.

5. General exemptions.

- a. Emergency conditions. During emergency conditions caused by a hurricane or other natural disaster, the provisions of this article may be suspended by the direction of the city manager.
- b. Nuisance trees. Nuisance trees as defined by this Code are exempt from the prohibitions set forth in this article, as amended provided that no condition is created which poses an imminent threat to public safety or property unacceptable risk. In such cases, the nuisance tree shall be removed to alleviate any threat. Failure to remove said tree after warning from DEES shall constitute a violation of this article.
- c. Tree Risk. The pruning, trimming, removal, or replanting of a tree on residential property is exempt from any notice, application, approval, permit, fee, or mitigation requirements of this Article if the property owner possesses documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger poses an unacceptable risk to persons or property. This exemption implements and adopts by reference Section 163.045, Florida Statutes, as amended, including, but not limited to the definitions of documentation and residential property, and the standards therein for determining whether a tree poses an unacceptable risk. This exemption does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to Sections 403.9321 through 403.9333, Florida Statutes, as amended.

6. Tree removal permit requirements and standards.

- a. Permit requirements. Unless otherwise exempted by this article, a person shall obtain a tree removal license prior to relocating or removing a tree.
- b. Exemptions from Permitting. Unless otherwise prohibited by the Code, the following activities are exempted from the Permitting requirements of this article provided that no nuisance or any condition which adversely affects the environment or public health

20029 is created, and provided that the activity does not violate any provisions of the Code,
 20030 or federal, state, or local government regulations:

20031

20032 i. Removal of any tree that is hazardous to the extent that its continued existence
 20033 creates an imminent threat to public safety or property. In order to claim this
 20034 exemption, the owner of the property must document by photographs or other
 20035 evidence that such condition(s) existed prior to the removal of the tree.

20036

20037 ii. Pursuant to Section 163.045, Florida Statutes, as amended, pruning, trimming,
 20038 removal, or replanting of, or mitigation to, tree on residential property is exempt
 20039 from any notice, application, approval, permit, fee, or mitigation requirements of
 20040 this section if the property owner obtains documentation from an arborist certified
 20041 by the International Society of Arboriculture or a Florida licensed landscape
 20042 architect that the tree presents a damage to persons or property.

20043

20044 iii. Removal of trees by all county-licensed nurseries, botanical gardens and
 20045 commercial grove operations, but only in relation to those trees which are planted
 20046 and grown for the sale or intended sale to the general public in the ordinary course
 20047 of the licensed business;

20048

20049 iv. Removal of trees by all governmental and private nurseries with respect to trees
 20050 which have been planted and grown for future relocation;

20051

20052 v. Removal of trees, except historical or specimen trees, by franchised utility
 20053 companies provided that:

20054

20055 vi. The utility company provides written notice to DEES and the record owner of the
 20056 property on which the trees proposed to be removed are located of the intent to
 20057 remove trees; the written notices shall be delivered, at minimum, 15 calendar days
 20058 prior to the intended tree removal; and the utility company can demonstrate to
 20059 DEES prior to tree removal that:

20060

20061 a. The tree will cause a continual disruption of service. A specimen palm tree may
 20062 be removed under this exemption;

20063

20064 b. The easement or property was in actual use conveying utilities prior to the
 20065 effective date of this article; and

20066

20067 c. The threat of service interruption cannot be remedied by tree pruning in
 20068 accordance with standards as set by the American National Standards
 20069 Institute, as amended;

20070

20071 d. Removal of nuisance trees.

20072

20073 c. Permit application requirements. A permit application for removing or relocating trees
 20074 shall be submitted by a property owner or authorized agent of the owner, on DEES
 20075 approved application form(s).

20076

- d. Tree removal fees. The permit fee, except as otherwise provided, shall be the following:
- i. Initial tree removal permit application fee on developed residential occupied property (nonrefundable) \$10.00.
 - ii. Initial tree removal permit application fee on all other property (nonrefundable) \$50.00.
 - iii. Plus, for each tree proposed to be removed or relocated \$10.00.
- No fee shall be charged for trees which are:
- iv. Relocated or lie within a utility easement and are required to be removed in order to provide utility service to the property;
 - v. Damaging public property and where a notice of violation was issued by the code enforcement division.; or
 - vi. Governmental agencies and applications for tree removals in areas dedicated to public use shall be exempted from permit fees but shall be subject to all other provisions of this section.
- e. Required application data. The permit application must be accompanied by documents and drawings as required by DEES that describe the proposed activities to be performed in sufficient detail to meet the standards in this article and to clearly identify all potential impacts to the environment and public health. Application data required shall include, but is not limited to:
- i. A map showing the size and location of the site where the licensed activities are to be conducted;
 - ii. A starting date and duration of the proposed activities;
 - iii. A brief description of the work to be performed, including a drawing of the proposed work or a certified site plan, as determined by DEES, showing the location of all existing or proposed buildings, structures, and site uses;
 - iv. For development on undeveloped property or for redevelopment of property, a certified tree survey and site plan of identical scale designating those trees which are proposed to be preserved, relocated, or removed is required. All tree survey(s) or site plan(s) must be prepared by a person(s) qualified to do so under the Laws of Florida;
 - v. The legal description of the site.
- f. Permitting standards for tree removal, relocation and replacement.

- 20124 i. Any person conducting tree removal activities shall only remove a tree or trees
20125 from a site as approved for removal in a DEES tree removal permit.
- 20126
- 20127 ii. Permits shall be issued or denied in accordance with the provisions in this Code.
- 20128
- 20129 iii. The term of a tree removal permit shall be in accordance with the provisions of this
20130 Code.
- 20131
- 20132 iv. Damage to any other tree or trees on the site during tree removal activity shall
20133 constitute a violation of this article.
- 20134
- 20135 v. An applicant may be eligible to receive a tree removal permit if one (1) of the
20136 following criteria is present:
- 20137
- 20138 a. A proposed development cannot be located on the site without tree removal;
20139 b. The applicant has made every reasonable effort to incorporate existing trees
20140 in the development project and to minimize the number of trees removed;
- 20141
- 20142 c. A tree proposed to be removed is of poor quality and condition;
- 20143
- 20144 d. A tree proposed to be removed is obstructing safe vehicular cross visibility;
- 20145
- 20146 e. A tree proposed to be removed is damaging existing improvements;
- 20147
- 20148 f. A tree proposed to be removed is creating ongoing safety problems for existing
20149 development; or
- 20150
- 20151 g. A tree proposed to be removed is growing too close in proximity to another
20152 tree(s) to permit normal growth and development of the affected tree(s); or
- 20153
- 20154 h. A tree proposed to be removed is inhibiting the use of rooftop photovoltaic solar
20155 systems, and pruning the tree does not provide adequate remedy.
- 20156
- 20157 i. If an application meets the above criteria, DEES will, prior to issuing any tree
20158 removal permit, conduct a tree relocation evaluation.
- 20159
- 20160 g. Tree relocation evaluation. For tree relocation, DEES shall make the following
20161 evaluations:
- 20162
- 20163 i. A tree which meets the criteria for removal as specified in this section.
- 20164
- 20165 ii. Whether relocation is on the property or off the property, due to lack of available
20166 space on the property. Where relocation is to occur onto another property, written
20167 authorization from the property owner shall be required.
- 20168
- 20169 h. Tree relocation requirements. Any person conducting tree relocation activities shall:
20170

- 20171 i. Not unnecessarily damage any other tree or trees remaining on-site while
20172 relocating a tree;
- 20173
- 20174 ii. Relocate a tree so that it will not interfere with existing or proposed utilities, either
20175 above or below ground. A relocated tree which may reach a height of 30 feet shall
20176 not be placed within 20 feet of an overhead power line or as outlined in Selecting
20177 and Planting Trees for the South Florida Urban Forest;
- 20178
- 20179 iii. Relocate a tree to an area with adequate space for root and canopy development;
20180
- 20181 iv. Relocate a tree, where practicable, within the City of Margate;
20182
- 20183 v. Ensure successful relocation and transplanting of trees by adhering to the following
20184 guidelines for transplanting a tree:
- 20185
- 20186 a. Any tree being relocated shall not be unnecessarily damaged during removal,
20187 transport or replanting of that tree;
- 20188
- 20189 b. If a tree has a dormant period, it should be transplanted during that time. A tree
20190 should not be transplanted during periods of strong, dry winter winds or during
20191 droughts;
- 20192
- 20193 c. Adequate space for root and canopy development shall be provided;
20194
- 20195 d. Prior to transplanting, the tree shall be root and canopy pruned according to
20196 sound arboricultural standards. All crown pruning shall be done in accordance
20197 with standards set by the American National Standards Institute, as amended;
- 20198
- 20199 e. During and following transplanting of a tree, the root ball and trunk shall be
20200 protected. The root ball must be kept moist at all times;
- 20201
- 20202 f. A transplanted tree shall be braced for at least one (1) year after its relocation;
20203 and
- 20204
- 20205 g. A transplanted tree shall be fertilized as appropriate and shall be watered
20206 sufficiently until tree growth is re-established.
- 20207
- 20208 i. Tree relocation maintenance/monitoring requirements. Any person conducting tree
20209 relocation activities shall:
- 20210
- 20211 i. Maintain the health of a relocated tree for a period of one (1) year from the date of
20212 planting; and
- 20213
- 20214 ii. Replace, within 60 calendar days, a relocated tree that dies or is determined by
20215 DEES to be effectively destroyed within one (1) year of being relocated. The one-
20216 year maintenance period shall begin anew whenever a tree is replaced. For
20217 projects that include the relocation of ten (10) or more trees, a ten (10) percent
20218 mortality allowance will apply. If 90 percent or more of the relocated trees are

20219 determined to be viable after a period of one (1) year, the project shall be
20220 considered successful and replacement trees will not be required for the remaining
20221 ten (10) percent of the trees that die or are in a state of decline.
20222

20223 j. Tree relocation bond requirements.
20224

20225 i. Bond required. Unless otherwise exempted by this article, any person conducting
20226 tree relocation activities involving specimen trees must post a bond to insure the
20227 survival of specimen trees designated for preservation. Said bond shall meet the
20228 approval of the city attorney's office and may be in the form of a letter of credit
20229 drawn upon banks or savings and loan institutions legally doing business in the
20230 State of Florida, cash bonds issued by an insurance company legally doing
20231 business in Florida or other acceptable means as approved by the city attorney's
20232 office.

20233 ii. Determination of bond. Determination of the bond amount shall be computed
20234 based upon the most current version of the Guide for Plant Appraisal, published
20235 by the International Society of Arboriculture.
20236

20237 iii. Government entities are exempt from bond requirements.
20238

20239 k. Release of bonds.
20240

20241 i. Tree relocation bonds will be released upon successful tree relocation as set forth
20242 in this section and written approval by DEES. Bonds involving specimen trees shall
20243 be released upon completion of construction activities, if it is determined by DEES
20244 that the tree(s) is/are not effectively destroyed.
20245

20246 ii. Bonds may be released by the city when a tree removal permit is transferred. The
20247 city may condition the release of the bond upon the posting of a new bond by the
20248 subsequent permittee.
20249

20250 l. Drawing on bonds. If a tree is determined by DEES to be effectively destroyed within
20251 one (1) year from the date of relocation, the bond shall be drawn upon and funds will
20252 be deposited into the City of Margate Tree Preservation Fund.
20253

20254 m. Tree replacement in lieu of tree relocation. When it is determined by DEES that tree
20255 relocation cannot be accomplished, an applicant shall replace trees pursuant to this
20256 section.
20257

20258 n. Tree replacement requirements.
20259

20260 i. Tree replacement requirements for nonspecimen trees.
20261

20262 a. If DEES determines that a removed tree cannot be successfully relocated, said
20263 tree shall be replaced to compensate for lost tree canopy coverage.
20264

20265 ii. The following criteria shall be used by DEES to determine the tree replacement
20266 requirements:

- a. The tree canopy coverage of a site shall be determined using any combination of the following methods:
1. Review of aerial photography;
 2. On-site inspection; and/or
 3. Review of a tree survey.
- b. A tree that is successfully relocated pursuant to this section need not be replaced.
- c. Native trees identified in this section must be planted to replace native tree canopy coverage removed.
- d. For tree replacement requirements of one (1) to five (5) trees, a minimum of one (1) species shall be utilized as a replacement tree. For six (6) to ten (10) replacement trees required, a minimum of two (2) species shall be utilized. For 11 to 20 replacement trees required, a minimum of three (3) species shall be utilized. For 21 to 50 replacement trees required, a minimum of four (4) species shall be utilized. For 51 or more replacement trees required, a minimum of five (5) species shall be utilized.
- e. For trees removed pursuant to sections 40.704(Q)(6)(f)(v)(a), (b), (c), an additional 50 percent tree replacement shall be required.
- f. The number of required replacement trees shall be based upon the size of area of impact and the category of replacement trees selected by the applicant. The canopy of the replacement trees at maturity shall at least equal the canopy removed.

The following table shall be used to determine the number of required replacement trees:

<u>Replacement Tree Category (See Appendix 1)</u>	<u>Replacement Canopy Area Credit (In Square Feet)</u>
<u>Category 1 Tree 12' tall</u>	<u>300</u>
<u>Category 1 Tree Greater or equal to 13' tall</u>	<u>350</u>
<u>Category 1 Tree Greater or equal to 16' tall</u>	<u>400</u>
<u>Category 2 Tree Greater or equal to 8' tall</u>	<u>150</u>
<u>Category 2 Tree Greater or equal to 10' tall</u>	<u>200</u>
<u>Category 3 Tree</u>	<u>100</u>
<u>Category 4 Tree</u>	<u>50</u>

- o. Tree replacement for specimen trees.

- i. A tree appraisal will be performed by DEES to determine the dollar value of any specimen tree approved by DEES for removal pursuant to subsection 40.704(Q)(6)(f)(v) of this section. This appraisal shall be pursuant to the Guide for Plant Appraisal, 10th Edition, as may be amended from time to time, by the Council of Tree and Landscape Appraisers.
- ii. DEES will then calculate the number of replacement trees required to equal the appraised value of the specimen tree removed. This calculation shall include the purchase price of the replacement tree, plus installation costs. The applicant will be required to compensate the number of replacement trees indicated by DEES for the removal of the specimen tree(s).
- p. Minimum standards for replacement trees.
- i. All replacement trees shall be a minimum quality of Florida Fancy grade or better, as identified in Grades and Standards, Florida Department of Agriculture;
- ii. Only trees listed in appendix 1 (Replacement Tree Species) shall be used as replacement trees. The applicant shall have the option of choosing the category of trees for replacement provided at least 50 percent of the replacement trees are from category 1 or category 2 with respective size as follows:
- a. Category 1.
1. 300 square feet (for trees greater than or equal to a 12-foot minimum height)
2. 350 square feet (for trees greater than or equal to a 13-foot minimum height)
3. 400 square feet (for trees greater than or equal to a 16-foot minimum height)
- b. Category 2.
1. 150 square feet (for trees greater than or equal to an 8-foot minimum height)
2. 200 square feet (for trees greater than or equal to a 10-foot minimum height)
- c. Category 3.
1. Minimum of six (6) feet in height at time of planting.
- d. Category 4.
1. For replacement palm trees, a minimum of six (6) feet clear trunk or Greywood at time of planting.

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20353 iii. If the minimum tree size is commercially unavailable, smaller trees may be
20354 substituted with the approval of DEES. Additional credit may be given for the
20355 installation of larger trees, at DEES discretion.
20356

20357 g. General requirements for replaced trees. Any person conducting tree replacement
20358 activities shall:
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20360 i. Refrain from unnecessarily damaging any other tree or trees remaining on site
20361 while planting or preparing the site for any replacement tree(s);
20362

20363 ii. Plant the replacement tree so that it will not interfere with existing or proposed
20364 utility lines or cables, either above or below ground. A tree which may reach a
20365 height of 30 feet shall not be planted within 20 feet of an overhead power line;
20366

20367 iii. Plant replacement tree species and use installation and maintenance methods that
20368 follow xeriscape principles, where practicable;
20369

20370 iv. Plant a replacement tree in an area with adequate space for root and canopy
20371 development following Florida Power and Light's Right Tree In The Right Place
20372 guidelines;
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20374 v. Where practicable, plant a replacement tree within the municipality from which the
20375 original tree was removed; and
20376

20377 vi. Complete tree replacement within six (6) months of the issuance of a DEES tree
20378 removal permit unless granted an extension by DEES.
20379

20380 r. Maintenance/monitoring requirements for replaced trees. Any person conducting tree
20381 replacement activities shall:
20382

20383 i. Maintain the health of a replacement tree for a period of one (1) year from the date
20384 of planting;
20385

20386 ii. Replace within 60 calendar days any replaced tree that dies or is determined to be
20387 effectively destroyed within one (1) year of being planted, as determined by the
20388 city. The one (1) year maintenance period shall begin anew whenever a tree is
20389 replaced. For projects that include the planting of 100 or more replacement trees,
20390 a ten (10) percent mortality allowance will apply. If 90 percent or more of the
20391 replacement trees are determined to be viable after a period of one (1) year, the
20392 project shall be considered successful and replacement trees will not be required
20393 for the remaining ten (10) percent of the trees that die or are in a state of decline.
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20395 s. Remuneration in lieu of tree replacement. If it is determined by DEES that the
20396 replacement is not feasible due to lack of available planting space, the following
20397 applies:
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- i. The person conducting the tree replacement activity shall pay into the City's Tree Preservation Account a replacement contribution in lieu of actual tree replacement;
- ii. The replacement contribution will be determined using a schedule for current value of replacement trees plus installation and maintenance as established by the city;
- iii. Specimen tree calculations shall be in accordance with subsection 40.7014(Q)(6)(o).
- t. Tree preservation account.
- i. Purpose. This account shall be used to replace or expand the tree canopy in the city.
- ii. Use of monies in account. Monies in the account shall be expended, utilized, and disbursed for the planting of trees and any other ancillary costs associated with the planting of trees on public lands in the city. Ancillary costs shall not exceed 20 percent of the cost of the particular tree planting project, and shall include landscape design services, irrigation, additional landscaping, and any other items or materials necessary for the proper installation and maintenance of tree planting projects. These monies may also be used to cover the expense of relocation of trees to public lands in City of Margate and the expense of periodically distributing saplings, trees, and applicable landscape materials to the public that increase tree canopy coverage in City of Margate.
7. Construction and land clearing requirements. Any person engaged in construction or land clearing shall:
- a. Clear vegetation within the drip line of trees designated for preservation only by hand or with the use of light rubber-wheeled equipment, which will not damage tree roots; said equipment shall be a maximum of 48 inches wide, tire to tire, with a maximum weight of 3,500 pounds.
- b. Utilize retaining walls and drywells to protect any tree to be preserved from severe grade changes.
- c. Promptly repair any tree designated for preservation pursuant to a tree removal license permit which is damaged during construction by:
- i. Corrective pruning for damage to tree canopy.
- ii. Measures such as corrective root pruning, fertilization, and soil enhancements for damage to tree roots.
8. Tree abuse.
- a. Exemptions from tree abuse. The following are exempt from the prohibition of tree abuse as set forth in this Code:

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- i. Topiary pruning when:
 - a. The trees are located on owner occupied property developed for detached single family or duplex usage; or;
 - b. The trees were not installed to meet minimum landscape requirements and are identified on an approved landscape plan as appropriate for topiary pruning.
 - ii. Tree abuse necessary to alleviate a dangerous condition posing an imminent threat to the public or property provided that the threat cannot be remedied by pruning that is not defined as tree abuse; or
 - iii. Shaping of trees to protect property, such as buildings and infrastructure, in which there is adequate evidence accepted by DEES that shaping has occurred historically.
- b. Remedial measures for tree abuse. Any person that abuses a tree in violation of this article shall:
- i. Undertake pruning and other remedial action as determined by DEES, not limited to the removal of severely abused trees to protect public safety and property, and corrective pruning to improve the health and form of affected trees. No tree removal license permit is required for the removal of severely abused trees that are removed pursuant to DEES direction.
 - ii. Plant replacement trees pursuant to this Code, if the natural habit of growth of the abused tree is destroyed.
9. Historical trees.
- a. Standards for designation. The City Commission shall only designate as a historical tree a tree or group of trees that meet the following criteria:
 - i. The tree is located on historically significant property and is related to a historic event; or
 - ii. The tree is uniquely related to the heritage of the City of Margate; or
 - iii. The tree is at least 35 years old.
 - b. Request for designation. The following entities may request that the board City Commission designate a particular tree or group of trees within its jurisdiction as an historical tree:
 - i. State, county, municipality or any historical preservation society designated by the City Commission; or

- 20495 ii. Any property owner may make a similar request providing the request is for a tree
 20496 or group of trees located on their own property.
- 20497
- 20498 iii. The request shall be in writing to the City Manager and contain:
- 20499
- 20500 a. The exact location of the tree or trees to be designated as historical.
- 20501
- 20502 b. The name and address of the current owner and affected utilities of the land
 20503 upon which the tree is located.
- 20504
- 20505 c. The reason(s) for requesting the historical designation.
- 20506
- 20507 c. Consideration by the City Commission. The entity shall request that the City Manager
 20508 place the request on the City Commission agenda for discussion and vote on the
 20509 request. When the person requesting this designation is not the property owner, the
 20510 property owner shall be notified in writing by certified mail of the request and the time,
 20511 date, and place of the hearing. The City Commission shall then make a determination
 20512 based on the standards for designation.

