

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12 City of Margate is hereby repealed.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14 Margate is hereby repealed.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16 of the City of Margate is hereby repealed.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18 are repealed to the extent of such conflict.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 \_\_\_\_\_

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Schwartz \_\_\_\_\_  
Simone \_\_\_\_\_

**EXHIBIT "A"**

**Chapter 40 "Unified Land Development Code"**

# ARTICLE 1

## PURPOSE

## ARTICLE 1 PURPOSE

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### 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

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### 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

5159  
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.

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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.
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- 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.
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- 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.  
5415  
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.  
5436

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

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### 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.

- v. That the Fire Department will be able to protect life and property within the proposed development.
- d. *Building official.* The Building Official determines:
- i. In the case of site plans that the location of structures on the plot, the type of construction, and the use and occupancy of all structures on the site is in conformity with the building code in force and effect.
  - ii. In the case of site plans, that the proposed finished floor elevation is at or above the minimum prescribed by Chapter 17 and Section 11-3 of this Code.
- e. *Director of Public Works.* The Director of Public Works considers the potential impacts of the proposed development to existing infrastructure; specifically:
- i. Roadways and sidewalks.
  - ii. Storm water utilities, including the City's canal system.
- f. *Representative from the Police Department.* The representative from the Police Department considers possible public safety issues presented in proposed developments. The representative may consider as a basis for review the standards set forth in the current CPTED standards, guidelines & policies of the International Crime Prevention through Environmental Design Association.
- g. *Representative from the Margate Community Redevelopment Agency.* The representative from the Community Redevelopment Agency determines that any proposed development within the CRA boundary is consistent with the Margate Community Redevelopment Plan, and the Margate CRA Building Design Regulations.
- (B) Development presumed to have maximum impact permitted; use of site plan to access maximum impacts.
- 1. A proposed development shall be presumed to have the maximum impact permitted under applicable land development regulations such as zoning regulations and the land use element of the Margate Comprehensive Plan.
  - 2. If a site plan is presented when a proposed plat, subdivision resurvey or rezoning application is submitted, it may be used as the basis to assess the maximum impact of the development. In the event that an application for a building permit is submitted which, provides more intensive uses than those indicated on the site plan or substantially deviates from the approved site plan, the application shall be referred to the Development Review Committee for assessment. If the Development Review Committee determines that the permit proposes more intensive uses than those indicated on the approved site plan or substantially deviates from the approved site plan, the site plan shall be revised and reviewed as a new site plan application.

(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](http://www.sunbiz.org) must be the person that signs and the record from [www.sunbiz.org](http://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 6805 **40.303 Zoning Map Change** 6806

##### 6807 (A) *Procedure:* 6808

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



2. If for any reason the nonconforming use of a building or structure, or any portion of a building or structure ceases or is discontinued for a period of 180 calendar days or more, the said building or structure shall not thereafter be used for a nonconforming use.
3. Any part or portion of a building, structure or land occupied by a nonconforming use, which use is abandoned for 180 calendar days or more, shall not again be occupied or used for a nonconforming use.
4. Any part of a building, structure or land occupied by a nonconforming use which is changed to or occupied by a conforming use shall not thereafter be used or occupied by a nonconforming use.

(H) Discontinuance or abandonment of variances or waivers.

1. If for any reason a variance or waiver as to the use of land or any portion thereof does not commence, is not undertaken, ceases, is discontinued, or is abandoned for a period of more 180 calendar days, the land or portion thereof shall not thereafter be used for said variance or waiver unless specifically outlined unless the contrary is specifically provided in the variance or waiver, or unless same has been considered anew and granted, pursuant to the Code of the City of Margate.
2. If for any reason a variance or waiver as to the use of a building or structure or any portion thereof does not commence, is not undertaken, ceases, is discontinued, or is abandoned for a period of more 180 calendar days, the building or structure or any portion thereof shall not thereafter be used for said variance or waiver unless specifically outlined unless the contrary is specifically provided in the variance or unless same has been considered anew and granted, pursuant to the Code of the City.

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

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

#### 40.309 Building Permits

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

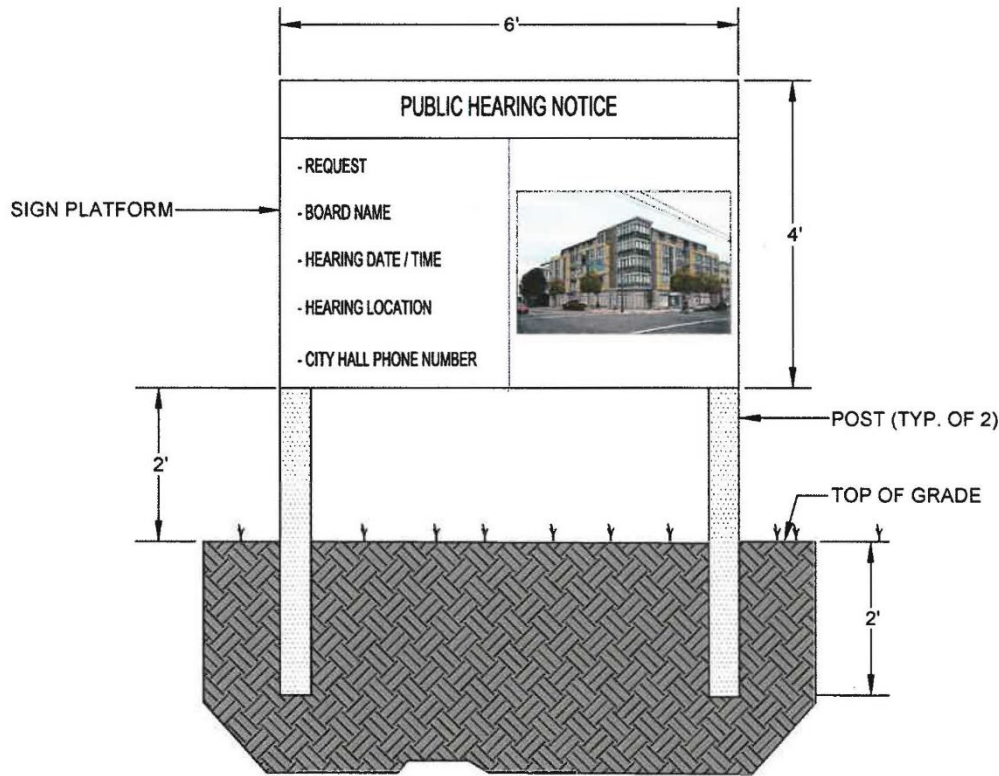
- iii. In the event that an applicant appeals a board decision to a higher body of the City, or that the City Commission refers a special exception application back to the Planning and Zoning Board as described in section 40.306, the applicant shall mail a revised notice as provided in this section at 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.

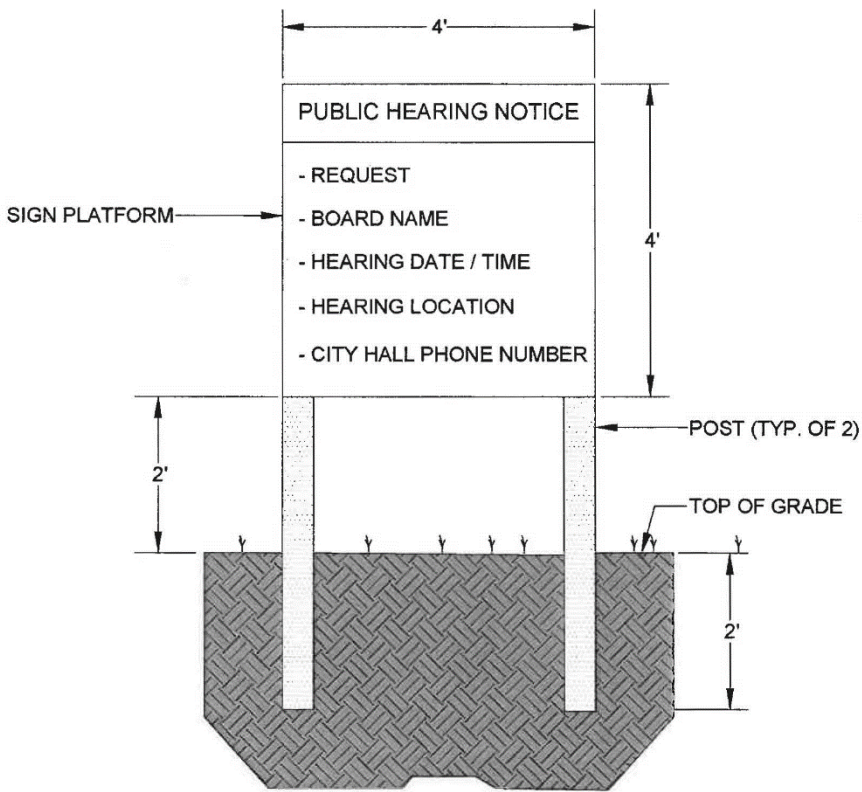
1. *New construction and substantial improvements.* Applications for quasi-judicial land use determinations consisting of new development, redevelopment, including substantial redevelopment or reconstruction, major renovation of an existing structure, or facade change, excluding those on an individual 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.



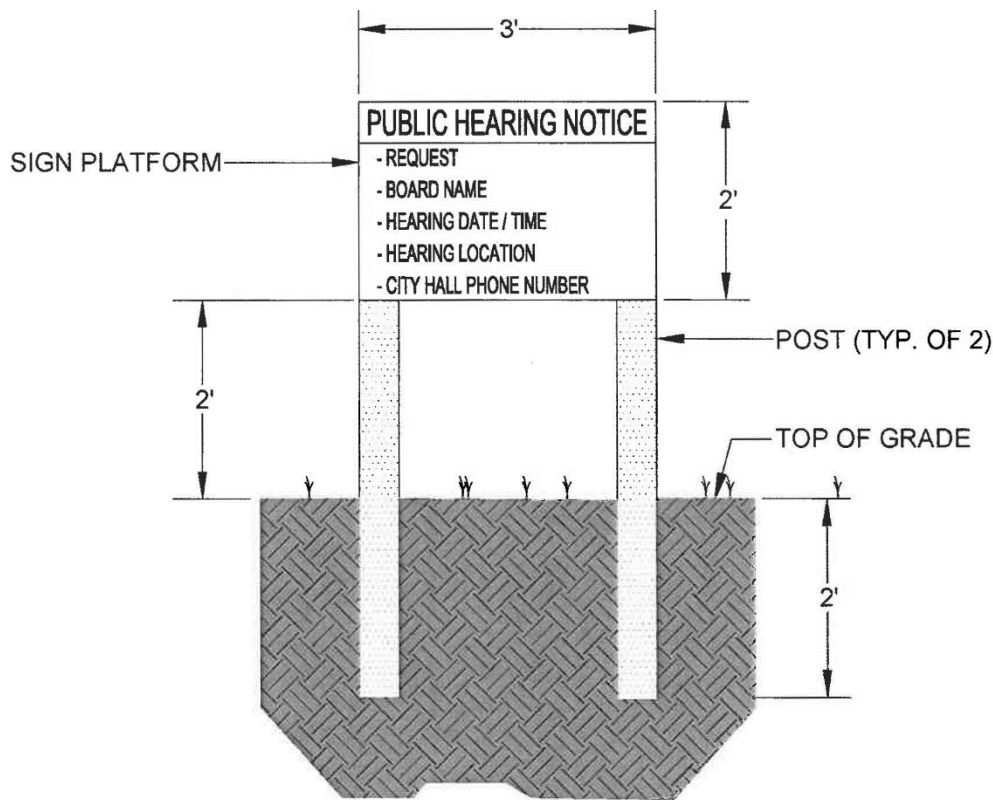
2. *Existing structures.* Applications for quasi-judicial land use determinations that do not involve a change of the existing building envelope, excluding those on an individual single-family home lot, shall post signs meeting the following criteria:
  - a. Freestanding, single-faced sign, posted to 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.

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

(B) Meetings of the Planning and Zoning Board.

- 8033  
8034 1. Meetings of the Planning and Zoning Board shall be held once per month unless canceled  
8035 by the administrative head due to no items being placed on the agenda. Meetings of the  
8036 Planning and Zoning Board may be held at the call of the administrative head.  
8037

8038 (C) *Rules of procedure.*  
8039

- 8040 1. The City Commission may establish and determine procedure before the City Planning  
8041 and Zoning Board, and such board shall adopt reasonable rules and regulations consistent  
8042 with the provisions of such ordinance for presentation of matters before such board, for  
8043 notifying interested parties, for charging and collecting an application fee, for conducting  
8044 and holding hearings, and for calling advisers and assistants from time to time.  
8045

8046 (D) *Duties generally.*  
8047

- 8048 1. *The duties of the Planning and Zoning Board shall be as follows:*  
8049  
8050 a. To act as the Local Planning Agency pursuant to F.S.163.3164(30), as amended from  
8051 time to time.  
8052  
8053 b. To act in an advisory capacity and make recommendations to the City Commission on  
8054 land development actions such as a change in zoning regulations, land use plan  
8055 amendments, rezoning of land, and special exceptions.  
8056  
8057 c. To study proposed City plans, as directed by the City Commission with a view to  
8058 improving same so as to provide for the development, general improvement and  
8059 probable future growth of the City and make recommendations to the City Commission  
8060 relating to land development and new developments or for the adoption of a City  
8061 comprehensive plan.  
8062  
8063 d. To recommend approval or disapproval of all new plats, plat amendments and  
8064 subdivision resurveys to be presented to the City Commission.  
8065  
8066 e. To perform such other duties as may from time to time be assigned to such board by  
8067 the City Commission.  
8068

8069 (E) *Administrative head.*  
8070

- 8071 1. The Director of Development Services or designee shall be designated as administrative  
8072 head of the Planning and Zoning Board and perform all duties as required by this  
8073 designation. The administrative head shall stand in an advisory capacity to the, the  
8074 Planning and Zoning Board, the City Commission and the City Manager.  
8075

8076 (F) *Substitute members.*  
8077

- 8078 1. In case of the temporary absence or disqualification of any member of the Planning and  
8079 Zoning Board, the Chairperson of the Planning and Zoning Board shall have the right and  
8080 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	<del>(a) per sanctuary seat</del>	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

(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

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.
3. The resident lives in the temporary structure.

(F) These provisions shall not apply to recreational vehicles within areas zoned RVRP Recreational Vehicle Resort Park District.

#### **40.352 Abandoned Vehicles**

(A) Abandoned or inoperative vehicles; storage of vehicles; unlawful. It is hereby declared unlawful and a nuisance to the general public to leave any abandoned or inoperative vehicle,

as defined in Section 2.2 or 40.355 of the Zoning Code of the City of Margate, or any parts thereof, in the public streets, alleys, or rights-of-way or upon any private property. It is hereby prohibited for any owner or person in control of any vehicle or part thereof to leave same abandoned or inoperative upon the public streets, alleys, or rights-of-way or upon any other public or private property within the City of Margate, or for the owner or person in control of any such vehicle or the owner, occupant, tenant, lessee, person in control, or person in possession of any property to permit or suffer the same to be stored on any privately owned property, unless said vehicle is stored inside a completely enclosed structure or a designated storage area. Any such designated storage area shall be in a B-3, C, or M-1 district, and enclosed by a eight (8) -foot concrete block wall stuccoed or precast concrete wall on any side visible from areas outside of the property where it is situated. No storage area or wall surrounding same shall be located in a required setback area.

1. The above prohibition shall not apply to motor vehicles which are offered for sale in a lot or space specifically designated and zoned for the sale of new or used vehicles where adequate space has been provided for same and a Local Business Tax Receipt has been issued by the City of Margate.
2. The above prohibition shall not apply to motor vehicles which are parked on private property zoned for vehicle repair while said vehicles are temporarily and actively being repaired by a business or concern which has been issued a Local Business Tax Receipt by the City of Margate provided they are in an area not visible from any roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as local roads in a residential area or any arterial roadways.

(B) Removal; notice to owner.

1. Whenever a police officer or code enforcement officer of the City of Margate shall ascertain that an inoperative vehicle or an unlawfully stored vehicle, as provided in the zoning code, is present on public or private property, they 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 five (5) business days. 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 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 liened 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.

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

(G) Parking and paved areas.

1. It shall be the responsibility of all persons to maintain all parking and paved areas including curbs and wheel stops in a neat and clean condition. In addition, all parking and paved areas shall be maintained in a good state of repair, which shall include proper drainage

and the routine cleaning/clearing of french drains to prevent the accumulation of pools of water and the correction and removal of all ruts, potholes, and broken pavement. In parking areas, the parking spaces shall be maintained in a manner which clearly delineates said spaces and shall include maintenance of parking space striping, directional markings, stop bars, or other indicators. Wheel stops, curbing and any other paved surfaces shall be free of breaks, cracks and other deficiencies. Additionally, all parking areas shall be maintained in the original constructed condition as required by this Code. This section shall apply to all paved areas, including but not limited to parking areas and ingress or egress driveways. Additionally, a building permit shall be required for all resurfacing, resealing, restriping, and replacement of parking areas. An Engineering Permit shall be required if excavation of base-course material will occur to repair areas that include not limited to settlement, washout, or utility damage.

(H) Landscaping maintenance requirements.

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

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

1. No owner of land or any persons in their employ or under their control shall deposit in any of the waters of the lakes, ponds, canals, ditches or waterways within the city, any rubbish, filth, construction debris, litter, garbage, grass cuttings or poisonous or deleterious substance or substances liable to affect the health, safety and welfare of persons or fish within the waterways. It shall be the responsibility of the property owner to maintain the appearance of the canal right-of-way, easement or waterway area to the following minimum standards:

a. Free of debris; and

b. Grass and or weeds shall not exceed six (6) inches; and

- 8998  
8999 c. Overhanging branches of trees shall be pruned to a height of at least 12 feet from the  
9000 water surface of the canal and be free and clear of the waterway, and  
9001  
9002 d. The canal right-of-way or easement area shall be kept free and clear of prohibited  
9003 species, as defined in the Code of the City of Margate.  
9004  
9005 e. All canals, lakes and other bodies of water shall be kept free of nuisance aquatic plants  
9006 and in no instance shall any body of water have a surface covering of any type or  
9007 species of aquatic plant.  
9008

9009 (K) Boarded up buildings.  
9010

- 9011 1. The City recognizes that from time to time it may be necessary to secure real property  
9012 because of abandonment, disrepair, public hazard or natural disaster. Unsecured property  
9013 can lead to vandalism problems, occupancy safety problems and appearance problems.  
9014 The City feels it is necessary to create certain criteria for securing structures.  
9015  
9016 a. Real property may be secured via boarding up windows, doors, or other openings  
9017 upon the requirement of the building official, fire official, code officers or by a private  
9018 party, for the purpose of ensuring public safety and protecting private property,  
9019 provided a permit is issued by the city prior to securing a property.  
9020  
9021 b. Any means of securing a property, including crime prevention devices, shall be subject  
9022 to review by the building official for safety and compliance with the building code. In  
9023 no instance shall safety bars, grating, or other similar apparatus be allowed over any  
9024 window, door, or other opening of any building.  
9025  
9026 c. The owner of any structure shall promptly repair any broken door or window so that a  
9027 temporary boarded up condition is limited. A building permit to replace the door(s) or  
9028 window(s) shall be obtained within 30 days of notice being made by the City. A  
9029 temporary board up is permitted while a building permit application to replace the  
9030 window(s) or door(s) is processing and while the permit is active.  
9031  
9032 i. The building official is authorized to permit a board up following the declaration of  
9033 a state of emergency issued by the Governor for a natural emergency as defined  
9034 in F.S.252.34(8).  
9035  
9036 d. Any device (including wood or approved hurricane shutters) used for the securing of a  
9037 property during a declared hurricane or tropical storm shall be removed no later than  
9038 ten (10) calendar days after the lifting of any hurricane or tropical storm warning or  
9039 watch.  
9040

9041 (L) Determination of need for correction.  
9042

- 9043 1. Structures and properties failing to meet the standards for a non-blighting influence will be  
9044 considered "deficient." A blighting influence on the surrounding neighborhood in violation  
9045 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 paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- g. If the Mortgagee sells or transfers the Registrable Property in a non-arm 's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) calendar days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.

- h. This section shall also apply to properties that have been the subject to a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- i. If the Foreclosure Property is not registered, or the registration fee is not paid within 30 calendar days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten (10) percent of the Semi-Annual Registration fee shall be charged for every thirty-day period, or portion thereof, the property is not registered and shall be due and payable with the registration.
- j. Properties subject to this remain under the semi-annual section shall registration requirement, security and maintenance standards of this section as long as they remain Registrable Property.
- k. Any person or corporation that has registered a property under this section must report any change of information contained in the registration within ten (10) calendar days of the change.

9. Maintenance requirements.

- a. Properties subject to this article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- b. The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- c. Visible front, side and rear setbacks shall be landscaped and maintained to the neighborhood standard at the time registration was required. All rear setbacks shall be maintained such that they do not attract wildlife such as rats, raccoons, stray cats, etc.
- d. Landscape shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- e. Maintenance shall include, but not be limited to, watering, irrigation, cutting, and mowing of required landscape and removal of all trimmings.
- f. Pools and spas shall be kept in working order so the water remains free and clear of pollutants and debris. Pools and spas shall comply with the enclosure requirements of the City Code of Ordinances and Florida Building Code, as amended from time to time.



- g. Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of the City Code and citation by the City's code compliance unit. Pursuant to a finding and determination by the special magistrate, the City may take the necessary action to ensure compliance with this section.

10. Security requirements.

- a. Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- b. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property and/or structure. Broken windows shall be secured by reglazing.
- c. If the property is owned by a corporation and/or out-of-area mortgagee, a local property manager or management company shall be contracted to perform monthly inspections to verify compliance with the requirements of this section, and any other applicable laws.
- d. The local property management company shall inspect the property on a monthly basis to ensure that the property is in compliance with this chapter and keep a log of same. Said log shall be produced to the City of Margate upon request.
- e. Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of the City Code and citation by the City's code compliance unit pursuant to a finding and determination by the special magistrate, the City may take the necessary action to ensure compliance with this section.

11. Opposing, obstructing enforcement officer; penalty. Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this article, upon conviction shall be punished as provided in section 1-8.

12. Immunity of enforcement officer. Any enforcement officer or any person authorized by the enforcement officer shall be immune from prosecution, civil or criminal, for reasonable, good-faith trespass upon real property while in the discharge of duties imposed by this article.

13. Additional authority. The City's Code Compliance Unit shall have authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all door, window or other openings, employment of an on-site security guard, or other measures as may be reasonably required to prevent a decline of the property.

14. Adoption of rules; expenditure of funds; declaration of city purpose. The governing body is authorized and empowered to adopt rules and regulations and expend City funds as

9280 may be reasonably necessary and available to carry out the terms of this article, the  
9281 expenditure of such funds being declared a proper city purpose.

## 9283 DIVISION 7 FLEXIBILITY

### 9284 40.360 Flexibility, Reserve and Redevelopment Units

9285 (A) Provisions regarding applying certain types of comprehensive plan flexibility.

- 9286 1. *Intent and purpose:* The City has a limited amount of flexibility available pursuant to its  
9287 comprehensive plan, Broward Next with policies clarified within the Broward Next  
9288 Administrative Rules document. The advantage to utilizing flexibility is to encourage  
9289 development the City deems desirable in terms of increasing employment, raising the tax  
9290 base, or providing other benefits. The chief advantage to utilizing flexibility is that it  
9291 shortens the time otherwise needed for regulatory review and approvals needed to obtain  
9292 building permits. All decisions approving the utilization of flexibility, as well as decisions to  
9293 waive or not apply a provision of this section in connection with such approval, shall be  
9294 evidenced by a resolution which was considered and approved by the City Commission.
- 9295 2. Commercial-residential flex allows for up to ~~twenty (20)~~ 20 percent of the lands designated  
9296 commercial to be converted to residential land use to allocate flexibility, reserve or  
9297 redevelopment units.  
9298
  - 9299 a. The City, by recommendation of the Development Review Committee, may allocate  
9300 flexibility, reserve or redevelopment units per the requirements set forth in the City's  
9301 Comprehensive Plan and established within Broward Next. Flexibility units equal the  
9302 difference between the number of units allowed on the Broward County Land Use Plan  
9303 and the City's Future Land Use Plan Map. Reserve units equal 2% of the total units  
9304 allowed per the City's certified land use plan map. Redevelopment units can be  
9305 requested by a municipality to allocate residential units within the municipality in  
9306 locations the City desires additional density. The City shall maintain a table of these  
9307 units and update the table annually.
  - 9308 b. Process to complete the allocation of these units:
    - 9309 i. An applicant must request to allocate these units to a specific process through  
9310 an application provided by the City;
    - 9311 ii. The applicant shall provide a School Capacity Availability Determination (SCAD)  
9312 report from the School Board of Broward County;
    - 9313 iii. The applicant shall also show compliance with the requirements set forth in this  
9314 chapter, the City's Comprehensive Plan and requirements within the  
9315 Administrative Rules Document of Broward Next;
- 9316 3. Residential-neighborhood commercial flex allows for up to five (5) percent of the area  
9317 designated residential within a flexibility zone to neighborhood commercial land use.  
9318  
9319

- 9322 a. The City will consider allowing flexibility under this provision only for low intensity  
9323 neighborhood offices, neighborhood retail sales of merchandise, or neighborhood  
9324 retail sales of services which are limited in hours, which are compatible with  
9325 residential uses, and which do not tend to create compatibility conflicts as a result of  
9326 noise, odors, or high traffic generation.
- 9327
- 9328 4. Industrial-limited commercial flex allows for up to ~~twenty (20)~~ 20 percent of the lands  
9329 designated industrial to be converted to commercial land use.
- 9330
- 9331 a. The City will consider allowing flexibility to utilize up to ~~twenty (20)~~ 20 percent of  
9332 industrial land use for commercial flex if acreage is available per the requirements set  
9333 forth in the City's Comprehensive plan and Broward Next.
- 9334
- 9335 5. For any allocation of flexibility, the City shall review the application for completeness with  
9336 all of the requirements set forth in the City Code and Broward County Next regulations;  
9337
- 9338 a. The City shall prepare a staff report detailing whether the application meets the  
9339 appropriate requirements;
- 9340
- 9341 b. The City Commission shall review the City staff report including all of these  
9342 requirements as well as those set forth in the City's Comprehensive Plan;
- 9343
- 9344 c. The approval shall be completed as part of a site plan process;
- 9345
- 9346 d. The allocation of this flexibility shall be allocated at the time of site plan approval.  
9347 If the site plan expires, the flexibility allocated to the site plan will be null and void  
9348 and shall go back to the City's allocation so that the flexibility can be reallocated  
9349 to another site plan approval.
- 9350
- 9351 e. *Criteria to consider and approve this application:*
- 9352
- 9353 i. The project should be consistent in scale, building height, mass, and elevations  
9354 with the predominant nearby residential buildings
- 9355
- 9356 ii. If there is a change in population, socio-economic factors, or physical  
9357 development of property near or affecting the subject property, which change  
9358 was unforeseen or unanticipated, and which change has created a present  
9359 problem or opportunity that justifies utilizing the flexibility;
- 9360
- 9361 iii. Whether the project as proposed offers significant benefits not otherwise  
9362 available to the city if the city's land development regulations were otherwise  
9363 followed;
- 9364
- 9365 iv. The extent to which the project contributes to the tax base, adds employment,  
9366 and provides other positive economic impacts;
- 9367
- 9368 v. The extent to which the project impacts public services (e.g., fire, EMS, school,  
9369 police, water, wastewater, and other services), and generates negative  
9370 secondary effects of odors, fumes, noise, traffic, or crime;
- 9371

- 9372  
9373  
9374  
9375  
9376
- 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;
- 9377  
9378  
9379
- vii. The nature and types of uses surrounding the subject property and whether the development proposal is compatible and complements those uses;
- 9380  
9381  
9382
- viii. Specific goals, objectives or policies of the City Comprehensive Plan and other City plans that are consistent or inconsistent with the development proposed;
- 9383  
9384  
9385  
9386
- 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;
- 9387  
9388  
9389
- x. The extent to which the utilization of flexibility serves or does not serve the public's health, safety, or welfare;
- 9390  
9391
- xi. The future land use and needs of the community; and
- 9392  
9393  
9394
- 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



9441 unauthorized subdivision or resubdivision by sale or deed transfer of any type. The following  
9442 requirements shall be met for the approval of a subdivision resurvey:

- 9443
- 9444 1. A survey of the subject property, containing all of the applicable information required  
9445 by Section 40.402 of this Code, shall be prepared by a registered engineer or  
9446 surveyor.
- 9447
- 9448 2. The proposed parcel(s) shall meet the requirements of Section 40.403 and Section  
9449 40.504 - Irregular lots, as may be applicable.
- 9450
- 9451 3. Any land within the parcel that is necessary to comply with the Margate trafficways  
9452 plan shall be conveyed to the public by deed or grant of easement.
- 9453
- 9454 4. The developer shall submit to the city clerk a performance bond for subdivision  
9455 improvements and inspection fees.
- 9456
- 9457 5. The developer shall file a reproducible copy of the instrument with the city clerk with  
9458 payment of filing fee as specified in the Fee Schedule adopted by Resolution of the  
9459 City Commission of the City of Margate and all recording fees.
- 9460

9461 (B) The above requirements shall not apply in cases where part of one (1) single-family lot is  
9462 added to another in order to increase a building site, provided no parcel remains which  
9463 has less width or depth or contains less area than the minimum established for the district  
9464 in which it is located.

9465

9466 (C) Where are proposed development is comprised of more than one (1) parcel or lot, the  
9467 Development Review Committee may require the property owner to create a unity of title  
9468 in order to process an application for a site plan, special exception or rezoning.

9469

#### 9470 **40.402 Plat Submissions, Procedures and Requirements**

##### 9471 9472 (A) *Procedure*

- 9473
- 9474 1. Over-all plan.
- 9475
- 9476 a. *Submission.*
- 9477
- 9478 i. An over-all plan for any proposed subdivision which is to be recorded in sections  
9479 shall be filed with the board for review in advance of preliminary plats for a part of  
9480 the area after the application receives a recommendation of approval from the  
9481 Development Review Committee (DRC).
- 9482
- 9483 ii. The plan will then be considered by the Board at the next available regular meeting.
- 9484

- 9485           iii.   *Approval of over-all plan.* Where an over-all plan is submitted for approval and  
9486           provided that the plan meets all of the requirements of the City ordinances, such  
9487           approval shall be given tentatively by the Planning and Zoning Board. All plats  
9488           submitted following such over-all plan approved shall meet all of the requirements  
9489           of the City ordinances and shall be in substantial conformity with the over-all plan.  
9490           Such over-all plan approval shall be valid for no longer than ~~one hundred eighty~~  
9491           ~~(180)~~ 180 days following approval. However, the subdivider or developer may  
9492           apply for and receive an extension of the tentative approval upon showing that the  
9493           over-all plan is in conformity with all City ordinances and that he intends to make  
9494           any necessary changes to assure that any and all future developments within the  
9495           purview of the over-all plan shall be in accordance with all City ordinances in  
9496           existence at the time the extension of the tentative approval is requested.

9497       b.   *Processing.*

- 9498  
9499           i.   A subdivider seeking approval of an over-all plan shall apply to the Development  
9500           Review Committee. Once the Development Review Committee has reviewed the  
9501           application and provided a recommendation of approval, a subdivider shall submit  
9502           the plan and all supporting documents to the Board through the Development  
9503           Services Department. The plat application shall be referred to the City Engineer,  
9504           the Utility Department, any drainage district in which the plan may lie, and any  
9505           adjacent municipality which abuts the proposed plan. The agencies involved shall  
9506           report their comments and recommendations to the Board prior to scheduling the  
9507           application for a Board meeting.  
9508  
9509           a.   The City Engineer shall check the plan for general engineering and drainage  
9510           requirements, and conformity with the applicable trafficways plan for the City.  
9511  
9512           b.   The City Utility Department shall determine any utility easements that may be  
9513           required.  
9514  
9515           c.   The Planning and Zoning Board shall check the plat for general conformance  
9516           to the zoning requirements.

9517  
9518       c.   *Requirements for over-all plan if one (1) is prepared.*

- 9519           i.   The over-all plan shall be of a scale of not more than ~~two hundred (200)~~ 200 feet  
9520           to the inch except that a scale of ~~three hundred (300)~~ 300 feet to the inch may be  
9521           used for very large areas.  
9522  
9523           ii.   The over-all plan shall show or be accompanied by the following information:  
9524           a.   Proposed subdivision name.  
9525  
9526           b.   North arrow, scale, and date.  
9527  
9528           c.   Name of registered engineer or surveyor responsible for the plan.  
9529  
9530           d.   Subdivision boundaries.

- 9531  
9532 e. All existing watercourses, canals, bodies of water and major drainage districts.  
9533  
9534 f. All existing streets and alleys on, or adjacent to, the tract.  
9535  
9536 g. All existing property lines, easements and rights-of-way.  
9537  
9538 h. Location and width of all proposed streets, alleys, rights-of-way and proposed  
9539 lot lines, playgrounds, public areas and parcels of land reserved for public  
9540 use.  
9541  
9542 i. A location sketch for easy identification of the area covered.  
9543  
9544 j. Relationship to section corners, section lines, or any other major land line(s)  
9545 including approximate distances from such known points or lines.  
9546

9547 2. *Preliminary plats*

9548

9549 a. *Submission.*

9550

- 9551 i. Preliminary plats for all proposed subdivisions of land lying within the City of  
9552 Margate, shall be filed with the Board for review.

9553

- 9554 ii. Plats will be considered by the Board at the next regular meeting occurring at least  
9555 ~~thirty (30)~~ 30 calendar days subsequent to filing.

9556

9557 b. *Processing.*

9558

- 9559 i. A subdivider seeking approval of a preliminary plat shall apply to the development  
9560 Review Committee. Once the Development Review Committee has reviewed the  
9561 application and provided a recommendation of approval, a subdivider shall  
9562 transmit the preliminary plat and all supporting documents to the board. The  
9563 application shall then be referred by the board, to the City Engineer, Utility  
9564 Department and any drainage district in which the plat may lie and the area  
9565 planning board and any municipality adjacent to the proposed plat.

9566

- 9567 ii. The City Engineer shall examine and check the preliminary plat for general  
9568 engineering and drainage requirements, and conformity to the applicable  
9569 trafficways plan for the City.

9570

- 9571 iii. The Utility Department shall check against known utility facilities and easements,  
9572 or such new ones as may be required.  
9573

- 9574 iv. The drainage district shall check to make sure all drainage needs are fulfilled, and  
9575 that no trafficway proposed on the plat interferes with present drainage facilities,  
9576 or those planned for the future.  
9577
- 9578 v. The City Planning and Zoning Board shall check lot sizes to assure conformity with  
9579 minimum standards set forth by the zoning requirements, and shall coordinate the  
9580 recommendations of the several agencies above mentioned.  
9581
- 9582 vi. The City Department of Environmental And Engineering Services shall assign  
9583 street addresses to the lots.  
9584
- 9585 c. *Requirements.*  
9586
- 9587 i. The preliminary plat shall be at a scale of not more than ~~one hundred (100)~~ 100  
9588 feet to the inch, provided that a scale of ~~two hundred (200)~~ 200 feet to the inch  
9589 may be used for large areas.  
9590
- 9591 ii. The preliminary plat shall show or be accompanied by the following information:  
9592
- 9593 a. Proposed subdivision name or identifying title which shall not duplicate nor  
9594 closely approximate the name of any other subdivision in the County except in  
9595 cases where the subdivision is an added section to a former subdivision or  
9596 where it is a re-plat of a portion or all of a former subdivision.  
9597
- 9598 b. Location sketch with section.  
9599
- 9600 c. North arrow, scale and date.  
9601
- 9602 d. Name of the owner of the property or his authorized agent.  
9603
- 9604 e. Name of the registered engineer or surveyor responsible for the plat.  
9605
- 9606 f. Locations and names of adjacent subdivisions.  
9607
- 9608 g. Subdivision boundaries with angles and distances. Boundaries must be clearly  
9609 marked with heavy line.  
9610
- 9611 h. All existing watercourses, canals, and bodies of water.  
9612

9613 i. All existing streets and alleys on or adjacent to the tract, including name and  
9614 right-of-way width.  
9615  
9616 j. All existing property lines, easements and rights-of-way and the purpose for  
9617 which the easements or rights-of-way have been established, where known to  
9618 the engineer or  
9619  
9620 k. Location and width of all proposed streets, alleys, right-of-way easements;  
9621 proposed lot lines with dimensions, playgrounds, public areas, and parcels of  
9622 land proposed or reserved for public use.  
9623  
9624 d. *Limitations on plat approval.*  
9625  
9626 i. The following limitations and conditions are placed on the preliminary plat  
9627 approvals given by the board:  
9628  
9629 a. The approval of the Board shall have full force and effect for a period of  
9630 ~~eighteen (18)~~ 18 months from the date of approval.  
9631  
9632 b. If no final plat has been filed for the area covered by the preliminary plat before  
9633 the approval period has elapsed, the approval shall become suspended. If final  
9634 plats are filed for only a portion of the preliminary plat, the approval on the  
9635 remaining portions shall become suspended.  
9636 3. *Final plats.*  
9637  
9638 i. *Submission.*  
9639  
9640 a. The original of the final plat, together with all supporting documents, shall be  
9641 submitted to the City for review at least ~~thirty (30)~~ 30 days prior to a City  
9642 Commission meeting considering same. The final plat shall be accompanied by  
9643 the following:  
9644  
9645 1. Pavement and drainage plan approval.  
9646  
9647 2. Utility plan approval (water and sewer).  
9648  
9649 3. Drainage district approval, as applicable.  
9650  
9651 4. Opinion of title from a licensed Florida attorney.  
9652

9653 b. Should final approval from an agency other than the City be pending on any of the  
9654 items listed above, the application for final plat may still be submitted for  
9655 consideration by the City Commission for conditional approval. Such application  
9656 for final plat approval shall be accompanied by proof of submission of the required  
9657 application(s) to the respective agencies for which final approval is pending.  
9658 Whenever available, confirmation of receipt of an application by the agency shall  
9659 also be submitted with the application for final plat approval. Any approval of a final  
9660 plat application submitted pursuant to this subsection shall be conditioned and  
9661 contingent upon receipt of final approval from the respective agencies.  
9662

9663 ii. *Processing.*

- 9664
- 9665 a. The City Engineer shall check all final plats to verify conformity with the preliminary  
9666 plat as approved by the Board.
- 9667
- 9668 b. Upon approval by the City Engineer, the final plat shall be transmitted ~~by the board~~  
9669 to the City Commission, for final approval.
- 9670
- 9671 c. The approval of the final plat by the City Commission shall have full force and effect  
9672 for a period of one (1) year from the date of approval.
- 9673
- 9674 d. No later than one (1) year following formal approval by the City Commission, the  
9675 subdivider shall submit to the City Clerk:
- 9676
- 9677 1. Subdivider's performance bond for subdivision improvements, as otherwise  
9678 required in the ordinances of the City of Margate.
- 9679
- 9680 2. Subdivision improvement inspection fees.
- 9681
- 9682 e. Upon approval by the City Commission, the affixing of the corporate seal of the  
9683 City of Margate, the signatures of the Board Chair, Mayor, and City Clerk, the  
9684 receipt of any documents required by the City Commission's approval of the final  
9685 plat, and receipt of the required bonds and fees, the final plat shall be forwarded  
9686 to the City Engineer for their signature. The City Engineer in turn shall forward the  
9687 final plat to the Broward County Engineering Department for further processing.  
9688
- 9689 f. If the final plat is not submitted to the City Engineer within one (1) year of approval  
9690 by the City Commission, the approval of the plat shall be suspended and of no  
9691 further force and effect. The City shall require the filing of a new application for a  
9692 new final plat.

9693

9694 iii. *Requirements.*

9695



- 9696 a. The final plat mylar shall be prepared in accordance with the state plat law, Chapter  
9697 177, Florida Statutes, and with these regulations. The over-all size shall be ~~twenty-~~  
9698 ~~four inches by thirty-six inches (24" x 36")~~ 24 by 36 inches with borders as required  
9699 by Broward County.
- 9700
- 9701 b. The following features shall be incorporated in a prominent location on the plat. (If  
9702 more than one (1) sheet is required, these items shall be placed on the first sheet  
9703 or page.)
- 9704
- 9705 1. Plat title (all lettering same type and size).
- 9706
- 9707 2. Section, township and range.
- 9708
- 9709 3. City of Margate, Broward County, Florida.
- 9710
- 9711 4. Graphic scale.
- 9712
- 9713 5. Legal description.
- 9714
- 9715 6. Location sketch.
- 9716
- 9717 c. The final plat shall exhibit the below listed certificates, signatures, and approvals  
9718 in the currently accepted format:
- 9719
- 9720 1. Dedication by owner(s) witnessed (if by corporation, two (2) designated  
9721 officers' signatures and corporate seal).
- 9722
- 9723 2. Acknowledgment of dedication by notary public.
- 9724
- 9725 3. Surveyor's certificate, signature and seal.
- 9726
- 9727 4. City Commission's approval.
- 9728
- 9729 5. City Engineer's approval.
- 9730
- 9731 6. County Engineer's approval.
- 9732
- 9733 7. Area planning board's approval.
- 9734
- 9735 8. Mortgagee approval(s).
- 9736
- 9737 9. Certificate of the clerk of the circuit court.
- 9738
- 9739 d. The delineation of the plat at a scale no smaller than one (1) inch equals ~~one~~  
9740 ~~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

9829 in business, commercial and industrial areas shall be ~~one hundred (100)~~ 100 feet  
9830 in diameter.

9831

9832 12. *Street rights-of-way.*

9833

9834 a. Unless otherwise indicated or required by the trafficways plan, or specifically  
9835 accepted by the planning and zoning board, street rights-of-way shall not be less  
9836 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

9837 \*(Except trafficway previously established at ~~one hundred (100)~~ 100 feet width of right-of-way  
9838 as shown in the Zoning Regulations of the City of Margate).

9839 b. Additional right-of-way width may be required to promote public safety and  
9840 convenience, or to assure adequate access, circulation and parking in high  
9841 density residential areas, commercial areas and industrial areas.

9842

9843 c. Where a subdivision abuts or contains an existing street of inadequate right-of-  
9844 way width, additional right-of-way in conformance with the above standards  
9845 maybe required.

9846

9847 13. *Alleys.*

9848

9849 a. Alleys should be provided to serve multiple dwellings, business, commercial and  
9850 industrial areas, except that the board may waive this requirement where other

- 9851 definite and assured provision is made for service access, off-street loading,  
9852 unloading and parking consistent with and adequate for the uses permissible on  
9853 the property involved.
- 9854
- 9855 b. The width of an alley shall be at least ~~twenty (20)~~ 20 feet in a non-residential  
9856 district, or at least sixteen (16) feet in a residential district.
- 9857
- 9858 c. Changes in alignment or intersections of alleys shall be made on a center line  
9859 radius of not less than ~~thirty-five (35)~~ 35 feet minimum.
- 9860
- 9861 d. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be  
9862 provided with adequate turnaround facilities for service trucks at dead-end, with  
9863 a minimum external diameter of ~~one hundred (100) feet~~ 100, or as determined to  
9864 be adequate by the City Engineer.
- 9865
- 9866 e. Block corners adjacent to alleys shall have a minimum radius of ~~fifteen (15)~~ 15  
9867 feet in residential areas and ~~twenty-five (25)~~ 25 feet in business, commercial and  
9868 industrial areas.

9869

9870 14. *Easements.*

9871

- 9872 a. Easement shall be provided for public utilities where necessary and as required  
9873 by the utilities involved and shall be at least ten (10) feet in total width.
- 9874
- 9875 b. Where a subdivision is traversed by a watercourse, drainage way, canal, or  
9876 stream, there shall be provided a drainage easement or right-of-way conforming  
9877 substantially with the lines of such watercourses. Parallel streets or maintenance  
9878 easements may be required where necessary for service or maintenance.
- 9879
- 9880 c. Easements may be required for drainage purposes of such size and location as  
9881 may be determined by the City Engineer, or by a drainage district if the plat lies  
9882 within its jurisdiction.

9883

9884 15. *Street alignment.*

9885

- 9886 a. Curvilinear streets are recommended for residential minor and collector streets  
9887 in order to discourage excessive vehicular speeds and to provide attractive  
9888 vistas.

9889

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

- c. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:

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

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

#### 16. *Street intersections.*

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

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

- c. "T" intersections of minor and collector streets are to be encouraged.

- d. As far as possible, intersections with trafficways other than secondary thoroughfares shall be located not less than ~~eight hundred (800)~~ 800 feet apart, measured from centerline to centerline. Driveways, streets, and alleys intersecting with a Broward County Trafficway shall adhere to the criteria and requirements contained in the Broward County Land Development Code.

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

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



- 9925
- 9926 17. *Excessive street widths.* Streets shall not be platted to a width of more than ~~two hundred~~
- 9927 ~~(200)~~ 200 percent of the minimum width specified in these regulations for the type of street
- 9928 involved.
- 9929
- 9930 18. *Connection to public streets.* The street system of any area to be platted shall have a
- 9931 direct connection, over public rights-of-way, to streets or trafficways.
- 9932
- 9933 (B) *Blocks.*
- 9934
- 9935 1. The length, width and shape of blocks shall be determined with due regard to:
- 9936
- 9937 a. Provision of building sites adequate for the contemplated use.
- 9938
- 9939 b. Zoning requirements.
- 9940
- 9941 c. Need for convenient and safe access, circulation, control of pedestrian and
- 9942 vehicular traffic.
- 9943
- 9944 d. Limitations and opportunities of topographic features.
- 9945
- 9946 2. Block length shall not exceed ~~one thousand three hundred twenty (1,320)~~ 1,320 feet nor
- 9947 be less than ~~five hundred (500)~~ 500 feet, unless found unavoidable by the Development
- 9948 Review Committee.
- 9949
- 9950 3. Where found necessary, pedestrian crosswalks, not less than ten (10) feet in width, may
- 9951 be required in blocks over ~~one thousand (1,000)~~ 1,000 feet in length to provide safe and
- 9952 convenient access to schools, playgrounds, shopping centers, transportation or other
- 9953 community facilities.
- 9954
- 9955 (C) *Lots.*
- 9956
- 9957 1. The lot arrangement and design shall be such that all lots will provide satisfactory and
- 9958 desirable building sites, properly related to topography and to the character of the
- 9959 surrounding development.
- 9960
- 9961 2. Lot dimensions and areas shall not be less than specified by applicable provisions of the
- 9962 zoning regulations.

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

(D) *Canals and water areas.*

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

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

10009 the City Commission and the subdivider cannot agree on a land value, then the land value  
 10010 shall be established by appraisal. The City Commission shall appoint a professional land  
 10011 appraiser, the subdivider shall appoint a professional land appraiser and these two (2) shall  
 10012 appoint a third. The three (3) appraisers shall then determine the value of the property for the  
 10013 purposes of these provisions. The fees for the appraiser shall be divided equally between the  
 10014 City and the developer or subdivider.

10015

10016 It shall be discretionary with the City Commission whether or not to accept a dedication of  
 10017 land pursuant to this subsection where said land is encumbered by utility easements of any  
 10018 type.

10019

10020 1. In lieu of the dedication of land area as described in paragraph (E) above, the City  
 10021 Commission may, in its discretion, accept a cash donation to the Parks and  
 10022 Recreation Trust Fund of the City to be used only for parks and recreational  
 10023 purposes an amount equal to the figure referred to in paragraph (E); in the event  
 10024 the City Commission and the subdivider cannot agree on the land value then the  
 10025 donation amount shall be determined as hereinabove provided for by arbitration.

10026

10027 2. All real property donated shall be utilized for parks and recreation sites or facilities  
 10028 unless the following is found:

10029

10030 a. The real property donated is found to be unsuitable for a park or recreation site;  
 10031 or

10032

10033 b. A present park or recreation facility capable of being expanded for utilization by  
 10034 the citizens of a new development, subdivision or project is in such close  
 10035 proximity to the real property that it would provide a duplication of services. In the  
 10036 event that either ~~(i) or (ii)~~ (1) or (2) [of paragraph (E)(2)] is met, the City shall have  
 10037 the right to sell to the highest bidder the real property donated pursuant to the  
 10038 recreation donation, and all monies received by the City for said sale shall be  
 10039 deposited in the City of Margate Parks and Recreation Trust Fund.

10040

10041 (4) All monies utilized in the Parks and Recreation Trust Fund shall be utilized only for the  
 10042 acquisition and development of new parks and recreation facilities or the expansion and  
 10043 addition to older parks and recreation facilities so as to allow their utilization for new  
 10044 residents of the City. In addition to the foregoing, money received from all  
 10045 telecommunication tower rentals may be utilized for improvements, enhancements or  
 10046 other necessary expenses for parks and recreation purposes.

# ARTICLE 5

## ZONING

## ARTICLE 5 ZONING

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### 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.

10095 **40.505 Special Setback Requirements**

10096  
10097 (A) All required setbacks from an abutting waterway, canal or body of water shall be measured  
10098 from the horizontal natural water line of said waterway, canal or body of water. The  
10099 horizontal natural waterline is the mean horizontal or vertical level reached by water,  
10100 visible as a line on a boat, beach, dock or bank.

10101  
10102 (B) Use of premises without buildings.

- 10103  
10104 1. Where a lot is to be occupied for a permitted use without buildings, the side setbacks  
10105 and front setbacks required for such lot shall be provided and maintained unless  
10106 otherwise stipulated in this ordinance, except that side setbacks and rear setbacks shall  
10107 not be required on lots used for private garden purposes without buildings or structures  
10108 nor on lots used for public recreational areas.

10109  
10110 **40.506 Campers, Travel Trailers in T-1 districts.**

10111  
10112 (A) It is hereby prohibited for any persons presently having property previously zoned T-1 in  
10113 the City of Margate to permit or allow therein any campers or other trailers on an over  
10114 night or other temporary basis. It shall be construed to be a violation of this ordinance  
10115 where any camper or travel trailer connects itself to utilities or dumping stations for any  
10116 period of time without having removed from said camper or travel trailer all means of  
10117 mobile locomotion.

10118  
10119 (B) It is hereby declared to be the legislative intent that the city council of the City of Margate  
10120 shall not permit and deems it not in the best interests of the citizens of the City of Margate  
10121 to permit the opening or use of T-1 zoned areas for open camp grounds or temporary or  
10122 transient use of T-1 zoned property by travel trailers for any purposes other than  
10123 permanent tie down.

10124  
10125 (C) These provisions shall not apply to areas zoned RVRP Recreational Vehicle Resort Park  
10126 district.

10127  
10128 **DIVISION 2 RESIDENTIAL DISTRICTS**

10129 **40.510 One-Family Dwelling: R-1, R-1A, R-1B, R-1C and R-1D**

10130  
10131 (A) Purpose, Intent and Applicability.

- 10132  
10133 1. Purpose. The purpose of this Article is to:  
10134  
10135 a. Provide regulations for the construction and improvement of detached single-  
10136 family dwellings in the R-1, R-1A, R-1B, R-1C, and R-1D District; and  
10137  
10138 b. Restore the development standards in the Code for the Districts that were  
10139 repealed so that property owners may easily obtain them.  
10140



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.