APPENDIX 1

CATEGORY 1 TREES

Recommended Trees for Canopy Replacement: 12-foot minimum Height, 2.5-inch caliper
Replacement Canopy Area Credit: 300 square feet

Recommended Trees for Canopy Replacement: 13 Foot minimum height, 2.5-inch caliper
Replacement Canopy Area Credit: 350 square feet

Recommended Trees for Canopy Replacement: Greater than or equal to 16-foot minimum height,
3.0-inch caliper
Replacement Canopy Area Credit: 400 Square Feet

<u>Common Name</u>	<u>Latin Name</u>
<u>Apple Blossom</u>	<u>Cassia Javanica</u>
<u>* Bald cypress</u>	<u>Taxodium distichum</u>
<u>Floss silk tree</u>	<u>Chorisia speciosa</u>
<u>Golden shower tree</u>	<u>Cassia fistula</u>
<u>Green Buttonwood</u>	<u>Conocarpus erectus</u>
<u>* Gumbo limbo</u>	<u>Bursera simaruba</u>
<u>Indian tamarind</u>	<u>Tamarindus indica</u>
<u>Jacaranda</u>	<u>Jacaranda mimosifolia</u>
<u>Kapok tree</u>	<u>Ceiba pentandra</u>
<u>* Laurel oak</u>	<u>Quercus laurifolia</u>
<u>* Live oak</u>	<u>Quercus virginiana</u>
<u>* Mahogany</u>	<u>Swietenia mahogani</u>

* <u>Mastic</u>	<u>Mastichodendron foetidissimum</u>
* <u>Paradise tree</u>	<u>Simarouba glauca</u>
* <u>Pitch apple</u>	<u>Clusia rosea</u>
* <u>Pond cypress</u>	<u>Taxodium ascendens</u>
* <u>Red mulberry</u>	<u>Morus rubra</u>
<u>Red silk cotton tree</u>	<u>Bombax ceiba</u>
<u>Pongam</u>	<u>Pongamia pinnata</u>
<u>Royal poinciana</u>	<u>Delonix regia</u>
* <u>Sea grape</u>	<u>Coccoloba uvifera</u>
* <u>Shortleaf fig</u>	<u>Ficus citrifolia</u>
* <u>Slash pine</u>	<u>Pinus elliotii var. densa</u>
* <u>Soapberry</u>	<u>Sapindus saponaria</u>
* <u>Southern magnolia</u>	<u>Magnolia grandiflora</u>
<u>Spanish cherry</u>	<u>Mimusops elengi</u>
* <u>Strangler fig</u>	<u>Ficus aurea</u>
* <u>Sugarberry</u>	<u>Celtis laevigata</u>
* <u>Sweet bay</u>	<u>Magnolia virginiana</u>
<u>Weeping podocarpus</u>	<u>Podocarpus gracilior</u>
* <u>Wild tamarind</u>	<u>Lysiloma latisilqua</u>
* <u>Willow bustic</u>	<u>Dipholis salicifolia</u>
<u>Yellow poinciana</u>	<u>Peltophorum pterocarpum</u>
* <u>Native to Florida</u>	

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CATEGORY 2 TREES

8-foot minimum height

Replacement Canopy Area Credit: 150 square feet

Greater or Equal to 10-foot minimum Replacement Canopy Area Credit: 200 square feet

<u>Common Name</u>	<u>Latin Name</u>
<u>African tulip tree</u>	<u>Spathodea campanulata</u>
<u>Black sapote</u>	<u>Diospyros dignya</u>
<u>Bottlebrush</u>	<u>Callistemon spp.</u>
<u>Brazil beautyleaf</u>	<u>Calophyllum brasiliense</u>
<u>Buttercup tree</u>	<u>Cochlospermum vitifolium</u>
* <u>Buttonwood (silver)</u>	<u>Conocarpus erectus</u> <u>(var sericeus)</u>
* <u>Cherry laurel</u>	<u>Prunus caroliniana</u>
* <u>Crabwood</u>	<u>Gymnanthes lucida</u>
<u>Curly pod</u>	<u>Caesalpinia mexicana</u>
* <u>Dahoon holly</u>	<u>Ilex cassine</u>
<u>East Palatka Holly</u>	<u>Ilex attenuata</u>
* <u>Fiddlewood</u>	<u>Citharexylum fruticosum</u>
<u>Frangipani</u>	<u>Plumeria spp.</u>
* <u>Guiana plum</u>	<u>Drypetes lateriflora</u>
* <u>Jamaica dogwood</u>	<u>Piscidia piscipula</u>

<u>Japanese Blueberry</u>	<u>Elaeocarpus Decipiens</u>
<u>Japanese Fern Tree</u>	<u>Filicium Decipiens</u>
* <u>Krug's holly</u>	<u>Ilex krugiana</u>
<u>Florida lilac</u>	<u>Lonchocarpus</u>
* <u>Lancewood</u>	<u>Nectandra coriacea</u>
<u>Longan</u>	<u>Euphoria longan</u>
<u>Loquat</u>	<u>Eriobotrya japonica</u>
<u>Lychee</u>	<u>Litchi chinensis</u>
<u>Madagascar olive</u>	<u>Noronhia emarginata</u>
* <u>Persimmon</u>	<u>Diospyros virginiana</u>
* <u>Pigeon plum</u>	<u>Coccoloba diversifolia</u>
<u>Pink trumpet tree</u>	<u>Tabebuia heterophylla</u>
* <u>Pond apple</u>	<u>Annona glabra</u>
<u>Queen's crape-myrtle</u>	<u>Lagerstroemia speciosa</u>
<u>Red Geiger</u>	<u>Cordia sebestena</u>
* <u>Wild tamarind</u>	<u>Lysiloma sabicu</u>
* <u>Sand pine</u>	<u>Pinus clausa</u>
* <u>Satinleaf</u>	<u>Chrysophyllum oliviforme</u>
<u>Sausage tree</u>	<u>Kigelia pinnata</u>
* <u>Southern red cedar</u>	<u>Juniperus silicicola</u>
* <u>Sweetgum</u>	<u>Liquidambar styraciflua</u>
* <u>Sycamore</u>	<u>Platanus occidentalis</u>
<u>Tree of gold</u>	<u>Tabebuia caraiba</u>
<u>Vera Wood</u>	<u>Bulnesia arborea</u>
<u>White Geiger</u>	<u>Cordia boissieri</u>
* <u>Native to Florida</u>	

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CATEGORY 3 TREES

6-foot minimum height for trees

6-foot clear trunk for palms

Replacement Canopy Area Credit: 100 square feet

<u>Common Name</u>	<u>Latin Name</u>
<u>Allspice</u>	<u>Pimenta dioica</u>
<u>Bahama Strongback</u>	<u>Bourreria succulenta</u>
<u>Beach acacia</u>	<u>Acacia cyanophylla</u>
* <u>Black ironwood</u>	<u>Krugiodendron ferreum</u>
<u>Bismarck palm</u>	<u>Bismarckia nobilis</u>
* <u>Blolly</u>	<u>Guapira discolor</u>
<u>Bottlebrush tree</u>	<u>Callistemon spp.</u>
<u>Brush cherry</u>	<u>Syzygium paniculatum</u>
* <u>Cabbage palm</u>	<u>Sabal palmetto</u>
<u>Canary Island date palm</u>	<u>Phoenix canariensis</u>
<u>Coconut palm</u>	<u>Cocos nucifera</u>
* <u>Cocoplum</u>	<u>Chrysobalanus icaco</u>

<u>Coral bean</u>	<u>Erythrina spp.</u>
<u>Crape myrtle</u>	<u>Lagerstroemia indica</u>
<u>Glossy privet</u>	<u>Ligustrum lucidum</u>
* <u>Jamaican caper</u>	<u>Capparis cynophallophora</u>
<u>Lignum vitae</u>	<u>Guaiacum sanctum</u>
<u>Macadamia nut</u>	<u>Macadamia spp.</u>
<u>Nelie R. Stevens</u>	<u>Ilex X</u>
* <u>Redberry stopper</u>	<u>Eugenia confusa</u>
<u>Royal palm</u>	<u>Roystonea spp.</u>
* <u>Simpson stopper</u>	<u>Myrcianthes fragrans</u>
<u>Small Leaf Pitch Apple</u>	<u>Clusia Guttifera</u>
<u>Snailseed</u>	<u>Cocculus laurifolius</u>
* <u>Spanish stopper</u>	<u>Eugenia foetida</u>
* <u>Wax myrtle</u>	<u>Myrica cerifera</u>
<u>White Geiger</u>	<u>Cordia boissieri</u>
<u>White Tabebuia</u>	<u>Tabebuia bahamensis</u>
<u>Wild Date palm</u>	<u>Phoenix sylvestris</u>
* <u>Wild lime</u>	<u>Zanthoxylum fagara</u>
<u>Yellow Geiger</u>	<u>Cordia lutea</u>
* <u>Native to Florida</u>	

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CATEGORY 4
PALMS

Minimum 6-foot clear trunk

Replacement Canopy Area Credit: 50 square feet

<u>Common Name</u>	<u>Latin Name</u>
<u>Alexandra palm</u>	<u>Archontophoenix alexandrae</u>
<u>Blue Latan palm</u>	<u>Latania loddigesii</u>
<u>Bottle palm</u>	<u>Hyophorbe lagenicaulis</u>
<u>Carpenter palm</u>	<u>Carpenteria acumenata</u>
<u>Chinese fan palm</u>	<u>Livistona chinensis</u>
<u>Date palm</u>	<u>Phoenix dactylifera</u>
* <u>Florida cherry palm</u>	<u>Pseudophoenix sargentii</u>
* <u>Florida silver palm</u>	<u>Coccothrinax argentata</u>
* <u>Florida thatch palm</u>	<u>Thrinax radiata</u>
<u>Foxtail palm</u>	<u>Wodyetia bifurcata</u>
<u>Hurricane palm</u>	<u>Dictyosperma album</u>
<u>Montgomery palm</u>	<u>Veitchia montomeryana</u>
* <u>Paurotis palm</u>	<u>Acoelorrhaphe wrightii</u>
<u>Pindo palm</u>	<u>Butia capitata</u>
<u>Queen palm</u>	<u>Syagrus romanzoffiana</u>
<u>Senegal date palm</u>	<u>Phoenix reclinata</u>
<u>Washington palm</u>	<u>Washingtonia robusta</u>
<u>Windmill palm</u>	<u>Trachycarpus fortunei</u>

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20547 10. Protection of trees from destruction, damage, etc.
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- 20549 a. Tree abuse. It shall be unlawful for any person to abuse a tree in violation of this
20550 section. In the event a person abuses a tree in violation of this section, the violator
20551 shall be responsible to remove the abused tree and replace it as provided for in this
20552 section.
- 20553
- 20554 b. Tree replacement. If the natural habit of growth of the tree is destroyed, the violator
20555 shall remove the destroyed tree and install a replacement tree, at his expense,
20556 pursuant to 40.704(Q)(6). The destroyed tree shall be removed if it threatens public
20557 safety or property, and the appropriate tree removal permit fee shall apply.
- 20558
- 20559 c. Remedial actions. Remedial actions and replacement required under this section shall
20560 be completed within 60 calendar days of notice from the City that such actions are
20561 required. The City may require the violator to immediately undertake remedial actions
20562 in the event the abused tree is an immediate threat to the public or property.
- 20563
- 20564 d. Protective barriers. During any construction or land development, protective barriers,
20565 of specifications approved by the city, shall be placed and maintained around all trees
20566 to be retained on the site to prevent their destruction or damage; and the developer
20567 shall use every precaution possible to avoid damaging such trees, by preventing the
20568 use or storage of materials or equipment, or the contamination of soil with such
20569 materials as paint, oil solvents, asphalt, concrete, mortar, etc., within the drip line.
- 20570
- 20571 e. Attachments. No attachments, other than those of a protective or nondamaging nature,
20572 shall be attached to any tree except those trees approved by the City to be eliminated
20573 and not be retained or relocated.
- 20574
- 20575 f. Nuisance trees. Nothing in this section shall disallow a person from shaping a nuisance
20576 tree which may be contrary to the standards of this section.
- 20577
- 20578 g. Responsibility. The owner of the property, tenant, and agent, whether same be an
20579 individual, corporation, or other entity shall be responsible in the event that a tree is
20580 abused, contrary to this section.
- 20581
- 20582 h. Power lines. Nothing in this section shall read to prohibit the shaping of trees under
20583 power lines such that they do not interfere with such power lines and cause a public
20584 safety hazard.
- 20585

20586 11. Removal of trees on public lands.
20587

- 20588 a. No trees shall be removed from any public land, including, but not limited to, street
20589 right-of-way and swale areas, without the approval of the City according to this article
20590 or any other appropriate sections of the Code.
20591

20592 12. Designation of administration and enforcement personnel.
20593

- a. The City Manager shall designate City personnel to be responsible for implementing and enforcing the provisions of this section and any pertinent policies of the City commission and shall prescribe the duties thereof.

13. Preservation as grounds for variance.

- a. The preservation of any tree may be considered as the basis for the granting of a variance from the literal application of the provisions of the City's zoning or subdivision regulations. If, in the determination of the City Manager or his designate, the sole basis for the request for a variance is to preserve any tree which would otherwise have to be removed, he may direct the required variance fee to be waived.

14. Violations; penalty.

- a. Generally. Any person who violates any provision of this section shall be punished as provided in section 40.704(Q)(6) of this Code, and in accordance with section 1-8 of the City Code as may be applicable. Each and every "tree", as defined by this section, which shall be damaged, defaced, destroyed or removed in violation of this section shall constitute a separate and distinct violation.

15. Injunction proceedings authorized.

- a. The City Attorney's office is hereby authorized to seek, in any court of competent jurisdiction, an injunction or restraining order of either a temporary or permanent nature, restraining any person from violating any provision of this article.

16. Stop work orders.

- a. Whenever any work is being done by a person not in compliance with this article, a Code Compliance officer, as designated in section 40.704(Q)(12), may order that work be stopped and such persons performing such work shall immediately cease such work. The work may not resume until such time as the person is in compliance.

40.705 Off-street Parking, Loading, and Driveways

(A) Off-street parking required.

1. Every building, use or structure, instituted or erected after the effective date of this ordinance shall be provided with off-street parking facilities in accordance with the provisions of this article for the use of occupants, employees, visitors or patrons.
2. Such off-street parking facilities shall be maintained and continued as an accessory use as long as the main use is continued.
3. Where a building existed at the effective date of this ordinance such building may be modernized, altered or repaired, provided there is no increase in floor area or capacity and there is no change of occupancy use, without providing additional off-street parking facilities.

- 20642
- 20643 4. Where a building or use, which existed at the effective date of this ordinance, is enlarged
- 20644 in floor area, volume, capacity, or space occupied, off-street parking facilities as specified
- 20645 herein shall be provided for the additional floor area, volume, capacity or space so created
- 20646 or occupied.
- 20647
- 20648 5. It shall be unlawful for an owner or operator of any building, structure or use affected by
- 20649 this article to discontinue, change or dispense with, or to cause the discontinuance or
- 20650 reduction of the required parking facilities apart from the discontinuance, sale or transfer
- 20651 of such structure or use, without establishing alternative vehicle parking facilities which
- 20652 meet the requirements of this article. It shall be unlawful for any person, firm, or corporation
- 20653 to utilize such building, structure or use without providing the off-street parking facilities to
- 20654 meet the requirements of and be in compliance with this article.
- 20655
- 20656 6. Areas where parking is permitted.
- 20657
- 20658 a. Vehicles may only be parked in parking spaces meeting the design standards of this
- 20659 Code. Parking in drive aisles and loading zones is prohibited.
- 20660
- 20661 b. Exception. Single-family and two-family dwellings
- 20662
- 20663 7. The off-street parking facilities required under this article shall be located on the same lot
- 20664 or parcel of land such facilities are intended to serve, or upon an additional lot of land, the
- 20665 nearest property line of which is located within 400 feet, airline measurement, of the
- 20666 nearest property line of the premises it is intended to serve. All off-street parking facilities
- 20667 required under this Article shall be located on property whereon such off-street parking
- 20668 use is a permissible use and shall be designed, developed and maintained in accordance
- 20669 with all applicable provisions of this Code for Corridor, Gateway, and City Center Districts.
- 20670
- 20671 8. All off-street parking facilities required under this article that are to be provided upon an
- 20672 additional lot of land as hereinbefore provided shall be permitted through the Engineering
- 20673 Department, and requires that the owner of such additional lot of land to be used for off-
- 20674 street parking facilities and the owner of the land intended to be served by such off-street
- 20675 parking facilities enter into a written agreement with the City whereby the land providing
- 20676 the additional parking area shall never be sold or disposed of except in conjunction with
- 20677 the sale of the building or the use which the additional area serves, so long as such parking
- 20678 facilities are required, and said agreement shall be approved by the City Attorney and
- 20679 recorded in the public records of Broward County, Florida, at the expense of the owner,
- 20680 and shall be considered to be a restriction running with the land and shall bind the heirs,
- 20681 successors and assigns of the said owner; provided, that another additional lot or lots
- 20682 complying with the provisions of the zoning ordinance and subject to a recorded
- 20683 agreement as above specified may be substituted for the additional lot of land. Said written
- 20684 agreement may be voided by the City Commission if other provisions are made for off-
- 20685 street parking facilities pursuant to this article. In the case of a new or substitute agreement
- 20686 for the use of a lot of additional land to meet off-street parking requirements, the original
- 20687 or preceding agreement shall be voided by the execution and recording of the new
- 20688 agreement.
- 20689

20690 9. Nothing in this article shall be construed to prevent collective provision for, or joint use of,
20691 off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners
20692 or operations.

20693
20694 10. In the case of a building occupied by a use which is not permitted as a new use in the
20695 district in which such building is located, where major repairs, substantial alterations, or
20696 extensions of the use are to be made, no such major repairs, substantial alterations or
20697 extensions of use shall be permitted unless and until the off-street parking requirements
20698 of this article, for a new use of the type involved, are applied to such existing use and are
20699 fully provided for.

20700
20701 11. Back-out parking. Means a parking lot design which forces vehicles to use a public right-
20702 of-way to move in to and out of a parking stall, is prohibited except for where single-family
20703 and duplex structures are permitted. Back-out parking facilities are prohibited in all other
20704 zoning districts.

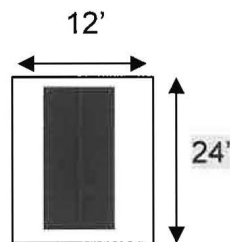
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20706 (B) Parking design standards.

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20708 1. Single-family and duplex residential development:

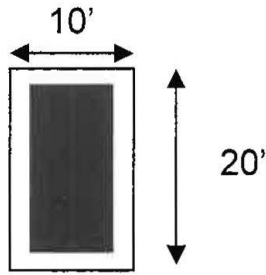
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20710 a. The following minimum requirements shall apply to all single-family dwellings and
20711 duplex dwellings. The following minimum requirements shall also apply to any fee-
20712 simple townhouse or villa developments which provide off-street parking in the form of
20713 driveways, carports, and/or garages when the parking facilities are not located in
20714 common area, under the same ownership as the individual unit, and contiguous to or
20715 within said unit that the facilities were built to serve:

20716
20717 i. In order for parking facilities to count toward minimum required parking, said
20718 facilities must meet the minimum dimensions as described below.

20719
20720 ii. A garage shall have minimum interior dimensions of 20 feet deep and 12 feet wide,
20721 with a minimum vertical clearance of eight (8) feet. This space shall not be
20722 occupied by fixtures such as cabinets, water heaters, laundry appliances, etc.

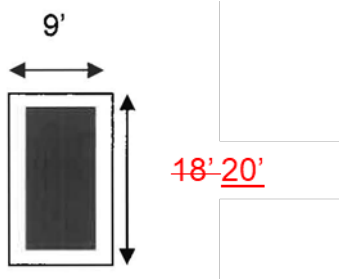


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20724 iii. A carport shall have a minimum dimension of 20 feet deep and ten (10) feet wide,
20725 per vehicle, with a minimum vertical clearance of eight (8) feet. This space shall
20726 be exclusive of vertical supports and shall not be occupied by storage, equipment,
20727 or inoperable vehicles.



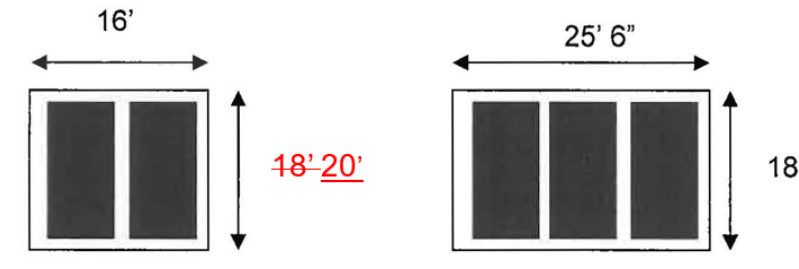
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- iv. A single-width driveway shall be a minimum 20 feet deep and nine (9) feet wide for a single vehicle.



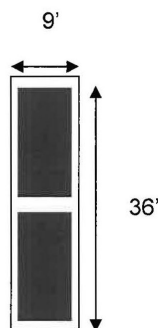
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- v. For a driveway where cars are parked side-by-side, the driveway shall be a minimum 20 feet deep and eight (8) feet wide for each vehicle when two (2) cars are parked side-by-side. If the driveway is widened to accommodate more than two (2) vehicles side-by side, the minimum width for each vehicle shall be eight (8) feet six (6) inches.



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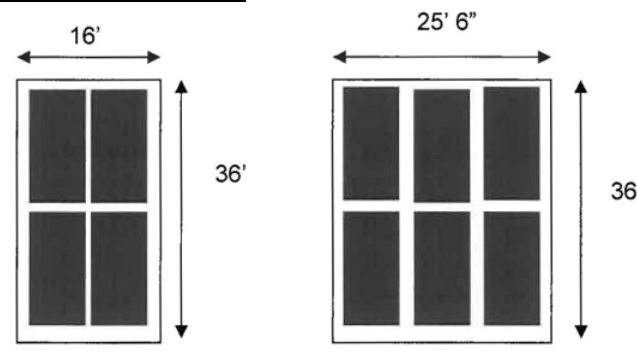
- vi. For a single-width driveway where cars are parked in tandem (front-to-back), the driveway shall be a minimum 20 feet deep and nine (9) feet wide for each vehicle.



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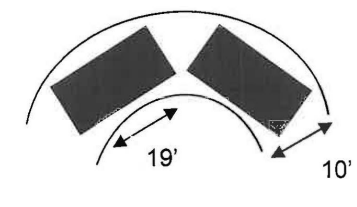
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- vii. For a driveway where cars are parked both side-by-side and in tandem, the driveway shall be a minimum 20 feet deep for each vehicle. The minimum width for two (2) side-by-side spaces shall be eight (8) feet for each vehicle. The minimum width for more than two (2) side-by-side spaces shall be eight feet (8) six (6) inches for each vehicle.



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- viii. Where a driveway is curved for circular or turn-in designs, the quantity of parking spaces provided shall be calculated based on a minimum space that is 19 feet deep by ten (10) feet wide per vehicle, tangent to the arch of the curved portion.



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- ix. Fractional measurements do not count toward minimum required parking.

2. Multi-family and non-residential development:

- a. Each parking space required and provided, pursuant to the provisions of this Article, shall be accessible to a street or alley via paved aisle or driveway and shall not be of lesser dimensions than specified in Table P, "Off-Street Parking Standards," provided, however, any fee-simple townhouse or villa developments which provide off-street parking in the form of driveways, carports, and/or garages when the parking facilities are not located in common area, under the same ownership as the individual unit, and contiguous to or within said unit that the facilities were built to serve shall be subject to the design standards of Paragraph A of this section. Driveways leading to parking areas shall not be less than three (3) feet from any building or structure, not less than five (5) feet from any property line, and not less than ten (10) feet from any public street right-of-way. The areas of separation for the driveway shall be landscaped and protected from vehicular encroachment.
- b. For building sites three (3) acres or more in area or 300 feet or more in depth located on an arterial or urban collector street, parking aisles shall not intersect any access

20778 driveway within 60 feet of the right-of-way line of such trafficway or major thoroughfare.
 20779 For all other building sites, regardless of location, such distance shall be at least 25
 20780 feet.
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 20782 c. *Vehicle barriers.* Vehicle barriers adjacent to parking spaces are required as follows:
 20783
 20784 a. When a parking space abuts sidewalks, outdoor seating areas, walkway café's,
 20785 walls of a structure, or utility infrastructure bollards meeting the minimum
 20786 requirements provided by the Department of Environmental Engineering
 20787 Services shall be provided.
 20788
 20789 b. When a parking space abuts a landscape area protective curbing shall be
 20790 provided.
 20791
 20792 c. Exceptions. Bollards do not have to be provided in the following situation.
 20793
 20794 a. When parking spaces are abutting sidewalks at least seven (7) feet wide
 20795 elevated at least six (6) inches.
 20796
 20797 d. Wheel stops may be removed from existing parking spaces if in compliance
 20798 with the above requirements.
 20799
 20800 ii. All interlocking 90-degree parking stalls shall be separated by a curbed landscape
 20801 median no less than seven (7) feet in width. Parking stalls of less than 90 degrees
 20802 shall be separated by a curbed median with an average width of seven (7) feet.
 20803 This requirement shall only apply to new developments and redevelopments within
 20804 the City.
 20805
 20806 iii. No parking stall shall be less than nine (9) feet in width and 18 feet in length, except
 20807 that parallel parking stalls shall be no less than nine (9) feet in width and 22 feet in
 20808 length. Any parking stall abutting a curbed landscape area no less than seven (7)
 20809 feet in width may reduce stall length by two (2) feet.
 20810
 20811 iv. No off-street parking area drive-aisle shall be less than 22 feet in width for two-way
 20812 traffic. The following standards shall apply to one-way drive aisles in parking areas:
 20813
 20814 a. One-way drive-aisles for thirty-degree angled parking and parallel parking shall
 20815 be no less than 12 feet in width.
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 20817 b. One-way drive aisles for 45-degree angled parking shall be no less than 13
 20818 feet in width.
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 20820 c. One-way drive aisles for 52.5-degree angled parking shall be no less than 15
 20821 feet in width.
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 20823 d. One-way drive aisles for 60-degree parking shall be no less than 17 feet in
 20824 width.
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- e. One-way drive aisles for 90-degree parking shall be no less than 22 feet in width.

TABLE P OFF STREET PARKING STANDARDS	
30° PARKING	60° PARKING
52.5° PARKING	45° PARKING
90° PARKING	PARALLEL PARKING

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- (C) The required off-street parking facilities shall be identified as to purpose and as to location when not clearly evident from a street or alley. Off-street parking facilities, including access aisles and driveways, shall be surfaced with a minimum of one (1) inch of asphaltic concrete over a six (6)-inch limerock base and maintained in a smooth, well-graded condition.
- (D) All parking facilities required by this article shall be drained so as not to cause any nuisance on adjacent or public property from runoff. Drainage will be provided by the most efficient and practical structure appropriate to the physical conditions of the site. Minimum standards shall be those established by the drainage district having jurisdiction over the area unless standards developed and adopted by this article are more stringent, in which case the more restrictive standards shall apply. A plan for on-site drainage shall be approved by the department of environmental and engineering services prior to the issuance of a building permit.
- (E) It shall be unlawful for an owner or operator of a building or use affected by this article to discontinue, change or dispense with, or to cause the discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this article. It shall be unlawful for any person, firm or corporation to utilize such building, structure or use without providing the off-street parking facilities to meet the requirements of and be in compliance with this article.

(F) Required parking areas, landscaped areas, swales, parkways, traveled rights-of-way, and sidewalks shall not be used for either parking, repair or storage of inoperative or unregistered vehicles, boats or trailers, except in an emergency situation and for not longer than 48 hours.

(G) Lighting standards for off-street parking facilities

1. The following lighting standards have been adopted for all off-street parking facilities:

a. General requirements: The following lighting requirements shall apply to all vehicular use areas and pedestrian areas in non-residential, multi-family, and mixed-use developments.

i. Required illumination levels for parking lots: The lighting system shall be designed with efficiency, security, quality, and control. The required illumination levels, which are expressed in footcandles (fc), are maintained levels. Maintained levels take into account the luminaires decreased efficiency over time by a factor.

ii. Required illuminance levels, expressed in footcandles (fc), have been established for two (2) levels of activity designated as level 1 and level 2, based on nighttime traffic and pedestrian activity. Illumination shall be provided from dusk until dawn. The defined levels of activity for facilities are as follows:

Table 1.
Levels of Nighttime Traffic and Pedestrian Activity

<u>Level of Activity</u>	<u>Nighttime use</u>
<u>Level 1</u>	• <u>Sidewalks and other pedestrian areas within nonresidential or multifamily developments</u>
<u>Level 1</u>	• <u>Multifamily residential</u>
<u>Level 2</u>	• <u>Nonresidential uses. These facilities can fall back to level 1 criteria only after the closing hours of all businesses within the center.</u>

The required illuminance levels for the two (2) levels of activity shall be as follows:

Table 2.
Required Maintained Illuminance Levels

<u>Feature</u>	<u>Level 1</u>	<u>Level 2</u>
<u>Minimum horizontal illuminance</u>	<u>1.0 (fc)</u>	<u>2.0 (fc)</u>
<u>Maximum Uniformity ratio (max/min)¹</u>	<u>10:1</u>	<u>10:1</u>
<u>¹ Uniformity ratios shall be measured at grade level.</u>		

iii. Required illumination levels for garages: The required illuminance levels for each parking garage component shall be as specified in Table 3, below:

Table 3.
Required Maintained Illuminance Levels

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Feature	General Areas	Ramps	Entrance Areas	Stairways	Rooftop
Minimum Horizontal Illuminance	2.0 (fc)	1.0 (fc)	1.0 (fc)	2.0 (fc)	2.0 (fc)
Maximum Uniformity Ratio (Max/Min)	10:1	10:1	10:1	10:1	10:1

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- iv. Light sources: All exterior parking lot lighting fixtures must be fully shielded to prevent nuisance lighting.

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- v. Mounting-height restrictions: In order to prevent nuisance lighting, pole fixtures within vehicular areas shall be mounted between 15 feet and 25 feet in height. Wall-mounted fixtures shall be mounted at a minimum height of ten (10) feet but shall not be placed on nor extend past the roofline of any structure. Bollard light fixtures may be used to illuminate pedestrian areas.

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- vi. Obtrusive light: Obtrusive spill light and up light shall be controlled with the use of efficient luminaires using cut-off optics and shields. Luminaires providing light to any parcel of land adjacent to any residentially zoned parcel of land shall emit no more than one-half (0.5) footcandle of light at the property line of the adjacently zoned parcel, measured horizontally six (6) feet above grade level.

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- vii. Tree canopies: Location of light poles in new facilities and substantial rehabilitation of existing facilities shall be such that poles are placed a minimum of 20 feet from the center of the tree. Tree canopies at existing facilities shall be trimmed in accordance with the City of Margate's Property Maintenance and Landscaping codes, in order to allow lighting to reach the parking surface.

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- viii. Photometric plans: A photometric plan shall be submitted with every DRC application for a site plan approval or amendment, or special exception use applications that involve new construction, redevelopment, or substantially redeveloping or reconstructing an existing building. Said plan shall clearly and accurately designate the required parking spaces, lighting, access aisles, driveways, adjacent utility poles that provide light to the subject property, and trees (existing and proposed). Such facilities shall be arranged for the convenient access and safety of pedestrians and vehicles. Photometric plans shall delineate footcandle measurements in a grid pattern using ten-foot squares throughout the vehicular use area and measured at grade. Photometric plans shall include light contributions from all sources, including, but not limited to, pole mounted light fixtures, wall-mounted light fixtures, illuminated signs, and adjacent streetlights. For existing sites and structures, an inspection and test of all existing site lighting systems may be performed by a design professional who can certify to the Margate Department of Environmental and Engineering Services that existing site lighting facilities meet the design criteria and meet functional compliance with this Code.

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- ix. Inspection: Prior to issuing a certificate of occupancy or certificate of completion for any application required to comply with this section, a design professional shall

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20931 certify to the Margate Department of Environmental and Engineering Services that
20932 the exterior lighting facilities are in compliance with this section.
20933

20934 (H) Master Parking Plan required for new parking area, Change of use or substantial modification.
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- 20936 1. Before any building permit for any new parking area, new or change of use, or substantial
20937 modification to an existing parking area such as an alteration to vehicle circulation and/or
20938 an expansion of the parking area can be issued, a property owner shall submit a master
20939 parking plan to the City for review and approval, as follows:
20940

20941 a. For single-family or duplex housing, a parking plan shall be submitted with the building
20942 permit application for said single-family or duplex unit. The plan shall clearly and
20943 accurately designate the required off-street parking spaces.
20944

20945 b. For all other uses or improvements described in Paragraph (1), above, a master
20946 parking plan shall be submitted by the property owner to the Development Services
20947 Department for review and approval by the Development Review Committee (DRC).
20948 The plan shall clearly and accurately designate off-street parking spaces, landscape
20949 areas, pedestrian access, bicycle parking facilities, parking for disabled people,
20950 pedestrian drop off and pick-up areas, dumpster locations, loading zones, all truck
20951 turning movements, drainage, lighting, access aisles, driveways, and the relation to
20952 the uses or structures these off-street parking facilities are intended to serve as
20953 appropriate. If applicable to the subject property or properties, the following parking
20954 area features shall be included in the master parking plan: electric vehicle charging
20955 stations, fuel pumps, valet parking, vehicle gates, vehicle reservoir areas (queueing),
20956 short-term parking such as order online and pick-up at store parking, designated
20957 spaces for restaurants with curbside or automobile service where customers consume
20958 food in vehicles, reserved parking spaces, hydrants, freestanding signs, and all other
20959 accessory structures within the parking area. Such facilities shall be arranged for the
20960 convenient access and safety of pedestrians and vehicles.
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20962 i. The master parking plan shall be prepared by a professional engineer licensed in
20963 the State of Florida.
20964

20965 ii. The master parking plan shall provide a detailed parking calculation. If this Code
20966 does not prescribe a minimum number of parking spaces for the proposed use(s),
20967 then a justification for the number of parking spaces provided shall be prepared by
20968 a qualified traffic engineer or certified planner (AICP) and submitted with the
20969 master parking plan.
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20971 iii. Where shared parking is proposed, the master parking plan shall identify the uses
20972 that share the parking and demonstrate the hours of peak demand by each use.
20973

20974 iv. When an application for a change of use is submitted a previously approved
20975 master parking plan may be submitted to the Development Services Director for
20976 review with an updated parking calculation and justification for the number of
20977 spaces provided. The director may approve the plan or forward it to the DRC for
20978 review and approval.

- 20979
- 20980 v. Approval of a proposed master parking plan shall be based on the design
- 20981 standards of the City Code for the various components of the plan. All of the
- 20982 following factors shall be considered in the justification of the number of parking
- 20983 spaces:
- 20984
- 20985 a. The physical constraints of the parking field.
- 20986
- 20987 b. The intensity of the uses on the property.
- 20988
- 20989 c. The use of shared parking.
- 20990
- 20991 d. The availability of and convenient access to transit to the site.
- 20992
- 20993 e. Information from peer-reviewed literature regarding parking generation rates
- 20994 and the reduction of parking demand.
- 20995
- 20996 f. Experience from other sites in the City.
- 20997
- 20998 g. The proposed master parking plan will not create a parking problem due to
- 20999 customers or employees using on-street parking in the neighborhood, and that
- 21000 traffic problems in the neighborhood will not be materially increased.
- 21001
- 21002 vi. The property owner is responsible for making all improvements described in the
- 21003 approved master parking plan prior to the issuance of any temporary certificate of
- 21004 occupancy, certificate of occupancy, or certificate of completion for any application
- 21005 required to comply with this section.
- 21006
- 21007 vii. A master parking plan shall be null and void if a building permit and/or engineering
- 21008 permit has not been issued for the improvements described therein within one year
- 21009 from the date of approval. The date of approval shall be the date an official DRC
- 21010 meeting approved the plan, or in the case of a previously approved master plan,
- 21011 the date of the Development Services director approval.
- 21012
- 21013 (l) Amount of off-street parking. The off-street parking required by this article shall be provided
- 21014 and maintained on the basis of the following minimum requirements:
- 21015
- 21016 1. Dwelling, single-family and two-family:
- 21017
- 21018 a. For single-family and two-family dwellings developed prior to September 5, 2018,
- 21019 including additions thereto and the reconstruction of those properties after
- 21020 catastrophe, the following minimum parking requirements shall apply: Two (2) parking
- 21021 spaces for each dwelling unit. Any combination of indoor garage, carport or driveway
- 21022 parking facilities is to be considered as complying with this section.
- 21023
- 21024 b. For single-family and two-family dwellings developed after September 5, 2018: A
- 21025 minimum of two (2) parking spaces for the first bedroom, plus one (1) additional
- 21026 parking space for each additional bedroom.

- 21027
21028 i. Carports with the dimensions of section 40.705(B) shall count as required parking.
21029
21030 ii. Single car garages shall have a minimum unobstructed area of 12 feet by 20 feet
21031 and not count as a required space.
21032
21033 Commentary: In South Florida, single-car garages are often used for storage
21034 instead of parking, given the absence of basements. For this reason, single-car
21035 garages do not count toward required parking.
21036
21037 iii. Two (2) car garages that have an unobstructed area of minimum 20 feet by 20 feet
21038 and may count as one (1) required parking space. Additional garage area that
21039 meets the dimensions of section 40.705(B) may also count towards required
21040 parking.
21041
21042 iv. The number of parking spaces a driveway will provide depends on the dimensions
21043 of said driveway, as described in section 40.705(B) of this Code.
21044
21045 2. Dwelling, multiple-family:
21046
21047 a. For multiple-family dwellings developed prior to September 5, 2018, including the
21048 reconstruction of those properties after catastrophe, the following minimum parking
21049 requirements shall apply:
21050
21051 i. One (1) parking space for each efficiency.
21052
21053 ii. A minimum of two (2) parking spaces for each dwelling unit of one (1) or more
21054 bedrooms.
21055
21056 iii. Garages shall not be considered as complying with this section.
21057
21058 iv. In addition to the above requirements, supplemental guest parking shall be
21059 provided on the basis of one (1) space for each five (5) dwelling units.
21060
21061 v. Housing which is zoned or deed restricted for exclusive use by persons 62 years
21062 of age or older, one (1) space dwelling unit plus an additional one (1) space for
21063 each five (5) dwelling units for guest parking.
21064
21065 b. For multiple-family dwellings developed after September 5, 2018, including additions
21066 to existing developments: A minimum of two (2) parking spaces for each dwelling unit
21067 of two (2) bedrooms or less. One (1) additional parking space is required for each
21068 additional bedroom.
21069
21070 i. Guest parking for developments with more than eight (8) units shall be provided at
21071 a rate of 15 percent.
21072
21073 ii. Carports with the dimensions of section 40.705(B) shall count as required parking.
21074

- 21075 iii. Single car garages shall have a minimum unobstructed area of 12 feet by 20 feet
21076 and not count as a required space.
- 21077
- 21078 iv. Guest parking must be provided on common areas owned by the multifamily
21079 development.
- 21080
- 21081 Commentary: In South Florida, single-car garages are often used for storage
21082 instead of parking, given the absence of basements. For this reason, single-car
21083 garages do not count toward required parking.
- 21084
- 21085 v. Two (2) car garages that have an unobstructed area of minimum 20 feet by 20 feet
21086 may count as one (1) required parking space.
- 21087
- 21088 vi. Each parking space within a parking structure, as defined in section 40.201 of this
21089 Code, shall count toward required parking provided the parking dimensions satisfy
21090 the minimum requirements of Table P provided in this Article.
- 21091
- 21092 3. Convalescent homes, nursing homes, retirement homes, and other similar institutions for
21093 the care of the aged and infirmed: One (1) parking space for each five (5) beds for patients
21094 or inmates, and one (1) parking space for each employee.
- 21095
- 21096 4. Uses not specifically mentioned: The requirements for off-street parking for any residential
21097 uses not specifically mentioned in this section shall be the same as provided in this section
21098 for the use most similar to the one sought, it being the intent to require all residential uses
21099 to provide off-street parking as described above. All non-residential uses shall be required
21100 to provide off-street parking, in accordance with an approved Master Parking Plan.
- 21101
- 21102 5. Fractional measurements: When units or measurements determining the number of
21103 required off-street parking spaces result in requirements of fractional space, any such
21104 fraction shall require a full off-street parking space.
- 21105
- 21106 (J) Parking of commercial vehicles.
- 21107 1. Off-street parking facilities supplied by the owner or operator to meet the requirements of
21108 this article shall not be used by commercial vehicles owned, operated or used in the
21109 business of such owner or operator during regular hours of business.
- 21110
- 21111 (K) Off-street loading.
- 21112
- 21113 1. On the same lot with every structure or use hereafter erected or created, there shall be
21114 provided and maintained adequate space for loading and unloading of materials, goods
21115 or things and for delivery and shipping, so that vehicles for these services may use this
21116 space without encroaching on or interfering with the public use of streets and alleys by
21117 pedestrians and vehicles.
- 21118
- 21119 2. Where any structure is enlarged or any use is extended so that the size of the resulting
21120 occupancy comes within the scope of this section, the full amount of off-street loading
21121 space shall be supplied and maintained for the structure or use in its enlarged or extended
21122 size. Where the use of a structure or land or any part thereof is changed to a use requiring

off-street loading space under this section, the full amount of off-street loading space shall be supplied and maintained to comply with this section.

3. For the purposes of this section, an off-street loading space shall be an area at grade level at least 12 feet wide by 45 feet long with 14½ foot vertical clearance. For lots or developments containing an aggregate amount of less than 10,000 square feet of Gross Floor Area of Buildings including office buildings and banks, an off-street loading space may be reduced to 12 feet in width by 25 feet long. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space and arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Such loading space shall also be accessible from the interior of any building it is intended to serve.

4. Off-street loading spaces shall be provided and maintained in accordance with the following schedule:

a. For each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, funeral home, laundry, dry cleaning establishment or similar use which has an aggregate gross floor area of:

i. Over 10,000 sq. ft. but not over 25,000 sq. ft. 1 space

ii. Over 25,000 sq. ft. but not over 60,000 sq. ft. 2 spaces

iii. Over 60,000 sq. ft. but not over 120,000 sq. ft. 3 spaces

iv. Over 120,000 sq. ft. but not over 200,000 sq. ft. 4 spaces

v. Over 200,000 sq. ft. but not over 290,000 sq. ft. 5 spaces

vi. Plus for each additional 90,000 sq. ft. over 290,000 sq. ft. or major fraction thereof 1 space

b. For each multiple dwelling or apartment hotel having at least 50 dwelling units but not over 100 dwelling units: One (1) space.

c. For each multiple dwelling having over 100 dwelling units: One (1) space plus one (1) space for each additional 100 dwelling units or major fraction thereof.

d. For each auditorium, convention hall, exhibition hall, museum, hotel, office building, sports arena, stadium, hospital, sanitarium, welfare institution or similar use which has an aggregate gross floor area of:

i. Over 20,000 sq. ft. but not over 40,000 sq. ft. 1 space

ii. Plus for each additional 60,000 sq. ft. over 40,000 sq. ft. or major fraction thereof: One (1) space.

- e. For any use not specifically mentioned in this section, the requirements for off-street loading for a use which is so mentioned and to which the unmentioned use is similar shall apply.
- 5. Off-street loading facilities supplied to meet the needs of one (1) use shall not be considered as meeting the off-street loading needs of any other use.
- 6. No parking facilities supplied to meet the required off-street parking facilities for a use shall be utilized for or be deemed to meet the requirements of this article for off-street loading facilities.
- 7. Nothing in this section shall prevent the collective, joint or combined provision of off-street loading facilities for two (2) or more buildings or uses, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.
- 8. Plans for buildings or uses requiring off-street loading facilities under the provision of this section shall clearly indicate the location, dimensions, clearances and access of all such required off-street loading facilities.

(L) Parking spaces for disabled persons.

- 1. Parking spaces as for disabled persons shall be provided as required by the Florida Building Code, Accessibility Section 502 as may be amended from time to time shall be designated for use by disabled persons and shall be provided in the immediate vicinity of any building maintained for use by the public, whether said building shall be a public or quasi-public building, or which is a multi-unit residential use.

(M) Vehicular reservoir areas for drive-through facilities.

- 1. All facilities which render goods and/or services directly to patrons within vehicles shall be required to provide reservoir areas for inbound vehicles. The purpose of these areas is to ensure that the vehicles using the facility do not interfere with the flow of vehicular and pedestrian traffic within public rights-of-way, nor interfere with parking circulation or loading within the facility.
- 2. Each reservoir area required pursuant to this article shall be a minimum of ten (10) feet wide by 20 feet long and each reservoir area shall not block parking stalls, parking aisles, driveways or pedestrian ways. For the purposes of this section, the space occupied by the vehicle being served by the facility is considered one (1) reservoir area.
- 3. The number of reservoir areas required shall be provided and maintained on the basis of the following minimum requirements:

	<u>Number of inbound reservoir areas</u>	<u>Number of outbound reservoir areas</u>

<u>Automatic car wash, spaces per service lane</u>	<u>4</u>	<u>4</u>
<u>Child care center, day nursery, nursery school, spaces at drop-off point</u>	<u>3</u>	<u>2</u>
<u>Drive-through beverage or food sales, spaces per service lane</u>	<u>4</u>	<u>1</u>
<u>Drive-in bank, savings and loan, spaces per service lane</u>	<u>4</u>	<u>1</u>
<u>Dry cleaning pickup station, spaces per service lane</u>	<u>2</u>	<u>1</u>
<u>Vehicle fuel station, spaces per side, each island</u>	<u>3</u>	<u>1</u>
<u>Gatehouse or ticket booth, spaces inbound and outbound</u>	<u>3</u>	<u>1</u>
<u>Package stores, spaces per service lane</u>	<u>2</u>	<u>2</u>
<u>Pharmacies with drive-through prescription facilities, spaces per service lane</u>	<u>3</u>	<u>2</u>
<u>Self-service car wash, spaces per wash stall</u>	<u>2</u>	<u>2</u>
<u>Skating rink, bowling alley, spaces at drop-off point</u>	<u>3</u>	<u>1</u>
<u>Valet parking, spaces at drop-off point</u>	<u>3</u>	<u>2</u>
<u>All other facilities</u>	<u>4</u>	<u>2</u>

(N) Escape Lane

1. A separate and distinct escape lane shall be provided if necessary to prevent entrapment of vehicles on that portion of the site if no other reasonable point of egress is available other than through the drive-through facility. An escape lane shall not be required if the drive-through lane is designed and located in such a way as to be segregated from the normal Traffic flow of the site and signed appropriately to prevent accidental entry.
2. Drive-through lanes and escape lanes shall not conflict, or otherwise hamper access, to or from any parking space.

(O) Driveways.

Driveways. The following regulations shall apply to all driveways constructed or modified after the effective date of this article:

1. In multifamily residential development, the maximum driveway widths shall be as follows:
 - a. 65 feet for two-way traffic with a center island.
 - b. 36 feet for two-way traffic.
 - c. 14 feet for one-way traffic.

2. Driveway design standards for single-family attached and detached dwellings. Existing permitted driveways may be reconstructed exactly as they were permitted regardless of these regulations, and any parts may be expanded so long as the new expanded area(s) complies with this section. All portions of any driveway are subject to these limitations:
3. General standards.
- a. Side setbacks: Eighteen (18) inches.
 - b. Rear setback: Five (5) feet.
 - c. The width of driveways on the lot may not exceed the maximum width allowed at the frontage.
 - d. Between driveway connections on the same lot: 20 feet.
 - e. Circular driveways shall have a landscaped area between each connection. The curve of the circular driveway shall be setback at least eight (8) feet at the midpoint between connections.
 - f. Driveways may have flares at the point of intersection with the abutting roadway. Flares may be a maximum of five (5) feet in width, and may have a zero (0) setback measured from a straight line extended from the property line to the abutting roadway.
 - g. Turn-in or similar design where the driveway turns to be parallel or almost parallel to the adjacent street, eight (8) feet from the adjacent property line.
 - h. All driveways shall be located as far away from street intersections as possible.
 - i. A driveway may only connect to another driveway in front of a home.
 - j. Each driveway must have a hardened driveway approach that is made of concrete, asphalt, or brick paver, and is at least as wide as the driveway is at the property line.
 - k. Vehicles are prohibited from driving over curbs and sidewalks that were not designed and built for vehicular traffic.
4. Frontage. For the purposes of this section, the property owner may designate which frontage is the primary frontage and which is the secondary frontage for the property on which the driveway is located, subject to the undivided local street highway classification map requirements of subsection (5)(b); only one (1) frontage may be considered the primary frontage.
5. Driveway regulations for lots with fifty-four (54) feet or less street frontage.
- a. Primary frontage: Maximum of two (2) driveways with a maximum total width of 27 feet.

b. Secondary frontage: If located on an undivided local street, as classified by the Broward County Metropolitan Organization's Broward Highway Functional Classifications Map, may have a maximum of one (1) driveway with a minimum depth of 20 feet entirely on the property, maximum 20 percent of the width of the frontage, not less than nine (9) feet in width.

6. Driveway regulations for lots with more than 54 feet street frontage.

a. Primary frontage: Maximum of three (3) driveways with a maximum total width of 60 percent of the frontage, not less than 27 feet in width.

b. Secondary frontage: If located on an undivided local street, as classified by the Broward County Metropolitan Organization's Broward Highway Functional Classifications Map, may have a maximum of two (2) driveways with a minimum depth of 20 feet entirely on the property, maximum 20 percent of the width of the frontage not less than nine (9) feet in width.