- 10189 d. Public or private elementary, middle or high school, subject to section 40.620  
10190 Public or Private Elementary, Middle, or High School of this Code.  
10191
- 10192 e. Place of Assembly, subject to the requirements of section 40.619 Place of  
10193 Assembly of this Code.  
10194
- 10195 f. Sewage or water treating, pumping and storage plants to serve the surrounding  
10196 residential area. Such plants shall conform to the following requirements:  
10197
- 10198 i. The lot shall be not less than 200 feet in width and 40,000 square feet in area,  
10199 and as large as necessary to provide required setback areas.  
10200
- 10201 ii. No building or structure shall be located nearer to any other residentially  
10202 zoned property or any street line than a distance equal to the height of such  
10203 building or structure.  
10204
- 10205 iii. No water pumping or treatment facility shall be located nearer than (35 feet  
10206 to any street line or nearer than 50 feet to any other residentially zoned  
10207 property.  
10208
- 10209 iv. All lots shall have a landscaped setback area at least (35 feet in width or  
10210 depth adjacent to all lot lines separating the subject lot from other residentially  
10211 zoned property. The landscaped setback area shall not be used for any  
10212 building, structure, fence, wall, parking, storage or other use except that a  
10213 fence not over six (6) feet in height may be erected in any such setback area  
10214 at least (35 feet from any street line. The landscaped setback area shall be  
10215 planted with grass, shrubbery and trees, and no part shall be paved or  
10216 surfaced except for minimum driveways and walkways for access.  
10217
- 10218 v. All machinery, equipment and mechanical or electrical facilities shall be  
10219 visually screened so designed and operated as to minimize noise effects  
10220 upon surrounding residential properties.  
10221
- 10222 vi. Lots shall not be used for business, storage or service purposes for a  
10223 franchised area.  
10224
- 10225 g. Sewage lift or pumping stations, containing no treatment facilities, shall be  
10226 subject to the following requirements:  
10227
- 10228 i. Where the station is of the underground type, all parts of which are at least  
10229 three (3) feet below grade except for an access tube not over five (5) feet in  
10230 maximum horizontal dimension extending not over three (3) feet above  
10231 grade, and meters and switches on a post extending not over five (5) feet  
10232 above grade, such access tube and meter or switch post may be located  
10233 within a utility easement.  
10234
- 10235 ii. Where the station is wholly or partially above grade, there shall be a setback  
10236 at least 30 feet in depth adjacent to all residentially zoned property, and

10237 screened according to the requirements for the perimeter wall and landscape  
 10238 requirements for when a nonresidential property abuts a residential use  
 10239 pursuant to the Code.

10240  
 10241 h. Transformer substation subject to the following requirements:

10242  
 10243 i. The lot shall be provided with setbacks not less than 30 feet in depth or width  
 10244 adjacent to all street lines and lot lines of other residentially zoned property and  
 10245 a setback at least 25 feet in depth adjacent to a rear lot line.

10246  
 10247 The setbacks required under this paragraph shall be fully landscaped with grass,  
 10248 shrubby and trees, and shall not be used for any fence, wall, building or  
 10249 structure, except that a fence not over six (6) feet in height may be erected at  
 10250 least 30 feet from any street line. Minimum driveways or walkways necessary for  
 10251 access may cross required setbacks.

10252  
 10253 i. Uses accessory and clearly incidental to any of the above uses when located on  
 10254 the same lot and not involving the conduct of any business, trade, occupation or  
 10255 profession.

10256  
 10257 j. Home occupations as allowed by this Code.

10258  
 10259 k. Community residential home, Type 1 as defined in section 40.201.

10260  
 10261 l. Recovery residence, as defined in section 40.201.

10262  
 10263 (C) Detached single family dwelling development standards  
 10264

<u>District</u>	<u>Lot Size<sup>1</sup></u> <u>(square</u> <u>feet)</u>	<u>Lot</u> <u>Width<sup>1</sup></u> <u>(feet)</u>	<u>Height<sup>2</sup></u> <u>(feet)</u>	<u>Front</u> <u>Setback<sup>1</sup></u> <u>(feet)</u>	<u>Side</u> <u>Setback<sup>1</sup></u> <u>(feet)</u>	<u>Street</u> <u>Side</u> <u>Setback<sup>1</sup></u> <u>(feet)</u>	<u>Rear</u> <u>Setback<sup>1</sup></u> <u>(feet)</u>	<u>Floor</u> <u>Area<sup>1</sup></u> <u>(square</u> <u>feet)</u>
<u>R-1<sup>3</sup></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-1<sup>3</sup></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-1<sup>3</sup></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-1<sup>3</sup></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>

10265 Footnotes:

10266 1. Minimum

10267 2. Maximum  
 10268

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.

10317  
10318       ii. All properties developed according to these regulations are considered legal  
10319 conforming uses and may be reconstructed and improved according to these  
10320 standards and may be reconstructed with them in the event of destruction or  
10321 undergoes a substantial change pursuant to FEMA regulations.

10322  
10323       iii. Any residential property that is redeveloped or undergoes a substantial change  
10324 pursuant to FEMA regulations may voluntarily use the regulations contained in  
10325 Article 7, Division 2 Supplemental Residential Development Standards,  
10326 Duplex/two (2) family dwelling to redevelop the property.

10327  
10328 (B) Uses permitted.  
10329

10330       1. No building or structure, or part thereof, shall be erected, altered, or used, or land or water  
10331 used, in whole or in part, for other than one (1) or more of the following uses:  
10332

10333       a. Any use permitted in the R-1 district, subject to requirements, limitations, and  
10334 procedures contained therein.  
10335

10336 (C) Size of lot.  
10337

10338       1. One-family dwellings. Lot width of 75 feet and lot area of 7,500 square feet.  
10339

10340       2. Two-family dwellings. Every lot upon which a two-family dwelling is hereafter erected shall  
10341 be at least 85 feet in width and contain at least (8,500 square feet area. In areas platted  
10342 prior to the effective date of this section, a lot consisting of a lot of record may be utilized  
10343 for principal and accessory buildings and structural additions provided that same meet all  
10344 other requirements of this district.  
10345

10346       3. Nonresidential uses. Every lot upon which a permitted nonresidential structure or use is  
10347 erected or placed shall be not less than 100 feet in width and 10,000 square feet in area.  
10348

10349 (D) Lot coverage.  
10350

10351       1. The combined area occupied by all main and accessory buildings shall not exceed 60  
10352 percent of the area of the lot.  
10353

10354 (E) Height.  
10355

10356       1. No building or structure, or part thereof, shall be erected or altered to a height greater than  
10357 35 feet, except that a steeple or tower on a Place of Assembly may extend to a height of  
10358 50 feet.  
10359

10360 (F) Front setback.  
10361

10362       1. Residential uses. Every lot used for dwelling purposes shall have a front setback not less  
10363 than 25 feet in depth.  
10364

- 10365 2. Non-residential use. Every lot whose principal use is non-residential shall have a front  
10366 setback not less than 30 feet in depth.

10367  
10368 (G) Side setback.

- 10369  
10370 1. Residential uses. Every lot used for dwelling purposes shall have a side setback on each  
10371 side, each of which shall not be less than seven and one-half (7½) feet in width.  
10372  
10373 2. Non-residential uses. Every lot whose principal use is non-residential shall have side  
10374 setbacks on each side, each of which shall be not less than 20 feet in width, with an  
10375 increase of one (1) foot in width of each side setback for each two (2) feet in height of  
10376 structure in excess of 20 feet.  
10377  
10378 3. Corner lots. Upon corner lots there shall be a front setback as here before specified, and  
10379 also a street side setback at least 15 feet in width on the side of the lot abutting on the  
10380 side street.  
10381

10382 (H) Rear setback.

- 10383  
10384 1. Residential uses. Every lot whose principal use is residential shall have a rear setback not  
10385 less than 15 feet in depth.  
10386  
10387 2. Non-residential uses. Every lot whose principal use is non-residential shall have a rear  
10388 setback not less than 25 feet in depth.  
10389

10390 (I) Minimum floor area.

- 10391  
10392 1. The minimum floor area of a one-family dwelling shall be (1,000 square feet and the  
10393 minimum floor area of a dwelling unit in a two-family dwelling shall be 790 square feet.  
10394

10395 **40.512 Multiple Dwelling: R-3**

10396  
10397 (A) Purpose, Intent, and Applicability.

- 10398  
10399 1. Purpose. The purpose of these regulations is to provide for development standards for  
10400 properties within the R-3 District.  
10401  
10402 2. Intent. The intent of this Article is to implement the allowed uses for properties with the  
10403 Future Land Use Plan Map designations of between seven (7) and 16 dwelling units per  
10404 acre.  
10405  
10406 3. Applicability.  
10407  
10408 a. Developed properties.  
10409  
10410 i. The development standards contained within this Article apply to all properties  
10411 developed before the adoption of this Code.  
10412

- 10413           ii. All properties developed according to these regulations are considered legal  
10414           conforming uses and may be reconstructed and improved according to these  
10415           standards and may be reconstructed with them in the event of destruction or  
10416           undergoes a substantial change pursuant to FEMA regulations.  
10417  
10418           iii. Any residential property that is redeveloped or undergoes a substantial change  
10419           pursuant to FEMA regulations may voluntarily use the regulations contained in  
10420           Article 7, Division 2 Supplemental Residential Development Standards.  
10421  
10422           b. New development. Any residential property developed after the adoption of this Code  
10423           shall only be developed according to the standards in Article 7, Division 2  
10424           Supplemental Residential Development Standards.  
10425  
10426       (B) Uses permitted.  
10427  
10428           1. No building or structure, or part thereof, shall be erected, altered or used, or land or water  
10429           used, in whole or in part, for other than one (1) or more of the following specified uses:  
10430  
10431           a. Permitted use specified:  
10432  
10433           i. All uses permitted in the R-2 district, subject to the limitations, requirements and  
10434           procedures contained therein.  
10435  
10436           ii. A lot containing multiple unit dwelling(s).  
10437  
10438           iii. Community residential home, Type 2 as defined in section 2.2.  
10439  
10440           iv. Recovery residence, as defined in section 40.201.  
10441  
10442  
10443       (C) Size of lot or site required.  
10444  
10445           1. Every building erected or structurally altered shall provide a site or lot or not less than the  
10446           following size:  
10447  
10448           a. For a one-family dwelling, 7,500 square feet in area and 75 feet in width.  
10449  
10450           b. For a two-family dwelling, 8,500 square feet in area and 85 feet in width.  
10451  
10452           c. For multiple dwellings and special exception uses, wherein any structure thereon does  
10453           not exceed the height of 25 feet, 100 feet in width and 100 feet in depth and 10,000  
10454           square feet in area. When any structure thereon exceeds the height of (25 feet, then  
10455           the required site shall contain a minimum of 200 feet of street frontage and one (1)  
10456           acre in area.  
10457  
10458       (D) Site coverage.  
10459



- 10460 1. Within the perimeter of a developed site containing four (4) or more dwelling units,  
10461 excluding those areas located below the design water elevation, the maximum combined  
10462 area occupied by all main and accessory structures shall be 30 percent of the site.

10463 (E) Setbacks.

- 10464 1. One-Family Dwellings. As provided for in the R-1B zoning district.
- 10465
- 10466 2. Two-Family Dwellings. As provided for in the R-2 zoning district.
- 10467
- 10468 3. Multiple Dwellings:
- 10469
- 10470 a. Street setback. No building or structure shall be located less than 25 feet from a street
- 10471 right-of-way that is less than 80 feet in width. No building or structure shall be located
- 10472 less than 35 feet from a street right-of-way that is 80 feet in width or wider, with the
- 10473 exception of Holiday Springs Boulevard.
- 10474
- 10475 b. Front setback. Every lot shall have a front setback of not less than 25 feet in depth or
- 10476 a depth equal to the height of the building, whichever is greater.
- 10477
- 10478 i. Dumpsters and Garbage Containers. Front setbacks or street setbacks shall not
- 10479 be used for storage of dumpsters or other garbage or trash containers.
- 10480
- 10481 c. Side setbacks. Every lot shall have side setbacks of at least 15 feet or one-half the
- 10482 height of the building, whichever is greater.
- 10483
- 10484 d. Rear setback. Every lot shall have a rear setback of not less than 20 feet in depth plus
- 10485 one (1) additional foot for each two (2) feet in building height, or portion thereof, over
- 10486 25 feet.
- 10487
- 10488
- 10489

10490 (F) Defining required setbacks.

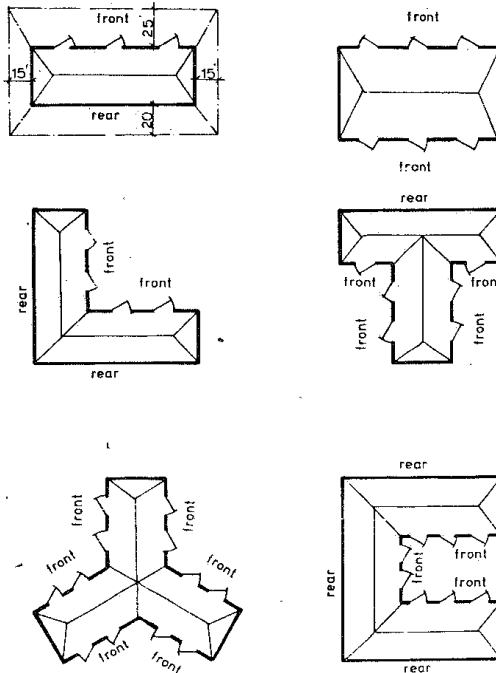
- 10491
- 10492 1. For purposes of determining the setbacks the front of a multiple dwelling is defined as any
- 10493 side or facade of the building which contains a door, other than a sliding glass door which
- 10494 opens to a patio or terrace, that is used for ingress and egress to one or more dwelling
- 10495 units. There can be more than one front as used herein. The rear of a multiple dwelling
- 10496 shall be that side which is most nearly opposite the front as defined above. The side of a
- 10497 multiple dwelling shall be any side or facade not defined as a front or rear. See Table Y
- 10498 (which follows this section) for a graphic illustration.
- 10499
- 10500 2. The required setbacks of any building may not overlap those of any other building.
- 10501 Therefore, buildings placed side-to-side shall have at least a 30-foot separation; buildings
- 10502 placed rear-to-rear shall have at least a 40-foot separation; and so forth.
- 10503
- 10504
- 10505 3. Buildings may be connected, side wall to side wall to form a larger single building. This
- 10506 interconnection shall be accomplished by means of open walkways, common roofline, or

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.

- 10583 1. Within the perimeter of a developed site containing three (3) or more dwelling units,  
10584 excluding those areas located below the design water elevation, the maximum combined  
10585 area occupied by all main and accessory structures shall be 37½ percent of the site.

10586  
10587 (E) Setbacks.

- 10588  
10589 1. One-Family Dwellings. As provided for in the R-1B zoning district.  
10590  
10591 2. Two-Family Dwellings. As provided for in the R-2 zoning district.  
10592  
10593 3. Multiple Dwellings:  
10594  
10595 a. Street setback. No building or structure shall be located less than 25 feet from a  
10596 street right-of-way that is less than 80 feet in width. No building or structure shall  
10597 be located less than 35 feet from a street right-of-way that is 80 feet in width or  
10598 wider, with the exception of Holiday Springs Boulevard.  
10599  
10600 b. Front setback. Every lot shall have a front setback of not less than 25 feet in depth  
10601 or a depth equal to the height of the building, whichever is greater.  
10602  
10603 c. Side setbacks. Every lot shall have side setbacks of at least 15 feet or one-half the  
10604 height of the building, whichever is greater.  
10605  
10606 d. Rear setback. Every lot shall have a rear setback of not less than 20 feet in depth  
10607 plus one (1) additional foot for each two (2) feet in building height, or portion  
10608 thereof, over 25 feet.  
10609  
10610 4. Accessory Buildings. No accessory buildings shall be located in any required street  
10611 setback.  
10612  
10613 5. Dumpsters and Garbage Containers. Front setbacks or street setbacks shall not be used  
10614 for storage of dumpsters or other garbage or trash containers.  
10615

10616 (F) Defining required setbacks; maximum building length; building separation.

- 10617  
10618 1. For purposes of determining the setbacks the front of a multiple dwelling is defined as any  
10619 facade of the building which contains a door, other than a sliding glass or screen door  
10620 which opens to a patio or terrace, that is used for ingress and egress to one (1) or more  
10621 dwelling units. There can be more than one (1) front as used herein. The rear of a multiple  
10622 dwelling shall be that facade which is most nearly opposite the front as defined above.  
10623 The side of a multiple dwelling shall be any length or facade not defined as a front or rear.  
10624 See Table Y following section 40.512 for a graphic illustration.  
10625  
10626 2. The required setbacks of any building may not overlap those of any other building.  
10627 Therefore, buildings placed side-to-side shall have at least a 30-foot separation; buildings  
10628 placed rear-to-rear shall have at least a 40-foot separation; and so forth.  
10629

- 10630 3. Buildings may be connected, side wall to side wall, so as to form a larger single building.  
10631 This interconnection shall be accomplished by means of open walkways, common roofline  
10632 or open connecting stairways. However, the total perimeter length of any building (the sum  
10633 of all fronts, sides and rears at first floor level) shall not exceed 750 feet.  
10634

10635 (G) Minimum separation from vehicular use areas.  
10636

- 10637 1. All vehicular use areas as defined in the landscape code) shall be separated from any  
10638 multiple dwelling by at least a ten (10) foot-wide buffer area. Said areas may only contain  
10639 sidewalks, landscaping, patios, air conditioners, lights or mailboxes.  
10640

10641 (H) Minimum floor area for residential usage.  
10642

- 10643 1. The minimum floor area for a one-family dwelling, exclusive of porches, terraces, carports  
10644 and attached garages, shall be 1,000 square feet.  
10645  
10646 2. The minimum floor area of each dwelling unit in a two-family dwelling, exclusive of  
10647 porches, terraces, carports, and attached garages, shall be 790 square feet.  
10648  
10649 3. The minimum floor area of a unit without cooking facilities in a group care facility shall  
10650 contain at least 110 square feet of floor space for rooms intended for occupancy by one  
10651 (1) person and shall contain at least 90 square feet per occupant for rooms intended for  
10652 occupancy by two (2) or more persons. The required area does not include bathrooms,  
10653 closets or other similar appurtenances.  
10654

10655 (I) Maintenance of common areas.  
10656

- 10657 1. Within a multiple-family site, all land and improvements (except that which has been  
10658 dedicated for public use), which are located outside of the exterior walls of structures,  
10659 including, but not limited to, landscaping, paving, drainage and lighting, shall be under the  
10660 control of a single ownership, condominium association or homeowner's association. The  
10661 owner or association shall be responsible for the maintenance of all improvements as well  
10662 as the common portions of individual buildings. The owner or association shall establish  
10663 rules and regulations governing improvements made to the exterior of all buildings.  
10664

10665 **40.514 Row House: R-3U**  
10666

10667 (A) Purpose, Intent, and Applicability.  
10668

- 10669 1. Purpose. The purpose of the R-3U District is to provide regulations for the construction of  
10670 dwelling containing three (3) or more dwelling units, which are designed, arranged and  
10671 constructed for the ownership of each dwelling unit and the land thereunder by separate  
10672 and different owner.  
10673  
10674 2. Applicability. The R-3U District was repealed by the City Commission. No property owner  
10675 may apply for a rezoning to the R-3U District. These developed properties are considered  
10676 legal conforming uses and may be improved and reconstructed according to these  
10677 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.

- 10820 10. Dollar store. (Not permitted within 1,000 of like use, Check Cashing including Payday  
10821 Loans, or secondhand merchant and / or used merchandise.)
- 10822
- 10823 11. Fire station.
- 10824
- 10825 12. Groceries, retail.
- 10826
- 10827 13. Health studio or club, gymnasium, subject to the following limitation(s):  
10828
- 10829 i. Must be less than 3,000 square feet in area.
- 10830
- 10831 14. Interior decoration shop, retail.
- 10832
- 10833 15. Jewelry, watch and electronic repairs.
- 10834
- 10835 16. Laundries, coin-operated, subject to the following limitations:  
10836
- 10837 i. Hours of operation limited to 7:00 a.m. to 11:00 p.m.
- 10838
- 10839 17. Mail-plus service (Less than 1,500 square feet).
- 10840
- 10841 18. Massage services, permitted as accessory use only within an approved medical office or  
10842 physical therapy office.
- 10843
- 10844 19. Medical office,
- 10845
- 10846 i. Not including correctional and mental, nor institutions for care of drug or liquor  
10847 patients, nor veterinary hospitals.
- 10848
- 10849 20. Merchant, retail, subject to the limitations in section 40.520(E).
- 10850
- 10851 21. Personal care services, except massage, subject to the following limitation(s):  
10852 22.
- 10853 i. Body art studios are not permitted.
- 10854
- 10855 23. Pet grooming, subject to the following limitations:  
10856
- 10857 i. Must be less than 3,000 square feet in area.
- 10858
- 10859 ii. Soundproofing required.
- 10860
- 10861 b. Pet shop, subject to the following limitations:
- 10862
- 10863 i. Must be less than 3,000 square feet in area.
- 10864
- 10865 ii. Not permitted within 100 feet of any residential district.
- 10866
- 10867 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.

- 10963  
10964 1. No building or structure shall be erected or altered for a use permitted in the B-1 district to  
10965 a height exceeding two (2) stories or 30 feet.

10966  
10967 (H) Lot size.  
10968

- 10969 1. The minimum lot size excluding public rights-of-way shall be 10,000 square feet with a  
10970 minimum of no less than 100 feet of street frontage.  
10971

10972 (I) Setback.  
10973

- 10974 1. All lots shall provide setbacks in accordance with the following:  
10975

10976 a. Street setbacks.  
10977

- 10978 i. The minimum building setback from all street rights-of-way less than 80 feet in  
10979 width shall be 25 feet.  
10980

- 10981 ii. The minimum building setback from all street rights-of-way of 80 feet in width or  
10982 greater shall be 35 feet.  
10983

10984 b. Side setbacks.  
10985

- 10986 i. When abutting a non-residentially zoned property, there is no side setback  
10987 requirement.  
10988

- 10989 ii. When abutting a residentially zoned property, the minimum building setback shall  
10990 be 38 feet.  
10991

10992 c. Rear setbacks.  
10993

- 10994 i. When abutting a non-residentially zoned property, the minimum building setback  
10995 shall be 20 feet.  
10996

- 10997 ii. When abutting a residentially zoned property the minimum building setback shall  
10998 be 38 feet.  
10999

- 11000 d. Uses, limited. Where a setback is required in this section, such setback may be used  
11001 for walkways, parking of passenger cars, driveways, loading zones and landscaping,  
11002 but not for any other use or purpose.  
11003

- 11004 e. Dumpsters and Garbage Containers. Front setbacks or street setbacks shall not be  
11005 used for storage of dumpsters or other garbage or trash containers.  
11006

11007 **40.521 Community Business: B-2**  
11008

11009 (A) Application of article.  
11010

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.