7. Summary of single-family attached and detached dwellings driveway regulations. The driveway requirements of this section are summarized in the table below:

<u>Lot Frontage</u>	<u>Maximum Width on Primary Frontage</u>	<u>Maximum Width on Secondary Frontage</u>	<u>Side Setbacks</u>	<u>Rear Setbacks</u>	<u>Distance Between Driveways</u>
<u>Less than 54 feet</u>	<u>27 feet</u>	<u>20 percent of the frontage, not less than 9 feet</u>	<u>18 inches</u>	<u>5 feet</u>	<u>20 feet</u>
<u>Greater than 54 feet</u>	<u>60 percent, not less than 27 feet</u>	<u>20 percent, not less than 9 feet</u>	<u>18 inches</u>	<u>5 feet</u>	<u>20 feet</u>

8. Driveway design standards for nonresidential and mixed-use development driveway design standards:

a. Maximum width of 40 feet for two-way traffic.

b. Maximum width of 14 feet for one-way traffic.

c. Abutting properties are strongly encouraged to share driveway connections where possible.

d. When a driveway for the property's only legal access cannot comply with the spacing requirements of this section, a driveway shall be allowed as far as possible from other driveways without the need to apply for a variance, subject to the requirements of the Florida Department of Transportation or Broward County as applicable, and the limitations below. This requirement applies to both vacant and lots being redeveloped.

- e. When a driveway for the property cannot comply with the spacing requirements of this section and has legal access from a nonresidential street or alley or has a cross-access easement with an abutting property, a driveway on that frontage shall be prohibited.

9. In multifamily nonresidential, and mixed-use districts, the following shall apply:

- a. Maximum of one (1) two-way or two (2) one-way driveways for any street frontage of 200 feet or less.
- b. Driveways shall be located as far away from street intersections as possible.
- c. Minimum spacing between two-way driveways of 200 feet from any other driveway.
- d. Minimum spacing for one-way driveways of eighty (80) feet from any other driveway.

10. All driveways shall be located as far away from street intersections as possible.

11. Backout parking, i.e. a parking lot design which forces vehicles to use a public right-of-way to maneuver into or out of a parking stall, is prohibited except for one- and two-family sites fronting on local streets. Driveways connecting same are considered to be one-way. This provision is not intended to regulate on-street parking.

40.706 Signage

(A) Statement of purpose.

The purpose of this article is to create the framework for a comprehensive and balanced system of sign control, thereby facilitating clear and attractive communication between people and their environment. It is the purpose of this article to control those signs which are intended to communicate to the general public and to authorize the use of signs which are:

1. Compatible with their surroundings.
2. Expressive of the identity of individual proprietors or of the community as a whole.
3. Legible under the circumstances in which they are seen.
4. Conducive to promoting traffic safety by preventing visual distraction.
5. Provide for the aesthetic appearance of the community and consistency with architecture.
6. Effectively and efficiently communicate the intent and nature of the city's business community.

(B) Definitions.

The following words, terms and phrases, when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicated a different meaning:

1. Abandoned sign: A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or available on the premises where such sign is displayed.
2. Address sign: A sign listing at least the numerical prefix of the street address of a building.
3. Advertising: Any form of public announcement intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, person, event, activity or entertainment.
4. Advertising balloon: Any balloon of any size containing a display of advertising.
5. A-frame sign, portable sign, and sandwich board sign: A moveable sign not secured or attached to the ground, but which is not being carried by an individual, nor moving or animated in any other fashion.
6. Animated sign: A sign which utilizes motion parts by any means or displays flashing, oscillating or intermittent lights. This also includes the use of animals or humans for advertising purposes.
7. Announcing sign: A sign announcing a project to be under construction, an intended use of the premises in the immediate future, or change of tenant during build out.
8. Awning sign: Any sign which is painted, printed, sewed or otherwise attached to the exterior face of an awning.
9. Banner or pennant sign: A sign having characters, letters or illustrations applied to cloth, paper, flexible plastic, flexible vinyl or fabric of any kind with only such material for backing other than those meeting the definition of a flag.
10. Bench sign: Any sign painted on or attached to a bench.
11. Billboard: A sign, including those located on poles, benches, buses, buildings or structures, that is located in the public right-of-way or on private property, utilized for advertising an establishment, an activity, a product, a service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign is located.
12. Blade sign: A small sign, which is suspended from an overhang, canopy, awning, or is suspended from mounting attached directly to the building wall and hangs perpendicular to the building wall.

- 21418 13. Blank panel: A single color, individual sign panel with no writing, characters, symbols,
21419 letters, numbers or any design of any kind visible or applied or painted on either side of
21420 the panel.
- 21421
- 21422 14. Bunting: Any kind of pennant, streamer or other similar fabric or flexible plastic.
- 21423
- 21424 15. Cabinet sign: Any sign, the face of which is enclosed, bordered, or contained within a box-
21425 like structure, frame or other device.
- 21426
- 21427 16. Canopy: An ornamental roof-like structure that is not an integral part of the roof, but rather,
21428 is appended to the building and extends beyond the building or building line. For purposes
21429 of this Code, a roof structure over a gasoline pump or pumps is considered a canopy.
- 21430
- 21431 17. Canopy sign: A sign attached to the face of a canopy or covered structure which projects
21432 from, or is supported by a building, when such canopy or covered structure extends
21433 beyond the building, building lines, or property line.
- 21434
- 21435 18. Changeable copy sign: A sign that is designed so that characters, letters or illustrations
21436 can be changed or rearranged without altering the face or the surface of the sign. This
21437 may be done by using flexible or rigid plastic letters, electronic messaging or LED.
- 21438
- 21439 19. City: The City of Margate, Florida.
- 21440
- 21441 20. City manager: The city manager of the City of Margate.
- 21442
- 21443 21. Clubhouse: A common property to a homeowner's or condominium association which
21444 includes such community amenities as a swimming pool, meeting place and/or auditorium.
- 21445
- 21446 22. Clubhouse identification sign: A sign identifying its clubhouse.
- 21447
- 21448 23. Community bulletin board sign: A sign displaying information of interest to the general
21449 public.
- 21450
- 21451 24. Community identification sign: A sign identifying a community.
- 21452
- 21453 25. Complex: A group or cluster of buildings with a common access from a dedicated roadway.
- 21454
- 21455 26. Directional sign: Any on-premises sign indicating route of travel for reaching the place or
21456 use indicated on the sign face.
- 21457
- 21458 27. Directory sign: A sign on which the names and locations of occupants or the use of a
21459 building or site are given but not advertising the use in any manner.
- 21460
- 21461 28. Door: An entry equipped with double-pivoted hardware so designed as to cause a semi
21462 counter balanced swing action when opening.
- 21463
- 21464 29. Election signs: Any sign which indicates the name, cause or affiliation of any person
21465 seeking office or which indicates any issue or referendum question for which an election

is scheduled to be held. This includes, but is not limited to, signs advertising candidates, referenda or any campaign information.

30. Facade: That portion of a building encompassing the area extending in a generally vertical plane from the ground to the highest point of the building or canopy and extending in a horizontal plane between the vertical ends of the structure.

31. Feather banner sign: A temporary lightweight sign comprised of partial metal or plastic frame, pole, and/or base to which a vinyl, nylon, canvas or polyester fabric sign face is attached. Depending on the shape and type of movement, such signs may also be called a "flutter," "tear drop," "flying," "wing," "bow," "rectangular" banner, etc.

32. Feature car: One (1) or more automobiles situated on a car lot prominently to highlight product value.

33. Flag: A sign having characters, letters or illustrations applied or woven into cloth or fabric with only such material for backing which depicts the emblem or insignia of a nation, political subdivision, a corporation or other entity and which is not intended to convey any commercial or noncommercial message.

34. Frontage, building: The exterior length of a building or portion thereof designated as a single premises parallel to a public right-of-way.

35. Frontage, street: The length of the property line of any one (1) premises parallel to [and] along a public right-of-way.

36. Grade: The established average level of ground on a property.

37. Grand opening event: Celebration of or event commencing the opening of a business, held within 60 days of the issuance of the first local business tax receipt or transfer of a local business tax receipt for the business at a location.

38. Grand opening ground sign: A temporary sign constructed by the City of Margate and leased to new businesses in order to provide additional roadway visibility during their grand opening.

39. Grand projecting sign: A sign, other than a wall sign, which is attached to a building or other structure, and extends outward beyond the line of building or structure to which it is attached.

40. Height of sign: Sign height, as measured from the established grade of the property on which the sign is located or proposed to be located.

41. Human sign: A person wearing a costume or holding a sign or other demonstration displaying a commercial message.

42. Identification sign: A sign used to identify a place, location, building or name.

- 21514 43. Illuminated sign: A sign with an internally or externally illuminated light source which
21515 makes the message on the sign readable.
- 21516
- 21517 44. Illumination, external: An exterior shielded light source such as ground lights, spot lights
21518 or other similar lighting that projects the light onto the sign face.
- 21519
- 21520 45. Illumination, internal: A light source concealed or contained within the sign which becomes
21521 visible by shining through a translucent surface.
- 21522
- 21523 46. Inflatable sign: A temporary sign, including balloons, larger than 24 inches in diameter or
21524 height, which is structurally supported through the use of air, helium or other gas to provide
21525 structural support, including signs which contain air, helium or other gas in a sealed
21526 container or structure and signs which utilize a fan or blower to push air into or through
21527 the sign material.
- 21528
- 21529 47. Logo: A symbol, emblem, trademark or graphic device which has been registered or
21530 trademarked with the State of Florida or U.S. government and is used as a badge or
21531 identity to represent an organization, corporation or business to identify said entities'
21532 property or products.
- 21533
- 21534 48. Logotype: The use of a stylized font in a word or words that has been designed to create
21535 a unique identity or trademark for an organization, corporation or business and which has
21536 been registered with the State of Florida or U.S. government.
- 21537
- 21538 49. Mansard roof: A four-sided gambrel-style hip roof characterized by two (2) slopes on each
21539 of its sides with the lower slope, punctured by windows, at a steeper angle than the upper
21540 slope.
- 21541
- 21542 50. Model sign: A sign which designates a particular dwelling unit design which is not for sale
21543 or rent, but rather represents other units of a similar design that are for sale or rent.
- 21544
- 21545 51. Monument sign: A sign which is attached to a self-supporting structure, has vertical sides
21546 from base of the sign face to the ground level, has a sign face that is no more than six (6)
21547 inches wider on either side than the sign structure, has a concealed means of support and
21548 is not attached or affixed in any way to a building or other structure, and has no clearance
21549 between the ground and the bottom of the sign.
- 21550
- 21551 52. Multi-tenant center: Any shopping center, office center or business center in which two (2)
21552 or more occupancies abut each other or share common parking facilities or driveways or
21553 are otherwise related.
- 21554
- 21555 53. Nameplate sign: A sign indicating the name, and/or profession or address of a person or
21556 persons residing on the premises or legally occupying the premises.
- 21557
- 21558 54. Neighborhood block sign: A sign marking the location of a particular neighborhood or
21559 subdivision by indicating the name and/or logo of such area.
- 21560

- 21561 55. Nonconforming sign: A sign which was legally constructed and maintained under laws or
21562 regulations in effect at the time of construction which does not conform with the provisions
21563 of this article.
- 21564
- 21565 56. Nonprofit sale sign: A sign advertising a sale benefiting a city sponsored or a city-based
21566 nonprofit organization (i.e., Halloween pumpkin sale, fireworks sale, Christmas tree sale).
- 21567
- 21568 57. Off-premises sign: Any sign that is advertising or indicating the location of a product,
21569 service, business or other activity that is located or conducted elsewhere than on the
21570 premises on which the sign is located.
- 21571
- 21572 58. On-premises sign: Any sign identifying or advertising a business, person, activity, goods,
21573 product or service located on the premises where the sign is installed and maintained.
- 21574
- 21575 59. Opinion sign: A sign which indicates a belief concerning an issue, name, cause, or
21576 affiliation which is not scheduled for an election. This includes, but is not limited to, signs
21577 advertising political parties, or any political information.
- 21578
- 21579 60. Outdoor public telephone: For purposes of this signage code, any exterior telephone
21580 located either freestanding or affixed to a building which is intended for use by the general
21581 public. This definition is also to include any structure which is intended for the purpose of
21582 supporting said telephone.
- 21583
- 21584 61. Parapet or parapet wall: That portion of the building that rises above the roof level.
- 21585
- 21586 62. Pennants: See "Banner and pennant signs."
- 21587
- 21588 63. Permanent sign: Any sign which, when installed, is intended for permanent use. For the
21589 purposes of this chapter [article], any sign with an intended use in excess of 12 months
21590 from the date of installation shall be deemed a permanent sign.
- 21591
- 21592 64. Personal gain sign: Any sign advertising for personal gain on residential property; (i.e., a
21593 garage, yard or patio sale sign).
- 21594
- 21595 65. Pole sign: A permanent sign erected upon a pole or poles and which is wholly independent
21596 of any building or other structure for support.
- 21597
- 21598 66. Portable sign: Any sign not permanently attached to the ground or building.
- 21599
- 21600 67. Premises: A tract of real property in a single ownership which is not divided by a public
21601 street or right-of-way.
- 21602
- 21603 68. Project: A group or cluster of buildings with a common access from a dedicated roadway.
- 21604
- 21605 69. Projecting sign: A sign attached to and supported by a building or other structure and
21606 which extends at any angle therefrom.
- 21607

- 21608 70. Public hearing sign: A sign announcing the date, time, and location of where an issue of
21609 law or fact is brought forth to the decision-making body.
- 21610
- 21611 71. Public interest sign: A noncommercial sign, permanently erected and maintained by the
21612 city, county, state, or any agency thereof, to denote the name of any thoroughfare; the
21613 route to any city, facility educational institution, public building, park, recreational facility
21614 or hospital; to direct and regulate traffic; or, to denote any transportation or transmission
21615 company for the safety of the public.
- 21616
- 21617 72. Promotional advertising banner: A sign placed on a permanent pole being used on a
21618 rotating basis to provide greater visibility to multi-tenant developments.
- 21619
- 21620 73. Real estate sign: A sign erected by the owner, or his agent, indicating property which is
21621 for rent, sale or lease.
- 21622
- 21623 74. Rear identification sign: A sign that is located in the rear portion of the building containing
21624 the service or secondary service entrance that is not on the same building side as a
21625 customer entrance.
- 21626
- 21627 75. Replaceable tenant panel: An individual sign panel with the name of a single tenant of a
21628 multi-tenant complex or the name of the multi-tenant complex for use in a monument sign
21629 of a multi-tenant complex where said panel is designed for easy installation into the
21630 monument sign's cabinet or frame in the field without any other alteration to any other
21631 portion of the monument sign's sign face or structure.
- 21632
- 21633 76. Roof sign: A sign erected over or on the roof, or extending above the roof line, which is
21634 dependent upon the roof, parapet or upper walls of any building, or portion thereof, for
21635 support.
- 21636
- 21637 77. Sign: A device, structure or representation for visual communication that is used for the
21638 purposes of bringing the subject thereof to the attention of the general public. For the
21639 purposes of removal, "sign" shall also include all sign structures.
- 21640
- 21641 78. Sign area: The square foot area enclosed by the perimeter of the sign structure. When a
21642 sign is composed of individual letters, symbols or logos only, the sign area is the area
21643 enclosed by a perimeter line (forming a single rectangle) enclosing all letters, symbols and
21644 logos; however, no sign shall have a distance greater than three (3) feet between symbols,
21645 logos, letters, or numbers. For monument signs, the square foot area from the ground,
21646 excluding first 12 inches, to the maximum height times width is the sign area.
- 21647
- 21648 79. Signage code inspector: A code inspector, a code inspector's designated representative,
21649 or any other individual designated by the city manager to enforce the provisions of this
21650 signage code.
- 21651
- 21652 80. Sign face: The part of the structure that is intended primarily for or can be utilized for
21653 communication purposes. The sign face shall include any area of the sign that is internally
21654 illuminated.
- 21655

- 21656 81. Site: A parcel, lot, tract, or other unit of land recorded in the public records of Broward
21657 County, or combinations thereof, and having a common development scheme presented
21658 to the city as a single project whether simultaneously or in phases.
21659
- 21660 82. Snipe sign: A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to
21661 trees, poles, wire or wood stakes, or fences, or to other objects with a message appearing
21662 thereon.
21663
- 21664 83. Special event sign: A sign identifying a temporary event, other than a sale of goods, being
21665 held in the city by a city-sponsored, city-based nonprofit organization, or announcing a
21666 city-approved promotional activity sponsored by the owner or agent of a property and
21667 being located on the site of the event (i.e., a parade, festival).
21668
- 21669 84. Structure: That which is built or constructed.
21670
- 21671 85. Subdivision identification sign: A sign designating a recorded subdivision, residential
21672 complex or neighborhood with definable boundaries.
21673
- 21674 86. Symbol: A sign, design, character, or other such representation used to signify a use or
21675 activity, rather than an organization or corporation.
21676
- 21677 87. Temporary sign: Any sign other than a window sign intended for use not permanent in
21678 nature. For the purposes of this chapter [article] any sign with an intended use of 12
21679 months or less shall be deemed a "temporary sign."
21680
- 21681 88. Under awning sign or under canopy sign: A horizontal hanging sign that is pedestrian-
21682 oriented and is suspended beneath a canopy or awning over a pedestrian walkway and
21683 not visible outside the canopy area.
21684
- 21685 89. Uniform sign plan: A plan for all signage for properties with more than two (2) businesses
21686 utilizing signage. The plan sets forth standards for uniform sign type.
21687
- 21688 90. Vehicle sign: Any sign or signs permanently or temporarily affixed to or painted on a
21689 transportation vehicle, including, but not limited to, automobiles, trucks, boats, trailers, or
21690 campers, for the primary purpose of identification, advertisement, sales, or directing the
21691 public to a business, person, event or activity located on the same or another property, or
21692 any other premises.
21693
- 21694 91. Wall sign: A sign which is affixed to and supported by wall or other enclosure.
21695
- 21696 92. Wayfinding sign: An off-premises sign with symbols, text, maps, or other similar graphics
21697 that are used to convey location and directions to travelers.
21698
- 21699 93. Window: For purposes of this section a window is a set of contiguous panels of glass or
21700 other transparent material separated by dividers six (6) inches or smaller.
21701

21702 94. Window sign, interior: A sign located on the inside of a window or within ten (10) feet of
21703 window or enclosed structure which is visible from the exterior through a window or other
21704 opening.

21705
21706 95. Window sign, exterior: A sign affixed or applied to the exterior of a window.
21707

21708 (C) General requirements for signs in all zoning districts.
21709

21710 1. All signs shall comply with the construction and installation requirements of the Florida
21711 Building Code.

21712
21713 2. All structural, electrical, and mechanical members utilized in the construction, erection and
21714 operation of signs shall be concealed except for vertical supports or other supporting
21715 members which are designed and arranged so as to be an integral part of the aesthetic
21716 composition of a sign.

21717
21718 3. Signs shall not utilize more than five (5) colors including a background color. For the
21719 purpose of this section, white, black, neutral bronze or the color of the building on which
21720 the signs are affixed shall not be considered colors for sign structures. When a logo or
21721 logotype is used, the logo or logotype may be comprised of the colors as appropriately
21722 registered or trademarked with the State of Florida or U.S. government. White, black,
21723 neutral bronze or the color of the building on which signs are affixed shall not be
21724 considered.

21725
21726 4. All wood permitted to be used, whether for new permanent signs, for replacement of
21727 existing permanent signs, or for any part thereof, shall be rot and termite resistant, through
21728 open-cell preservation methods as specified by the American Wood Preservation
21729 Association, or by any other open-cell preservation treatment approved by the building
21730 department.

21731
21732 5. No face jumping or wires visibly connected to individual letters shall be permitted.
21733

21734 6. Interior angle of V-shaped signs shall be no greater than 30 degrees.
21735

21736 7. All signs permitted by this Code shall be professionally drawn and constructed.
21737

21738 8. Location of the sign shall not interfere with public alarms, signals or signs. No sign or
21739 support shall be placed in such a position or manner as to obstruct or interfere, either
21740 physically or visually, with any fire alarm, police alarm, traffic signal or sign or any devices
21741 maintained by or under public authority.

21742
21743 9. No sign, except interior window signs, shall be constructed of cardboard or any other paper
21744 products.

21745
21746 10. All letters or symbols two (2) inches or larger on permanent identification signs must
21747 extrude or intrude into the sign face a minimum of three-eighths ($\frac{3}{8}$) of an inch. Signs
21748 which are nonconforming due to this requirement only shall not be subject to section
21749 40.706(O) of this signage code. The following signs shall be exempt from this requirement:

- 21750
- 21751 a. Window signs;
- 21752
- 21753 b. Replacement tenant panels on multi-tenant monument signs, and cabinet wall signs;
- 21754
- 21755 c. Address signs;
- 21756
- 21757 d. Rear identification signs.
- 21758
- 21759 e. All signs must be installed perpendicular (at a 90-degree angle) to level earth.
- 21760

21761 11. At all intersections of a private driveway with a public right-of-way, no sign, except

21762 permitted temporary signs no greater than three (3) feet in height, shall be permitted within

21763 the triangular area formed by the chord connecting 25 feet from the intersection of the

21764 right-of-way line and a perpendicular line formed by the outer edge of the driveway

21765 pavement.

21766

21767 12. At all intersections of public rights-of-way, no sign, except permitted temporary signs no

21768 greater than three (3) feet in height, shall be permitted within the triangular area formed

21769 by the chord connecting 35 feet from the intersection of the right-of-way lines or tangent

21770 extensions thereof.

21771

21772 (D) Required signs.

21773

21774 The following signs must be placed where relevant:

21775

- 21776 1. Fire lane markings, no smoking, locked doors, blocked, apartment identification, not an
- 21777 exit, warning signs at vehicle fuel stations and others as may be prescribed by the fire
- 21778 marshal.
- 21779
- 21780 2. Handicapped parking signs and other signs in accordance with state requirements.
- 21781
- 21782 3. As a condition for receiving a certificate of occupancy or local business tax receipt, the
- 21783 correct street address shall be permanently placed on the front of the building, storefront
- 21784 or bay and easily recognized at all times. All address signs shall have a minimum of three
- 21785 (3)-inch letters and a maximum of eight (8)-inch letters. Buildings backing on a public right-
- 21786 of-way shall also display an address sign in a conspicuous location. The color of street
- 21787 address letters shall be of opposing contrast to its background. Buildings backing on a
- 21788 public right-of-way shall also display an address sign in a conspicuous location.
- 21789 Additionally, all non-residential buildings shall have an address sign on the rear door.
- 21790
- 21791 4. Public hearing signs. All public hearing items heard by any board, committee or city
- 21792 commission of the City of Margate shall post a public hearing sign as required by section
- 21793 40.310 of this Code.
- 21794

21795 (E) Residential district permanent signs.

21796

21797 The following signs are authorized in all residential districts, including residential areas
21798 contained within PUD and PRC, and C, G, CC zones. All signs permitted and approved prior
21799 to January 8, 1997, are exempt from the requirements of section 40.706(O) of this Code but
21800 not from the regulations of any other section:

21801
21802 1. Neighborhood block sign:

- 21803
21804 a. Number maximum: One (1) per major neighborhood entrance.
21805
21806 b. Location: The sign shall be located at the intersection of two (2) roadways.
21807
21808 c. Setback minimum: Two (2) feet.
21809
21810 d. Area maximum: Six (6) square feet per each sign.
21811
21812 e. Height maximum: Seven (7) feet from base of sign.
21813
21814 f. Lines of copy maximum: Two (2) lines.
21815

21816 2. Subdivision identification sign:

- 21817
21818 a. Number maximum: One (1) monument or two (2) entrance wall signs (if symmetrical
21819 to one another) per entrance.
21820
21821 b. Location: Must be located on common property near said entrances.
21822
21823 c. Setback minimum: Five (5) feet from right-of-way or placed on subdivision perimeter
21824 wall.
21825
21826 d. Sign copy area maximum: Thirty-two (32) square feet per sign face and an aggregate
21827 area of 64 square feet.
21828
21829 e. Height maximum: Seven and one-half (7½) feet above established grade.
21830

21831 3. Clubhouse identification sign:

- 21832
21833 a. Number maximum: One (1) monument or one (1) entrance wall sign.
21834
21835 b. Location: Must be located on common property near said entrance.
21836
21837 c. Setback minimum: Five (5) feet from right-of-way or placed on clubhouse wall.
21838
21839 d. Sign copy area maximum: Thirty-two (32) square feet per sign copy including border.
21840
21841 e. Height maximum: Seven and one-half (7½) feet above established grade.
21842

21843 4. Multifamily identification signs:
21844

- 21845 a. Number maximum: One (1) wall sign.
- 21846
- 21847 b. Area maximum: Twenty (20) square feet.
- 21848
- 21849 c. Availability: These signs are available to multifamily buildings greater than five (5) units
- 21850 that are not part of a larger complex.
- 21851
- 21852 5. General information signs:
- 21853
- 21854 a. Area maximum: Four (4) square feet.
- 21855
- 21856 b. Height maximum: Six (6) feet.
- 21857
- 21858 c. No advertising copy.
- 21859
- 21860 d. Signs regulated by state statutes must comply with size, color, copy and other
- 21861 regulations contained the regulating statues.
- 21862
- 21863 6. Directional signs:
- 21864
- 21865 a. Area maximum: Four (4) square feet.
- 21866
- 21867 b. Height maximum: Four (4) feet.
- 21868
- 21869 c. No advertising copy.
- 21870
- 21871
- 21872 7. Model signs:
- 21873
- 21874 a. Model office lot.
- 21875
- 21876 i. Number maximum: One (1) sign.
- 21877
- 21878 ii. Area maximum: Twenty-four (24) square feet.
- 21879
- 21880 b. Model lot.
- 21881
- 21882 i. Number maximum: One (1) sign on each model lot.
- 21883
- 21884 ii. Area maximum: Eight (8) square feet.
- 21885
- 21886 c. Model directional signs.
- 21887
- 21888 i. Number maximum: Three (3) per development.
- 21889
- 21890 ii. Area maximum: Four (4) square feet per each sign.
- 21891

- d. Utilization. Model signs may only be utilized while a unit is being actively used as a non-dwelling model. Once the last model is inhabited, signs are no longer permitted at the model office.

(F) Nonresidential district permanent signs.

The following signs are permitted in nonresidential districts as well as business areas of PUD and C, G, CC districts. Any development may have any combination of signs within this section unless otherwise restricted.

1. Identification monument sign:

- a. Location: Monument signs shall not be permitted within 100 feet of any other monument sign along the same direction of travel of a right-of-way.

b. Setback minimum:

- i. Five (5) feet from right-of-way.
- ii. Ten (10) feet from any interior property line.

c. Area maximum:

- i. Ninety-six (96) square feet for projects with at least eight (8) tenants and one (1) tenant space at least 25,000 square feet.
- ii. Seventy-two (72) square feet for all multi-tenant buildings.
- iii. Forty-nine (49) square feet for all single occupant free-standing building.
- iv. The first 12 inches of a monument sign protruding up from the ground shall not be counted toward the total sign area.

- d. Sign face area maximum: Seventy-five (75) percent of the total sign structure area.

e. Height maximum:

- i. Thirteen (13) feet above the sidewalk elevation adjacent to the sign for projects with at least eight (8) tenants and one (1) tenant space at least 25,000 square feet.
- ii. Ten (10) feet above the sidewalk elevation adjacent to the sign for all other multi-tenant (72 square feet) signs.
- iii. Nine (9) feet above the sidewalk elevation adjacent to the sign for single occupant (49 square feet) signs.

- f. Width maximum: Eight (8) feet.

g. Address:

- i. All signs must display address of complex in numbers at least six (6) inches high, but not more than 12 inches, located at the top of each side of the monument sign.
- ii. Address shall not be calculated in the total sign face area when located on an area that would not otherwise be calculated as part of the sign face area.
- iii. In addition to the above required address display, the address may also be displayed vertically along the structural side of a monument sign which is perpendicular to a right-of-way.

h. Landscaping:

- i. A planting bed at least two (2) feet in width shall surround any monument and/or freestanding sign.
- ii. This bed shall contain mulch and ground covers, shall be irrigated, and shall be shown on the site plan and/or any sign permit application for said sign.
- iii. Said ground covers shall be located in the ground, shall not be permitted in a flowerbox or other such device, and shall be maintained to a maximum height of 12 inches.

2. Main identification wall sign:

a. Number maximum:

- i. One (1) sign located on a side with right-of-way frontage or frontage on the main circulation route of a multi-tenant shopping center.
- ii. If no frontage as previously listed exists, the occupancy will be allowed one (1) sign.
- iii. One (1) additional sign will be allowed per occupancy if an occupancy has two (2) identical storefronts, one (1) in front and one (1) in rear where both storefronts either have right-of-way frontage or frontage on a main circulation route of a multi-tenant shopping center.

b. Location: Ground-level occupancy where said occupancy has its own direct customer/client entrance from the exterior of the building.

c. Area maximum: One (1) square foot per liner foot of building frontage.

- i. In calculating liner feet of building frontage for purposes of determining wall sign size, canopies shall not be included.

d. Height maximum: Top of facade or wall.

- 21988
21989 e. Height minimum: Nine (9) feet.
21990
21991 f. Lines of copy maximum: Two (2) lines.
21992
21993 g. Installation restrictions. Signs installed flat on building may not extend over a mansard,
21994 signs installed on mansard may not extend over edge of mansard.
21995

21996 3. Secondary identification wall sign:
21997

- 21998 a. Number maximum: One (1) sign per side (other than that on which the main
21999 identification wall sign exists) with right-of-way frontage, frontage on the main
22000 circulation route of a multi-tenant shopping center, facade facing oncoming traffic on
22001 near side of adjacent major roadway or has high visibility from a major roadway and
22002 does not conflict with neighboring properties. Signs shall be posted on the wall with
22003 said frontage.
22004
22005 b. Location: Only available for occupancies that are allowed a main identification wall
22006 sign. Building rear is excluded from having secondary identification wall sign.
22007
22008 c. Area maximum: One (1) square foot for each linear foot of building frontage not to
22009 exceed size of main identification wall sign.
22010
22011 d. Height maximum: Top of facade or wall.
22012
22013 e. Height minimum: Nine (9) feet.
22014
22015 f. Length maximum: 100 percent of main identification wall sign or 75 percent of building
22016 frontage whichever is less.
22017
22018 g. Lines of copy maximum: Two (2) lines.
22019
22020 h. Installation regulations: Signs installed flat on building may not extend over a mansard,
22021 signs installed on mansard may not extend over edge of mansard.
22022

22023 4. Rear identification sign:
22024

- 22025 a. Number maximum: One (1) sign per occupancy.
22026
22027 b. Location: The sign may be wall mounted and needs to either be located on or within
22028 three (3) feet of a service or secondary entrance.
22029

22030 5. Building identification wall sign:
22031

- 22032 a. Number maximum: Two (2) signs per building, based on the limitation of location,
22033 below.
22034
22035 b. Location:

- 22036
- 22037 i. Building frontages facing corridor or regional arterial roadways.
- 22038
- 22039 ii. Installed within five (5) feet of the top of the facade and no less than 20 feet above
- 22040 the established grade.
- 22041
- 22042 iii. Not permitted above the main roofline of a building.
- 22043
- 22044 c. Area maximum: One-half (1/2) square foot for each linear foot of building frontage not
- 22045 to exceed size of main identification wall sign.
- 22046
- 22047 d. Height maximum: Top of facade or wall.
- 22048
- 22049 e. Length maximum: Fifty (50) percent of the building frontage on which they are
- 22050 installed.
- 22051
- 22052 f. Letter height:
- 22053
- 22054 i. Twenty-four (24) inches for one- and two-story buildings;
- 22055
- 22056 ii. An additional six (6) inches of letter height shall be permitted for each additional
- 22057 story.
- 22058
- 22059 g. Installation restrictions: Signs installed flat on building may not extend over a mansard,
- 22060 signs installed on mansard may not extend over edge of mansard.
- 22061
- 22062 6. General information signs:
- 22063
- 22064 a. Area maximum: Four (4) square feet.
- 22065
- 22066 b. Height maximum: Six (6) feet.
- 22067
- 22068 c. Property owners may allow the labeling of up to 20 percent of total parking spaces for
- 22069 individual parking spaces for use by customers or employees of an individual business
- 22070 or group of businesses.
- 22071
- 22072 d. No advertising copy.
- 22073
- 22074 e. Signs regulated by State Statutes must comply with size, color, copy and other
- 22075 regulations contained in the regulating statutes.
- 22076
- 22077 7. Directional signs:
- 22078
- 22079 a. Area maximum: Four (4) square feet.
- 22080
- 22081 b. Height maximum: Four (4) feet.
- 22082
- 22083 c. No advertising copy.

d. Permitted on properties that have multiple tenants, more than one (1) entrance, a drive-thru facility, or an accessory use available to the public.

e. Signs regulated by State Statues must comply with size, color, copy and other regulations contained in the regulating statutes.

8. Under awning and canopy identification sign:

a. Number maximum: One (1) per establishment (corner storefront may be permitted one (1) per side).

b. Location: Positioned 90 degrees to facade, rigidly attached, and is centered in the area under the awning or canopy.

c. Area maximum: Four (4) square feet.

d. Maximum letter height: Ten (10) inches.

e. Minimum clearance: Nine (9) feet.

f. Sign may be internally illuminated provided the sign is "cabinet" in style.

g. Signs shall not be permitted where blade signs are utilized.

h. Signs are not subject to the requirements of section 40.706(C).

i. Vehicle fuel station signs subject to section 40.706(I)iii.

9. Awning sign:

a. Number maximum: One (1) per establishment.

b. Location: Awning valance, awning face or awning side.

c. Area maximum: Fifty (50) percent of total awning area.

d. Exemptions: Awning signs are not required to comply with subsection 40.706(C)(10).

10. Site directory sign:

a. Number maximum: One (1) per driveway of a multi-building project or multi-tenant property exceeding 30 acres in size.

b. Location: On a wall or freestanding.

c. Setback minimum: One hundred (100) feet from the property line.

d. Area maximum: Total sign area to be no more than 32 square feet.

i. Twelve (12) square feet for complex identification portion.

ii. Twenty (20) square feet for tenant identification portion.

e. Height maximum: Eight (8) feet.

f. Letter height maximum:

i. Fifteen (15) inches for complex identification portion.

ii. Five (5) inches for tenant identification portion.

g. Other copy: No advertising copy.

11. Building directory sign:

a. Number maximum:

i. One (1) per building less than 20,000 square feet.

ii. Two (2) per building 20,000 square feet or greater.

b. Location: On building wall.

c. Area maximum: Total sign area to be no more than ten (10) square feet; sign may not be more than four (4) feet in height.

d. Letter height maximum: Six (6) inches for building identification.

e. Other copy: No advertising copy.

f. Compliance: Signs regulated by State Statutes must comply with size, color, copy and other regulations contained in the regulating statutes.

12. Blade sign:

a. Number maximum: One (1) per ground-floor occupancy for each 30 feet of building frontage.

i. Fractional portions shall not be considered for additional blade sign(s).

ii. Businesses with less than 30 feet of building frontage may install one (1) blade sign per building frontage with a direct customer entrance, provided that no other blade sign is within 20 feet.

b. Location: Arcade, gallery, shopfront or awning type frontage with a direct entrance for customers.

c. Area maximum: Six (6) square feet.

13. Grand projecting sign:

a. Number maximum: One (1) per ground-floor tenants with at least 25,000 square feet of gross area.

b. Location: Only permitted on building frontages facing corridors or regional arterial roadways.

c. Area maximum: Forty-five (45) square feet.

d. Height maximum: Fifteen (15) feet.

i. No portion of a grand projecting sign shall be installed above 25 feet above the established grade.

ii. Nor shall any grand projecting sign protrude above any roofline.

iii. Width maximum: Three (3) feet.

e. Illumination: Signs may be illuminated.

14. Projecting sign:

a. Number maximum: One (1) per ground-floor tenant with direct entrance for customers.

b. Location: Building façade perpendicular to the façade. Not permitted to be installed under an arcade, gallery, or shopfront and awning type frontage overhang.

c. Area maximum: Six (6) square feet.

d. Spacing: Signs shall be at least 30 feet from another.

e. Illumination: Signs shall not be internally illuminated.

(G) Temporary signs.

1. General temporary sign regulations.

a. A maximum of five temporary signs of each type may be displayed per parcel or lot at any one time.

b. Each sign shall not be displayed for more than 12 consecutive months unless otherwise noted in this section.

- 22227
- 22228 c. Any such sign shall be located wholly on private property and shall have a minimum
- 22229 setback of one foot from the right-of-way for residential areas and five feet from the
- 22230 right-of-way or interior property line for nonresidential areas, unless otherwise noted
- 22231 in this section.
- 22232
- 22233 d. No temporary signs shall exceed six feet in height unless otherwise noted in this
- 22234 section.
- 22235
- 22236 2. The following temporary signs shall be permitted in residential and nonresidential districts.
- 22237
- 22238 a. Residential districts.
- 22239
- 22240 i. Announcing sign:
- 22241
- 22242 a. Number maximum: One per project on-site.
- 22243
- 22244 b. Area maximum: Eight square feet and a maximum of 24 square feet for
- 22245 properties exceeding ten (10) acres in size.
- 22246
- 22247 c. An announcing sign may be displayed from the date of site plan approval until
- 22248 the date that the certificate of occupancy is issued, for a length of 18 months,
- 22249 or for a change in tenant during build out.
- 22250
- 22251 d. If desired, sign may be placed on construction fence.
- 22252
- 22253 ii. Contractor sign:
- 22254
- 22255 a. Number maximum: One per project on site.
- 22256
- 22257 b. Area maximum: Six square feet and a maximum of 16 square feet for
- 22258 properties exceeding ten (10) acres in size.
- 22259
- 22260 c. Contractor signs may be displayed from the issuance date of a building permit
- 22261 until said permit expires or date of the certificate of occupancy is issued,
- 22262 whichever is less.
- 22263
- 22264 d. If desired, sign may be placed on construction fence.
- 22265
- 22266 iii. Election sign:
- 22267
- 22268 a. Area maximum: Six (6) square feet for single-family, residential; 32 square feet
- 22269 for multi-family residential.
- 22270
- 22271 b. Election signs in multi-family areas may be displayed for a maximum of 60 days
- 22272 prior to the election and must be removed within 48 hours after.
- 22273

- 22274 c. Each person wishing to post signs in multi-family areas shall provide the city
22275 with a list of the locations and descriptions of each sign, a written consent from
22276 the property owner of his authorized agent for each sign, and a local address
22277 and telephone number at which s/he (the person wishing to post the sign) may
22278 be contacted regarding violations or requirements of this subsection.
22279
22280 d. Property owners, individuals filing for a permit and the party erecting the sign
22281 shall each be liable for violation of this subsection.
22282
22283 e. Election signs may be displayed for a maximum of 12 months within any
22284 calendar year for one- and two-family dwelling districts only.
22285
22286 iv. Opinion sign:
22287
22288 a. Area maximum: Three square feet.
22289
22290 b. Opinion signs may be displayed for a maximum of 12 months within any
22291 calendar year for one- and two-family dwelling districts only.
22292
22293 v. Personal gain sign:
22294
22295 a. Number maximum: One per lot on-site; four off-site provided it is not posted in
22296 a public right-of way or on other public property.
22297
22298 b. Setback minimum: One foot.
22299
22300 c. Area maximum: Three square feet per face; two face maximum.
22301
22302 d. Length of display: Maximum 45 days.
22303
22304 e. Height maximum: Three feet above grade.
22305
22306 vi. Grand opening sign:
22307
22308 a. Number maximum:
22309
22310 i. One banner per project; and
22311
22312 ii. One inflatable sign per project; and
22313
22314 iii. Three feather banner signs per project.
22315
22316 b. Area maximum:
22317
22318 i. Sixteen (16) square feet for banner.
22319
22320 ii. Thirty-five (35) square feet for feather banner.
22321

- 22322 c. Location:
- 22323
- 22324 i. Banner sign may only be hung from the front of the building where a local
- 22325 business tax receipt is issued.
- 22326
- 22327 ii. Feather banner(s) and inflatable sign are not permitted in any paved area
- 22328 of a parking lot.
- 22329
- 22330 iii. No grand opening sign shall be permitted to be displayed in a hazardous
- 22331 location or condition.
- 22332
- 22333 iv. Inflatable signs shall be setback from right-of-way at least equal to the
- 22334 height of the inflatable sign.
- 22335
- 22336 d. Height maximum:
- 22337
- 22338 i. Banner may be installed to the roof line or top of parapet of building.
- 22339
- 22340 ii. Feather banners are limited to a maximum overall height of 17 feet, and a
- 22341 banner height of 14 feet.
- 22342
- 22343 iii. Inflatable signs are limited to a maximum of 25 feet in height.
- 22344
- 22345 e. Length of display:
- 22346
- 22347 i. Sixty (60) consecutive days for banner sign.
- 22348
- 22349 ii. Seven (7) consecutive days for feather banner(s) and inflatable.
- 22350
- 22351 f. Approval of the grand opening signs must be obtained from the Department of
- 22352 Development Services within 365 days of the release of a model unit certificate
- 22353 of occupancy or upon issuance of a new local business tax receipt (LBTR) for
- 22354 an apartment complex.
- 22355
- 22356 g. If inflatable sign, feather banner(s) and grand opening banner sign are to be
- 22357 displayed, the inflatable sign and feather banner(s) must be displayed within
- 22358 the 60-day time period the banner is displayed.
- 22359
- 22360 h. No advertising of specific products or pricing shall be included on any grand
- 22361 opening sign.
- 22362
- 22363 i. A deposit as specified in the Fee Schedule adopted by Resolution of the City
- 22364 Commission of the City of Margate, Florida, shall be collected to ensure the
- 22365 grand opening signs are removed after the approved display period.
- 22366
- 22367 j. Any grand opening signs found to be displayed after the approved display
- 22368 period shall result in forfeiture of the deposit.
- 22369

22370 k. Any grand opening signs found to be installed without approval shall be
22371 immediately removed until such time that approval is granted.
22372

22373 3. Nonresidential districts.
22374

22375 a. Announcing sign:
22376

22377 i. Number maximum: One per project on-site.
22378

22379 ii. Area maximum: Twenty-four (24) square feet.
22380

22381 iii. An announcing sign may be displayed from the date of site plan approval until the
22382 date that the certificate of occupancy is issued, for a length of 18 months, or for a
22383 change in tenant during build out.
22384

22385 iv. If desired, sign may be placed on construction fence.
22386

22387 b. Contractor sign:
22388

22389 i. Number maximum: One per roadway.
22390

22391 ii. Area maximum: Twenty-four (24) square feet.
22392

22393 iii. Contractor signs may be displayed from the issuance date of a building permit until
22394 said permit expires or date of the certificate of occupancy is issued, whichever is
22395 less.
22396

22397 iv. If desired, sign may be placed on construction fence.
22398

22399 c. Walkway sign:
22400

22401 i. Number maximum: One per business with a direct customer entrance from the
22402 exterior of the building.
22403

22404 ii. Area maximum: Six feet.
22405

22406 iii. Location: Must be located within 15 feet of the customer entrance and not
22407 permitted in any parking lot.
22408

22409 iv. Width maximum: Not permitted to reduce the walkway to less than five feet in
22410 width.
22411

22412 v. Walkway signs are not permitted on any public sidewalk, except for urban
22413 greenways located within the Activity Center.
22414

22415 vi. The sign must be freestanding. It is not permitted to be tied, or otherwise secured,
22416 to any structure or landscaping, etc. for support.
22417

- 22418 d. Election sign:
22419
22420 i. Area maximum: Thirty-two (32) square feet.
22421
22422 ii. Election signs may be displayed for a maximum of 60 days prior to the election
22423 and must be removed within 48 hours after.
22424
22425 iii. Each person wishing to post signs pursuant to this subsection shall provide the
22426 city with a list of the locations and descriptions of each sign, a written consent from
22427 the property owner of his authorized agent for each sign, and a local address and
22428 telephone number at which s/he (the person wishing to post the sign) may be
22429 contacted regarding violations or requirements of this subsection.
22430
22431 iv. Property owners, individuals filing for a permit and the party erecting the sign shall
22432 each be liable for violation of this subsection.
22433
22434 e. Opinion sign:
22435
22436 i. Area maximum: Thirty-two (32) square feet.
22437
22438 ii. Opinion signs may be displayed for a maximum of 12 months.
22439
22440 f. Special event sign:
22441
22442 i. Area maximum:
22443
22444 a. Twenty-four (24) square feet for banner or ground sign.
22445
22446 b. Thirty-five (35) square feet for feather banner.
22447
22448 ii. Number maximum: One banner or ground sign and three feather banners per
22449 street frontage on-site.
22450
22451 iii. Length of display:
22452
22453 a. Small events, approved by the DRC, shall be permitted to display event
22454 signage for up to 14 days prior to the event and throughout the duration of the
22455 event.
22456
22457 b. Large events, approved by the city commission, shall be permitted to display
22458 event signage for up to 30 days prior to the event and throughout the duration
22459 of the event.
22460
22461 c. All event signage shall be removed upon close of the event.
22462
22463 iv. Height maximum:
22464
22465 a. Six feet above grade for ground sign.
-

- 22466
- 22467 b. Banner may be hung from the front of the building not to exceed roof line or
- 22468 top of parapet of building.
- 22469
- 22470 c. Feather banners are limited to a maximum overall height of 17 feet, and a
- 22471 banner height of 14 feet.
- 22472
- 22473 g. Grand opening signs:
- 22474
- 22475 i. Number maximum:
- 22476
- 22477 a. One banner sign per business; and
- 22478
- 22479 b. One grand opening ground sign per roadway frontage of the subject property;
- 22480 and
- 22481
- 22482 c. Three feather banner signs per business; and
- 22483
- 22484 d. One inflatable sign per business.
- 22485
- 22486 ii. Location:
- 22487
- 22488 a. Banner sign may only be hung from the front of the building where business is
- 22489 located.
- 22490
- 22491 b. Feather banner(s) and inflatable sign are not permitted in any paved portion of
- 22492 a parking lot.
- 22493
- 22494 c. No grand opening sign shall be permitted to be displayed in a hazardous
- 22495 location or condition.
- 22496
- 22497 d. Inflatable signs shall be setback from right-of-way at least equal to the height
- 22498 of the inflatable sign.
- 22499
- 22500 iii. Area maximum:
- 22501
- 22502 a. Sixteen (16) square feet for banners on buildings with building frontage up to
- 22503 30 feet.
- 22504
- 22505 b. An additional one square foot may be added to a banner for each additional
- 22506 two feet of building frontage.
- 22507
- 22508 c. Grand opening ground signs shall contain a 24-square-foot frame pre-
- 22509 constructed by the City of Margate with an 18 square feet (three feet x six feet)
- 22510 space available on each side for businesses to utilize for personalized copy.
- 22511
- 22512 d. Thirty-five (35) square feet for feather banners.
- 22513

- 22514 iv. Height maximum:
22515
22516 a. Banner may be installed up to the roof line or top of parapet of building.
22517
22518 b. Feather banners are limited to a maximum overall height of 17 feet, and a
22519 banner height of 14 feet.
22520
22521 c. Inflatable signs are limited to a maximum of 25 feet in height.
22522
22523 v. Length of display:
22524
22525 a. Banner and grand opening ground sign may be displayed for a maximum of 60
22526 consecutive days.
22527
22528 b. Feather banner(s) and inflatable sign may be displayed for a maximum of
22529 seven consecutive days.
22530
22531 vi. Approval of the grand opening sign(s) must be obtained from the Department of
22532 Development Services within 365 days of the issuance of the first local business
22533 tax receipt for a business at a new location, the transfer of an existing business, or
22534 the registration of a fictitious name with the Division of Corporations of the Florida
22535 Department of State.
22536
22537 vii. If inflatable sign, grand opening ground sign, feather banner(s), and grand opening
22538 banner sign are to be displayed, the inflatable sign, grand opening ground sign,
22539 and/or feather banner(s) must be displayed within the 60-day time period the
22540 banner is displayed.
22541
22542 viii. No advertising of specific products or pricing shall be included on any grand
22543 opening sign.
22544
22545 ix. A deposit as specified in the Fee Schedule adopted by Resolution of the City
22546 Commission of the City of Margate, Florida, shall be collected to ensure the
22547 banner, inflatable sign, and feather banners are removed after the approved
22548 display period.
22549
22550 x. Any grand opening signs found to be displayed after the approved display period
22551 shall result in forfeiture of the deposit.
22552
22553 xi. Any grand opening signs found to be installed without approval shall be
22554 immediately removed until such time that approval is granted.
22555
22556 xii. A fee as specified in the Fee Schedule adopted by Resolution of the City
22557 Commission of the City of Margate, Florida, shall be charged for all rental or
22558 preconstructed grand opening ground sign frames. Businesses shall be
22559 responsible for providing the City with individualized portion of grand opening
22560 ground sign (copy), at their expense.
22561

xiii. Reopening event banners:

a. Shall only be approved for a business that is closed for a minimum of ten (10) days for either reorganization, renovation, or as a result of a declared emergency, immediately prior to said reopening.

b. Shall be subject to all rules and regulations pertaining to grand opening banners, as specified above.