- 11059  
11060 16. Check cashing including Payday Loans. (Not permitted within 1,000 feet of like use,  
11061 Dollar Store, Pawn Shop, or Secondhand and/or used merchandise, retail).  
11062  
11063 17. Child care facility, subject to the following limitation(s):  
11064  
11065 a. Shall contain a contiguous outdoor, grassed and fenced play area located away  
11066 from vehicular traffic. See section 40.705.  
11067  
11068 18. Clubs—Civic, noncommercial.  
11069  
11070 19. Collection agency.  
11071  
11072 20. Commercial recreation, indoors.  
11073  
11074 21. Costume rentals.  
11075  
11076 22. Dance academy.  
11077  
11078 23. Delicatessen.  
11079  
11080 24. Dental laboratory.  
11081  
11082 25. Detective agency.  
11083  
11084 26. Dollar store. (Not permitted within 1,000 feet of like use, Check cashing including  
11085 Payday Loans, Pawn Shop, or Secondhand and/or used merchandise, retail.)  
11086  
11087 27. Dry cleaning establishment subject to the following limitations and requirements:  
11088  
11089 a. Ventilation shall direct exhaust away from residential districts.  
11090  
11091 b. Not more than ten (10) individual cleaning units shall be used in any establishment.  
11092  
11093 c. and the total combined rated capacity shall not exceed 80 pounds.  
11094  
11095 d. See section 40.705.  
11096  
11097 28. Employment agency.  
11098  
11099 29. Finance and mortgage institutions.  
11100  
11101 30. Fire station.  
11102  
11103 31. Groceries, retail.  
11104  
11105 32. Formal wear rentals.  
11106



- 11107 33. Funeral home.
- 11108
- 11109 34. Health studio or club, gymnasium.
- 11110
- 11111 35. Janitorial service.
- 11112
- 11113 36. Jewelry, watch and electronic repairs.
- 11114
- 11115 37. Landscaping and plant nursery.
- 11116
- 11117 38. Laundries, coin-operated, subject to the following limitation(s):
- 11118
- 11119 a. Hours of operation limited to 7:00 a.m. to 11:00 p.m.
- 11120
- 11121 39. Locksmith.
- 11122
- 11123 40. Mail-plus service.
- 11124
- 11125 41. Massage services, permitted as accessory use only within an approved medical office
- 11126 or physical therapy office.
- 11127
- 11128 42. Medical office, subject to the following limitation(s):
- 11129
- 11130 a. Not including correctional and mental, nor institutions for care of drug or liquor
- 11131 patients, nor veterinary hospitals. May have a magnetic resonance imaging (MRI)
- 11132 unit as an accessory.
- 11133
- 11134 43. Medical supply rentals.
- 11135
- 11136 44. Merchant, retail, subject to the limitations in section 40.52(E).
- 11137
- 11138 45. Museum.
- 11139
- 11140 46. Municipal buildings, parks, playgrounds.
- 11141
- 11142 47. Music, instruction, subject to the following limitation(s):
- 11143
- 11144 a. Soundproofing required.
- 11145
- 11146 48. Nightclubs, teen clubs, catering halls or dance halls, with an occupant load of less than
- 11147 250 persons.
- 11148
- 11149 49. Package store.
- 11150
- 11151 50. Personal care services, except massage, subject to the following limitation(s):
- 11152
- 11153 a. Body art studios are not permitted.
- 11154

- 11155 51. Pet grooming, subject to the following limitation(s):  
11156  
11157 a. Soundproofing required.  
11158  
11159 52. Pet shop, subject to the following limitation(s):  
11160  
11161 a. Not permitted within 100 feet of any residential district.  
11162  
11163 b. No outdoor pens or runs permitted.  
11164  
11165 c. Subject to the restrictions set forth in Chapter 6 of the Margate Code of  
11166 Ordinances.  
11167  
11168 53. Pharmacy, subject to the following limitations:  
11169  
11170 a. No more than 10 percent of all prescription medication dispensed shall be from the  
11171 list of Schedule II controlled substances provided in F.S. § 893.03.  
11172  
11173 b. No less than 50 percent of floor area shall be used for retail display and  
11174 transactions.  
11175  
11176 54. Photograph developing and printing. See section 40.705.  
11177  
11178 55. Photograph galleries.  
11179  
11180 56. Photographer.  
11181  
11182 57. Place of Assembly, subject to the requirements of section 40.619 Place of  
11183 Assembly in this Code.  
11184  
11185 58. Printing, photocopying, blueprinting shop with no more than 25 employees.  
11186  
11187 59. Picture framing.  
11188  
11189 60. Professional office.  
11190  
11191 61. Real estate and appraisal office.  
11192  
11193 62. Recording studio, subject to the following limitation(s):  
11194  
11195 a. Soundproofing required.  
11196  
11197 63. Restaurants.  
11198  
11199 64. Sales office—No inventory.  
11200  
11201 65. Savings and loan institution.  
11202

- 11203 66. School of instruction, non-academic.
- 11204
- 11205 67. Shoe repair shops.
- 11206
- 11207 68. Small appliance repair, subject to the following limitation(s):
- 11208
- 11209 a. Not permitted within 100 feet of any residential district.
- 11210
- 11211 69. Stocks and bonds brokerage office.
- 11212
- 11213 70. Substation for utilities (as required).
- 11214
- 11215 71. Tailor shop, seamstress.
- 11216
- 11217 72. Take-out foods.
- 11218
- 11219 73. Theater, indoor.
- 11220
- 11221 74. Travel agency.
- 11222
- 11223 75. Utilities, public offices.
- 11224
- 11225 76. Vending machine (outdoor), permitted as an accessory use to a permitted use and
- 11226 subject to the following limitations contained in section 40.621 Vending machine
- 11227 (outdoor).
- 11228
- 11229 77. Walkway cafes less than 1,000 square feet in area and subject to the following
- 11230 limitations contained in section 40.622 Walkway Cafes.
- 11231
- 11232 78. Weight loss clinic.
- 11233
- 11234 (D) Special exception uses. The following uses are authorized upon a finding by the City
- 11235 Commission that a special exception to the article is warranted, pursuant to the procedure
- 11236 and criteria set forth in section 40.306 of this Code.
- 11237
- 11238 1. Amusement arcade center, in accordance with all provisions of section 40.612 of the
- 11239 Margate Zoning Code and Chapter 849 of the Florida Statutes as may be amended from
- 11240 time to time.
- 11241
- 11242 2. Animal clinic, pet hospital, subject to the following limitation(s):
- 11243
- 11244 a. Adequate soundproofing in any area where animals are contained or treated.
- 11245
- 11246 b. All boarding activities shall be ancillary to the primary use.
- 11247
- 11248 c. Subject to the restrictions set forth in Chapter 6 of the Margate Code of
- 11249 Ordinances.
- 11250

- 11251 3. Convenience store.
- 11252
- 11253 4. Drive-thru facilities (with a permitted use). See section 40.705.
- 11254
- 11255 5. Hotels, subject to the following conditions and limitations:
- 11256
- 11257 a. The minimum lot area shall be two (2) acres.
- 11258
- 11259 b. Any outdoor recreation areas including swimming pools shall be located at least
- 11260 25 feet from the lot line of any adjacent residentially zoned property unless the
- 11261 adjacent property is being utilized for business related parking.
- 11262
- 11263 c. The minimum floor area of a rental sleeping room in a motel or hotel, which
- 11264 includes all areas to be individually rented by a customer, shall be 300 square feet.
- 11265
- 11266 d. On-site common (not in room) dining facilities sufficient to serve anticipated
- 11267 hotel/motel patrons.
- 11268
- 11269 6. Laundries, coin-operated (extended hours of operation).
- 11270
- 11271 7. Massage services.
- 11272
- 11273 8. Nightclubs, teen clubs, catering halls or dance halls, with an occupancy greater than 250
- 11274 feet.
- 11275
- 11276 9. Outside sales, display, service, and/or storage with a permitted use.
- 11277
- 11278 10. Public or private elementary, middle or high school, subject to section 40.620 Public or
- 11279 Private Elementary, Middle, or High School.
- 11280
- 11281 11. Restaurants with curb or automobile service, subject to the following restrictions:
- 11282
- 11283 a. Subject property shall be located a minimum of 750 feet from single-family
- 11284 property; such distance shall be measured from the front door of the establishment
- 11285 to the single-family property line;
- 11286
- 11287 b. Such restaurant must be a free-standing building.
- 11288
- 11289 12. Swimming pool equipment and chemicals, retail, subject to the following conditions and
- 11290 limitations:
- 11291
- 11292 a. All swimming pool supplies, including pre-packaged chemicals, except bulk
- 11293 quantities of sodium hypochlorite, shall be dispensed strictly through retail sales
- 11294 and shall be stored and sold within a completely enclosed structure.
- 11295
- 11296 b. Bulk quantities shall mean any quantity stored in any container, which quantity is
- 11297 to be removed for repackaging. Bulk storage shall mean any storage of any
- 11298 material, which material is to be removed for repackaging.

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- 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. The handling and storage of all swimming pool related chemicals and other such supplies shall be regulated by the standards set forth in the Florida Building Code, the Florida Fire Prevention Code, the provisions of the National Fire Protection Association relating to storage of liquid and solid oxidizing materials and storage of gaseous oxidizing materials, and applicable regulations established by Broward County, as such standards be amended from time to time.
  
- e. No chemical storage area shall be permitted within 100 feet of any residential district or use.

13. Walkway cafes greater than 1,000 square feet in area, subject to the limitations of section 40.622 Walkway Cafes.

(E) Permitted uses for mixed-use.

- 1. Within any mixed-use structure permitted by the Live Local Act of 2023 (Senate Bill 102) only the uses permitted by the City Center District shall be allowed.

(F) Uses prohibited.

- 1. Tattoo parlors;
- 2. Body art studio as a principle use;
- 3. Pain management clinics, as defined in section 40.201.
- 4. Any use not specifically listed in section 40.521(C) is prohibited.

(G) Limitations on uses.

- 1. Except for automobile parking lots, loading zones, temporary promotional events, drive-through facilities accessory to and serving pharmacies which are located within enclosed buildings containing no less than 10,000 square feet, and drive-in banks, all activities or permitted uses, including sale, display, preparation and storage, shall be conducted entirely within a completely enclosed building.
- 2. No secondhand or used merchandise shall be offered for sale, displayed or stored.
- 3. All products produced incidental to a permitted use shall be sold at retail on the premises.
- 4. No more than three (3) vehicles per user allowed on site of business.
- 5. All equipment and products stored incidental to a permitted use shall be within the 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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11442
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).



11443	
11444	<u>12. Billiard rooms, pool rooms.</u>
11445	
11446	<u>13. Bingo, only as an accessory use to a listed permitted use.</u>
11447	
11448	<u>14. Caterers.</u>
11449	
11450	<u>15. Ceramic studio.</u>
11451	
11452	<u>16. Check cashing service.</u>
11453	
11454	<u>17. Civic clubs.</u>
11455	
11456	<u>18. Collection agency.</u>
11457	
11458	<u>19. Consignment shop, secondhand stores. Any such use shall exclusively occupy at least</u>
11459	<u>1,000 square feet.</u>
11460	
11461	<u>20. Costume rentals.</u>
11462	
11463	<u>21. Dental Laboratory.</u>
11464	
11465	<u>22. Detective agency.</u>
11466	
11467	<u>23. Employment agency.</u>
11468	
11469	<u>24. Finance and mortgage institution.</u>
11470	
11471	<u>25. Formal wear rentals.</u>
11472	
11473	<u>26. Funeral home.</u>
11474	
11475	<u>27. Health studio or club, gymnasium.</u>
11476	
11477	<u>28. Janitorial service.</u>
11478	
11479	<u>29. Mail plus service.</u>
11480	
11481	<u>30. Medical laboratory.</u>
11482	
11483	<u>31. Medical supply rentals.</u>
11484	
11485	<u>32. Newspaper office.</u>
11486	
11487	<u>33. Package store.</u>
11488	
11489	<u>34. Pet grooming.</u>
11490	

- 11491 35. Pet shop, without kennel facilities.
- 11492
- 11493 36. Photograph developing and printing.
- 11494
- 11495 37. Photograph galleries.
- 11496
- 11497 38. Photographer.
- 11498
- 11499 39. Picture framing.
- 11500
- 11501 40. Place of Assembly, subject to the requirements of section 40.619 Place of Assembly of
- 11502 this Code.
- 11503
- 11504 41. Printing shop, blueprinting business, photocopying. (Maximum sheet press 25.5 inches).
- 11505
- 11506 42. Racquetball and handball courts, indoor.
- 11507
- 11508 43. Recording studio (soundproofed).
- 11509
- 11510 44. Schools of instruction, other than academic.
- 11511
- 11512 45. Stocks and bonds brokerage office.
- 11513
- 11514 46. Take-out foods.
- 11515
- 11516 47. Television and radio studio. No tower or antennas.
- 11517
- 11518 48. Telegraph office.
- 11519
- 11520 49. Theater, indoor.
- 11521
- 11522 50. Ticket office.
- 11523
- 11524 51. Video rentals.
- 11525
- 11526 52. Weight loss clinic.
- 11527
- 11528 (C) Special exception uses. Special exception uses are deemed as necessary to provide a
- 11529 complete distribution of commercial uses within the City, but because of their operational
- 11530 characteristics or area requirements need to be given individual consideration with respect to
- 11531 their location, access and relationship to adjacent properties and public rights of way. The
- 11532 following uses are authorized upon a finding by the city commission that a special exception
- 11533 to the article is warranted.
- 11534
- 11535 1. Animal clinics, pet hospitals.
- 11536
- 11537 2. Auction gallery. All storage of inventory and sales shall be conducted within a completely
- 11538 enclosed building.

- 11539
- 11540 3. Bars, taverns, nightclubs, teen clubs.
- 11541
- 11542 4. Bowling alley, whirleyball.
- 11543
- 11544 5. Convenience store.
- 11545
- 11546 6. Hotel or motel with recreational and dining facilities.
- 11547
- 11548 7. Landscape nursery.
- 11549
- 11550 8. Outside sales, display, service, and/or storage with a permitted use.
- 11551
- 11552 9. Post office, public utility service yard.
- 11553
- 11554 10. Repairs with a permitted use.
- 11555
- 11556 11. Restaurant with curb or automobile service.
- 11557
- 11558 12. Sales agency for new automobiles on a site not less than seven (7) contiguous acres.
- 11559 Used or pre-owned automobiles shall be sold only as an accessory use. A copy of the
- 11560 franchise agreement for new automobile sales shall be filed with the City Clerk's office of
- 11561 the City of Margate and shall be subject to inspection by the City upon reasonable times
- 11562 subsequent to initial permitting. Prior to sales of any automobiles, all improvements
- 11563 provided for by the site plan approved by special exception shall be completed and a
- 11564 certificate of occupancy issued.
- 11565
- 11566 13. Swimming pool equipment and related chemicals.
- 11567
- 11568 14. Wholesaling with a permitted use.
- 11569
- 11570 (D) Permitted uses for mixed-use.
- 11571
- 11572 1. Within any mixed-use structure permitted by the Live Local Act of 2023 (Senate Bill 102)
- 11573 only the uses permitted by the City Center District shall be allowed.
- 11574
- 11575 (E) Height limitation.
- 11576
- 11577 1. No building or structure, or portion thereof, shall be erected or altered to a height
- 11578 exceeding the following:
- 11579
- 11580 a. Retail stores. 30 feet.
- 11581
- 11582 b. Office buildings. 60 feet.
- 11583
- 11584 c. All other permitted uses. 25 feet.
- 11585
- 11586 (F) Minimum site and lot required.

- 11587  
11588 1. The minimum site shall be six (6) acres with a minimum of 660 feet of street frontage.  
11589  
11590 2. The minimum lot size of an out parcel shall be 30,000 square feet with a minimum of 150  
11591 feet of street frontage.  
11592

11593 (G) Setback requirements.  
11594

- 11595 1. Street setback: No building or structure shall be located less than 50 feet from a street  
11596 right of way line.  
11597  
11598 2. Side setback:  
11599  
11600 a. Abutting nonresidential property. Zero (0) feet.  
11601  
11602 b. Abutting residential or recreational property. 60 feet.  
11603  
11604 3. Rear setback:  
11605  
11606 a. Abutting nonresidential property. Zero (0) feet.  
11607  
11608 b. Abutting residential or recreational property. 60 feet.  
11609

11610 **40.523 Liberal Business: B-3**  
11611

11612 (A) Application of article.  
11613

- 11614 1. The following regulations of this article shall apply in all B-3 districts. All minimum  
11615 separation distances shall be measured in the shortest airline distance between nearest  
11616 property lines unless otherwise specified.  
11617

11618 (B) Purpose and general description.  
11619

- 11620 1. The B-3 liberal business district is intended primarily to meet the general service and  
11621 heavy commercial needs of large sections of this city, adjacent areas, and the subregion.  
11622 Uses which generate a substantial amount of short-duration traffic, as well as uses which  
11623 produce noise, dirt, visual pollution and other emissions, vibrations and hazards, or which  
11624 would have deleterious effects on nearby residents and property values, are first permitted  
11625 in this district, subject to additional regulations as specified. B-3 districts are generally  
11626 located with access to major arterial roadways and do not directly abut residential districts.  
11627

11628 (C) Permitted uses. No building or structure, or part thereof, shall be erected, altered or used, or  
11629 land or water used, in whole or in part, for other than the following specified uses. The B-3  
11630 liberal business district is intended primarily to meet the general service and heavy Accessory  
11631 uses and structures to a permitted use.  
11632

- 11633 1. Adult day care center.  
11634

2. Animal clinics, pet hospitals, subject to the following limitation(s):
- a. Adequate soundproofing in any area where animals are contained or treated.
  - b. All boarding activities shall be ancillary to the primary use.
  - c. Subject to the restrictions set forth in chapter 6 of the Margate Code of Ordinances.
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 square feet).
10. Banks, not including Payday Loans.
11. Bars and taverns.
12. Boats and accessories, retail.
13. Body art studios, subject to the following limitations:
- a. No body art studio shall be located within 1,000 feet from any other body art studio.
  - b. No body art studio shall be located within 1,000 feet from any school or child care facility.
  - c. Body art studios shall be required to have a separate room for the purpose of tattooing and piercing. Each room shall be limited to one (1) customer chair and shall be apart from the waiting room and the public. The room(s) shall not be visible to the general public.
14. Bottled gas, subject to the following limitation(s):
- a. Not permitted within 100 feet of residential districts.

- 11683  
11684 15. Business office, no stock or storage.  
11685  
11686 16. Carpet cleaning, subject to the following limitation(s):  
11687  
11688     a. Not permitted within 100 feet of any residential district.  
11689  
11690 17. Caterers.  
11691  
11692 18. Check cashing including Payday Loans. (Not permitted within 1,000 feet of like use, Dollar  
11693 Store, Pawn Shop, or Secondhand and/or used merchandise, retail).  
11694  
11695 19. Child care facility, subject to the following limitation(s):  
11696  
11697     a. Same shall contain a contiguous outdoor, grassed and fenced play area located away  
11698 from vehicular traffic. See section 40.705.  
11699  
11700 20. Clubs—Civic, noncommercial.  
11701  
11702 21. Collection agency.  
11703  
11704 22. Commercial recreation (indoor).  
11705  
11706 23. Contractor's office.  
11707  
11708 24. Costume rentals.  
11709  
11710 25. Dance academy.  
11711  
11712 26. Delicatessen.  
11713  
11714 27. Dental laboratory.  
11715  
11716 28. Detective agency.  
11717  
11718 29. Dollar store (Not permitted within 1,000 of like use, Check cashing including Payday  
11719 Loans, Pawn Shop, or Secondhand and/or used merchandise, retail).  
11720  
11721 30. Dry cleaning establishment subject to the following limitations and requirements:  
11722  
11723     a. Ventilation shall direct exhaust away from residential districts.  
11724  
11725     b. Not more than ten (10) individual cleaning units shall be used in any establishment,  
11726 and the total combined rated capacity shall not exceed 80 pounds.  
11727  
11728     c. See section 40.705.  
11729  
11730 31. Employment agency.

11731	
11732	<u>32. Feed and seed suppliers.</u>
11733	
11734	<u>33. Finance and mortgage institution.</u>
11735	
11736	<u>34. Fire station.</u>
11737	
11738	<u>35. Formal wear rentals.</u>
11739	
11740	<u>36. Glass tinting.</u>
11741	
11742	<u>37. Groceries, retail.</u>
11743	
11744	<u>38. Gun shop and gun ranges (indoors and soundproofed).</u>
11745	
11746	<u>39. Health studio or club, gymnasium.</u>
11747	
11748	<u>40. Interior decoration shop, retail.</u>
11749	
11750	<u>41. Janitorial service.</u>
11751	
11752	<u>42. Jewelry, watch and electronic repairs.</u>
11753	
11754	<u>43. Landscaping and plant nursery.</u>
11755	
11756	<u>44. Laundries, coin-operated, subject to the following limitation(s):</u>
11757	
11758	<u>a. Hours of operation limited to 7:00 a.m. to 11:00 p.m.</u>
11759	
11760	<u>45. Locksmith.</u>
11761	
11762	<u>46. Mail-plus services.</u>
11763	
11764	<u>47. Massage services, permitted as accessory use only within an approved medical office or</u>
11765	<u>physical therapy office.</u>
11766	
11767	<u>48. Medical office, subject to the following limitation(s):</u>
11768	
11769	<u>a. Not including correctional or mental, nor institutions for care of drug or liquor patients.</u>
11770	<u>May have a magnetic resonance imaging (MRI) unit as an accessory.</u>
11771	
11772	<u>49. Medical supply rentals.</u>
11773	
11774	<u>50. Merchant, retail, subject to the limitations in section 40.523(E).</u>
11775	
11776	<u>51. Municipal buildings, parks, playgrounds.</u>
11777	
11778	<u>52. Museum.</u>



- 11779  
11780 53. Music, instruction, subject to the following limitation(s):  
11781  
11782 a. Soundproofing required.  
11783  
11784 54. Nightclubs, teen clubs, catering halls or dance halls, with an occupant load of less than  
11785 250 persons.  
11786  
11787 55. Package store.  
11788  
11789 56. Personal care services, except massage.  
11790  
11791 57. Pet grooming, subject to the following limitation(s):  
11792  
11793 a. Soundproofing required.  
11794  
11795 58. Pet shop, without kennel facilities, subject to the following limitation(s):  
11796  
11797 a. Not permitted within 100 feet of any residential district.  
11798  
11799 b. No outdoor pens or runs permitted.  
11800  
11801 c. Subject to the restrictions set forth in chapter 6 of the Margate Code of Ordinances.  
11802  
11803 59. Pharmacy, subject to the following limitations:  
11804  
11805 a. No more than ten (10) percent of all prescription medication dispensed shall be from  
11806 the list of Schedule II controlled substances provided in F.S. 893.03.  
11807  
11808 b. No less than 50 percent of the floor area shall be used for retail display and  
11809 transactions.  
11810  
11811 60. Photograph developing and printing. See section 40.705.  
11812  
11813 61. Photograph galleries.  
11814  
11815 62. Photographer.  
11816  
11817 63. Picture framing.  
11818  
11819 64. Place of Assembly, subject to the requirements of section 40.619 Place of Assembly of  
11820 this Code.  
11821  
11822 65. Printing, photocopying, blueprinting shop with no more than 25 employees.  
11823  
11824 66. Printing, photocopying, blueprinting shop.  
11825  
11826 67. Professional office.

11827  
11828 68. Real estate and appraisal office.  
11829  
11830 69. Recording studio, subject to the following limitation(s):  
11831  
11832 a. Soundproofing required.  
11833  
11834 70. Rental business.  
11835  
11836 71. Restaurants.  
11837  
11838 72. Sales office—No inventory.  
11839  
11840 73. Savings and loan institution.  
11841  
11842 74. Secondhand and/or used merchandise, retail. Not permitted within 1,000 feet of like use,  
11843 Check Cashing including Payday Loans, Dollar Store, or Pawn Shop.  
11844  
11845 75. School of instruction, nonacademic.  
11846  
11847 76. Shoe repair shops.  
11848  
11849 77. Small appliance repair, subject to the following limitation(s):  
11850  
11851 a. Not permitted within 100 feet of any residential district.  
11852  
11853 78. Special residential facilities, category (2), subject to the following limitation(s):  
11854  
11855 a. These facilities shall not be located within the approved boundaries of the Margate  
11856 Community Redevelopment Area.  
11857  
11858 79. Special residential facility, category (3), subject to the following limitation(s):  
11859  
11860 a. These facilities shall not be located within the approved boundaries of the Margate  
11861 Community Redevelopment Agency.  
11862  
11863 80. Stocks and bonds brokerage office.  
11864  
11865 81. Substation for utilities (as required).  
11866  
11867 82. Swimming pool equipment and chemicals, retail, subject to the following conditions and  
11868 limitations.  
11869  
11870 a. All swimming pool supplies, including pre-packaged chemicals, except bulk quantities  
11871 of sodium hypochlorite, shall be dispensed strictly through retail sales and shall be  
11872 stored and sold within a completely enclosed structure.  
11873

- 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.

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3. Automobile storage.

- a. Any designated storage area shall be in a B-3, C, or M-1 district, and enclosed by an eight (8)-foot concrete block wall stuccoed or precast concrete wall on any side visible from areas outside of the property where it is situated. No storage area or wall surrounding same shall be located in a required setback area.

4. Automobile tires, new, subject to the following limitation(s):

- a. Not permitted within 100 feet of any residential district.

5. Bowling alley.

6. Car wash, automatic, subject to the following limitations:

- a. Only permitted as an accessory use to a vehicle fuel station when the lot occupied by the service station and accessory uses has not less than 135 feet of street frontage and 27,000 square feet of area.
- b. Not permitted within 1,000 feet of any other automatic car wash.
- c. Not permitted within 100 feet from any residential district.
- d. See section 40.705.

7. Car wash, including detailing, hand washing, polishing, and self-service. Not permitted within 1,000 feet of any other car wash. Not permitted within 100 feet of any residential district or use. All washing requires a water containment and reclamation system.

8. Commercial recreation (outdoor).

9. Convenience store, subject to the following limitation(s):

- a. Not permitted within 1,000 feet of any other convenience store.

10. Drive-thru facilities (with a permitted use).

- a. See section 40.705.

11. Flea market.

12. Hotels, subject to the conditions and limitations listed in section 40.521(D).

13. Laundries, coin-operated (extended hours of operation)

14. Limousine service three (3) or fewer vehicles, subject to the following limitation(s):

- 11970 a. Proof of adequate parking facilities shall be demonstrated prior to approval.
- 11971
- 11972 15. Massage services.
- 11973
- 11974 16. Nightclubs, teen clubs, catering halls or dance halls, with an occupancy greater than 250.
- 11975
- 11976 17. Outside sales, display, service and/or storage, subject to the following:
- 11977
- 11978 a. Shall only be permitted as an accessory to a permitted use.
- 11979
- 11980 b. All areas not completely enclosed, which are used for the storage or processing of raw
- 11981 materials, must be effectively screened from view of the adjoining streets and parcels
- 11982 through the use of a durable fence, wall or hedge, or combinations thereof.
- 11983
- 11984 18. Pain management clinic, subject to limitations and requirements of section 40.616 Pain
- 11985 Management Clinics of this Code.
- 11986
- 11987 19. Pharmacy, subject to the following limitations:
- 11988
- 11989 a. No more than ten (10) percent of all prescription medication dispensed shall be from
- 11990 the list of Schedule II controlled substances provided in F.S. §893.03.
- 11991
- 11992 b. No less than 50 percent of floor area shall be used for retail display and transactions.
- 11993
- 11994 20. Public or private elementary, middle or high school, subject to section 40.620 Public or
- 11995 Private Elementary, Middle, or High School.
- 11996
- 11997 21. Restaurants with curb or automobile service.
- 11998
- 11999 a. Subject property shall be located a minimum of 750 feet from single-family property;
- 12000 such distance shall be measured from the front door of the establishment to the single-
- 12001 family property line;
- 12002
- 12003 b. Such restaurant must be a free-standing building.
- 12004
- 12005 22. Taxi service, subject to the following limitations:
- 12006
- 12007 a. Limited to three (3) or fewer vehicles.
- 12008
- 12009 b. Proof of adequate parking facilities shall be demonstrated prior to approval.
- 12010
- 12011 23. Vehicle fuel station. Subject to requirements and limitations of section 40.613 Vehicle Fuel
- 12012 Station of this Code.
- 12013
- 12014 24. Vehicle sales agency (new and / or used vehicles). Not permitted within 100 feet of any
- 12015 residential district.
- 12016

12017 25. Walkway cafes greater than 1,000 square feet in area subject to the limitations of section  
12018 40.622 Walkway Cafes of this Code.

12019  
12020 (C) Permitted uses for mixed-use.  
12021

- 12022 1. Within any mixed-use structure permitted by the Live Local Act of 2023 (Senate Bill 102)  
12023 only the uses permitted by the City Center District shall be allowed.  
12024

12025 (D) Uses prohibited.  
12026

- 12027 1. Any use not specifically listed in section 40.531.  
12028

12029 (E) Limitation on uses.  
12030

- 12031 1. No required front or side street setback may be used for other than customer and  
12032 employee parking, landscaping, drives and walkways.  
12033  
12034 2. Wholesale sales are prohibited except as an accessory use, same not to exceed 20  
12035 percent of floor area nor total number of sales transactions.  
12036

12037 (F) Height.  
12038

- 12039 1. No building or structure shall be erected or altered to a height exceeding 100 feet.  
12040

12041 (G) Lot size.  
12042

- 12043 1. The minimum lot size, excluding public rights-of-way, shall be 10,000 square feet with a  
12044 minimum of 100 feet of street frontage.  
12045

12046 (H) Setbacks.  
12047

12048 All lots shall provide setbacks in accordance with the following:  
12049

12050 1. Street setbacks.  
12051

- 12052 a. The minimum building setback from all street rights-of-way less than 80 feet in width  
12053 shall be 25 feet.  
12054

- 12055 b. The minimum building setback from all street rights-of-way 80 feet in width of greater  
12056 shall be 35 feet.  
12057

12058 2. Side setbacks.  
12059

- 12060 a. When abutting a non-residentially zoned property, there is no side setback  
12061 requirement.  
12062

- 12063 b. When abutting a residentially zoned property, the minimum building setback shall be  
12064 60 feet.

12065  
12066 3. Rear setbacks.  
12067

12068 a. When abutting a non-residentially zoned property, the minimum building setback shall  
12069 be 20 feet.  
12070

12071 b. When abutting a residentially zoned property the minimum building setback shall be  
12072 60 feet.  
12073

12074 4. Uses, limited. Where a setback is required in this section, such setbacks may be used for  
12075 walkways, parking for passenger cars, driveways, loading zones and landscaping, but not  
12076 for any other use or purpose.  
12077

12078 DIVISION 4 INDUSTRIAL DISTRICTS  
12079

12080 40.530 Light Industrial: M-1  
12081

12082 (A) Application of article.  
12083

12084 1. The M-1 light industrial district is intended to provide for light manufacturing and heavy  
12085 commercial uses for large corporations as well as small entrepreneurs in multitenant  
12086 warehouse space.  
12087

12088 (B) Permitted uses. No building or structure or part thereof shall be erected, altered or used, or  
12089 land or water used, in whole or in part, for other than the following specified uses:  
12090

12091 1. Accessory uses and structures which are clearly incidental and subordinate to a permitted  
12092 use.  
12093

12094 2. Ambulance service, subject to the following limitation(s):  
12095

12096 a. Proof of adequate parking facilities shall be demonstrated.  
12097

12098 3. Armored car service.  
12099

12100 4. Automobile body, tops and upholstery shop.  
12101

12102 5. Automobile, motorcycle and small engine repair, subject to the following limitation(s):  
12103

12104 a. Not permitted within 100 feet of any residential district.  
12105

12106 6. Automobile painting, subject to the following limitation(s):  
12107

12108 a. No outdoor spraying.  
12109

12110 7. Automobile parts, equipment and accessories, wholesale.  
12111



- 12112      8. Automobile storage.
- 12113
- 12114      9. Automobile tires, vulcanizing or retreading.
- 12115
- 12116      10. Bakery, wholesale.
- 12117
- 12118      11. Bookbinding.
- 12119
- 12120      12. Bottled gas, retail, subject to the following limitation(s):
- 12121
- 12122          a. Not permitted within 100 feet of any residential district.
- 12123
- 12124      13. Bottling plant.
- 12125
- 12126      14. Bus company, charter, subject to the following limitation(s):
- 12127
- 12128          a. Three (3) or fewer vehicles.
- 12129
- 12130          b. Proof of adequate parking facilities shall be demonstrated.
- 12131
- 12132      15. Bus terminals.
- 12133
- 12134      16. Cabinetmaking, carpentry shops.
- 12135
- 12136      17. Carpet cleaning, subject to the following limitation(s):
- 12137
- 12138          a. Not permitted within 100 feet of any residential district.
- 12139
- 12140      18. Catering, including shared kitchens.
- 12141
- 12142      19. Ceramic manufacturing.
- 12143
- 12144      20. Cleaning service—Pressure, chemical, industrial.
- 12145
- 12146      21. Concrete testing lab.
- 12147
- 12148      22. Contractor's shop – licensure not required.
- 12149
- 12150      23. Contractor's storage setbacks, subject to the following limitation(s):
- 12151
- 12152          a. Perimeter wall required.
- 12153
- 12154      24. Commissary.
- 12155
- 12156      25. Delivery service.
- 12157
- 12158      26. Dental laboratory.
- 12159

- 12160 27. Diaper service, subject to the following limitation(s):  
12161  
12162 a. Not permitted within 300 feet of any residential district.  
12163  
12164 28. Distribution service.  
12165  
12166 29. Dry cleaning and dyeing plant, subject to the following limitation(s):  
12167  
12168 a. Not permitted within 300 feet of any residential district.  
12169  
12170 30. Electrical utility setback.  
12171  
12172 31. Electroplating.  
12173  
12174 32. Engraving.  
12175  
12176 33. Fire station.  
12177  
12178 34. Food processing, subject to the following limitation(s):  
12179  
12180 a. No fish, fat rendering, or restaurants.  
12181  
12182 b. Processing shall only be done indoors and without the emission of any external  
12183 noxious odors.  
12184  
12185 35. Frozen food locker.  
12186  
12187 36. Fruit packing and shipping.  
12188  
12189 37. Glass cutting.  
12190  
12191 38. Glass tinting.  
12192  
12193 39. Grocery, wholesale.  
12194  
12195 40. Gun range (indoors and soundproofed).  
12196  
12197 41. Janitorial service.  
12198  
12199 42. Kennels, subject to restrictions set forth in chapter 6 of the Margate Code of Ordinances.  
12200  
12201 43. Laboratories—Chemical, medical, testing, research.  
12202  
12203 44. Laundry, commercial.  
12204  
12205 45. Light manufacturing, subject to the following limitations:  
12206

- 12207 a. Shall include products from aluminum, brass, bronze, copper, steel or other metal or  
12208 from cloth, leather, paper, rubber, shell, plastic, wood or other materials.  
12209
- 12210 46. Limousine service four (4) or more vehicles, subject to the following limitation(s):  
12211
- 12212 a. Proof of adequate parking facilities shall be demonstrated.  
12213
- 12214 47. Liquor cutting and blending.  
12215
- 12216 48. Locksmith.  
12217
- 12218 49. Machine shops.  
12219
- 12220 50. Magazine wholesale agency.  
12221
- 12222 51. Mail order business.  
12223
- 12224 52. Major appliance repair.  
12225
- 12226 53. Merchant, wholesale.  
12227
- 12228 54. Metalizing processes.  
12229
- 12230 55. Mirror silvering.  
12231
- 12232 56. Motion picture studio.  
12233
- 12234 57. Moving and storage.  
12235
- 12236 58. Ornamental iron and metal working shops.  
12237
- 12238 59. Parking, commercial auto, subject to the following limitation(s):  
12239
- 12240 a. Not permitted within 1,000 feet of any other commercial auto parking facility.  
12241
- 12242 60. Pest control.  
12243
- 12244 61. Photograph developing and printing.  
12245
- 12246 62. Printing, photocopying, blueprinting shop with no more than 25 employees.  
12247
- 12248 63. Public utility service yard.  
12249
- 12250 64. Recording studio, subject to the following limitation(s):  
12251
- 12252 a. Soundproofing required.  
12253
- 12254 65. Refrigeration plants.

12255  
12256 66. Rental business.  
12257  
12258 67. Research—Educational, scientific, and industrial.  
12259  
12260 68. Restaurant and dining room subject to the following limitation(s):  
12261  
12262 a. Only permitted as accessory to a permitted use.  
12263  
12264 69. Sheet metal shop, subject to the following limitation(s):  
12265  
12266 a. When so located that no land allocated to such use or building occupied by such use  
12267 lies within 100 feet of any residential-zoned property; provided that this separation  
12268 requirement shall apply only to principal uses and not to accessory uses.  
12269  
12270 70. Sign shop.  
12271  
12272 71. Sign painting, car lettering.  
12273  
12274 72. Spray painting business.  
12275  
12276 73. Stonecutting.  
12277  
12278 74. Substation for utilities (as required).  
12279  
12280 75. Swimming pool equipment and chemicals, wholesale, subject to the following limitation(s):  
12281  
12282 a. No chemical storage area permitted within 100 feet of any residential district.  
12283  
12284 76. Taxi service four (4) or more vehicles, subject to the following limitation(s)  
12285  
12286 a. Proof of adequate parking facilities shall be demonstrated.  
12287  
12288 77. Television, radio and movie studios.  
12289  
12290 78. Theater (outdoor).  
12291  
12292 79. Tinsmiths.  
12293  
12294 80. Tool-and-die shops.  
12295  
12296 81. Towing service, subject to the following limitation(s):  
12297  
12298 a. No wrecking.  
12299  
12300 82. Tractor, retail.  
12301  
12302 83. Trailers of all kinds, campers, mobile homes, retail.

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12303  
12304 84. Trash hauler, subject to the following limitation(s):

12305  
12306 a. No dumping.

12307  
12308 85. Truck and large engine repair.

12309  
12310 86. Upholstery shop.

12311  
12312 87. Vehicle sales agency (new and / or used vehicles). Not permitted within 100 feet of any  
12313 residential district.

12314  
12315 88. Warehousing and distribution.

12316  
12317 (C) Special exception uses. Special exception uses may be deemed appropriate to provide a  
12318 complete distribution of uses within the city, but because of their operational characteristics  
12319 or area requirements need to be given individual consideration with respect to their location,  
12320 access and relationship to adjacent properties and public rights-of-way, and conformity with  
12321 the city's current and future redevelopment efforts.

12322  
12323 1. The following uses are authorized upon a finding by the city commission that a special  
12324 exception to the article is warranted, pursuant to the procedure and criteria set forth in  
12325 section 40.306 of the Margate Code of Ordinances.

12326  
12327 a. Recreation and open space;

12328  
12329 b. Commercial recreation uses (indoor and outdoor);

12330  
12331 c. Business and professional office center, subject to the following:

12332  
12333 i. Said use shall be located in a building or development of at least 30,000 square  
12334 feet.

12335  
12336 (D) Prohibited uses.

12337  
12338 1. Pain management clinics, as defined in section 40.616.

12339  
12340 2. Any use not specifically listed in section 40.530(A) is prohibited.

12341  
12342 3. Retail sales are prohibited except where specifically permitted in section 40.530(A) or as  
12343 an accessory use, same not to exceed 20 percent of floor area nor total number of sales  
12344 transaction.

12345  
12346 (E) Permitted uses for mixed-use.

12347  
12348 1. Within any mixed-use structure permitted by the Live Local Act of 2023 (Senate Bill 102)  
12349 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.

12399  
12400 **40.531 Industrial Park: M-1A**  
12401

12402 (A) Application of article.  
12403

- 12404 1. The M-1A, industrial park district is intended to provide land for business and industry  
12405 which expands the economic base of the City. Permitted uses are intended to include  
12406 those businesses and industries primarily involved in the manufacture of goods and  
12407 provision of services for sale and use outside of the limits of the City of Margate. These  
12408 uses shall include research, development, and manufacture of products and large office  
12409 buildings providing increased employment opportunities within the City.  
12410

12411 (B) Purpose and general description.  
12412

- 12413 1. The M-1A, industrial park district is intended to provide land for business and industry  
12414 which expands the economic base of the City. Permitted uses are intended to include  
12415 those businesses and industries primarily involved in the manufacture of goods and  
12416 provision of services for sale and use outside of the limits of the City of Margate. These  
12417 uses shall include research, development, and manufacture of products and large office  
12418 buildings providing increased employment opportunities within the City.  
12419

12420 (C) Permitted uses. No building or structure, or any part thereof, shall be erected, altered or used,  
12421 or land or water used, in whole or in part, for other than one (1) or more of the following uses:  
12422

12423 1. Primary uses.  
12424

- 12425 a. Apparel from finished textiles;  
12426  
12427 b. Bottling plant;  
12428  
12429 c. Contractors, including service contractors;  
12430  
12431 d. Educational, scientific and industrial research;  
12432  
12433 e. Food processing;  
12434  
12435 f. Light manufacturing;  
12436  
12437 g. Meat or fish processing or slaughtering. Processing shall only be done indoors and  
12438 without the emission of any external noxious odors.  
12439  
12440 h. Office buildings, including business, professional, and medical offices.  
12441  
12442 i. Minimum of 30,000 square feet of gross building area per development required.  
12443  
12444 i. Warehousing, trucking and distribution;  
12445  
12446 j. Wholesaling;



12447  
12448 2. Accessory uses.  
12449

- 12450 a. Corporate or business offices which serve or represent other specifically permitted  
12451 industrially related users;  
12452  
12453 b. Restaurants and cafeterias allowed as an accessory use only in connection with a  
12454 permitted office building;  
12455  
12456 c. Sales of goods to the general public only as an accessory use;  
12457  
12458 i. Sales of goods shall not exceed 25 percent of floor area nor total number of sales  
12459 transactions.  
12460  
12461 d. Sewage pumping station;  
12462  
12463 e. Transformer and electrical switching station;  
12464

12465 3. Special exception uses. The following uses are authorized upon a finding by the City  
12466 Commission that a special exception use to this article is warranted;  
12467

- 12468 a. Children's activity center as an accessory use only. For the purposes of this section,  
12469 "children's activity center" is defined as any establishment containing modular retail  
12470 play/soft play structures, indoor playgrounds, children's party rooms or food services.  
12471 Retail play/soft play areas of children's activity centers may also contain up to ten (10)  
12472 coin-operated machines designed specifically for children, ages 12 and under. Access  
12473 to retail play/soft play areas of children's activity centers (including areas containing  
12474 permitted coin-operated machines) shall be restricted to children, ages 12 and under,  
12475 and persons accompanying such children for supervisory purposes.  
12476  
12477 b. The city commission shall consider all applications for special exception approval  
12478 pursuant to the procedure set forth in Article 3, section 40.306 Special Exception of  
12479 this Code.  
12480

12481 (D) Prohibited uses. Except as specifically permitted in this district, the following uses are  
12482 expressly prohibited as either principal or accessory uses:  
12483

- 12484 1. Airport.  
12485  
12486 2. Any use or operation which creates continuous or intermittent physical effects which  
12487 exceed the performance standards specified in section 40.531(E).  
12488  
12489 3. Automotive: maintenance, service and repair.  
12490  
12491 4. Die casting.  
12492  
12493 5. Drop forging.  
12494

- 12495 6. Foundry.
- 12496
- 12497 7. Hotels, motels and any other residential use other than as a permitted accessory use.
- 12498
- 12499 8. Institutions for the aged, infirm or minors or any kind of group housing.
- 12500
- 12501 9. Manufacturing of asphalt, brick, tile, cement, lime, plaster, concrete, acids, carbon,
- 12502 disinfectants, poison, insecticides and batteries.
- 12503
- 12504 10. Oil compounding or barreling.
- 12505
- 12506 11. Open air storage in bulk of material inputs of finished products. This prohibition does not
- 12507 apply to storage of these materials in a warehouse or fully enclosed by a fence and
- 12508 continuous, dense shrubs where abutting a lot line. No required off-street parking or
- 12509 interior landscaped areas may be utilized for such purpose.
- 12510
- 12511 12. Pain management clinics, as defined in section 40.201.
- 12512
- 12513 13. Paint or varnish manufacture.
- 12514
- 12515 14. Vehicular rental.
- 12516
- 12517 (E) Permitted uses for mixed-use.
- 12518
- 12519 1. Within any mixed-use structure permitted by the Live Local Act of 2023 (Senate Bill 102)
- 12520 only the uses permitted by the City Center District shall be allowed.
- 12521
- 12522 (F) Performance standards.
- 12523
- 12524 The performance standards listed hereunder shall be the minimum standards that shall be
- 12525 permitted to be constructed, maintained and operated:
- 12526
- 12527 1. Noise and sound: A maximum of 70 decibels at the property line is permitted. Noise is
- 12528 required to be muffled so as not to become objectionable due to intermittence, beat
- 12529 frequency or shrillness. Sound may equal but not exceed street traffic noise in the vicinity
- 12530 during a normal day shift work period.
- 12531
- 12532 2. Dust, odors, gases and vapors: No dust, odors, gases and vapors, except those odors
- 12533 associated with food preparation, shall be permitted beyond the lot line so as to be readily
- 12534 detectable without the use of instruments.
- 12535
- 12536 3. Smoke: No emission shall be permitted from any chimney or otherwise of visible grey
- 12537 smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart,
- 12538 published by McGraw-Hill Publishing Company, Inc., (being a direct facsimile reduction of
- 12539 a standard Ringlemann Chart as issued by the United States Bureau of Mines), except
- 12540 that visible grey smoke of a shade equal to No. 3 on said chart may be emitted for four (4)
- 12541 minutes in any 30 minute period.
- 12542

- 12543 4. Vibration: No vibration shall be permitted which is readily detectable at the lot line without  
12544 the use of instruments.
- 12545
- 12546 5. Glare: No direct or sky-reflected glare, whether from floodlights or from high-temperature  
12547 processes such as combustion or welding or otherwise, so as to cast a distinct shadow of  
12548 an object at the property line.
- 12549
- 12550 6. Radioactivity or electrical disturbance: No activities shall be permitted which emit  
12551 dangerous radioactivity or electrical disturbance adversely affecting the operation of any  
12552 equipment other than that of the creator of such disturbance. All applicable federal  
12553 regulations shall be complied with.
- 12554

12555 (G) Height.

12556

- 12557 1. No building or structure shall be erected or altered to a height exceeding 50 feet.
- 12558

12559 (H) Lot size.

12560

- 12561 1. Minimum lot size shall be 20,000 square feet. Lots created through a condominium  
12562 association shall have no minimum size.
- 12563

12564 (I) Minimum floor area standards.

12565

- 12566 1. No building containing a primary use shall be constructed to a size of less than 10,000  
12567 square feet.
- 12568
- 12569 2. No separately owned or leased area shall be constructed or subdivided into an area  
12570 smaller than 800 square feet.
- 12571

12572 (J) Setbacks.

12573

- 12574 1. No building or roofed structure shall be located less than 35 feet from Banks Road or  
12575 Copans Road; 25 feet from any other street line.
- 12576
- 12577 2. Where an M-1A parcel is separated by a canal from a residential property, no building or  
12578 roofed structure shall be located closer than 205 feet from the lot line adjoining said canal.
- 12579
- 12580 3. When abutting a residential property the minimum building setback shall be 60 feet.
- 12581
- 12582 4. When a mixed-use development is permitted, the minimum setback shall be 60 feet from  
12583 any nonresidential use or district.
- 12584
- 12585

12586 **DIVISION 5 COMMUNITY FACILITIES & RECREATIONAL**

12587

12588 **40.540 Community Facility: CF**

12589

(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.

12678 (H) Setbacks.  
12679

<u>Setback</u>	<u>Feet (Minimum)</u>
<u>Front setback</u>	<u>35</u>
<u>Side setback</u>	<u>25<sup>1</sup></u>
<u>Rear setback</u>	<u>25<sup>1</sup></u>
<u>Street side setback</u>	<u>25<sup>2</sup></u>
<sup>1</sup> Side and rear setback shall be increased by five (5) feet for each story above the second story.	
<sup>2</sup> Except where a greater setback is required under another provision of this Code.	

12680  
12681 1. No building or roofed structure shall be located within 40 feet of any residentially zoned  
12682 property, nor shall any parking areas be located within 20 feet of any residentially zoned  
12683 property.

12684  
12685 2. Exception. Any property owned or operated by the City of Margate or City of Margate  
12686 CRA.

12687  
12688 (I) Uses prohibited.

12689 1. Any use not specifically listed in (C) Permitted uses is prohibited.

12690  
12691  
12692 **40.541 Conservation: CON**

12693  
12694 (A) Application of article.

12695 1. The following regulations shall apply in all CON districts.

12696  
12697 (B) Purpose of district.

12698 1. The conservation district is intended to provide for the continuing conservation of the  
12700 natural resources located within the district. The uses within this district shall be consistent  
12701 with but may be more restrictive than those permitted in the conservation areas of the land  
12702 use plan. This zoning district shall be applied to land designated conservation on the City's  
12703 Future Land Use Map.

12704  
12705 (C) Permitted uses. No building or structure, or part thereof, shall be erected, altered, or used, or  
12706 land or water used in whole or in part, for other than one of the following:

12707 1. Passive outdoor recreational uses such as wildlife sanctuaries and feeding stations,  
12708 nature centers and trails, outdoor research stations and walkways.

12709 2. Structures used for flood control, drainage and stormwater storage.

12710 3. Uses which do not impair the natural environment or disturb the natural ecosystem of the  
12711 area and which are not in conflict with applicable water management and wildlife  
12712 protection policies of local, state and federal agencies.

12713  
12714  
12715  
12716  
12717

12718 4. Waterways.

12719  
12720 40.542 Open Space: S-2

12721  
12722 (A) Purpose.

- 12723  
12724 1. The S-2 open space district is intended to preserve areas designated or used for active or  
12725 passive recreation and to preserve areas designated or used for active or passive  
12726 recreational needs of the people and to preserve open space.

12727  
12728 (B) Uses permitted. No building or structure or part thereof shall be erected, altered or used, or  
12729 land or water used, in whole or in part, for other than one (1) or more of the following specified  
12730 uses:

12731  
12732 1. Boat ramp.

12733  
12734 2. Bridle, foot or bicycle path.

12735  
12736 3. Open land areas or commons.

12737  
12738 4. Open water areas.

12739  
12740 5. Picnic area.

12741  
12742 6. Country clubs and similar uses may be operated as an accessory use to a golf course in  
12743 a structure does not exceed 1% of the net land area of the property.

12744  
12745 7. Golf course (18-hole, 9 hole, par 3 course, pitch and putt, executive, etc.), excluding  
12746 miniature golf course.

12747  
12748 8. Municipal structures intended to provide for the health, safety, and welfare of the  
12749 community.

12750  
12751 9. Accessory uses or structures to uses permitted in this section.

12752  
12753 10. Place of assembly, subject to the requirements of section 40.619 of this Code.

12754  
12755 a. Such use shall not exceed 1% of the net land area of the property.

12756  
12757 (C) Uses prohibited. The permissible uses enumerated above shall not be construed to include  
12758 either as a principal or accessory use any of the following which are listed for emphasis:

12759  
12760 1. Any business or commercial use not permitted as a principal use except when meeting  
12761 the requirements of an accessory use.

12762  
12763 2. Any industrial or manufacturing use.

12764  
12765 3. Drive-in theatre, drive-in restaurant, or drive-in refreshment stand.



- 12766  
12767 4. Any residential use.  
12768  
12769 (D) Height.  
12770  
12771 1. No building or structure or part thereof shall be erected or altered to a height exceeding  
12772 two (2) stories or 30 feet.  
12773  
12774 (E) Lot size.  
12775  
12776 1. There shall be no minimum lot size.  
12777  
12778 (F) Setbacks.  
12779  
12780 1. No parking area shall be located within 15 feet of any residential lot.  
12781  
12782 2. No structure, except municipal structures, fences or walls as hereinafter provided for, shall  
12783 be located within 20 feet of any residentially zoned property nor within 25 feet of any public  
12784 or private street.  
12785  
12786 3. No building or roofed portion of any structure, except municipal structures, shall be located  
12787 within ten (10) feet of any lot line.  
12788  
12789 4. No required open space, setback, or setback area shall be used or developed for any  
12790 purpose other than landscaping and walkways and/or driveways needed to serve the  
12791 permitted use.  
12792  
12793 **40.543 Recreational: S-1**  
12794  
12795 (A) Purpose.  
12796  
12797 1. The S-1 recreational district is intended to provide public and private open spaces and  
12798 recreational facilities for active use by the patrons thereof. The permitted uses of the S-1  
12799 district may take place in open air or in a building or structure.  
12800  
12801 (B) Uses permitted. No building or structure or part thereof shall be erected, altered or used, or  
12802 land or water used, in whole or in part, for other than one or more of the following:  
12803  
12804 1. Passive recreational uses, including, but not limited to: nature centers and trails, scenic  
12805 areas, wildlife sanctuaries and feeding stations, aquatic preserves and picnic areas.  
12806  
12807 2. Active recreational uses, including, but not limited to: tennis courts, playgrounds,  
12808 swimming pools, athletic fields and courts, beaches and bikeways.  
12809  
12810 3. Boat dock.  
12811  
12812 4. Cabanas.  
12813

12814 5. Country clubs and similar uses may be operated as an accessory use to a golf course if  
12815 said structure does not exceed one (1) percent of the net land area of the property.

12816  
12817 6. Municipal structures intended to provide for the health, safety, and welfare of the  
12818 community.

12819  
12820 (C) Accessory uses.

12821  
12822 1. Coin-operated amusement devices as specifically defined in section 40.612 with the  
12823 addition that:

12824  
12825 a. Same shall be allowed only in recognized structures or facilities, such as clubhouses,  
12826 recreation halls, teen centers, etc., that are open for the patronage of individuals using  
12827 said halls for private recreational purposes.

12828  
12829 b. All proceeds from the above coin-operated amusement devices will be utilized for  
12830 nonprofit purposes relating to the organization or association maintaining the above  
12831 recreation facilities.

12832  
12833 2. Place of Assembly, subject to the requirements of section 40.619 of this Code.

12834  
12835 a. Such use shall not exceed 1% of the net land area of the property.

12836  
12837 (D) Uses prohibited.

12838  
12839 1. The permissible uses enumerated in 40.543(B) above shall not be construed to include  
12840 either as a principal or accessory use of any of the following which are listed for emphasis:

12841  
12842 a. Any business or commercial use not permitted as a principal use except when meeting  
12843 requirements of an accessory use.

12844  
12845 b. Any industrial or manufacturing use.