(H) Supplemental regulations.

1. Regulations outlined in this section are supplemental and in addition to regulations outlined elsewhere in this Code.

a. Special signs. The city and/or the Margate Community Redevelopment Agency may erect or authorize to be erected the following signs:

i. Entrance signs at or near the city limits;

ii. Community bulletin boards;

iii. Signs determined to provide for the health, safety and welfare of the community;

iv. Bench signs and/or bus shelter signs;

v. Signs displaying the city logo;

vi. Way-finding signs;

vii. Identification signs, including monument signs associated with property owned by the City of Margate or the Margate Community Redevelopment Agency.

b. Changeable copy signs: Signs displaying messages which can be or are intended to be changed by use of removable letters and numerals or electronic copy are permitted to be used only for theaters, playhouses, freestanding places of assembly, freestanding schools, drive-thru establishments, hospitals, banks, drive-thru facilities and vehicle fuel stations, subject to the regulations below:

i. Electronic messaging:

a. Signs shall not have any scrolling, flashing or any other animation.

b. Signs may display more than one (1) message with a minimum of ninety (90) seconds in between message changes.

c. Message changes must be quick shift. Fading or other similar animations are not permitted.

- 22610 d. The electronic messaging portion may not exceed 25 percent of the total sign
22611 area.
- 22612
- 22613 ii. Changeable copy signs for theaters or playhouses:
- 22614
- 22615 a. May have changeable copy on a wall sign shall not to exceed 75 square feet
22616 in area.
- 22617
- 22618 b. Multiple screen theaters may be permitted additional sign area, not to exceed
22619 25 square feet per additional screen or theater.
- 22620
- 22621 c. Playhouses may utilize allowable copy area of permissible freestanding signs
22622 for changeable copy.
- 22623
- 22624 i. Such signs shall contain only the title of the performance, the Motion
22625 Picture Association of American rating, the hours of the performance, and
22626 the name of the production company or the name of the major star.
- 22627
- 22628 iii. Changeable copy signs for drive-thru establishments:
- 22629
- 22630 a. May have a single-faced moveable letter sign showing menu or featured items.
- 22631
- 22632 b. Sign must have a transparent protective locked cover and all items of
22633 information must be contained within the area under the locked cover.
- 22634
- 22635 c. The sign (combined with the sign structure) may not exceed six (6) feet in
22636 height and may not exceed 42 square feet in area.
- 22637
- 22638 d. The sign must be affixed to a wall of the establishment adjacent to the drive-
22639 thru window or located freestanding between the building and drive-thru lane.
- 22640
- 22641 e. The sign face must not be visible from any portion of right-of-way which abuts
22642 the establishment.
- 22643
- 22644 c. Vehicle fuel stations: This section shall pertain to all vehicle fuel stations sites including
22645 any uses, whether accessory or not, which share the same site.
- 22646
- 22647 i. In calculating linear feet of building frontage for purposes of determining wall sign
22648 size, vehicle fuel station canopies shall not be included.
- 22649
- 22650 ii. A company logo not to exceed four (4) square feet shall be permitted on each side
22651 of a canopy with street frontage but no wall sign shall be permitted thereon.
- 22652
- 22653 iii. One (1) additional wall sign, not to exceed 20 square feet, shall be permitted on a
22654 detached car wash building which is an accessory use to the vehicle fuel service
22655 station building.
- 22656

- iv. One (1) monument sign may be permitted per site. This sign shall comply with all the provisions of section 40.706(F)(1) identification monument sign except that:
- a. The monument sign shall contain the company name and/or logo and gas prices and may contain the company [name] and/or logo of any other businesses which share the same occupancy.
 - b. The sign area of the name(s) and/or logo(s) shall equal one-half (½) the total sign face area and one-half (½) the sign width.
 - c. The sign area advertising the price of gasoline may equal one-half (½) the total sign face area and one-half (½) the sign width.
 - d. The sign shall not exceed nine (9) feet in height nor 49 feet in total area. A maximum of 75 percent of the sign structure shall be used for sign face(s).
 - e. The pricing portion of the sign may have changeable copy or electronic messaging changeable copy.
- v. Signs may be placed on gasoline pumps in order to provide information to the public; however such signs may not exceed one and one-half (1½) square feet per sign face with a maximum of two (2) back-to-back faces (total of three (3) square feet in area) per freestanding pump cluster.
- vi. Signs designating a group of pump dispensers as "self-service" or "full-service" shall be no larger than one (1) square foot in area and said signs shall only be placed at the ends of an aisle of pump dispenser units.
- vii. One (1) sign displaying prices shall be required of all establishments selling fuel to power motorized vehicles within the city.
- a. The size of said sign shall be a minimum of 12 square feet.
 - b. Said sign shall be prominently placed and readily visible during daylight hours from a passing motor vehicle on at least one (1) abutting street.
 - c. The lowest price for at least two (2) grades of gasoline, diesel fuel or other product sold to power motorized vehicles shall be posted.
 - d. Unit prices shall be displayed in Arabic numerals no smaller than ten (10) inches high.
 - e. If a unit price is in increments of less than one (1) gallon or a unit price is measured in other than gallons, said unit measure shall be clearly displayed in numerals no less than eight (8) inches high on the sign as provided for above.

- 22703 viii. The adoption of mandatory regulations regarding gasoline pricing signs by the
22704 federal, state or local government shall preempt and govern gasoline pricing signs
22705 permitted by the code.
- 22706
- 22707 d. Freestanding schools and places of assembly:
- 22708
- 22709 i. One (1) monument sign, either illuminated or non-illuminated may be permitted.
22710 Said monument sign shall comply with all regulations set forth for monument signs
22711 in nonresidential districts except that an area of the sign, not to exceed 20 square
22712 feet, may contain changeable copy or electronic messaging changeable copy.
- 22713
- 22714 ii. One (1) non-illuminated wall sign may also be permitted provided that it complies
22715 with the regulations for a "main identification wall sign" in nonresidential districts.
- 22716
- 22717 iii. Signs in this category permitted and approved prior to January 8, 1997, are exempt
22718 from the requirements of section 40.706(O) of this Code but not from the
22719 regulations of any other section.
- 22720
- 22721 e. Automatic teller machines (ATM): ATM's are permitted one (1) wall sign for sites with
22722 less than two (2) machines and may have up to two (2) wall signs if there are more
22723 than two (2) machines on site. Each sign shall not exceed four (4) square feet. An
22724 opaque lighted cabinet sign with lighted sign letters is permitted in this instance. The
22725 sign shall not be higher than eight (8) feet high and said sign must be adjacent to the
22726 machine. Signs in existence prior to the adoption of this Code need not comply with
22727 this subsection or section 40.706(C)(10) but must meet all other sections of this Code
22728 and any other applicable codes and regulations.
- 22729
- 22730 f. Flags and flagpoles:
- 22731
- 22732 i. No more than three (3) flags of any kind shall be permitted on any parcel or lot.
- 22733
- 22734 ii. Flags must be no greater than 40 square feet in area.
- 22735
- 22736 iii. Flags must be set back a minimum of ten (10) feet from the right-of-way and affixed
22737 in such a manner so as to comply with all the requirements of the Code of the City
22738 of Margate and the South Florida Building Code.
- 22739
- 22740 iv. Flags shall not be flown so that the lowest portion of the flag (irrespective of any
22741 pole or mounting) rises above the roofline of the structure to which it is attached or
22742 affixed.
- 22743
- 22744 v. Any pole planted or positioned into the ground to which a flag is attached must be
22745 permanent and be approved and permitted by the Margate Building Department.
- 22746
- 22747 vi. Flags may not be attached, affixed or flown from any freestanding sign or pole
22748 which supports a lighting fixture.
- 22749
- 22750 vii. The maximum height of a flagpole is 25 feet.

- viii. No more than two (2) flags may be flown on any one (1) approved and permitted flag pole.
- g. Window signs: The total area of all window signs (interior, exterior and illuminated) may be no greater than 25 percent of the total window area of each frontage, including glass doors.
- i. Interior window signs.
- a. Located within ten (10) feet of the window;
- b. Shall be nonilluminated.
- ii. Exterior window signs:
- a. Signs must be constructed from vinyl;
- b. Signs shall not be applied to or cover any divider between individual panels in a window.
- iii. Illuminated window signs:
- a. Two (2) illuminated (including neon) signs may be permitted per occupied business premises. Signs shall be installed inside of the occupied business premises.
- b. Each sign shall not exceed four (4) square feet in area.
- c. The total area of illuminated signs in the window shall not exceed 25 percent of the total window area per window, and further shall be considered for the total window sign are limitation of 25 percent of the total window area of each frontage, including glass doors, provided above.
- d. No flashing or strobe illumination is permitted.
- e. Illuminated window signs that are not battery operated must have a permanent power source that has been professionally installed and permitted by the Margate Building Department.
- iv. Window lighting. Neon, LED, rope lighting, window outlining or other similar lighting devices are permitted when professionally installed inside of a business. Said lighting shall not count toward limitations of window sign area.
- v. Window transparency. Sunscreening material, such as tint or film, may be applied to nonresidential windows and glass doors, subject to the following limitations:

- 22798 a. No sunscreening material may be applied to windows and glass doors at any
22799 business premises that has the effect of making said windows or glass doors
22800 nontransparent. Sunscreening material(s) shall be limited to the solar
22801 reflectance and light transmittance limitations provided in F.S. § 316.2953, as
22802 amended; and
22803
22804 b. Sunscreening material shall not count toward window sign coverage, unless
22805 said material displays lettering or images.
22806
22807 h. Real estate signs. Said signs must be maintained in good repair and appearance. The
22808 city shall have the right to request replacement of dilapidated signs.
22809
22810 i. Residential districts:
22811
22812 a. One (1) sign not to exceed three (3) square feet per sign face two (2) faces
22813 permitted), six (6) square feet aggregate.
22814
22815 b. Sign copy shall include the applicable language, for example, "For Sale," "For
22816 Rent," "For Lease," and may contain the name of the owner or representative
22817 and a contact phone number.
22818
22819 c. One (1) additional sign, not to exceed six (6) inches by eighteen (18) inches,
22820 may be attached to the approved sign displaying one (1) piece of information,
22821 such as "By Appointment Only," "Sold" or "Open." An "Open" or "Open House"
22822 sign may be displayed only when the premises are actually available for
22823 inspection by a prospective buyer or tenant.
22824
22825 d. One (1) off-site real estate "Open" sign not to exceed three (3) square feet in
22826 area, shall be permitted between the hours of 7:00 a.m. and 7:00 p.m. and only
22827 when the premises are actually available for inspection by prospective buyer
22828 or tenant.
22829
22830 e. Undeveloped residential land parcels greater than two (2) acres shall be
22831 permitted one (1) non-illuminated freestanding sign not to exceed sixteen (16)
22832 square feet per sign face with a maximum of two (2) faces.
22833
22834 ii. Nonresidential districts:
22835
22836 a. One (1) window sign in compliance with section 40.706(l)vii. is permitted. If the
22837 window on the available bay(s) or storefront(s) has a total area less than
22838 twenty-four (24) square feet, one (1) sign, not to exceed six (6) square feet in
22839 area may be displayed inside the window.
22840
22841 b. Undeveloped nonresidential land greater than four (4) acres shall be permitted
22842 one (1) non-illuminated freestanding sign not to exceed twenty-four (24) square
22843 feet per sign face with a maximum of two (2) faces.
22844

- 22845 c. A project with a vacant bay or storefront for sale or rent which is greater than
22846 22,500 square feet in area or greater than 15 percent of all square footage in
22847 a project is for sale or rent or vacant land under four (4) acres may be permitted
22848 one (1) non-illuminated freestanding sign, not to exceed 16 square feet.
22849
- 22850 d. All signs shall include the applicable language, for example "For Sale," "For
22851 Rent," "For Lease" or "Available," and may include the name of the owner or
22852 representative, a contact phone number, the applicable zoning district and total
22853 area of the property or storefront available.
22854
- 22855 i. Newspaper racks. Newspaper racks are prohibited from displaying the name, logo or
22856 any advertising message of any product or service other than the name and/or logo of
22857 the periodical being distributed.
22858
- 22859 j. Trash receptacles and dumpsters. Trash receptacles are prohibited from displaying
22860 any commercial or noncommercial message of any kind, other than the name and/or
22861 phone number of the company servicing said dumpster.
22862
- 22863 k. Public telephones. This subsection is to ensure the easy identification of public
22864 telephones by the general public in the event of any emergency or crisis. Any sign on
22865 an outdoor public telephone must only display the international sign for telephone.
22866
- 22867
- 22868 i. Each telephone is allowed one (1) sign not to exceed one (1) square foot in area
22869 per sign face with a maximum of two (2) sign faces for an aggregate of two (2)
22870 square feet.
22871
- 22872 ii. The sign may be attached to a freestanding phone structure or may be affixed to
22873 a wall above a public telephone.
22874
- 22875 iii. The sign may be a projecting sign provided that it has a minimum clearance of nine
22876 (9) feet, a maximum height of 12 feet, and it does not protrude over a right-of-way.
22877
- 22878 iv. This subsection is not intended to regulate any letters or symbols no greater than
22879 one-half (1/2) inch or less in height and/or width on the body of the telephone (not
22880 on the telephone structure) which describe instructions for use of the telephone or
22881 other information required by state or federal law.
22882
- 22883 l. Hospitals.
22884
- 22885 i. Hospitals with more than 100 beds for overnight patient treatment may have one
22886 (1) monument sign per building.
22887
- 22888 a. Maximum height: Thirteen (13) feet.
22889
- 22890 b. Maximum: Eight (8) feet.
22891
- 22892 c. Maximum square footage: Ninety-six (96) square feet.

- 22893
- 22894 ii. Signs may also be placed on building sides without roadway frontage provided 100
- 22895 percent of the sign face is visible from a main roadway and said signs conform to
- 22896 all other applicable sections of this Code.
- 22897
- 22898 iii. A hospital must submit a uniform sign plan which shall conform with and be subject
- 22899 to all of the provisions of Uniform Sign Plans of this Code.
- 22900
- 22901 m. Certification and affiliation signs. A business owner in any nonresidential district may
- 22902 with the property owner's permission display up to one (1) nonanimated sign
- 22903 designating its professional certification, seal, symbol, or other historic or generally
- 22904 recognized trade affiliation. Said sign shall not exceed two (2) square feet in area and
- 22905 may only be affixed to the wall of the building where the main customer entrance exists
- 22906 but shall be no higher than the door. This sign may be in addition to other signs
- 22907 permitted by this Code.
- 22908
- 22909 n. Nonresidential holiday decorative signs. Signs of a primarily decorative nature, clearly
- 22910 incidental and customary and commonly associated with any national, local or
- 22911 religious holiday shall be permitted provided that such signs shall be displayed for a
- 22912 period of not more than 60 consecutive days. Such signs may be of any approved
- 22913 type, number, area or illumination and shall be entirely within the boundaries of the lot
- 22914 or premises on which they are erected. Said signs may be painted or applied to the
- 22915 interior or exterior of any window. Said signs shall be subject to the applicable electrical
- 22916 and structural inspection.
- 22917
- 22918 o. Replaceable tenant panels. Cabinet type wall signs and multi-tenant monument signs
- 22919 which allow for the display of up to eight (8) tenants per side of a multi-tenant complex
- 22920 may utilize replaceable tenant panels in said monument sign. These panels may be
- 22921 changed or rotated without the requirement of a permit or inspection by the city. In the
- 22922 event a business listed on a tenant panel(s) of a multi-tenant complex's monument
- 22923 sign closes, leaves or abandons the complex, or in any other way no longer is to be
- 22924 listed on the monument sign, the owner shall replace said tenant panel with a blank
- 22925 panel until such time as a new tenant is listed.
- 22926
- 22927 p. Car dealerships. All car dealerships are subject to the following regulations:
- 22928
- 22929 i. Prohibited from displaying any attention attracting devices as described in section
- 22930 40.706(J)(3).
- 22931
- 22932 ii. Permitted to display all industry required tags in vehicle windows;
- 22933
- 22934 iii. Permitted to have "feature cars" based on the following criteria:
- 22935
- 22936 a. Lots with less than 100 cars are permitted up to one (1) feature car.
- 22937
- 22938 b. Lots with 101 to 300 cars are permitted up to three (3) feature cars.
- 22939
- 22940 c. Lots with 301 or more cars are permitted up to five (5) feature cars.

- iv. Shall be permitted to display the sale price of vehicles.
- a. No more than one (1) price sign per vehicle;
- b. May be vinyl decal or printed sign display in windshield area;
- c. May be hung from rear view mirror;
- d. No chalk, paint, marker or similar writing permitted.
- g. Nonresidential decorative lighting. Decorative light strings or light tubes that meet the Underwriters Laboratories standards for commercial grade exterior use may be displayed in all nonresidential zoning districts subject to the following conditions:
- i. Lights may be permitted to be affixed to any tree, hedge, bush, shrub, building facade, column, awning, or any other architectural feature of a building.
- ii. The use of any installation hardware (nails, tacks, screws, etc.) that penetrates the bark of a live tree is strictly prohibited.
- iii. All exterior lights must be permitted by the Margate Building Department prior to installation.
- iv. Prior to issuing lights, a letter a permit for decorative of authorization from the property owner must be submitted with the permit application as well as all inspection and reinspection fees associated with the permit.
- v. All lights shall be professionally installed in accordance with the Florida Building Code, the Florida Fire Prevention Code, and the National Electric Code. All lighting must have a permanent power source that has been professionally installed and independently permitted by the Margate Building Department.
- r. Promotional advertising banners. The purpose of this pilot program is to offer an additional way for businesses in multi-tenant developments to gain greater visibility and increase opportunities for promotion.
- i. General program requirements:
- a. Centers with more than six (6) tenants may install permanent poles to display promotional advertising banners.
- b. One (1) set of poles per 100 feet is permitted.
- c. The property owner shall submit a site plan of property showing dimensioned location of promotional advertising banners.

- 22988 d. Dimensioned drawing, photograph or detailed description of promotional
22989 advertising display shall be submitted to the development services department.
22990
22991 e. Each tenant may display the banner for a maximum of 30 days, up to six (6)
22992 times per year.
22993
22994 f. Banners shall be the appropriate size for the provided poles.
22995
22996 g. Banners shall not display any pricing.
22997
22998 h. The permanent pole shall require any applicable permits through the building
22999 department.
23000

23001 (I) Nuisance.
23002

- 23003 1. Illumination. No illuminated signs shall face a residential district in such a way that the
23004 lighting fixture reflects directly into the residential district at night.
23005
23006 2. Utility pole signs. No signs shall be affixed or otherwise attached to any public utility pole
23007 or structure except pole identification signs as placed by the owning utility, public
23008 information signs as placed upon said pole or structure by a governmental entity, or other
23009 signs as authorized by the city.
23010
23011 3. Attention attracting devices. Balloons, flags, pennants, streamers, spinners, tinsel,
23012 bunting, neon lights, signs, or other similar devices shall not be applied to any vehicle,
23013 boat, equipment, machinery or other stock-in-trade merchandise which is stationary and
23014 outdoors, buildings or structure, or strung on wires, or otherwise used on any site except
23015 as otherwise permitted in this article.
23016
23017 4. Angle to ground. All freestanding signs shall be maintained perpendicular (at a 90-degree
23018 angle) to level ground.
23019

23020 (J) Uniform sign plan.
23021

- 23022 1. All projects with more than two (2) tenants and hospitals shall adopt a uniform sign plan,
23023 indicating the sign type and size to be utilized for all permanent wall signs on the subject
23024 property.
23025
23026 2. New or revised uniform sign plans shall be submitted by the property owner(s) or their
23027 agent to the development services department for review along with the fee as specified
23028 in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate,
23029 Florida, shall be collected.
23030
23031 3. Upon adoption of a new or revised uniform sign plan, all signs in the center shall be
23032 changed to conform to the new approved criteria within one (1) year from the date of
23033 approval of the new or revised plan.
23034

23035 (K) Improper signs.

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- 23063 (L) Removal of improper signs.
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- 23082
1. Abandoned signs. Any sign advertising a commodity or service previously associated with vacated or abandoned premises or a sign structure no longer displaying a sign advertising a commodity or service currently or previously associated with a premises shall be removed from the premises by the responsible party as defined in section 40.706(S)(1) no later than 60 days from the time said activity ceases to exist at the premises.
 - a. Removal shall include any sign structure and/or foundation.
 - b. The facade or property shall be restored to original condition following removal of a sign, sign structure and/or sign foundation pursuant to this section.
 - c. In the event that the sign is a cabinet sign in a multi-tenant center, the panel advertising the previous business or use shall be removed and a blank panel shall be installed.
 2. Dangerous or defective signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises, or as otherwise provided for in section 40.706(N).
 3. Unlawful signs. No person shall erect on any premises any signs which does not comply with the provisions of this Code.
 4. Signs without property owners consent. No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building if any, or their authorized representatives.
1. Types of violations. The city shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous or defective sign, or an unlawful sign.
 2. Notice. The city shall prepare a notice which states that if the sign is not removed or the violation is not corrected within ten (10) days, the sign shall be removed by the city in accordance with the provisions of this section.
 - a. All notices shall be sent by certified mail, return receipt requested.
 - b. Any time periods provided in the section shall be deemed to commence on the date of the receipt of the certified mail.
 - c. The notice shall be mailed to the owner of the property on which the sign is located as shown on the last tax roll.
 - d. The notice shall also be mailed or delivered to the owner of the sign and the occupant of the property.

- e. The notice given by the city shall state not only the remedial action required to be taken, but shall also state that is such action is not taken within the time limits set forth in this article, the cost of correcting the unlawful feature of the sign or removing the sign may be assessed against the property on which the signs is located, together with the additional five (5) percent for inspection and incidental costs, and an additional ten (10) percent penalty for the cost of collection and the same shall constitute a lien against the property on which the sign is situated.
- f. The owner of the premises or sign shall also be prosecuted for violating this Code.

(M) Emergency removal of signs by city.

1. When it is determined by the city that a sign would cause an imminent danger to the public safety, and contact cannot be made with a sign owner or building owner, the city may remedy the situation by removing or repairing said sign, without providing written notice.
2. In the event that the city removes a sign, the city shall mail a notice to the owner of said premises as shown by the tax rolls, at the address shown upon the tax rolls, by certified mail, return receipt requested, postage prepaid, notifying such owner that the work has been performed pursuant to this Code, stating the date of performance of the work, the nature of the work, and demanding of payment of the costs thereof (as certified by the city), together with five (5) percent for the inspection and the other incidental costs in connection therewith. Such notice shall state that if said amount is not paid within 30 days of mailing the notice, it shall become a lien against the property of said owner, describing the same, and will additionally include a ten (10) percent penalty for the cost of collection.
3. Any sign removed by the city pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall be considered a debt owed to the city by the owner of the property and may be recovered in an appropriate court action by the city or by assessment against the property as hereinafter provided. The cost of removal shall include any and all incidental expense incurred by the city in connection with the sign's removal.