12846  
12847 c. Drive-in theater, drive-in restaurant or drive-in refreshment stand.

12848  
12849 **40.544 Utilities: U-1**

12850  
12851 (A) Applicability.

12852  
12853 1. The following regulations shall apply in all U-1 districts.

12854  
12855 (B) Purpose of district.

12856  
12857 1. The utilities U-1 district is intended to provide for all utility uses. The uses within this district  
12858 shall be consistent with but may be more restrictive than those permitted in the utilities  
12859 land use plan designation areas. This zoning district may be applied to land designated  
12860 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.

- 12957  
12958 4. Uses and structures which are accessory, service-oriented, or incidental to the principal  
12959 uses may be permitted. These may include accessory amenity structures such as  
12960 clubhouses, meeting rooms, pool houses or other structures.  
12961

12962 (D) Size of lot.  
12963

12964 Every detached one-family dwelling unit which is erected, placed, or structurally altered  
12965 shall provide a site or lot of not less than 45 feet in width and 90 feet in depth and 4,500  
12966 square feet in area.  
12967

12968 (E) Height limitation.  
12969

12970 No building or structure, or part thereof, shall be erected or structurally altered in excess  
12971 of the following height:  
12972

- 12973 1. For one-family detached dwellings, two (2) stories or 30 feet.  
12974  
12975 2. For recreational buildings, two (2) stories or 35 feet.  
12976

12977 (F) Minimum required setbacks for one-family dwellings.  
12978

- 12979 1. Front setback. Every lot shall provide a front setback of not less than 15 feet in depth as  
12980 measured from a right-of-way or roadway easement line. However, front entry garages  
12981 must provide at least 20 feet between the garage and a right-of-way or roadway easement  
12982 line.  
12983  
12984 2. Side setbacks. The side setback may be zero (0) on one (1) side of the lot provided that:  
12985  
12986 a. The lot contiguous to that side setback is held under the same ownership at the  
12987 time of construction; and  
12988  
12989 b. The opposite side setback is not less than ten (10) feet, it being the intent of this  
12990 district to provide for a minimum of ten (10) feet between one-family dwellings. This  
12991 setback shall be perpetually maintained free of encroachments other than in-  
12992 ground swimming pools (subject to all regulations of section 40.708), air  
12993 conditioners, patios and appurtenance, fences, and landscaping; and  
12994  
12995 c. Except for units whose zero setback directly abuts common open space, the wall  
12996 located at the zero side setback shall not have any openings; and  
12997  
12998 d. The zero side setback does not abut a public or private street without an  
12999 intervening side setback of at least ten (10) feet in depth; and  
13000  
13001 e. Except for a maximum 24-inch roof overhang, no portion of the dwelling or  
13002 architectural features project over any property line; and  
13003

- 13004 f. A four (4) foot maintenance easement is provided adjacent and parallel to the zero  
13005 side wall allowing for the maintenance of that wall; and  
13006
- 13007 g. Storm gutters are required to ensure stormwater runoff from roofs does not spill  
13008 directly onto the adjoining lot.  
13009
- 13010 3. Rear setback. Every lot shall have a rear setback of not less than 15 feet in depth.  
13011 However, for a one-story structure the rear setback may be reduced to ten (10) feet in  
13012 depth for no more than 50 percent of the lot width. When a lot has double frontage, the  
13013 rear setback abutting a street shall not be less than 20 feet in depth.  
13014
- 13015 (G) Site plan required.  
13016
- 13017 1. Prior to the issuance of a building permit within a PRC zoning district, an overall site  
13018 development plan shall be approved by the development review committee. Said  
13019 development plan shall specify and clearly delineate the location, relationship, design, and  
13020 usage of all existing and proposed buildings and structures, public and private roads, utility  
13021 and drainage areas, parking areas, landscaped open spaces, sidewalks, and lighting  
13022 standards. Illustrative floor plans and elevations of proposed structures shall be submitted  
13023 with the site plan. The committee shall consider all site plans pursuant to the criteria of  
13024 section 40.301 of this Code and the provisions of this section.  
13025
- 13026 (H) Unified control required.  
13027
- 13028 1. Following site development plan approval, the developer shall submit documentation  
13029 evidencing unified control of the subject property and the creation of a legally constituted  
13030 maintenance association having responsibility for the perpetual care of common areas,  
13031 recreational facilities, and architectural control. Membership in this association shall be  
13032 mandatory for all property owners and successors in title to any land and improvements  
13033 within the subject development, except for that which has been dedicated to the public.  
13034 The city attorney shall approve said documents as meeting the requirements of this  
13035 section prior to the issuance of the first certificate of occupancy.  
13036
- 13037 (I) Development standards.  
13038
- 13039 Every site development plan shall meet or exceed the following design standards in addition  
13040 to all other applicable zoning and subdivision regulations:  
13041
- 13042 1. Street design. Private streets may serve developments within this district. The design of  
13043 streets shall meet the criteria of section 40.403 of this Code. The design and cross-section  
13044 shall be approved by the city engineer. Streets shall be illuminated to an average intensity  
13045 of at least one (1) footcandle per square foot. At no point shall the intensity of illumination  
13046 fall below one-half (½) footcandle.  
13047
- 13048 2. Parking. Every single-family dwelling unit shall provide a fully enclosed garage, attached  
13049 to the main structure, and finished in an architecturally compatible manner with the  
13050 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;

- 13468
- 13469 8. Providing that ordinary activities of daily living may occur within walking distance of most
- 13470 dwellings, allowing independence to those who do not drive;
- 13471
- 13472 9. Providing for interconnected networks of tree-lined or shaded roads to be designed and
- 13473 created incrementally to improve pedestrian access to transit and to disperse and reduce
- 13474 the length of automobile trips;
- 13475
- 13476 10. Creating an interconnected rear alleyway system;
- 13477
- 13478 11. Promoting the small scale of newly formed blocks with public open spaces to serve
- 13479 corridor residents, workers and visitors for increasing social gathering, active and passive
- 13480 recreation, and visual amenities;
- 13481
- 13482 12. Promoting appropriate building densities and land uses be provided within walking
- 13483 distance of transit stops;
- 13484
- 13485 13. Creating a range of open space including parks, squares, and playgrounds and positioning
- 13486 buildings to front streets and open spaces;
- 13487
- 13488 14. Encouraging buildings, streetscapes and landscaping to contribute to creating community
- 13489 living spaces;
- 13490
- 13491 15. Promoting a street environment and building orientation that emphasize comfort, safety,
- 13492 and distinctive identity, with the provision of urban greenways along major corridor
- 13493 roadways containing a variety of shopfronts that provide a high level of transparency at
- 13494 the sidewalk level;
- 13495
- 13496 16. Maximizing the development potential for the Corridor, Gateway, and City Center districts;
- 13497 and
- 13498
- 13499 17. Encouraging energy efficiency through building design and site development.
- 13500

13501 (E) Corridor permitted uses. No building or structure, or part thereof, shall be erected, altered or

13502 used, or land or water used, in whole or in part, for other than any of the uses specified below.

13503 All minimum separation distances shall be measured in the shortest airline distance between

13504 nearest property lines unless otherwise specified.

13505

- 13506 1. Accessory uses and structures to a permitted use.
- 13507
- 13508 2. Adult day care center.
- 13509
- 13510 3. Art gallery.
- 13511
- 13512 4. Artisans, studio or workshop. A workshop or studio of an artist, sculptor, photographer,
- 13513 jeweler, potter, craftsperson, furniture maker, cabinet maker, or other artist or artisan
- 13514 primarily used for on-site production of unique custom goods.
- 13515

- 13516 5. Automatic teller machine (outdoor).
- 13517
- 13518 6. Bakery, retail (wholesale permitted provided the storage area is less than 4,500 sq. ft.)
- 13519
- 13520 7. Banks and other financial institutions, not including Payday Loans.
- 13521
- 13522 8. Bars, and taverns.
- 13523
- 13524 9. Body art studios, subject to the following limitations:
- 13525
- 13526 a. No body art studio shall be located within 1,000 feet from any other body art studio;
- 13527 and
- 13528
- 13529 b. No body art studio shall be located within 1,000 feet from any academic school for
- 13530 minors or child care facility; and
- 13531
- 13532 c. Body art studios shall be required to have a separate room for the purpose of tattooing
- 13533 and piercing. Each room shall be limited to one (1) customer chair and shall be apart
- 13534 from the waiting room. The rooms shall not be visible to the general public.
- 13535
- 13536 10. Bowling Alley
- 13537
- 13538 11. Bottled gas (Not permitted within 100 feet of any residential district or use).
- 13539
- 13540 12. Brewery, distillery or winery. Permitted if the use does not exceed 15,000 square feet in
- 13541 floor area and includes a tasting room and includes manufacturing of goods to be sold
- 13542 primarily on-site and to the general public as retail sales.
- 13543
- 13544 13. Business office, no stock or storage.
- 13545
- 13546 14. Carpet cleaning (Not permitted within 100 feet of any residential district).
- 13547
- 13548 15. Caterers.
- 13549
- 13550 16. Check cashing including Payday Loans (Not permitted within 1,000 feet of like use, Dollar
- 13551 Store, Pawn Shop, or Secondhand and/or used merchandise, retail).
- 13552
- 13553 17. Child care facility. Same shall contain a contiguous outdoor fenced or walled-in play area
- 13554 located away from vehicular traffic and providing no less than 30 percent shade coverage.
- 13555 The outdoor play area shall be covered in turf, mulch, sand or other nonhazardous
- 13556 pervious materials. The outdoor play area shall not be credited toward open space
- 13557 requirements.
- 13558
- 13559 18. Clubs—Civic, noncommercial.
- 13560
- 13561 19. Commercial recreation (indoor).
- 13562
- 13563 20. Dental laboratory.

- 13564  
13565 21. Dollar store (Not permitted within 1,000 of like use, Check cashing including Payday  
13566 Loans, Pawn Shop, or Secondhand and/or used merchandise, retail).  
13567  
13568 22. Dry cleaning establishment subject to the following limitations and requirements:  
13569  
13570 a. Ventilation shall direct exhaust away from residential districts and uses; and  
13571  
13572 b. Not more than ten (10) individual cleaning units shall be used in any establishment,  
13573 and the total combined rated capacity shall not exceed 80 pounds; and  
13574  
13575 23. Fire station.  
13576  
13577 24. Funeral home.  
13578  
13579 25. Groceries, retail.  
13580  
13581 26. Gun shop and gun ranges (indoors and soundproofed).  
13582  
13583 27. Health studio or club, gymnasium.  
13584  
13585 28. Janitorial service.  
13586  
13587 29. Jewelry, watch, and electronic repairs.  
13588  
13589 30. Landscaping and plant nursery.  
13590  
13591 31. Laundries, coin-operated (may only be open for operation from 7:00 a.m. to 11:00 p.m.).  
13592  
13593 32. Locksmith.  
13594  
13595 33. Mail-plus service.  
13596  
13597 34. Massage services, permitted as accessory use only within an approved medical office or  
13598 physical therapy office.  
13599  
13600 35. Medical office. Not including correctional or mental, nor institutions for care of drug or  
13601 liquor patients.  
13602  
13603 36. Merchant, retail.  
13604  
13605 37. Municipal buildings, parks, playgrounds.  
13606  
13607 38. Museum.  
13608  
13609 39. Music, instruction (indoors and soundproofed only).  
13610

13611 40. Nightclubs, teen clubs, catering halls or dance halls, with an occupant load of less than  
 13612 two 250 persons.

13613

13614 41. Package store.

13615

13616 42. Personal care services, except massage.

13617

13618 43. Pet grooming (soundproofed only).

13619

13620 44. Pet shop, subject to restrictions set forth in chapter 6 of the Margate Code of Ordinances.

13621

13622 45. Pharmacy, subject to the following limitations:

13623

13624 a. No more than ten (10) percent of all prescription medication dispensed shall be from  
 13625 the list of Schedule II controlled substances provided in F.S. § 893.03.

13626

13627 b. No less than 50 percent of floor area shall be used for retail display and transactions.  
 13628 Photography studio and developing. Subject to requirements of section 40.705 of this  
 13629 Code.

13630

13631 46. Picture framing.

13632

13633 47. Place of Assembly, subject to the requirements of section 40.619 of this Code.

13634

13635 48. Printing, photocopying, blueprinting shop with no more than 25 employees.

13636

13637 49. Professional office.

13638

13639 50. Recording studio (indoors and soundproofed only).

13640

13641 51. Rental business. (Not vehicular).

13642

13643 52. Restaurant.

13644

13645 53. School of instruction, non-academic.

13646

13647 54. Secondhand and/or used merchandise, retail. Not permitted within 1,000 feet of like use,  
 13648 Check cashing including Payday Loans, Pawn Shop, or Dollar Store.

13649

13650 55. Shoe repair shop.

13651

13652 56. Small appliance repair. Not permitted within 100 feet of any residential district.

13653

13654 57. Substation for utilities.

13655

13656 58. Swimming pool equipment and chemicals, retail, subject to the following conditions and  
 13657 limitations:

13658

- a. All swimming pool supplies, including prepackaged chemicals, except bulk quantities of sodium hypochlorite, shall be dispensed strictly through retail sales and shall be stored and sold within a completely enclosed structure.
- b. No wholesale or bulk nonpackaged storage or sale of calcium hypochlorite or muriatic acid shall be permitted. Muriatic acid shall be sold only if prepackaged.
- c. Chemical storage area not permitted within 100 feet of any residential district.

59. Tailor shop, seamstress.

60. Television, radio and movie studios (no towers).

61. Theater, indoor. Subject to requirements of section 40.705 of this Code.

62. Utilities, facility offices.

63. Vehicle dealership, new, subject to the following limitations and requirements:

- a. Minimum size of three (3) acres of contiguous land.

64. Vending machine (outdoor), permitted as an accessory use to a permitted use and subject to the following limitations contained in section 40.621 of this Code.

65. Walkway cafes less than 1,000 square feet in area; permitted subject to the limitations contained in section 40.622 of this Code.

(F) 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, pursuant to the procedure and criteria set forth in section 40.306 of the Margate Code of Ordinances.

1. Amusement arcade centers in accordance with all provisions of section 40.612 of this Code and F.S. Chapter 849.
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.

- 13707 3. Auction gallery for art goods, jewelry, rugs, furniture, and other similar items.
- 13708
- 13709 4. Automobile tires, new. Not permitted within 100 feet of any residential district or use.
- 13710
- 13711 5. Car wash, including automated tunnels, brushless, detailing, hand washing, and polishing.
- 13712 Not permitted within 1,000 feet of any other car wash rack. Not permitted within 100 feet
- 13713 of any residential district or use. All washing requires a water containment and reclamation
- 13714 system.
- 13715
- 13716 6. Commercial recreation (outdoor).
- 13717
- 13718 7. Drive through facilities (with a permitted use).
- 13719
- 13720 8. Vehicle fuel station. Subject to requirements and limitations of section 40.613 of this Code.
- 13721 Fuel pumps not permitted within 60 feet of any residential district or use.
- 13722
- 13723 9. Hotels and motels, subject to the following conditions and limitations:
- 13724
- 13725 a. Any outdoor recreation areas including swimming pools shall be located at least 25
- 13726 feet from the lot line of any adjacent residentially zoned property; and
- 13727
- 13728 b. The minimum floor area of rental sleeping room in a motel or hotel, which includes all
- 13729 areas to be individually rented by a customer, shall be 300 square feet.
- 13730
- 13731 10. Laundries, coin operated (extended hours of operation).
- 13732
- 13733 11. Limousine or taxi service three (3) or fewer vehicles; proof of adequate parking facilities
- 13734 shall be demonstrated).
- 13735
- 13736 12. Night clubs, teen clubs, catering halls or dance halls, with an occupancy greater than 250.
- 13737
- 13738 13. Massage services.
- 13739
- 13740 14. Outside sales, display, service, and/or storage. Outside sales, display, service, and/or
- 13741 storage with a permitted use are authorized upon a finding by the city commission that a
- 13742 special exception to this article is warranted. In addition, all areas not completely enclosed
- 13743 which are used for the storage or processing of raw materials must be effectively screened
- 13744 from view of the adjoining streets and parcels through the use of durable fence, wall or
- 13745 hedge, or combination thereof.
- 13746
- 13747 15. Pain management clinic, subject to limitations and requirements of section 40.616 of this
- 13748 Code.
- 13749
- 13750 16. Public or private elementary, middle, or high school, subject to section 40.620 of this Code.
- 13751
- 13752 17. Residential, including multiple-family dwellings, including horizontal and vertical mixed
- 13753 use.
- 13754



13755 18. Restaurants with curb or automobile service. Such approval shall also be subject to the  
13756 following restrictions:

- 13757  
13758 a. Subject property shall be located a minimum of 750 feet from one-family dwelling  
13759 districts; such distance shall be measured from front door of the establishment to the  
13760 single-family property line; and

13761  
13762 19. Theater, outdoor.

13763  
13764 20. Vehicle sales agency (new and / or used vehicles). Not permitted within 100 feet of any  
13765 residential district or use.

13766  
13767 21. Vehicle rental business.

13768  
13769 22. Walkway cafes greater than 1,000 square feet in area, subject to the limitations in section  
13770 40.622 of this Code.

13771  
13772 (G) Lands previously zoned Business Special.

13773  
13774 1. Lands located within the Corridor district that were previously zoned Business Special may  
13775 utilize all uses currently permitted in the Business Special district as provided in Ordinance  
13776 1500.505 and Ordinance 1500.575, until such a time that said properties have been  
13777 redeveloped or rebuilt after catastrophe under Corridor district regulations.

13778  
13779 2. After redevelopment occurs, as described above, this special extension of rights shall  
13780 expire.

13781  
13782 (H) Specific design standards.

13783  
13784 1. Development and design standards for types of streets, buildings, heights, building design,  
13785 site design, access, mixes of uses and other development components are all those that  
13786 apply in section 40.553(E).

13787  
13788 **40.552 Gateway: G**

13789  
13790 (A) Permitted uses. No building or structure, or part thereof, shall be erected, altered or used, or  
13791 land or water used, in whole or in part, for other than any of the uses specified below. All  
13792 minimum separation distances shall be measured in the shortest airline distance between  
13793 nearest property lines unless otherwise specified.

13794  
13795 1. Accessory uses and structures to a permitted use.

13796  
13797 2. Adult day care center.

13798  
13799 3. Art gallery.

- 13801 4. Artisans, studio or workshop. A workshop or studio of an artist, sculptor, photographer,  
13802 jeweler, potter, craftsperson, furniture maker, cabinet maker, or other artist or artisan  
13803 primarily used for on-site production of unique custom goods.  
13804  
13805 5. Automatic teller machine (outdoor).  
13806  
13807 6. Banks and other financial institutions, not including Payday Loans.  
13808  
13809 7. Bars and taverns.  
13810  
13811 8. Bowling alley.  
13812  
13813 9. Brewery, distillery or winery. Permitted if the use does not exceed 15,000 square feet in  
13814 floor area and includes a tasting room and includes manufacturing of goods to be sold  
13815 primarily on-site and to the general public as retail sales.  
13816  
13817 10. Business office, no stock or storage.  
13818  
13819 11. Caterers.  
13820  
13821 12. Child care facility. Same shall contain a contiguous outdoor fenced or walled-in play area  
13822 located away from vehicular traffic and providing no less than 30 percent percent shade  
13823 coverage. The outdoor play area shall be covered in turf, mulch, sand or other  
13824 nonhazardous pervious materials. The outdoor play area shall not be credited toward open  
13825 space requirements. Subject to requirements of section 40.705.  
13826  
13827 13. Clubs—Civic, noncommercial.  
13828  
13829 14. Commercial recreation (indoor).  
13830  
13831 15. Dental laboratory.  
13832  
13833 16. Dollar store (Not permitted within 1,000 feet of a like use, Check Cashing or Payday loans,  
13834 or Secondhand and/or used merchandise, or Pawn Shop).  
13835  
13836 17. Dry cleaning establishment subject to the following limitations and requirements:  
13837  
13838 a. Ventilation shall direct exhaust away from residential districts and uses; and  
13839  
13840 b. Not more than ten (10) individual cleaning units shall be used in any establishment,  
13841 and the total combined rated capacity shall not exceed 80 pounds.  
13842  
13843 18. Fire station.  
13844  
13845 19. Groceries, retail.  
13846  
13847 20. Health studio or club, gymnasium.  
13848

- 13849      21. Janitorial service.
- 13850
- 13851      22. Jewelry, watch, and electronic repairs.
- 13852
- 13853      23. Locksmith.
- 13854
- 13855      24. Mail-plus service.
- 13856
- 13857      25. Massage services, permitted as accessory use only within an approved medical office or
- 13858      physical therapy office.
- 13859
- 13860      26. Medical office. Not including correctional or mental, nor institutions for care of drug or
- 13861      liquor patients.
- 13862
- 13863      27. Merchant, retail.
- 13864
- 13865      28. Municipal buildings, parks, playgrounds.
- 13866
- 13867      29. Museum.
- 13868
- 13869      30. Music, instruction (indoors and soundproofed only).
- 13870
- 13871      31. Nightclubs, teen clubs, catering halls or dance halls, with an occupant load of less than
- 13872      250 persons.
- 13873
- 13874      32. Package store.
- 13875
- 13876      33. Personal care services, except massage.
- 13877
- 13878      34. Pet grooming (soundproofed only).
- 13879
- 13880      35. Pet shop, subject to restrictions set forth in chapter 6 of the Margate Code of Ordinances.
- 13881
- 13882      36. Pharmacy, subject to the following limitations:
- 13883
- 13884          a. No more than ten (10) percent of all prescription medication dispensed shall be from
- 13885          the list of Schedule II controlled substances provided in F.S. §893.03.
- 13886
- 13887          b. No less than 50 percent of the floor area shall be used for retail display and
- 13888          transactions.
- 13889
- 13890      37. Photography studio and developing. Subject to requirements of section 40.705.
- 13891
- 13892      38. Picture framing.
- 13893
- 13894      39. Place of Assembly, subject to the requirements of section 40.619 of this Code.
- 13895
- 13896      40. Professional office.

13897  
13898 41. Recording studio (indoors and soundproofed only).

13899  
13900 42. Rental business. (Not vehicular).

13901  
13902 43. Restaurant.

13903  
13904 44. School of instruction, non-academic.

13905  
13906 45. Secondhand and/or used merchandise, retail; subject to the following limitations:

13907  
13908 a. Not permitted within 1,000 feet from any other secondhand dealer selling like  
13909 merchandise; and

13910  
13911 b. Not permitted within 1,000 feet of any pawn shop; and

13912  
13913 c. Not permitted within 1,000 feet of a Check Cashing or Payday loans; or Dollar Store;  
13914 and

13915  
13916 d. No consignment.

13917  
13918 46. Substation for utilities.

13919  
13920 47. Tailor shop, seamstress.

13921  
13922 48. Television, radio and movie studios (no towers).

13923  
13924 49. Theater, indoor.

13925  
13926 50. Vehicle dealership, new, subject to the following limitations and requirements:

13927  
13928 a. Minimum size of three (3) acres of contiguous land.

13929  
13930 51. Vending machine (outdoor), permitted as an accessory use to a permitted use and subject  
13931 to the following limitations contained in section 40.621.

13932  
13933 52. Walkway cafes less than 1,000 square feet in area; permitted subject to the limitations  
13934 contained in section 40.622.

13935  
13936 (B) Special exception uses. Special exception uses may be deemed appropriate to provide a  
13937 complete distribution of uses with the City, but because of their operational characteristics or  
13938 area requirements need to be given individual consideration with respect to their location,  
13939 access and relationship to adjacent properties and public rights-of-way, and conformity with  
13940 the City's current and future redevelopment efforts.

13941  
13942 The following uses are authorized upon a finding by the City Commission that a special  
13943 exception to the article is warranted, pursuant to the procedure and criteria set forth in section  
13944 40.306 Special Exception of the Margate Code of Ordinances.

- 13945
- 13946 1. Amusement arcade centers in accordance with all provisions of section 40.612 Arcade
- 13947 Amusement Centers and Devices and Chapter 849 of the Florida Statutes as may be
- 13948 amended from time to time.
- 13949
- 13950 2. Animal clinics, pet hospitals, subject to the following limitations:
- 13951
- 13952 a. Adequate soundproofing in any area where animals are contained or treated; and
- 13953
- 13954 b. All boarding activities shall be ancillary to the primary use; [and]
- 13955
- 13956 c. Subject to restrictions set forth in chapter 6 of the Margate Code of Ordinances.
- 13957
- 13958 3. Automobile detailing, washing and polishing. Not permitted within 1,000 feet of the same
- 13959 use or a car wash. Not permitted within 100 feet of any residential district or use. All
- 13960 washing requires a water containment and reclamation system.
- 13961
- 13962 4. Commercial recreation (outdoor).
- 13963
- 13964 5. Drive through facilities (with a permitted use).
- 13965
- 13966 6. Hotels, subject to the following conditions and limitations:
- 13967
- 13968 a. Any outdoor recreation areas including swimming pools shall be located at least 25
- 13969 feet from the lot line of any adjacent residentially zoned property; and
- 13970
- 13971 b. The minimum floor area of rental sleeping room in a motel or hotel, which includes all
- 13972 areas to be individually rented by a customer, shall be 300 square feet.
- 13973
- 13974 7. Massage services.
- 13975
- 13976 8. Night clubs, teen clubs, catering halls or dance halls, with an occupancy greater than 250
- 13977 persons.
- 13978
- 13979 9. Outside sales, display and/or service. Outside sales, display and/or service with a
- 13980 permitted use are authorized upon a finding by the city commission that a special
- 13981 exception to this article is warranted.
- 13982
- 13983 10. Public or private elementary, middle, or high school, subject to section 40.620 of this Code.
- 13984
- 13985 11. Vehicle fuel station. Subject to the limitations of section 40.621 of this Code.
- 13986
- 13987 12. Residential multiple-family dwellings, including horizontal and vertical mixed use.
- 13988
- 13989 13. Theater, outdoor.
- 13990
- 13991 14. Walkway cafes greater than 1,000 square feet in area, subject to the limitations in section
- 13992 40.622 of this Code.

(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).

**40.553 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

14041            b. Not more than ten (10) individual cleaning units shall be used in any establishment,  
14042            and the total combined rated capacity shall not exceed 80 pounds.  
14043  
14044            13. Fire station.  
14045  
14046            14. Groceries, retail.  
14047  
14048            15. Health studio or club, gymnasium.  
14049  
14050            16. Jewelry, watch, and electronic repairs.  
14051  
14052            17. Locksmith.  
14053  
14054            18. Mail-plus service.  
14055  
14056            19. Massage services, permitted as accessory use only within an approved medical office or  
14057            physical therapy office.  
14058  
14059            20. Merchant, retail.  
14060  
14061            21. Municipal buildings, parks, playgrounds.  
14062  
14063            22. Museum.  
14064  
14065            23. Music, instruction (indoors and soundproofed only).  
14066  
14067            24. Package store.  
14068  
14069            25. Personal care services, except massage.  
14070  
14071            26. Pet grooming (soundproofed only).  
14072  
14073            27. Pharmacy, subject to the following limitations:  
14074  
14075            a. No more than ten (10) percent of all prescription medication dispensed shall be from  
14076            the list of Schedule II controlled substances provided in F.S. § 893.03.  
14077  
14078            b. No less than 50 percent of the floor area shall be used for retail display and  
14079            transactions.  
14080  
14081            28. Photography studio and developing.  
14082  
14083            29. Place of Assembly, subject to the requirements of section 40.619 of this Code.  
14084  
14085            30. Professional office.  
14086  
14087            31. Restaurant.  
14088



14089 32. Tailor shop, seamstress.

14090  
14091 33. Theater, indoor. Subject to requirements of section 40.705 of this Code.

14092  
14093 34. Vending machine (outdoor), permitted as an accessory use to a permitted use and subject  
14094 to the following limitations contained in section 40.621.

14095  
14096 35. Walkway cafes less than 1,000 square feet in area; permitted subject to the criteria and  
14097 limitations in section 40.622 of this Code.

14098  
14099 (B) Special exception uses. Special exception uses may be deemed appropriate to provide a  
14100 complete distribution of commercial uses within the City, but because of their operational  
14101 characteristics or area requirements need to be given individual consideration with respect to  
14102 their location, access and relationship to adjacent properties and public rights-of-way, and  
14103 conformity with the City's current and future redevelopment efforts. The following uses are  
14104 authorized upon a finding by the City Commission that a special exception to the article is  
14105 warranted, pursuant to the procedure and criteria set forth in section 40.306 Special  
14106 Exception.

14107  
14108 1. Amusement arcade centers in accordance with all provisions of section 40.612 of this  
14109 Code and Chapter 849 of the Florida Statutes as may be amended from time to time.

14110  
14111 2. Commercial recreation (indoor).

14112  
14113 3. Hotels.

14114  
14115 a. Any outdoor recreation areas including swimming pools shall be located at least 25  
14116 feet from the lot line of any adjacent residentially zoned property; and

14117  
14118 b. The minimum floor area of rental sleeping room in a hotel, which includes all areas to  
14119 be individually rented by a customer, shall be 300 square feet.

14120  
14121 4. Massage services.

14122  
14123 5. Nightclubs, teen clubs, catering halls or dance halls.

14124  
14125 6. Outside sales, display and/or service. Outside sales, display and/or service with a  
14126 permitted use are authorized upon a finding by the city commission that a special  
14127 exception to this article is warranted.

14128  
14129 7. Residential multiple-family dwellings, including vertical and horizontal mixed use.

14130  
14131 8. Theater, outdoor.

14132  
14133 9. Walkway cafes greater than 1,000 square feet in area, subject to the criteria and limitations  
14134 in section 40.622.

14135  
14136 (C) Lands previously zoned M-1 Light Industrial District.

- 14137
- 14138 1. Lands located within the City Center District that were previously zoned M-1 Light
- 14139 Industrial and developed under M-1 Light Industrial regulations may utilize all uses
- 14140 currently permitted in the M-1 Light Industrial district until such a time that the
- 14141 approximately seventeen-acre parcel of land located at 1000 North State Road 7 (Parcel
- 14142 A of "MARGATE THIRD ADDITION", according to the plat thereof, as recorded in Plat
- 14143 Book 44, Page 48 of the public records of Broward County, Florida) has been fully
- 14144 developed under City Center District regulations.
- 14145
- 14146 2. After the above-mentioned development occurs, this special extension of rights shall
- 14147 expire, and all lands located within the City Center District that were previously zoned M-
- 14148 1 Light Industrial shall be considered legally non-conforming until such time as those lands
- 14149 have been redeveloped under City Center District regulations. While in legally
- 14150 nonconforming status, said lands shall comply with all provisions of section 40.308 of this
- 14151 Code.
- 14152

14153 (D) Uses prohibited.

14154

- 14155 1. Any use not specifically listed in section 9.3 is prohibited in Corridor District.
- 14156
- 14157 2. Any use not specifically listed in section 9.4 is prohibited in Gateway District.
- 14158
- 14159 3. Any use not specifically listed in section 9.5 is prohibited in City Center District.
- 14160
- 14161 4. Pain management clinics are prohibited in Gateway and City Center districts District.
- 14162

14163 (E) Specific design standards.

14164

- 14165 1. Intent. This article illustrates the types of streets, buildings, heights, and mixes of uses
- 14166 that create the desired "form" presented in the master plan and Corridor, Gateway, and
- 14167 City Center Districts. Guidelines for building design, site design, access, and other
- 14168 development components are transect-based with a corresponding regulating plan that
- 14169 prescribes the appropriate land uses, and project and site design principles relating to the
- 14170 appropriate form for the pedestrian orientation, streetscape, and public realm in the
- 14171 subject area.
- 14172
- 14173 2. In general, development is able to maximize developable heights and developable volume
- 14174 by positioning buildings at the back of the public sidewalk. Parcels with less than 200 feet
- 14175 of lot depth will also find increased flexibility in achieving greater developable height and
- 14176 building volume while maintaining or increasing separation from adjacent residential
- 14177 properties located to the rear.
- 14178
- 14179 3. A minimum height of two (2) enclosed floors of active use is required for all new
- 14180 development and redevelopment in the City Center District.
- 14181
- 14182 4. Building placement. The building placement regulations contained in this article assume
- 14183 the implementation of a 150-foot minimum trafficways reservation width for parcels
- 14184 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 façade. 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;

- 14281 2. Are intended to replace existing sidewalks;
- 14282
- 14283 3. May be required to be wider than the minimum requirement if any right-of-way reservation
- 14284 dedications, or roadway, utility, or other easements have been previously granted;
- 14285
- 14286 4. Shall maintain a minimum width of 18 feet along all roads classified as an arterial roadway
- 14287 by the Broward Metropolitan Planning Organization's Federal Functional Classification
- 14288 Map;
- 14289
- 14290 5. Shall have a minimum width of 16 feet along all other roads, except for rear alleys and
- 14291 connections;
- 14292
- 14293 6. Beginning from the curb or edge of travel lanes, a landscape buffer shall be provided within
- 14294 the urban greenway which meets the minimum design criteria of the City's landscape
- 14295 code. Behind the landscape buffer, a multi-modal paved path of at least ten (10) feet in
- 14296 width shall be provided within urban greenways built along arterial roadways.
- 14297
- 14298 7. When built along all other roads, shall provide a multi-modal path of at least eight (8) feet
- 14299 in width behind the landscape buffer and within the urban greenway. The paved multi-
- 14300 modal path shall be made of a uniform material, and concrete paths shall not have seams
- 14301 or joints running the length of the path. No obstructions, temporary or permanent, are
- 14302 allowed within the minimum required width of the multi-modal path. Multi-modal paths and
- 14303 landscape buffers wider than the above described minimums are also encouraged. A
- 14304 public access easement shall be dedicated and recorded for any portion of an urban
- 14305 greenway located on privately owned property.
- 14306
- 14307 8. Up to 50 percent of the length of the required landscape buffer within an urban greenway
- 14308 on a local street owned by the City of Margate or a private entity may be utilized for parallel
- 14309 on-street parking if approved by the Department of Environmental and Engineering
- 14310 Services, provided that one (1) tree is planted every three (3) parking spaces. Said tree
- 14311 shall meet the meet the minimum requirements described in this Code. The minimum
- 14312 width of the paved multi-modal path shall not be reduced to accommodate on-street
- 14313 parking and shall be elevated at least six (6) above the grade of the on-street parking.
- 14314

14315 (G) Limitations on uses.

14316

- 14317 1. All activities or permitted uses, including sale, display, preparation and storage, shall be
- 14318 conducted entirely within a completely enclosed building unless otherwise specified in the
- 14319 Code. This prohibition shall not apply to the following:
- 14320
- 14321 a. Access to any drive-through via rear access drive is required. No more than two (2)
- 14322 drive-through lanes per user allowed on site of business.
- 14323
- 14324 b. All equipment and products stored incidental to a permitted use shall be located
- 14325 entirely within an enclosed building proper with the exception of propane or natural
- 14326 gas tanks which shall be completely screened from with a screening structure. No
- 14327 storage trailers allowed.
- 14328

(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.

- j. Package store.
- k. Pet grooming and pet shop.
- l. Recording studio.
- m. Pain management clinic.

(l) Allocation of dwelling units.

1. Within the Activity Center land use designation, the city has a bank of 710 dwelling units to allocate. Of the 710 units, not more than 300 units shall be utilized north of the city center, and not more than 300 units shall be utilized south of the city center. The city planner shall maintain an inventory of available dwelling units to be used within the Activity Center. Activity Center dwelling units shall be allocated on a "first-come, first-served" basis; however, before any dwelling units may be allocated to a development or redevelopment site, the following criteria must be satisfied:
  - a. There are a sufficient number of available dwelling units to allocate within the specified area of the Activity Center.
  - b. The proposed development shall maintain a valid site plan approval from the development review committee.
  - c. A total of 15 percent of the Activity Center residential units shall be provided as affordable housing. For the purposes of this policy, the term "affordable housing" shall include the meaning as defined by the Broward County Land Use Plan. New development and redevelopment shall at minimum provide a proportionate share of affordable housing until at least 15 percent of the total number of Activity Center units have been reserved as affordable. Affordable housing shall be recorded on a covenant running with the land for a minimum of 15 years.
  - d. The proposed development shall demonstrate a high level of connectivity and access to adjacent properties and transit stops.
  - e. The proposed development shall demonstrate the residential use as a principal component of a mixed-use development, or be located within 1,000 feet of supportive commercial, office, and other nonresidential uses.
  - f. The proposed development shall be designed to enhance and support pedestrian travel and the use of public transportation.
  - g. The proposed development shall demonstrate that the residential use will be both compatible and able to successfully integrate into the surrounding neighborhoods and developments. Demonstration shall be implemented through the incorporation of adequate buffers and effective site design.



- 14424 h. The proposed development shall demonstrate adequate public plazas, urban open  
14425 spaces, or green spaces that are accessible to the public.
- 14426
- 14427 i. That the developer shall begin construction of the proposed development within one  
14428 (1) year of a successful petition for an allocation of dwelling units within the Activity  
14429 Center, and that construction of the proposed development shall be completed in no  
14430 more than five (5) years.
- 14431
- 14432 i. If construction of the proposed development has not started within one (1) year of  
14433 a successful petition for an allocation of dwelling units, then any and all approvals  
14434 for the allocation of dwelling units shall become null and void. A one-year waiting  
14435 period, starting from the date of the nullification of approval, shall be required prior  
14436 to any future petition for an allocation of dwelling units.
- 14437
- 14438 ii. If after five (5) years the project has started but has not been completed, the  
14439 developer may petition the Development Services Department for an extension of  
14440 the allocation of dwelling units. An extension may be granted, provided the  
14441 following criteria have been satisfied:
- 14442
- 14443 a. That certain extenuating circumstances created a genuine hardship that  
14444 prevented completion of the development within the allotted time.
- 14445
- 14446 b. That the developer can demonstrate the means and ability to complete  
14447 construction.
- 14448
- 14449 c. That a lapse in active development permits have been no greater than six (6)  
14450 months during the previous five-year period.
- 14451
- 14452 d. The proposed development has a valid site plan approval. Site plans may be  
14453 resubmitted to the development review committee, if necessary.
- 14454
- 14455 e. That any extension of an allocation of Activity Center dwelling units shall not  
14456 exceed three (3) years. Only one (1) extension may be granted before an  
14457 allocation expires.
- 14458
- 14459 2. If a proposed development has not been completed within the allotted time (including  
14460 extensions), then any and all approvals for the allocation of dwelling units shall become  
14461 null and void. A one-year waiting period, starting from the date of the nullification of  
14462 approval shall be required prior to any future petition for an allocation of dwelling units.
- 14463
- 14464 3. If the development plans for a proposed development that has been allocated dwelling  
14465 units are significantly modified, to the extent of changing the nature or intensity of the  
14466 proposed development, then any and all approvals for the allocation of dwelling units shall  
14467 become null and void. The applicant must then petition the City for the use of available  
14468 dwelling units; however, no waiting period(s) shall be imposed for modifying development  
14469 plans.
- 14470
- 14471 (J) The Regulating Plan.

- 14472  
14473 1. Any property within the Activity Center Future Land Use Plan Map designation shall only  
14474 be zoned according to the adopted Regulating Plan Map.

14475  
14476 (K) Parking standards.

- 14477  
14478 1. Regulation of parking. This section contains development standards and design  
14479 guidelines to ensure that parking throughout Corridor, Gateway, and City Center Districts  
14480 is convenient and accessible, accommodates all land uses, and supports the Regulating  
14481 Plan's intended goals, including:

- 14482  
14483 a. Enable people to park once at a convenient location and to access a variety of  
14484 commercial enterprises in pedestrian friendly environments by encouraging shared  
14485 parking.  
14486  
14487 b. Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas.  
14488  
14489 c. Maximize on-street parking.  
14490  
14491 d. Encourage parking to be located to the rear of buildings.  
14492  
14493 e. Provide flexibility for redevelopment of small sites.  
14494  
14495 f. Parking shall be connected with the street by a driveway.  
14496  
14497 g. New on-street parking spaces provided adjoining ground floor residential uses may be  
14498 counted toward the minimum parking requirement for that property.  
14499  
14500 h. Parking types are defined as either surface or structured.

14501  
14502 2. Surface parking.

- 14503  
14504 a. Open. The location of surface parking lots to the rear of buildings is encouraged in  
14505 order to showcase the buildings, provide more visual interest to passersby and provide  
14506 superior visibility to businesses.

14507  
14508 3. Parking structure.

- 14509  
14510 a. Exposed. An above-ground parking structure that is fully or partially exposed to the  
14511 primary front street(s) on the ground level. Exposed parking structures shall not be  
14512 located between the street and habitable buildings they serve. The parking structure  
14513 may be exposed to the building's street frontage(s) on upper levels. Lights with the  
14514 structure shall be recessed and shielded so they are not visible to any surrounding  
14515 properties.  
14516  
14517 b. Wrapped with liner use on ground level. An above-ground parking structure where  
14518 non-parking uses are integrated into the ground level of the building along the parcel's  
14519 primary street frontage(s). Non-parking uses are encouraged to be integrated into the

14520 building along secondary street frontages, further hiding the parking structure from  
14521 view. The parking structure may be exposed to the building's street frontage(s) on  
14522 upper levels.

14523  
14524 c. Wrapped with liner use on all levels. An above-ground parking structure where non-  
14525 parking uses are integrated into the building along the parcel's front street frontage(s)  
14526 on all levels of the building. Non-parking uses are encouraged to be integrated into the  
14527 building along all street frontages, further hiding the parking structure from view.

14528  
14529 4. Access.

14530  
14531 a. Access to parking facilities shall be provided from alleyways, rear roads, or side streets  
14532 wherever possible. Parking facilities on adjoining lots are encouraged to share access  
14533 points and driveways subject to a recorded covenant running with the affected uses.

14534  
14535 b. The total width of parking access openings on the ground level of structured parking  
14536 may not exceed 30 feet.

14537  
14538 5. Parking calculations.

14539  
14540 a. Buildable density on a lot shall be determined by the sum of the actual parking  
14541 calculated as that provided:

14542  
14543 i. Within the lot

14544  
14545 ii. Along the parking lane corresponding to the lot frontage,

14546  
14547 b. Lots immediately adjacent to, or within 400 linear feet (on the same side of a roadway)  
14548 of a designated Broward County Transit stop, Margate Circulator, or other mass transit  
14549 stop, shall be eligible for a parking credit.

14550  
14551 i. A standard transit stop shall provide a credit of two (2) percent of required parking  
14552 spaces, or no less than three (3) spaces.

14553  
14554 ii. If the transit stop has a shelter from sun and rain, the transit stop shall provide a  
14555 credit of five (5) percent of required parking, or no less than seven (7) spaces.

14556  
14557 iii. If a transit station no less than 400 square feet in area has been incorporated into  
14558 the primary facade of a principal structure the transit station shall provide a credit  
14559 of seven (7) percent of required parking, or no less than ten (10) spaces.

14560  
14561 iv. A standard transit stop shall provide a credit of two (2) percent of required parking  
14562 spaces, or no less than three (3) spaces.

14563  
14564 v. If the transit stop has a shelter from sun and rain, the transit stop shall provide a  
14565 credit of five (5) percent of required parking, or no less than seven (7) spaces.

14566

- 14567        vi. If a transit station no less than 400 square feet in area has been incorporated into  
14568        the primary facade of a principal structure the transit station shall provide a credit  
14569        of seven (7) percent of required parking, or no less than ten (10) spaces.  
14570
- 14571        c. Minimum parking requirements are described in section 40.705 of this Code, unless  
14572        specifically provided for below.  
14573
- 14574        i. *Residential.* Residential parking requirements shall be those provided in section  
14575        40.705(C) of this Code, and subject to:  
14576
- 14577            a. Required parking for residential use shall be located within 300 feet of the  
14578            entrance(s) to the building it serves, and  
14579
- 14580            b. Two and one-half (2 1/2) percent parking reduction for multiple-family dwelling  
14581            units within developments containing at least 50 dwelling units, and a  
14582
- 14583            c. Five (5)-percent reduction for multiple-family dwelling units within  
14584            developments containing at least 100 dwelling units.  
14585
- 14586        d. *Bicycle parking.*  
14587
- 14588            i. For residential development, the developer must provide one (1) tenant bicycle  
14589            parking rack or bicycle locker (i.e., storage for one (1) bicycle) per three (3) units  
14590            and one (1) visitor bicycle parking rack per 50 units.  
14591
- 14592            ii. For retail development, the developer must provide one (1) bicycle parking rack or  
14593            bicycle locker per 2,500 square feet of gross floor area.  
14594
- 14595            iii. For office development, the developer must provide one (1) bicycle parking rack  
14596            or bicycle locker per (2,000 square feet of gross floor area.  
14597
- 14598            iv. All bicycle parking facilities are to be highly visible to intended users. Bicycle racks  
14599            provided at designated transit stops shall not count towards meeting the bicycle  
14600            parking requirements, unless said transit stop is located wholly on the site to be  
14601            developed or redeveloped. The bicycle parking facilities, including the bicycle, shall  
14602            not encroach on any area in the public right-of-way intended for use by  
14603            pedestrians, shall not occupy space on a multi-use or shared pathway, nor shall  
14604            they encroach on any required fire egress.  
14605
- 14606        (L) *Open space and computation.*  
14607            1. The Margate Comprehensive Plan requires an additional 12 acres of open space to be  
14608            provided in the Corridor, Gateway, and City Center District. This goal will be accomplished  
14609            by the following open space standards and computations:  
14610
- 14611            a. For lots of less than three (3) acres, the provision of urban greenways or front  
14612            sidewalks and street trees shall satisfy open space requirements.  
14613

- 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

- 14803 maintenance of such areas, functions and facilities which are not proposed to be  
14804 provided, operated or maintained at public expense;  
14805  
14806 c. To bind their successors in title to any commitments made under the above. All  
14807 agreements and evidence of unified control shall be examined by the city attorney,  
14808 and no rezoning of land to RVRP classification shall be adopted without a certification  
14809 by the city attorney that such agreements and evidence of unified control meet the  
14810 requirements of these regulations.  
14811  
14812 2. The developer shall administer common open space through a condominium association  
14813 which shall conform to the following requirements:  
14814  
14815 a. The developer shall establish by charter the condominium association prior to any  
14816 sale;  
14817  
14818 b. Membership in the condominium association shall be mandatory for all property  
14819 owners within the recreational vehicle resort park, and said condominium association  
14820 shall not discriminate in its members or shareholders;  
14821  
14822 c. The condominium association shall manage all common open space and recreational  
14823 and cultural facilities which are dedicated to the public, shall provide for the  
14824 maintenance, administration and operation of said land and any other land within the  
14825 recreational vehicle resort park not publicly or privately owned, and shall secure and  
14826 show evidence of adequate liability insurance on the land.  
14827  
14828 3. Every recreational vehicle park manager or operator shall maintain a register containing  
14829 a record of all recreational vehicle occupants using the recreational vehicle park. Such  
14830 register shall be available to any authorized person inspecting the park, and shall be  
14831 preserved for one year from the date of listing herein. Such register shall contain the  
14832 names and addresses of all recreational vehicle occupants stopping at the park and the  
14833 make, model and license number of the motor vehicle and the recreational vehicle.  
14834  
14835 (C) Uses permitted. No building or structure, or part thereof, shall be erected, altered or used, or  
14836 land or water used, in whole or in part, for other than one of the following specified uses:  
14837  
14838 1. Recreational vehicle (RV) parks of no less than five (5) RV sites.  
14839  
14840 2. Recreational vehicle (RV) sites, within an RV park, for ownership or tenant usage, for  
14841 nonpermanent residency.  
14842  
14843 3. Clubhouses, recreational buildings and facilities, and social centers.  
14844  
14845 4. Common storage areas for trailers and vehicles, for use by owners and tenants of the  
14846 recreational vehicle resort park only.  
14847  
14848 5. Place of Assembly, subject to the requirements of section 40.619 of this Code.  
14849  
14850 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

- 14899 separation from the nearest property on the opposite side of the body of water; except  
14900 that a decorative aluminum fence may be installed in such areas.
- 14901
- 14902 c. Trees shall be planted every 15 lineal linear feet of the perimeter, in a staggered  
14903 pattern, within and throughout the entire length of the ten (10) foot perimeter buffer.  
14904 The tree species used shall be Category I (as provided for in this Code) and  
14905 nondeciduous. The pruning, trimming, removal, or replanting of, or mitigation to, a tree  
14906 on residential property shall be in accordance with the City's landscape code.
- 14907
- 14908 d. Each RV site shall be subject to the following minimum landscape requirements:
- 14909
- 14910 i. Lawns shall be placed on all areas not covered by buildings, shrubs, ground cover  
14911 landscape elements, walks or drives and shall extend to any abutting street  
14912 pavement edge and the mean waterline of any abutting lake, canal or waterway.  
14913 Required landscaping for RV sites within an approved RV park may be planted in  
14914 any area within the RV site that is appropriate to accommodate such landscaping.
- 14915
- 14916 3. RV site standards:
- 14917
- 14918 a. Minimum site size: 3,100 square feet.
- 14919
- 14920 b. Improvements:
- 14921
- 14922 i. RV sites shall be clearly defined and shall be exclusive of any space used for  
14923 common areas, such as roadways, walkways, and recreation areas.
- 14924
- 14925 ii. All RV sites shall include a pad and driveway, and shall be paved with concrete or  
14926 pavers, or as approved by the city, and be designed to provide runoff of surface  
14927 water. The use of asphalt as a paving material for RV pads and driveways shall  
14928 not be permitted unless specifically provided for on a temporary basis pursuant to  
14929 a recorded agreement with the city. RV parking on any unpaved surface is strictly  
14930 prohibited.
- 14931
- 14932 iii. Each RV site shall not exceed 65 percent impervious area. The minimum 35  
14933 percent pervious area(s) of each RV site shall contain the minimum landscaping  
14934 requirements for the site and any remaining areas in the pervious area shall be  
14935 covered in turf.
- 14936
- 14937 c. Separation: No RV pad shall be within five (5) feet of any RV site lot line.
- 14938
- 14939 d. Occupancy: Occupancy of each RV site is limited to one (1) recreational vehicle, one  
14940 (1) automobile or truck, one (1) motorcycle and one (1) golf cart, accommodating one  
14941 (1) party. Permanent RV lot structures and decorative features are allowed, as  
14942 permitted in the individual recreational vehicle site, and all such structures shall  
14943 conform to the Florida Building Code and the Broward County Surface Water  
14944 Management Division permit for the RVRP.
- 14945

- 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

14994                    11-21 of this Code with the exception that a minimum setback of five (5) feet from  
14995                    adjacent RV sites shall be required, with approval from Broward County Surface  
14996                    Water Management Division, the RV Resort Park Condominium Association and  
14997                    compliance with the Florida Building Code.

14998  
14999                    4. *Underground utilities:*

15000  
15001                    a. Within the recreational vehicle resort park, all utilities, including telephone, television  
15002                    cable, and electrical systems, shall be installed underground. Primary facilities  
15003                    providing service to the site may be exempted from this requirement. Large  
15004                    transformers shall be placed on the ground and contained within pad mounts,  
15005                    enclosures or vaults. The developer shall provide adequate landscaping with shrubs  
15006                    and plants to screen all utility facilities permitted above ground.