(N) Legal nonconforming signs, nonconforming signs, abandoned signs.

1. Legal nonconforming signs. Any sign located in city limits which does not conform with the provisions of this Code, is eligible for characterization as a "legal nonconforming" sign provided the sign was covered by a sign permit or variance at the time of installation.
2. Loss of legal nonconforming status. A legal nonconforming sign shall immediately lose its legal nonconforming designation and shall be immediately brought into compliance with this Code with a new permit secured or said sign shall be removed if:
 - a. The sign is altered in any way in structure or copy which tends to or makes the sign less in compliance with the requirements of this Code than it was before the alteration (permitted changes include change of copy in changeable copy signs, changing or rotating of replaceable tenant panels in multi-tenant signs and normal maintenance

- 23131 including changing of face for maintenance provided copy or colors of face are not
23132 altered); or
23133
23134 b. The sign is relocated or moved; or
23135
23136 c. In the event the sign is damaged, in need of repair, remodeled or reconstructed to the
23137 extent that the cost of such repair, remodeling or reconstruction equals 50 percent or
23138 more of the original cost of the sign; or
23139
23140 d. The sign is replaced or abandoned.
23141
23142 3. Legal nonconforming sign maintenance and repair. Nothing in this section shall relieve the
23143 owner or user of a legal nonconforming sign or owner of the property on which the legal
23144 nonconforming sign is located from the provisions of this Code regarding safety,
23145 maintenance and repair of signs. However, any repainting, cleaning and other normal
23146 maintenance or repair of the sign or sign structure or copy shall not cause the sign to
23147 become more nonconforming. If such maintenance causes the sign to be more
23148 nonconforming, the sign shall lose its legal nonconforming status.
23149
23150 4. Amortization. Window signs which are found to be nonconforming to this article shall be
23151 altered to conform to the provisions of these regulations no later than November 2, 2018.
23152
23153 (O) Permitting process.
23154
23155 1. Permit required. It shall be unlawful for any person to install, alter or cause to be installed
23156 or altered within City of Margate, any sign requiring such a permit, whether permanent or
23157 temporary, without first having obtained a permit from the city. Said permit shall be issued
23158 by the city after determination has been made that all conditions of these regulations have
23159 been met.
23160
23161 2. Permit application. Application for a permit shall be made to the city in writing upon forms
23162 provided by the city and shall state the following information:
23163
23164 a. Name, address and telephone number of the applicant.
23165
23166 b. Name, address and telephone number of the sign owner and owner of the property
23167 upon which the sign is proposed to be installed or affixed.
23168
23169 c. Location by street number and legal description (tract, block, lot) of the building,
23170 structure or lot to which or upon which the sign is proposed to be installed or affixed.
23171
23172 d. A drawing to scale showing the design of the sign, including dimensions, size, method
23173 of attachment, source of illumination, and relationship to any building or structure to
23174 which it is, or is proposed to be installed or affixed, or to which it relates.
23175
23176 e. A fully dimensioned lot plan (or site plan), to scale, indicating the location of the sign
23177 relative to property lines, rights-of-way, streets, easements, sidewalks and other
23178 buildings or structures on the premises.

- 23179
- 23180 f. Number, size and location of all existing signs on the same building, lot or premises.
- 23181
- 23182 g. Sign copy.
- 23183
- 23184 h. Value of the sign.
- 23185
- 23186 i. Written permission from the owner of the property on which the sign is proposed to be
- 23187 erected.
- 23188
- 23189 j. An elevation of the building on which said sign is to be located showing dimensions of
- 23190 the building and the sign as well as the proposed location of said sign.
- 23191
- 23192 k. If applicable, a copy of the uniform sign plan for the building or center.
- 23193
- 23194 3. Permit fees. As a condition to the issuance of a permit, applications must be accompanied
- 23195 by the applicable fee, in accordance with section 9-21 (buildings - schedule of fees) of the
- 23196 Code of the City of Margate.
- 23197
- 23198 4. Permit issuance. If, upon all applicable final inspections (sign, electrical and/or structural),
- 23199 the city determines that an application is in conformance with the provisions of this chapter
- 23200 [article], the inspector shall cause a written certificate of completion to be issued. Said
- 23201 certificate of completion shall be posted in a conspicuous location within any occupancy
- 23202 displaying signage in such a way that it may be readily inspected by any official of the city.
- 23203 In the event that the sign is permitted to the property owner and not a particular occupancy,
- 23204 the certificate of completion shall be presented to any official requesting such within 72
- 23205 hours. Failure to properly post or produce a certificate of completion in compliance with
- 23206 this section shall be prima facie evidence of failure to meet the requirements of this chapter
- 23207 [article].
- 23208

23209 (P) Signs exempt from permit requirements.

23210

- 23211 1. The following signs shall be exempt from the permit requirements of this section:
- 23212
- 23213 a. Signs required by federal, state, county and/or municipal agencies.
- 23214
- 23215 b. Temporary window signs. Window signs that are permanently applied or affixed to a
- 23216 window, such as vinyl lettering or decals, require a permit.
- 23217
- 23218 c. Up to five (5) temporary and single-purpose signs, not exceeding six (6) square feet
- 23219 on any residentially zoned property.
- 23220
- 23221 d. Flags allowed under this Code. Flagpoles require a permit.
- 23222
- 23223 e. Nameplate, and building address signs.
- 23224
- 23225 f. Tablets, such as memorials, cornerstones, date of erection, when built into the walls
- 23226 of a building.

- 23227
- 23228 g. Professionally drawn or constructed general information signs, such as trespass signs,
- 23229 private driveway, and no dumping, when such signs do not exceed four (4) square feet
- 23230 in area each, are not illuminated, and do not project over a public right-of-way provided
- 23231 total number of signs on a property or in a complex will not exceed five (5), unless
- 23232 additional signs are required for compliance with state or federal regulations.
- 23233
- 23234 h. Changing of copy in permitted changeable copy signs.
- 23235
- 23236 i. Changing of directory listing in a permitted directory sign provided the size, style, and
- 23237 color of the listing to be changed conforms with the existing lettering on the sign.
- 23238
- 23239 j. Traffic regulatory signs with approval from city engineer.
- 23240
- 23241 k. Special event signs and nonprofit sale signs as allowed in section 40.706(H)(2)(vii).
- 23242
- 23243 l. Replacement tenant panels as provided in section 40.706(I)xv.
- 23244
- 23245 m. Promotional advertising banners. Permanent poles for banners require a permit.
- 23246
- 23247 n. Car dealership signs as provided for in section 40.706(I)xvi.
- 23248
- 23249 2. This exemption in no way waives the requirements of structural and/or safety requirements
- 23250 outlined by these regulations and/or the Florida Building Code.
- 23251
- 23252 (Q) Prohibited signs.
- 23253
- 23254 The following signs are those signs which shall not be installed or displayed within the city
- 23255 unless specifically identified and permitted in other sections of these regulations:
- 23256
- 23257 1. Abandoned signs.
- 23258
- 23259 2. Advertising balloons or any windborne advertising or attention getting devices except as
- 23260 outlined in section 40.706(H) and section 40.706(I)vi.
- 23261
- 23262 3. Flashing signs.
- 23263
- 23264 4. Banner signs except as a temporary grand opening sign or for approved special events,
- 23265 non-profit sales, academic schools or religious institutions (see section 40.706(H)
- 23266 "temporary signs").
- 23267
- 23268 5. Buntings, balloons and flags other than specifically permitted this article.
- 23269
- 23270 6. Obscene signs.
- 23271
- 23272 7. Off-premises signs and billboards, including off-premises project directional.
- 23273
- 23274 8. Pole signs.

23275
23276 9. Roof signs (except on a mansard) except where such sign is located on a parapet.

23277
23278 10. Snipe signs.

23279
23280 11. Temporary signs and permanent signs (other than public interest signs) placed on any
23281 public property (a shopping center parking lot shall not be deemed public property for the
23282 purposes of enforcing this section).

23283
23284 12. Any sign that could be confused with a traffic signal.

23285
23286 13. Visible neon bulb, LED, or other bare bulb signs or building embellishment (except as
23287 provided for in section 40.706(l)(vii)).

23288
23289 14. Any sign not permitted by this article.

23290
23291 15. Signs exceeding the height of a facade.

23292
23293 16. Vehicle signs when a vehicle displaying a vehicle sign is:

23294
23295 a. Parked for more than three (3) hours in a twenty-four-hour period within 100 feet of
23296 any public right-of-way; and

23297
23298 b. Visible from the street right-of-way that the vehicle is within 100 feet of; and

23299
23300 c. Not regularly "used in the conduct of the business advertised" on the vehicle (A vehicle
23301 used primarily for the purpose of advertising, or for the purpose of providing
23302 transportation for owners or employees of the occupancy advertised on the vehicle,
23303 shall not be considered a vehicle used in the conduct of business); and

23304
23305 d. Not parked in the rear of the parking lot or in the rear of the building which contains
23306 the business. On properties which do not provide a rear parking area, vehicle signs
23307 are parked in parking spaces immediately adjacent to the street right-of-way when
23308 other parking spaces are available on the premises, and are displayed in a manner
23309 that constitutes a prohibited sign per section 40.706(R) of this Code.

23310
23311 (This section is not intended to prohibit any form of vehicular signage such as a sign
23312 attached to a bus, lettered on a motor vehicle or attached to or displayed from a taxicab
23313 which is not consistently used as a stationary sign or advertisement. In the instance
23314 where a sign advertising the sale of the vehicle itself on the residential property of the
23315 registered owner of the vehicle, said sign shall be considered a personal gain sign and
23316 shall be subject to all applicable provisions of such signs on the owner's property.
23317 Furthermore vehicles displaying a vehicle sign parked on properties with physical
23318 constraints which cannot accommodate location requirements provided for in sections
23319 (i)—(iv) above shall be exempt from said requirements.)

23320
23321 17. Signs projecting horizontally in excess of 12 inches from the structure upon which it is
23322 constructed.

23323
23324 18. Bench or bus shelter signs except those permitted by section 40.706(l)i.4.

23325
23326 19. Signs painted directly upon any wall surface or exterior of a door or window.

23327
23328 20. Signs which are erected upon private property and extend into or above, or are anchored
23329 or placed in any portion of the right-of-way of a city street or public sidewalk, except grand
23330 projecting signs located in the transit oriented corridor zoning districts.

23331
23332 21. Signs attached to trees or other vegetative landscaping material.

23333
23334 22. Signs that emit sound, odor, visible matter or project onto a structure or into the
23335 atmosphere any visual image by means of current or future technology including
23336 searchlights.

23337
23338 23. Human signs.

23339
23340 (R) Enforcement.

23341
23342 1. Responsible parties. The following parties shall be liable for any violation of this Code:

23343
23344 a. The individual or entity erecting or displaying a sign contrary to this Code;

23345
23346 b. The owner of the sign erected or displayed;

23347
23348 c. The owner of the premises (other than any governmental entity) on which the sign has
23349 been unlawfully erected or displayed;

23350
23351 d. The lessee (if any) of the premises;

23352
23353 e. The person or entity contracted for erecting or displaying the sign if other than the
23354 owner of the sign, and

23355
23356 f. Any other person or entity in possession of said premises in which the sign has been
23357 erected or displayed unlawfully.

23358
23359 2. Permit revocation. Any permit may be revoked at any time by the city upon a determination
23360 by a court of competent jurisdiction or code enforcement action that the sign is not in
23361 compliance with the provisions of this Code. Further, if the sign authorized by any permit
23362 has not been constructed within the 180-day period after the date of issuance of any permit
23363 of if there is no request for final inspection within 180 days of the issuance of the permit
23364 then said permit shall automatically be revoked.

23365
23366 3. Penalty. In addition to revocation of a sign permit, any violation of the provisions of this
23367 Code shall be determined to be unlawful and punishable as prescribed in Article 3 Division
23368 6 this Code. Signs installed without a permit or those for which there is no request for final
23369 inspection within 180 days of the issuance of the permit shall also be subject to double
23370 fee penalties.

23371
23372 4. Civil remedies.
23373

23374 a. Injunction and abatement. The city may initiate injunction or abatement proceedings
23375 or other appropriate action in a court of competent jurisdiction against any person who
23376 violates or fails to comply with any provision of this Code or the erector, owner or user
23377 of an unlawful sign, or the owner of the property on which an unlawful sign is located,
23378 to prevent, enjoin, abate or terminate violations of this signage code and/or the
23379 erection, use of display of an unlawful sign.

23380
23381 b. Should the city prevail in any civil action against a violator of this signage code, it shall
23382 be entitled to reasonable attorney's fees and all court costs therein.
23383

23384 5. Assurance of discontinuance. As an additional means of enforcing this Code, the city may
23385 accept an assurance of discontinuance of any act or practice deemed in violation of this
23386 Code or of any rule or regulation adopted pursuant hereto, from any person engaging in,
23387 or who has engaged in, such act or practice.
23388

23389 a. Any such assurance shall accomplish specify a time limit during which such
23390 discontinuance is to be accomplished within ten (10) days of notice.
23391

23392 b. Failure to perform the forms of any such assurance shall constitute prima facie proof
23393 of a violation of this signage code or any rule or regulation adopted pursuant thereto,
23394 which makes the alleged act or practice unlawful for the purpose of securing any
23395 injunctive relief from a court of competent jurisdiction.
23396

23397 (S) Waivers.
23398

23399 1. No sign shall be permitted to be erected or displayed contrary to the provisions of this
23400 article unless a waiver is approved by a majority vote of the members of the board of
23401 adjustment.
23402

23403 2. A decision to grant a waiver by the board of adjustment must be in conformance with the
23404 following criteria:
23405

23406 a. There is something unique about the building or site configuration that would cause
23407 the signage permitted by this article to be ineffective in identifying a use or structure
23408 that would otherwise be entitled to a sign.
23409

23410 b. The granting of a waiver is not contrary to the intent of the signage code, the aesthetics
23411 of the area, or does not create a nuisance or adversely affect any neighboring
23412 properties.
23413

23414 c. Literal enforcement of this article would result in unreasonable and undue hardship
23415 upon the petitioner.
23416

23417 3. Any person may petition the board of adjustment for a waiver of the affecting provisions
23418 of this article provided they:

- 23419
- 23420 a. Complete a petition application form as provided by the Development Services
- 23421 Department;
- 23422
- 23423 b. Submit payment to the city in the amount specified by the fee schedule of the Code of
- 23424 the City of Margate;
- 23425
- 23426 c. Prove that the proposed sign meets the criteria laid out above.
- 23427
- 23428 4. Any waiver may be conditioned on requirements deemed necessary in granting said
- 23429 waiver. Variances pursuant to any other code shall not be available for signs (as defined
- 23430 by this Code). Except as provided herein, waivers as provided for in this section shall be
- 23431 heard and appealed pursuant to the procedures contained in the Code of the City of
- 23432 Margate.
- 23433
- 23434 5. Any waiver granted pursuant to this section shall become null and void if a building permit
- 23435 for the approved sign is not applied for within 180 days of the ruling from the board of
- 23436 adjustment or Margate City Commission. Additionally, said waiver shall become null and
- 23437 void in the event that a permit expires or is revoked.
- 23438
- 23439 6. All signs approved by this waiver process must be constructed and installed as per the
- 23440 information presented to the board of adjustment and/or Margate City Commission both
- 23441 in writing and verbally. Failure to construct a sign per the information presented shall
- 23442 render the waiver null and void and any sign installed in its place shall be immediately
- 23443 removed.
- 23444
- 23445 (T) Savings clause.
- 23446
- 23447 1. If any clause, section, or other part of application of section 40.706 Signage, shall be held
- 23448 by any court of competent jurisdiction to be unconstitutional or invalid, it is the intent of the
- 23449 City Commission of the City of Margate that such unconstitutional or invalid part or
- 23450 application shall be considered as eliminated and so not affecting the validity of the
- 23451 remaining portions or applications remaining in full force and effect.
- 23452

23453 **40.707 Sustainability and Green Building Policy**

23454 (A) *Purpose.*

- 23455
- 23456
- 23457 1. The purpose of the City's green building policy is to provide the City with a certified-based
- 23458 green building program. This program will provide sustainable and environmentally
- 23459 friendly practices of construction and design. It shall be the policy of the City to have all
- 23460 new City-owned and operated buildings evaluated by the design professional to the
- 23461 minimum certification level of the USGBC LEED, GBI Green Globes green building
- 23462 certification programs or other equivalent certification program as determined by the City.
- 23463 All renovation projects to City-owned and operated buildings including major renovation
- 23464 involving elements of HVAC renovation, significant envelope modifications and major
- 23465 interior rehabilitation, which meets the USGBC or GBI definition for major renovation, shall
- 23466 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.

40.708 Rooftop photovoltaic solar systems

(A) *Intent.* The provisions contained herein are intended to promote the health, safety, and general welfare of the citizens by removing barriers to the installation of alternative energy systems and encourage the installation of rooftop photovoltaic solar systems [pursuant to the U.S. Department of Energy Rooftop Solar Challenge Agreement Number DE-EE0005701 ("Go SOLAR - Broward Rooftop Solar Challenge") on buildings and structures within municipal limits. The provisions and exceptions contained herein are limited to web-based applications for pre-approved rooftop photovoltaic solar system installations that utilize the Go SOLAR Broward Rooftop Solar Challenge permitting process.]

(B) *Permitted accessory equipment.* Rooftop photovoltaic solar systems shall be deemed permitted accessory equipment to structures in all zoning districts. Nothing contained in this Code, including design standards or guidelines included or referenced herein, shall be deemed to prohibit the installation of rooftop photovoltaic solar systems as accessory equipment to conforming and nonconforming building, including buildings containing nonconforming uses.

(C) *Permits.* Prior to the issuance of a permit, the property owner(s) must acknowledge, as part of the permit application, that:

1. If the property is located in a homeowner's association, condominium association, or otherwise subject to restrictive covenants, the property may be subject to additional regulations or requirements despite the issuance of a permit by the city, provided those same regulations or requirements do not infringe upon a property owner's rights as provided for in F.S. § 163.04; and

2. The issuing of said permit for a rooftop photovoltaic solar system does not create in the property owner(s), its, his, her, or their successors and assigns in title, or create in the property itself a right to remain free of shadows and/or obstructions to solar energy caused by development adjoining on other property or the growth of any trees or vegetation on other property or the right to prohibit the development on or growth of any trees or vegetation on another property.

(D) Tree maintenance and removal. To the extent that the city has discretion regarding the removal or relocation of trees, solar access shall be a factor taken into consideration when determining whether and where trees may be removed or relocated. Tree pruning, relocation, or removal shall be conducted in accordance with the provisions of Chapter 23 of the Margate Code of Ordinances.

(E) Maintenance. The rooftop photovoltaic solar system shall be properly maintained and be kept free from hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare.

40.709 Reserved

DIVISION 2 SUPPLEMENTAL RESIDENTIAL DEVELOPMENT REGULATIONS

40.710 Purpose, Intent and Applicability

(A) Purpose. The purpose of this article is to provide development standards for the specified housing types.

(B) Intent. The intent is to provide standards that produce quality development with characteristics that help establish a unique sense of place and create vibrant communities.

(C) Applicability. These standards are applicable to all properties that are being developed or redeveloped with these housing types irrespective of the zoning district in which they are located. Dwellings that are being reconstructed or substantially improved pursuant to FEMA regulations on existing development properties are exempt from mandatory compliance with these standards; they may however be voluntarily used. Where this Article conflicts with or overlaps other regulations in the Code, this Article shall prevail.

1. Accessory structures and uses. Shall be regulated by the provision of the ULDC.

40.711 Single-Family Dwelling

(A) Site design criteria. A single-family dwelling development shall meet the following design criteria:

1. Density. The maximum number of dwelling units permitted per net acre shall be limited by the Future Land Use Plan Map classification where the development is located.

2. Minimum lot size. The minimum lot size for each dwelling shall be 7,500 gross square feet in area.

a. Exception. Within a Planned Unit Development (PUD) the minimum lot size for each dwelling shall provide a minimum of 7,500 square gross street feet on average.

3. Minimum lot width. The minimum lot width for each dwelling site shall be 75 feet for interior lots and 80 feet for corner lots.

(B) Setbacks.

1. Front setback. Minimum of 25 feet.

2. Rear setback. Minimum of 15 feet.

3. Side setbacks.

a. For corner lots: Shall be minimum 15 feet from the side property line.

b. Side setbacks: Minimum side setback shall be seven and one-half (7 ½) feet.

4. Additional setback requirements. When any portion of a structure exceeds 22 feet in height, that portion of the structure which exceeds 22 feet in height shall be set back a minimum of an additional one (1) foot for each foot of height above 22 feet.

(C) Height. The maximum height of a structure shall not exceed 35 feet.

(D) Garages. Vehicular access to all garages shall be from a street or driveway.

a. Size. A fully enclosed garage of minimum ten (10) feet by 20 feet designed for parking at least one (1) automobile shall be required for each dwelling. This garage space shall not count towards required parking.

2. Single car garages. No more than 50 percent of the front facade of a single-story dwelling shall be used for a garage.

3. Two (2) car garages.

a. Only permitted on two (2) story dwellings if the total area of garage door surfaces does not exceed 30 percent of the total front facade area, and if at least one (1) of the following design features is provided on the front façade: porch or balcony a minimum of 10 feet in depth, both of which may encroach the front setback by five (5) feet.

(E) Sidewalk requirements. A single-family dwelling development shall provide the following:

1. A minimum five (5) foot wide sidewalk along the full length of each public right-of-way or access easement, excluding an alley.

- 23609 2. A minimum three (3) foot wide sidewalk shall connect the front entrances with the sidewalk
23610 along the right-of-way or access easement unless an alternative pedestrian access to the
23611 sidewalk is approved by the Development Review Committee.

23612
23613 (F) Street tree requirements. Street trees shall be planted and maintained along the public right-
23614 of-way or access easement abutting the property to provide a canopy effect. The type of street
23615 trees may include shade, flowering and palm trees and shall be planted at a minimum height
23616 and size in accordance with the requirements of section 410.704. The location, number, and
23617 minimum height of trees shall be determined by the Development Review Committee based
23618 on building and site design, separation distance, utility infrastructure and the proposed plan's
23619 compatibility to surrounding properties.

23620
23621 (G) Design. The design of adjacent single-family dwelling shall provide different front elevations
23622 in terms of rooflines and entrance design. Where more than five (5) dwellings are contiguous,
23623 a minimum of three (3) different front elevation designs shall be provided.

23624 40.712 Townhouse

23625
23626 (A) Definition. For the purposes of this section, a townhouse development shall be defined as
23627 three (3) or more attached single family dwelling units where each individual single-family unit
23628 and land thereunder is owned in fee simple.

23629
23630 (B) Site design criteria. A townhouse development shall meet the following site design criteria:

- 23631
23632 1. Minimum lot size. The lot upon which the group is located shall contain a minimum area
23633 of 7,500 square feet and shall provide an average of 2,000 square feet per dwelling unit,
23634 including driveways and areas held in common ownership.

23635
23636 a. Exception. Within a Planned Unit Development (PUD) each lot upon which a building
23637 group is located shall provide a minimum area of 7,500 square feet on average.

- 23638
23639 2. Density. The density is determined by the regulations governing the zoning district where
23640 the townhouse development is located.

- 23641
23642 3. Group limit. A townhouse group shall be limited to a maximum of eight (8) dwelling units.

23643
23644 a. A minimum of 25 percent of the townhouse group's front façade shall be set back an
23645 additional five (5) from the rest of the front façade.

23646
23647 b. Attached units may have a common wall or individual sidewalls no higher than the
23648 roofline separated by a distance of not more than one (1) inch or as determined
23649 reasonable by the Development Review Committee. If individual walls are used, the
23650 buildings shall have adequate flashing at the roofline.

- 23651
23652 4. Access.
23653
23654

- a. Access for a townhouse development may be via public rights-of-way or private access easements. Easements that provide access for all utilities and for use by owners within the group of townhouses shall be provided.
- b. Each townhouse dwelling unit shall have vehicular access via public right-of-way or private access easement.
- c. Townhouse developments that about a dedicated alley are encouraged to provide access from the alley, and where none exists are encouraged to provide a dedicated alley.

(C) Setback Requirements.

1. Front setback. The minimum front setback shall be 25 feet. A five (5) foot easement along the front property line of the group townhouse development shall be required if the fee simple lot of each unit does not directly abut a public right-of-way or access easement. This easement shall be provided along the front property line of the group development for use by the owners of the group units.
2. Street side setbacks. A townhouse building abutting two (2) or more public rights-of-way or access easements shall provide a minimum street side setback of 20 feet. A five (5) foot easement along the street side property line of the group shall be required if the fee simple lot of each unit does not directly abut the public right-of-way or access easement.
3. Side setback. The side setback shall be a minimum of ten (10) feet from the side property line of the townhouse development. A five (5) foot easement which extends from front to rear lot lines along a side lot line of the townhouse development not abutting a public right-of-way or access easement shall be required for use by owners within the development. An easement along the side property line of the townhouse development for use by the owners of the units shall be provided.
4. Rear setback. The rear setback shall be a minimum of 20 feet from the rear property line. A five (5) foot easement along the rear property line of the townhouse group shall be required if the fee simple lots of each unit does not directly abut a public right-of-way or access easement. An easement along the rear property line of the development for use by the owners of the units within the development shall be provided.
5. Additional requirements. When any portion of a townhouse abutting the side setback for the development site exceeds 22 feet in height, that portion of the structure shall be set back a minimum of an additional one (1) foot for each foot of height above 22 feet.
6. Reduced setback. Townhouse developments that provide for parking or garage access at the rear of units may reduce the front and street side setback requirement to 15 feet subject to the following:
 - a. No individual garages may face the public right-of-way except those townhouse developments located on a corner lot may have one (1) garage with an opening facing

23702 toward the right-of-way abutting each street side setback. The garage facing the right-
23703 of-way shall be subject to the following requirements:

23704
23705 i. Garages shall be set back an additional two (2) feet from the principal façade of
23706 the building; and

23707
23708 ii. Townhouse units may be accessed from one (1) two-way driveway or two (2) one-
23709 way driveways; and,

23710
23711 b. Parking shall not be permitted between the townhouse buildings and any public right-
23712 of-way; and,

23713
23714 c. The area between the townhouse building and the public right-of-way shall be
23715 landscaped in accordance with the requirements of section 40.704.

23716
23717 7. Balconies.

23718
23719 a. No balcony shall be less than six (6) feet in depth.

23720
23721 b. A balcony, including a roof over it, may encroach a front or rear setback a maximum
23722 of ten (10) feet.

23723
23724 c. A balcony, including a roof over it, may encroach a side setback a maximum of five (5)
23725 feet.

23726
23727 (D) Glass requirement. A minimum of 25 percent of the area of the front façade shall have
23728 transparent glass.

23729
23730 (E) Entrance requirements. Each dwelling unit facing a public right-of-way other than an alley
23731 must have, its own principal entrance, visible from and facing the right-of-way, and shall
23732 include the following:

23733
23734 1. A roofed landing; and

23735
23736 2. An architectural design and material similar to and integral with the principal structure;
23737 and,

23738
23739 3. A minimum of four (4) linear feet shall be provided between principal entrances; and,

23740
23741 4. The roofed landing may encroach into the front setback an additional three (3) feet; and,

23742
23743 5. For individual dwelling units facing more than one (1) right-of-way, only one (1) entrance
23744 shall be required.

23745
23746 (F) Minimum floor area. Each individual dwelling unit shall have a minimum floor area of 750
23747 square feet.

23748
23749 (G) Height. The maximum height shall not exceed 40 feet.

(H) Fence and wall requirements. Fences and walls shall be provided subject to the following:

1. Seventy-five percent of all fencing or walls along the front setback of a townhouse development abutting a public right-of-way must be of see-through materials such as vertical bars or picket fence and shall be subject to all other requirements of section 40.702.
2. When parking is placed in the rear of the development site, a fence or wall shall be installed between the development site and any neighboring residential property abutting the development site subject to the requirements of section 40.702.

(I) Garages. Garages facing public rights-of-way and access easements other than an alley, shall be subject to the following requirements:

1. Garages shall be limited to a width equivalent to a maximum of 50 percent of the width of the townhouse unit. The width shall be measured as the linear dimension of the garage that is visible from the street, such as the garage door; and
2. Garages shall be set back an additional two (2) feet from the principal façade of the building.
3. As a result of the garage being set back an additional two (2) feet, an area equivalent to the square footage of the recessed garage may be reallocated to the front façade of the building as additional square footage to the living area and may extend into the front setback up to three (3) feet into the setback.

(J) Driveways. Driveways facing the public rights-of-way or access easements shall be subject to the following criteria:

1. These driveways shall have a minimum separation of eight (8) feet from the adjacent driveway within the same development for the entire length of the driveway.
2. The separation of driveways can be reduced to a minimum of four (4) feet in width with the installation of structural soil or other mitigating alternative to allow space for root development of required trees, as reviewed and approved by the Development Review Committee.
3. The area between the driveways must be a landscaped pervious area with a minimum of one (1) canopy tree appropriate for the planting space and continuous shrub planting.

(K) Sidewalk requirements. A townhouse development shall provide the following:

1. A minimum five (5) foot wide sidewalk along each public right-of-way or access easement abutting the property along the full length of the property line. An alley is excluded from this requirement.

- 23797 2. A minimum three (3) foot wide sidewalk shall connect the front entrances with the sidewalk
23798 along the right-of-way or access easement unless an alternative pedestrian access to the
23799 sidewalk is approved by the Development Review Committee. The sidewalk shall be a
23800 minimum of two (2) feet from any driveway.

23801
23802 (L) Street tree requirements. Street trees shall be planted and maintained along the public right-
23803 of-way or access easement abutting the property to provide a canopy effect. The type of street
23804 trees may include shade, flowering and palm trees and shall be planted at a minimum height
23805 and size in accordance with the requirements of 40.704. The location, number, and minimum
23806 height of trees shall be determined by the Development Review Committee based on building
23807 and site design, separation distance, utility infrastructure and the proposed plan's compatibility
23808 to surrounding properties.

23809
23810 (M) Maintenance agreement. A townhouse development shall have a recorded maintenance
23811 agreement for the common areas and any guest parking.

23812
23813 (N) Solid waste, yard waste, and recycling requirements. Each townhouse dwelling unit shall have
23814 incorporated into the design a designated area to locate containers that meet the requirements
23815 of this Code. The size of the containers and alternatives to these requirements may be
23816 permitted subject to approval of the Development Review Committee.

23817
23818 (O) Landscape area requirements.

- 23819
23820 1. Individual lots owned in fee simple within a townhouse development are exempt from
23821 providing landscape materials in the rear setback except for those areas subject to
23822 common easements.

- 23823
23824 2. The entire rear setback on an individual lot within an area surrounded by a wall or fence
23825 may be covered with pervious pavers.

23826 23827 **40.713 Duplex/Two (2) Family Dwellings**

23828
23829 (A) For the purposes of this section, a duplex shall include a building designed for and containing
23830 two (2) single family dwelling units entirely under one (1) roof that are completely separated
23831 from each other by one (1) dividing partition common to each unit and with each dwelling unit
23832 constructed on a separate lot. A two (2) family dwelling shall include a building constructed
23833 on a single lot that is designed for and contains two (2) single family dwelling units entirely
23834 under one (1) roof that are completely separated from each other by one (1) dividing partition
23835 common to each unit.

23836
23837 (B) Lot requirements. The minimum lot size for a duplex or two (2) family dwelling shall be 7,500
23838 square feet.

- 23839
23840 1. Exception. Within a Planned Unit Development (PUD) each lot upon which a building is
23841 located shall provide a minimum area of 7,500 square feet on average.

23842
23843 (C) Density. The density shall be regulated by the zoning district where it is located.
23844

(D) Setback and height requirements.

1. Front setback. Minimum of 25 feet.
2. Rear setback. Minimum of 15 feet.
3. Side setbacks.
 - a. For corner lots: Shall be minimum 15 feet from the side property line.
 - b. Side setbacks abutting another duplex/two (2) family dwelling: Ten (10) feet.
 - c. Side setback when abutting any other lot that is not a duplex/two (2) family dwelling: 15 feet.
4. Additional setback requirements. When any portion of a duplex or two (2) family dwelling exceeds 22 feet in height, that portion of the structure which exceeds 22 feet in height shall be set back a minimum of an additional one (1) foot for each foot of height above 22 feet.
5. Height. The maximum height of a duplex or two (2) family dwelling shall not exceed 35 feet.
6. Duplexes or two (2) family units that provide for parking or garage access that is solely at the rear of the units may reduce the front setback requirement to 15 feet and, where applicable, the street side setback to ten (10) feet subject to the following:
 - a. No individual garages may face the public right-of-way.
 - b. Duplex or two (2) family dwellings may be accessed from one (1) two-way driveway or two (2) one-way driveways.

(E) Design criteria. A duplex or two (2) family dwelling shall meet the following site design criteria:

1. Entrance requirements. Each dwelling unit facing a public right-of-way or private access easement must have its own principal entrance, visible from and facing the right-of-way or access easement, that:
 - a. Shall have a roofed landing; and
 - b. Shall be of architectural design and material similar to and integral with the principal structure; and
 - c. A minimum of four (4) linear feet shall be provided between principal entrances; and
 - d. The roofed landing may encroach into the front setback an additional three (3) feet from the building facade; and

- e. For individual dwelling units facing more than one (1) right-of-way or access easement, only one (1) entrance will be required.

2. Access.

- a. Access for a duplex or two (2) family dwelling development may be via public rights-of-way or private access easements. Easements that provide access for all utilities and for use by owners within the group of townhouses shall be provided.
- b. Each duplex or two (2) family dwelling unit shall have vehicular access a public right-of-way or private access easement.
- c. Duplex or two (2) family dwelling developments that abut a dedicated alley are encouraged to provide access from the alley, and where none exists are encouraged to provide a dedicated alley.

(F) Fence and wall requirements.

1. For new construction, 75 percent of all fencing or walls located within the front setback must be of see-through materials such as vertical bars or picket fence and be subject to all other requirements of 40.702.
- a. When parking is placed in the rear of the development site, a wall or fence shall be installed between the development site and any neighboring residential property abutting the development site subject to the requirements of section 40.702.

(G) Garages facing a public right-of-way or access easement shall be subject to the following criteria:

1. Garages shall be limited to a width equivalent to a maximum of 50 percent of the width of the duplex or two (2) family dwelling units. The width shall be measured as the linear dimension of the garage that is visible from the street, such as the garage door; and
2. Garages shall be set back an additional two (2) feet from the furthest projection of the building façade to the property line. An area equivalent to the square footage of the recessed garage may be reallocated to the front facade of the building as additional square footage to the living area and may extend into the front setback up to three (3) feet into the setback.

(H) Driveways facing a public right-of-way or access easement shall be subject to the following criteria:

1. These driveways shall have a minimum separation of eight (8) feet from the adjacent driveway within the same development for the entire length of the driveway.
2. The separation of driveways can be reduced to a minimum of four (4) feet in width with the required installation of structural soil or other mitigating alternative to allow room for

23940 root development of required trees, as reviewed and approved by Development Review
23941 Committee.

- 23942
23943 3. The area between the driveways is to be a landscaped pervious area with a minimum of
23944 one (1) canopy tree appropriate for the planting space and continuous shrub planting.

- 23945
23946 (I) Sidewalk requirements. A duplex or two (2) family development shall provide the following:

- 23947
23948 1. A minimum five (5) foot wide sidewalk along the full length of each public right-of-way or
23949 access easement excluding an alley.

- 23950
23951 2. A minimum three (3) foot wide sidewalk shall connect the front entrances with the sidewalk
23952 along the right-of-way or access easement unless an alternative pedestrian access to the
23953 sidewalk is approved by the Development Review Committee.

- 23954
23955 (J) Street tree requirements. Street trees shall be planted and maintained along the public right-
23956 of-way or access easement abutting the property to provide a canopy effect. The type of street
23957 trees may include shade, flowering and palm trees and shall be planted at a minimum height
23958 and size in accordance with the requirements of 40.704. The location, number, and minimum
23959 height of trees shall be determined by the Development Review Committee based on building
23960 and site design, separation distance, utility infrastructure and the proposed plan's compatibility
23961 to surrounding properties.

- 23962
23963 (K) Solid waste, yard waste, and recycling requirements. Each townhouse dwelling unit shall have
23964 incorporated into the design a designated area to locate containers that meet the requirements
23965 of this Code. The size of the containers and alternatives to these requirements may be
23966 permitted subject to approval of the Development Review Committee.

23967
23968 **40.714 Single-Family Dwelling: Zero Lot Line**

- 23969
23970 (A) Definition. A zero-lot-line dwelling is a single-family detached unit which, instead of being
23971 centered on the lot, has one (1) side placed on one (1) of the side lot lines in order to provide
23972 for more open space on the other side of the lot.

- 23973
23974 (B) Site design criteria. A single-family dwelling zero-lot-line, herein referred to as zero-lot-line
23975 development, shall meet the following design criteria:

- 23976
23977 1. Density. The maximum number of dwelling units permitted per net acre shall be limited by
23978 the Future Land Use Plan Map classification where the zero-lot-line development is
23979 located.

- 23980
23981 2. Minimum lot size. The minimum lot size for each dwelling shall be 4,500 gross square feet
23982 in area.

- 23983
23984 a. Exception. Within a Planned Unit Development (PUD) the minimum lot size for each
23985 dwelling shall provide a minimum of 4,500 square gross street feet on average.
23986

- 23987 3. Minimum lot width. The minimum lot width for each dwelling site shall be 45 feet for interior
23988 lots and 50 feet for corner lots.

23989
23990 (C) Setbacks.

- 23991
23992 1. Front setback. Minimum of 25 feet.

- 23993
23994 2. Rear setback. Minimum of 15 feet.

- 23995
23996 3. Side setbacks.

- 23997
23998 a. For corner lots: Shall be minimum 15 feet from the side property line.

- 23999
24000 b. Side setbacks abutting another zero-lot-line lot: Minimum side setback shall be zero
24001 (0) for one (1) side of the building, and ten (10) feet for the other side. In no instance
24002 shall a zero-lot-line dwelling be located closer than ten (10) feet from another building.

- 24003
24004 c. Side setback when abutting a non-zero-lot-line lot: The minimum side setback shall be
24005 10 feet.

- 24006
24007 4. Additional setback requirements. When any portion of a zero-lot-line structure exceeds 22
24008 feet in height, that portion of the structure which exceeds 22 feet in height shall be set
24009 back a minimum of an additional one (1) foot for each foot of height above 22 feet.

24010
24011 (D) Height. The maximum height of a zero-lot-line structure shall not exceed 35 feet.

24012
24013 (E) Garages. Vehicular access to all garages shall be from a street or driveway.

- 24014
24015 1. Size. A fully enclosed garage of minimum ten (10) feet by 20 feet designed for parking at
24016 least one (1) automobile shall be required for each zero-lot-line dwelling. This garage
24017 space shall not count towards required parking.

- 24018
24019 2. Single car garages. No more than 50 percent of the front facade of a single-story zero-lot-
24020 line dwelling shall be used for a garage.

- 24021
24022 3. Two (2) car garages.

- 24023
24024 a. Only permitted on two (2) story zero-lot-line dwellings if the total area of garage door
24025 surfaces does not exceed 30 percent of the total front facade area, and if at least one
24026 (1) of the following design features is provided on the front façade: porch or balcony a
24027 minimum of 10 feet in depth, both of which may encroach the front setback by five (5)
24028 feet.

24029
24030 (F) Zero side setback building wall requirements. The elevation of the side wall of the zero-lot-
24031 line dwelling with a zero (0) side setback shall have the following requirements:

- 24032
24033 1. Only clerestory windows or similar transparent openings with a sill height of at least six (6)
24034 feet, eight (8) inches above the interior finish floor of each story are permitted. Semi-

opaque glass block windows are permitted at any height. The total area of window openings shall not exceed ten (10) percent of the surface area of the wall.

2. Roof overhangs may encroach up to 18 inches over a common property line, if drainage is provided to prevent runoff onto adjacent property. Any gutter or downspout is to be located within this 18-inch dimension.

3. An atrium or other recessed outdoor area may be permitted along the zero-lot-line building wall when a solid wall a minimum eight (8) feet in height is provided that entirely screens the outdoor area.

4. An easement of four (4) feet shall be provided into the setback abutting the side of the structure on the lot line for use by the owner of the adjacent property for maintenance of the building.

(G) Sidewalk requirements. A zero lot line development shall provide the following:

1. A minimum five (5) foot wide sidewalk along the full length of each public right-of-way or access easement, excluding an alley.

2. A minimum three (3) foot wide sidewalk shall connect the front entrances with the sidewalk along the right-of-way or access easement unless an alternative pedestrian access to the sidewalk is approved by the Development Review Committee.

(H) Street tree requirements. Street trees shall be planted and maintained along the public right-of-way or access easement abutting the property to provide a canopy effect. The type of street trees may include shade, flowering and palm trees and shall be planted at a minimum height and size in accordance with the requirements of 40.704. The location, number, and minimum height of trees shall be determined by the Development Review Committee based on building and site design, separation distance, utility infrastructure and the proposed plan's compatibility to surrounding properties.

(I) Design. The design of adjacent single-family dwelling zero-lot-line shall provide different front elevations in terms of rooflines and entrance design. Where more than five (5) zero-lot-line dwellings are contiguous, a minimum of three (3) different front elevation designs shall be provided.

40.715 Single-Family Dwelling, Attached: Cluster

(A) For the purposes of this section, a cluster development shall include one (1) or more cluster buildings located on the same development site.

(B) A cluster building shall include a single residential structure containing three (3) or four (4) dwelling units.

(C) Site design criteria. A single-family dwelling: cluster, herein referred to as cluster development, shall meet the following design criteria:

24083 1. Lot requirements. The minimum lot size for a cluster development shall be a minimum 100
24084 feet in width and 100 feet in depth and 10,000 square feet in area.

24085
24086 a. Exception. The average lot size for a cluster development within a Planned Unit
24087 Development (PUD) shall be a minimum of 100 feet in width and 100 feet in depth and
24088 10,000 square feet in area.

24089
24090 2. Density. The density is determined by the Future Land Use Plan Map classification where
24091 the cluster development is located.

24092
24093 3. Access to cluster developments shall meet the following requirements:

24094
24095 a. Dwelling units within cluster buildings shall have access from a shared driveway or
24096 from individual driveways fronting an alley.

24097
24098 b. Parking facilities and garages for cluster buildings with a facade facing a right-of-way
24099 or access easement, other than an alley, shall be provided in the side or rear of the
24100 cluster building.

24101
24102 c. Each dwelling unit shall have vehicular access to right-of-way, access easement, or
24103 alley, or parking area serving the group. An easement for all utilities and for use by
24104 owners within the group shall be provided.

24105
24106 d. Those cluster developments located on a corner lot may have one (1) garage with an
24107 opening facing toward the right-of-way or access easement abutting each street side
24108 setback. The garage facing the right-of-way or access easement shall be subject to
24109 the following requirements:

24110
24111 i. The garage shall be limited to a width equivalent to a maximum of 50 percent of
24112 the width of the dwelling unit. The width shall be measured as the linear dimension
24113 of the garage that is visible from the street, such as the garage door; and

24114
24115 ii. The garage shall be set back an additional two (2) feet from the principal facade
24116 of the building or 18 feet from the property line, whichever is greater.

24117
24118 (D) Setback requirements. Setbacks shall be measured from the property lines of the
24119 development site, as established by the zoning district in which it is located, unless otherwise
24120 noted.

24121
24122 1. Front setback. The front setback of a cluster building abutting a public right-of-way or
24123 access easement shall be a minimum of 15 feet. A five (5) foot easement along the front
24124 property line of the cluster building is required when a fee simple lot within the cluster
24125 development does not directly abut the public right-of way or access easement for use by
24126 the owners of the units.

24127
24128 2. Street side setback. A cluster building abutting two (2) or more public rights-of-way or
24129 access easements shall provide a minimum street side setback of 15 feet. A five (5) foot
24130 easement shall be required along the corner property line of the cluster development when

a fee simple lot within the cluster development does not directly abut the public right-of-way or access easement for use by the owners of the units.

3. Side setback. The minimum side setback shall be a minimum of ten (10) feet. A five (5) foot easement shall be granted along the side property line of the cluster development for use by the owners of the dwelling units in that building.

4. Rear setback. The minimum rear setback shall be 15 feet. A five (5) foot easement shall be provided along the rear property line of the cluster building for use by the owners of the dwelling units in that building.

5. Interior separations. Buildings within the development shall be separated by a minimum of ten (10) feet from each other.

6. Additional setbacks.

a. A minimum of 25 percent of the front facade shall be set back a minimum of an additional five (5) feet from the rest of the front facade.

b. A minimum of 25 percent of the rear facade shall be set back a minimum of an additional five (5) feet from the rest of the rear facade.

c. A minimum of 25 percent of an interior facade must be recessed at least two (2) feet.

d. When any portion of a cluster building abutting the side setback for the development site exceeds 22 feet in height, that portion of the structure shall be set back an additional one (1) foot for each foot of height above 22 feet.

(E) Design elements.

1. A cluster building shall be designed to provide a minimum of 25 percent of the area of the front facade in the form of transparent glass.

(F) Entrance requirements. Each dwelling unit facing a public right-of-way or access easement, other than an alley, must have its own principal entrance visible from and facing the right-of-way or access easement and shall include the following:

1. A roofed concrete landing; and

2. Have the same design and material similar to and integral with the principal structure; and

3. A minimum of four (4) linear feet shall be provided between principal entrances; and

4. The roofed landing may encroach into the front setback an additional three (3) feet; and

5. For individual dwelling units facing more than one (1) right-of-way, only one (1) entrance will be required.

- 24179 (G) Minimum floor area. Each individual dwelling unit shall have a minimum floor area of 750
24180 square feet.
- 24181
- 24182 (H) Height. The maximum height shall not exceed 35 feet.
- 24183
- 24184 (I) Fence and wall requirements.
- 24185
- 24186 1. Seventy-five percent of all fences or walls within the front setback must be of see through
24187 materials such as, but not limited to, vertical bars or picket fence.
- 24188
- 24189 2. A six (6) foot wall or fence shall be installed between the development site and any
24190 neighboring residential property abutting the development.
- 24191
- 24192 (J) Maintenance agreement. A cluster development shall have a recorded maintenance
24193 agreement for all common areas and any required guest parking spaces.
- 24194
- 24195 (K) Sidewalk requirements. A cluster development shall provide the following:
- 24196
- 24197 1. A minimum five (5) foot wide sidewalk along each public street or access easement,
24198 excluding alleys, abutting the property along the full length of the front property line.
- 24199
- 24200 2. A minimum three (3) foot wide sidewalk shall connect the front entrances with the sidewalk
24201 along the right-of-way or access easement unless an alternative pedestrian access to the
24202 public sidewalk is approved by the department.
- 24203
- 24204 (L) Street tree requirements. Street trees shall be planted and maintained along the public right-
24205 of-way or access easement abutting the property to provide a canopy effect. The type of street
24206 trees may include shade, flowering and palm trees and shall be planted at a minimum height
24207 and size in accordance with the requirements of 40.704. The location and number of trees
24208 shall be determined by the Development Review Committee based on height, bulk, shadow,
24209 mass and design of the structures on the site and the proposed dwelling's compatibility to
24210 surrounding properties.
- 24211
- 24212 (M) Solid waste, yard waste, and recycling requirements. Each cluster unit shall have incorporated
24213 into the design a designated area to locate containers that meet the requirements of this Code.
24214 The size of the containers and alternatives to these requirements may be permitted subject
24215 to approval of the Development Review Committee.