15007

# ARTICLE 6 USE REGULATIONS



## ARTICLE 6 USE REGULATIONS

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### 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;

- 15055                   c. Female breast below a point immediately above the top of the areola; and  
15056  
15057                   ii. Human male genitals in a discernibly turgid state, even if completely and opaquely  
15058                   covered.  
15059  
15060                   d. Specified sexual activities is defined as:  
15061  
15062                   i. Human genitals in a state of sexual stimulation or arousal;  
15063  
15064                   ii. Acts of human masturbation, sexual intercourse or sodomy; and  
15065  
15066                   iii. Fondling or other erotic touching of human genitals, pubic region, buttock, or  
15067                   female breast.  
15068  
15069                   e. Alcoholic beverage means all beverages containing more than one (1) percent of  
15070                   alcohol by weight.  
15071  
15072                   f. Place of Assembly: An establishment providing a place for persons to gather together  
15073                   for a common purpose in a meeting, recreational, religious or social facility. This  
15074                   definition shall include, but is not limited to auditoriums, private clubs and lodges,  
15075                   community centers, clubhouses, theaters, and places of worship or other facilities that  
15076                   are used for prayer and assembly by persons of similar beliefs.  
15077  
15078                   2. Applicability. Adult book stores or establishments, and adult theatres may be located only  
15079                   in commercial and industrial zones of the City of Margate, pursuant to all provisions  
15080                   contained in this section.  
15081  
15082                   3. Opacity. All adult establishments shall be opaque on all sides and no depiction of adult  
15083                   themes may be represented which is visible from the outside of said establishment.  
15084  
15085                   4. Distance between establishments. No adult bookstore or adult theatre shall be located  
15086                   within 1,000 feet, to be measured from front door to front door of said establishment by  
15087                   airline route, of an existing adult bookstore or adult theatre located within or outside the  
15088                   corporate limits of the City of Margate.  
15089  
15090                   5. Distance from Place of Assembly, child care facility, or school. No adult bookstore or adult  
15091                   theatre shall be located within 1,000 feet of any established Place of Assembly, child care  
15092                   facility, or school located within or outside the corporate limits of the City of Margate,  
15093                   measured from the front door of the adult bookstore or adult theatre to the nearest point  
15094                   of the place of assembly, child care facility or school property used as a part of such facility  
15095                   measured along public thoroughfares by airline measurement.  
15096  
15097                   6. Distance from alcoholic beverage establishment. No adult bookstore or adult theater shall  
15098                   be located within 1,000 feet, measured from the front door of the adult bookstore or adult  
15099                   theatre or property used as a part of such facility measured along public thoroughfares by  
15100                   airline measurement, of an existing establishment which sells alcoholic beverages for  
15101                   consumption on premises located within or outside the corporate limits of the City of  
15102                   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.

<b><u>Minimum Distance of Separation of Establishments from Adult Bookstores or Establishments and Adult Theatres</u></b>	
<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.

15234  
15235 4. Proof:  
15236

15237 a. In all actions, civil or criminal, for violation of this section, proof that the beverage was  
15238 an alcoholic beverage may be made by any person who, by experience in the past in  
15239 handling or use of alcoholic beverages, or who by taste, smell or drinking of such  
15240 liquids has knowledge of the presence of alcoholic content thereof or the intoxicating  
15241 effect thereof, may testify as to his or her opinion whether such beverage is an  
15242 alcoholic beverage.

15243  
15244 b. The presence of alcoholic content of any beverage may be shown by hydrometer or  
15245 gravity test made in or away from the presence of the fact finder by any person who  
15246 has knowledge of the use of said instrument.  
15247

15248 5. Penalties: Any person who shall violate any provision of this section shall be guilty of an  
15249 offense against the city punishable as provided in section 1-8 of the City Code. In addition,  
15250 if the owner, operator, lessor, licensee, lessee, manager, employee or any other person  
15251 participating in the operation of a commercial establishment located within the City of  
15252 Margate at which alcoholic beverages are offered for sale or consumption on the premises  
15253 shall be convicted of any of the offenses designated in this section, then the occupational  
15254 license local business tax receipt of said establishment shall be revoked by the city after  
15255 giving reasonable notice thereof to the holder of said license and affording the holder an  
15256 opportunity to be heard.  
15257

15258 40.611 Alcoholic Beverages  
15259

15260 (A) Definitions.  
15261

- 15262 1. The terms, words and phrases used in this chapter shall be defined as those words, terms  
15263 and phrases are defined in the alcoholic beverage law of the State of Florida, known as  
15264 Chapters 561, 562, 563, 564, 565, 567 and 568, Florida Statutes, as may be amended  
15265 from time to time.  
15266  
15267 2. The term "license" as used in this chapter shall be defined as the city approval as is  
15268 required by the rules and regulations of the state beverage department.  
15269

15270 (B) State beverage law adopted by reference; enforcement authority of city police.  
15271

- 15272 1. The provisions of Chapters 561, 562, 563, 564, 565, 567, and 568, Florida Statutes as  
15273 may be amended from time to time, relating to alcoholic beverages, except those sections  
15274 thereof which are by their nature inapplicable to municipalities, are hereby adopted as a  
15275 part of this Code as fully as if set forth herein in full.  
15276  
15277 2. The city police department shall be charged with the duty of enforcing the provisions  
15278 hereof and shall be vested with such power and authority as necessary in enforcing the  
15279 beverage laws of the city and state in carrying out their duties hereunder.  
15280

15281 (C) Public consumption, possession, prohibited.



- 15282
- 15283     1. It shall be unlawful for any person to drink or consume alcoholic beverages, or have in
- 15284     their possession any open container containing alcoholic beverages, including liquor,
- 15285     beer, or wine, in any commercial establishment as defined by state law, on any public
- 15286     street, in any public park, in any public or quasi-public parking lot, or in any other public
- 15287     place, unless such place is licensed by the State of Florida for the sale of alcoholic
- 15288     beverages.
- 15289
- 15290     2. For temporary City or Community Redevelopment Agency events, temporary uses, or
- 15291     outdoor promotional events approved by the City Commission or Development Services
- 15292     Department in accordance with the criteria contained in section 40.630, outdoor sales
- 15293     and/or consumption of alcoholic beverages shall be permitted where:
- 15294
- 15295         a. The sale and/or consumption of alcoholic beverages in a designated outdoor area is
- 15296         approved by the City Commission or the Development Services Department; and
- 15297
- 15298         b. A license from the State of Florida for such temporary event has been obtained.
- 15299
- 15300     3. This section shall not be construed to permit drinking or consumption of any of the
- 15301     beverages listed herein in public parking lots or in any other public place wherein adjacent
- 15302     stores may be licensed by the City for the sale of alcoholic beverages.
- 15303
- 15304     (D) For this section, the definition of quasi-public shall be that private property where a private
- 15305     owner permits the general and common use of a street or way by the public such as parking
- 15306     lots, shopping centers, and those areas where the public is deemed to be invited. Quasi-public
- 15307     shall also include those portions of private property which are parking lots, streets, or common
- 15308     areas of apartment buildings, condominiums, mobile home parks, and like organizations,
- 15309     where the private owner or organization in control of said areas has requested from the City
- 15310     in writing that this section be enforced.
- 15311
- 15312     (E) Those outdoor portions of any established golf course of which access is limited to only
- 15313     patrons who have paid the appropriate admission fees shall be considered private property
- 15314     and therefore exempt from the prohibitions of this section. The sale and consumption of
- 15315     alcoholic beverages shall be permitted in these areas upon approval of the City Commission.
- 15316
- 15317     (F) Exemption of vendors, etc., from city alcoholic beverage license tax. All vendors, distributors,
- 15318     manufacturers, [and] exporters of alcoholic beverages, as well as clubs and caterers, shall be
- 15319     exempt from the payment of a City alcoholic beverage license tax; provided, this exemption
- 15320     shall not affect the levy of any Local Business Tax Receipt or other City license authorized by
- 15321     state law.
- 15322
- 15323     (G) Authority of administration. The Director of Development Services, or designee, is hereby
- 15324     authorized and directed to execute approvals for applicants for various types of beverage
- 15325     licenses pursuant to the provisions of this section.
- 15326
- 15327     (H) Distance restrictions. The City does not require a minimum separation from establishments
- 15328     licensed to sell or serve alcohol except 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.

- 15377
- 15378 2. Special permits for extended hours. The privilege to sell, serve or permit the consumption
- 15379 of alcoholic beverages at any commercial establishment between the hours of 2:00 a.m.
- 15380 and 4:00 a.m. is hereby declared to be a privilege subject to termination by the City
- 15381 Manager, and no person may reasonably rely on the continuance of said privilege. Any
- 15382 establishment which has not been granted or been approved for renewal of an extended
- 15383 hours permit by the City Manager may not operate beyond the hours provided in
- 15384 subsection (A) above. Any person or business entity which sells or serves alcoholic
- 15385 beverages for consumption on the premises may apply for a special permit for extended
- 15386 hours.
- 15387
- 15388 3. Presumption. The presence of any alcoholic beverage not within an unopened container,
- 15389 along with individuals who are not employees, within an establishment serving alcoholic
- 15390 beverages after closing hour shall be presumed the unlawful sale or service of alcoholic
- 15391 beverages after permitted hours.
- 15392
- 15393 a. Vendors. A special permit granted to a vendor of alcoholic beverages shall permit said
- 15394 vendor to sell, serve and allow consumption of alcoholic beverages on the premises.
- 15395
- 15396 b. The hours of sale of alcoholic beverages consumed or served on the premises where
- 15397 a state liquor license for consumption on the premises has been approved, if a special
- 15398 permit pursuant to this section has been approved, are as follows:
- 15399
- 15400 i. Tier 1 Special permit for extended hours for weekends only:
- 15401 From 2:00 a.m. until 4:00 a.m. on Saturday and Sunday;
- 15402
- 15403 ii. Tier 2 Special permit for extended hours seven (7) days a week:
- 15404 From 2:00 a.m. until 4:00 a.m., Monday through Sunday;
- 15405
- 15406 c. Extended hours shall not be permitted for sale at retail as package goods or for any
- 15407 other reason than consumption on the premises.
- 15408
- 15409 4. Approval process and criteria for special permit for extended hours permit. The following
- 15410 criteria for granting, applying and renewing a special permit for extended hours:
- 15411
- 15412 a. Criteria for granting. Each special permit for extended hours shall expire on September
- 15413 30 of each year or upon the change in ownership or location of any permitted
- 15414 establishment. All applications shall be filed with the Development Services
- 15415 Department, on forms provided by same.
- 15416
- 15417 b. All applications for transfer of ownership or location shall be deemed initial
- 15418 applications. However, applications for transfer of ownership or locations shall be
- 15419 automatically approved for a temporary period of 35 days from the date of either the
- 15420 initial opening of an establishment serving alcoholic beverages or date transfer of
- 15421 ownership or location occurs.
- 15422

- 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

15471 corporations); the type of business license issued by the State of Florida and the  
15472 number thereof. The applicant shall also furnish such other information as may be  
15473 deemed reasonable by the City and shall pay the application fee, established by  
15474 resolution of the City Commission. No application may be deemed completed until the  
15475 requirements of this paragraph are met.

15476  
15477 b. The Police Department shall review and forward each completed application to the  
15478 City Manager with a recommendation based on the criteria provided above. The City  
15479 Manager may require, as a condition of the privilege of extending hours of operation,  
15480 compliance with any reasonable conditions deemed by the City Manager to be  
15481 necessary to mitigate or eliminate the adverse effects of such extended hours. These  
15482 conditions may include, without being limited to, provision by the owner or operator of  
15483 the premises to provide at their expense additional off-street parking, security  
15484 personnel, off-duty police personnel, screening and buffering from nearby properties.  
15485 The City Manager may also require a cash bond in an amount he/she/they deems  
15486 appropriate. The maximum bond amount that can be levied shall be established by  
15487 resolution of the City Commission. No bond as provided herein will be forfeited unless  
15488 the City Manager has determined that the conditions which have been required have  
15489 not been performed.

15490  
15491 c. The granting of a special permit to a particular licensee has been and continues to be  
15492 a privilege subject to modification or termination by the City Manager each year at  
15493 renewal time, and no person may reasonably rely on a continuation of that privilege.

15494  
15495 d. The licensee shall be deemed the owner of an establishment for which application has  
15496 been made and any transfer of ownership or location shall necessitate a new  
15497 application to be made pursuant to this section. Should an establishment owned by an  
15498 entity transfer five (5) percent or more of its assets, said transfer shall be deemed to  
15499 be a transfer of ownership, pursuant to this section.

15500  
15501 6. Renewals.  
15502

15503 a. The renewal of any special permit shall be determined by the City Manager in the  
15504 manner specified in subsection (2) above. Applications shall be received by July 15 of  
15505 each year. Completed applications for renewal which are not received by the  
15506 Development Services Department by July 15 of each year shall be subject to a late  
15507 fee, established by resolution of the City Commission.

15508  
15509 b. If prior to renewal time the city administration determines that any licensee has either  
15510 violated a condition of renewal or is operating in a manner harmful to the public health,  
15511 safety or welfare based upon the criteria specified in subsection (2) above, the City  
15512 Manager may revoke the special permit issued. Written notice of the charges against  
15513 the licensee shall be sent to the special permit holder. The permit holder shall have  
15514 not more than 30 calendar days to send a written response those charges.

15515  
15516 c. After consideration of the matter and allowing the licensee to respond to charges, the  
15517 City Manager may revoke, modify or condition the special permit. The criteria to be  
15518 used by the City Manager in such matters shall be the criteria specified in subsection

- 15519 (2) above. Should the license or privilege be revoked, conditioned or modified, the  
15520 licensee may seek review of such action, after three (3) months, before the City  
15521 Manager. The City Manager may then modify or refuse to modify their action. Only  
15522 one (1) such review shall be given within a 12-month period.  
15523
- 15524 d. No person, vendor or distributor of any place of business licensed under the provisions  
15525 of this section or by the State of Florida, or any employee thereof, shall permit any  
15526 person who is not a proprietor, licensed vendor or employee thereof to remain on the  
15527 licensed premises beyond the legally authorized closing hour; provided however, if  
15528 said premises are divided so that the portion of said premises where alcoholic  
15529 beverages are kept, stored or dispensed is segregated by partition and locked doors  
15530 after the legal hour, then such prohibition shall not apply.  
15531
- 15532 e. Violations declared, prohibited; penalty. It shall be unlawful for any person, firm or  
15533 corporation to violate any of the provisions of this section or the state beverage laws  
15534 incorporated herein; and said violation is declared to be a misdemeanor of the second  
15535 degree, punishable as otherwise provided in the Florida Statutes.  
15536
- 15537 (K) Right of commission to recommend revocation and suspension of state licenses to state  
15538 beverage department. The City Commission retains the right to recommend to the state  
15539 beverage department the revocation or suspension of any license upon cause appearing to  
15540 the violation by any licensee of any of the laws of the State of Florida or of the United States  
15541 or of any of the provisions of this section or ordinances of the City or of his maintaining a  
15542 nuisance or unsanitary premises, disorderly conduct on the premises where such beverage  
15543 business is conducted, or permitting loud and boisterous noises to be made or loud and  
15544 disturbing music to be played on said premises.  
15545
- 15546 (L) Exceptions to section provisions. The following exceptions are made from the terms of this  
15547 section or subsections as referred to:  
15548
- 15549 1. Vendors holding licenses for off-premises sales of beer or malt beverages, wine, fortified  
15550 wine or beverages made of fresh fruits, berries or grapes, either by natural fermentation  
15551 or by natural fermentation with brandy added, including all sparkling wines, champagnes,  
15552 combinations of the aforesaid beverages, vermouths and like products, shall not be  
15553 subject to the distance restrictions contained in subsection (VIII) of this section.  
15554
- 15555 2. The exemption from distance regulations granted by this subsection shall not, however,  
15556 permit the issuance of alcoholic beverage licenses to those persons or places or  
15557 establishments excepted, where said establishment is located in a zoning district as  
15558 defined in the zoning classification ordinances of the city, unless said establishment  
15559 qualifies as a previously existing nonconforming use in that district.  
15560
- 15561 (M) Bottle clubs. Bottle clubs, as defined in Florida Statute 561.01 as may be amended from time  
15562 to time, are prohibited within the City of Margate.  
15563
- 15564 (N) Prohibition of minors.  
15565
- 15566 1. Definitions.

- 15567
- 15568       a. Establishment whose primary business is the sale and consumption of alcoholic
- 15569       beverages: A business where consumption of alcoholic beverages on the premises is
- 15570       permitted and where the sale of alcoholic beverages amounts to 50 percent or more
- 15571       of the gross receipts of the business in any given month.
- 15572
- 15573       b. Adult: An individual over the age of 21 years.
- 15574
- 15575       c. Minor: An individual under the age of 21 years.
- 15576
- 15577       2. Minors unaccompanied by an adult are prohibited from entering establishments whose
- 15578       primary business is the sale and consumption of alcoholic beverages.
- 15579
- 15580       3. In establishments whose primary business is not for the sale and consumption of alcoholic
- 15581       beverages, but where an area has been set aside or separated for the sale of alcoholic
- 15582       beverages, minors are prohibited from entering said area unless accompanied by an adult.
- 15583
- 15584       (O) Nuisance abatement related to establishments serving alcoholic beverages.
- 15585
- 15586       1. Any place or premises serving alcoholic beverages pursuant to section 40.611 may be
- 15587       declared to be a public nuisance, and such nuisance may be abated pursuant to the
- 15588       procedures provided in this section. The violations constituting a nuisance are as follows:
- 15589
- 15590       a. On more than two (2) occasions within a six-month period as a site of a violation of
- 15591       F.S. § 796.07;
- 15592
- 15593       b. On more than two (2) occasions within a six-month period as the site of the unlawful
- 15594       sale, delivery, manufacture, or cultivation of any controlled substance;
- 15595
- 15596       c. On one (1) occasion as the site of the unlawful possession of a controlled substance,
- 15597       where such possession constitutes a felony and that has been previously used on
- 15598       more than one (1) occasion as the site of the unlawful sale, delivery, manufacture, or
- 15599       cultivation of any controlled substance;
- 15600
- 15601       d. By a criminal street gang for the purpose of conducting a pattern of criminal street
- 15602       gang activity as defined by [F.S.] § 874.03; or
- 15603
- 15604       e. On more than two (2) occasions within a six-month period as the site of a violation of
- 15605       F.S. § 812.019 relating to dealing in stolen property.
- 15606
- 15607       2. An administrative board composed of the City Commission is hereby empowered to hear
- 15608       complaints regarding nuisances described in subsection (1). The administration of the City
- 15609       may bring a complaint before the City Commission after giving not less than three (3)
- 15610       calendar days' written notice of such complaint to the owner of the place or premises at
- 15611       their last known address. After the hearing, in which the Commission may consider any
- 15612       evidence, including evidence of the general reputation of the place or premises, and at
- 15613       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



15662 recoverable costs including reasonable attorneys' fees associated with the recording of  
15663 orders and foreclosure.

#### 15664 40.612 Arcade Amusement Centers and Devices

15665  
15666  
15667 (A) Definitions. The following definitions shall apply to this article.

15668  
15669 1. Amusement games or machines: A game or machine operated only for the bona fide  
15670 entertainment of the general public which a person activates by inserting or using currency  
15671 or a coin, card, coupon, slug, token, or similar device, and, by the application of skill, with  
15672 no material element of chance inherent in the game or machine, the person playing or  
15673 operating the game or machine controls the outcome of the game. The term does not  
15674 include:

15675  
15676 a. Any game or machine that uses mechanical slot reels, video depictions of slot machine  
15677 reels or symbols, or video simulations or video representations of any other casino  
15678 game, including, but not limited to, any banked or banking card game, poker, bingo,  
15679 pull-tab, lotto, roulette, or craps.

15680  
15681 b. A game in which the player does not control the outcome of the game through skill or  
15682 a game where the outcome is determined by factors not visible, known, or predictable  
15683 to the player.

15684  
15685 c. A video poker game or any other game or machine that may be construed as a  
15686 gambling device under the laws of this state.

15687  
15688 d. Any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless  
15689 excluded under 15 U.S.C. s. 1178.

15690  
15691 2. Arcade amusement center: A place of business having at least 50 amusement games or  
15692 machines on premises which is operated for the entertainment of the general public and  
15693 tourists as a bona fide amusement facility.

15694  
15695 3. Game room: An establishment, room or place where less than 50 amusement games or  
15696 machines are available to the general public and constitute the accessory use of the  
15697 establishment as defined by this article.

15698  
15699 (B) Gambling devices prohibited.

15700  
15701 1. Nothing in this article shall in any way be construed to authorize, license or permit any  
15702 gambling devices whatsoever, or any mechanism that is prohibited by Chapter 849 of the  
15703 Florida Statutes, has been judicially determined to be a gambling device, in any way  
15704 contrary to law, or that may be contrary to any future laws of the state.

15705  
15706 (C) Location of arcade amusement centers.

15708 1. Arcade amusement centers shall be permitted by special exception in the C, G, CC, B-2  
15709 and B-3 zoning districts, as provided in the city's Zoning Code pursuant to the procedure  
15710 and criteria set forth in section 40.306 of this Code, with the following exceptions:

15711  
15712 a. Arcade amusement centers shall not be permitted within 1,000 feet of another similar  
15713 establishment, nor in any case within the same plaza, shopping center, mall, or other  
15714 facility as another similar establishment.

15715  
15716 b. The distance shall be measured by airline route from the main entrance or front door  
15717 of one amusement arcade center to the main entrance or front door of the other similar  
15718 establishment.

15719  
15720 (D) Location of game rooms.

15721  
15722 1. Game rooms may be permitted as an accessory use, supplemental to the permitted  
15723 primary use of a premises, as outlined in this section, so long as no more than 25 percent  
15724 of the gross square footage of the floor area of the premises is utilized for amusement  
15725 games or machines. For the purpose of this article, each amusement game or machine is  
15726 hereby determined to utilize 25 square feet.

15727  
15728 2. Game rooms shall be permitted as accessory uses to the following uses within any CC,  
15729 G, C, B-2, or B-3 District:

15730  
15731 a. Establishments in which the primary income is derived from serving food;

15732  
15733 b. Bowling alleys or indoor recreation centers;

15734  
15735 c. Business establishments having a minimum floor area of 2,000 square feet.

15736  
15737 (E) Location of amusement games or machines with a permitted use.

15738  
15739 1. Five (5) or fewer amusement games or machines shall be permitted within any  
15740 establishment in any B-1, B-2, B-3, CC, G, C district, and the business portion of any PUD  
15741 Zoning District. Two (2) additional amusement games or machines shall be permitted,  
15742 provided that at least two (2) of the amusement games and machines in the establishment  
15743 are designed for placement upon a bar, counter, table, etc. Additionally, the use of such  
15744 amusement games or machines shall constitute an accessory use as defined in section  
15745 40.612(A) of this Code.

15746  
15747 (F) Additional development standards.

15748  
15749 1. Signage. All signs for amusement arcades shall follow the guidelines set forth in section  
15750 40.706. In addition, the use of any imagery referencing gambling such as, but not limited  
15751 to, slot machines, poker wheels, etc., shall not be permitted when visible from the exterior  
15752 of the tenant space, including, but not limited to, wall signage and window signage.

15753  
15754 2. Operations.

a. Hours of operation. The hours of operation of any amusement arcade center which is duly licensed to sell or serve alcoholic beverages shall be limited to those hours which it is permitted to sell or serve alcoholic beverages. The hours of operation for amusement arcade centers which do not sell or serve alcohol shall be as follows:

i. From 8:00 a.m. until 2:00 a.m. of the following day, Monday through Thursday;

ii. From 8:00 a.m. Friday until 4:00 a.m. the following Saturday;

iii. From 8:00 a.m. Saturday until 4:00 a.m. the following Sunday;

iv. From 10:00 a.m. Sunday until 2:00 a.m. the following Monday.

b. Supervision. An employee at least 21 years of age or older shall be on the center premises of an arcade amusement center at all times and shall supervise the operation thereof during all hours of operation.

c. Age restrictions. No person under the age of 18 years is permitted on premises of an arcade amusement center before 4:00 p.m. on any day the public or private schools are in session, unless such person is accompanied by his or her parent or legal guardian.

### 3. Additional special exception criteria.

a. In granting or denying the special exception as identified in this article, the city commission shall additionally consider the following:

i. That any amusement game or machine proposed to be installed is legally designed and will be operated according to state law.

ii. That any amusement game or machine be electrically safe and acceptable in the manner in which it is installed and operated and certified by the administration as same.

iii. That the proposed use does not materially alter the main use of the applicant's business.

iv. That the proposed use will not alter the surrounding business area or its environment.

## **40.613 Vehicle Fueling Stations**

(A) Purpose. The following regulations shall apply to facilities which dispense automobile fuel, contain vehicle charging stations, oil, or lubricants to the general public. These regulations are supplemental and in addition to other requirements of the applicable zoning district. In the case of a conflict, the regulations contained herein shall apply.

(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.

- 15899
- 15900 9. Cottage food operations, as defined in F.S. § 500.03, are permitted as a valid home
- 15901 occupation when operated in accordance with F.S. § 500.80 and the preceding provisions.
- 15902
- 15903 10. As viewed from the street, the use of the residential property shall be consistent with the
- 15904 uses of the residential areas that surround the property. External modifications made to a
- 15905 residential dwelling to accommodate a home-based business must conform to the
- 15906 residential character and architectural aesthetics of the neighborhood.
- 15907

#### 15908 **40.615 Medical Marijuana Treatment Center Dispensing**

15909

##### 15910 (A) Purpose, findings, and prohibition.

15911

- 15912 1. Purpose. It is the purpose of this ordinance (article) to prohibit Medical Treatment Centers
- 15913 created pursuant to Art. X, § 29 of the Florida Constitution and Chapter 2017-232 Laws of
- 15914 Florida (Codified in F.S. chapter 381) as may be amended from time to time from
- 15915 establishing Medical Marijuana Treatment Center Dispensing Facilities within the
- 15916 municipal limits of the City of Margate.
- 15917
- 15918 2. Findings. Based on authority granted to municipalities in F.S. 381.986(11) as may be
- 15919 amended from time to time, the City Commission finds that a ban on the establishment of
- 15920 Medical Marijuana Treatment Center Dispensaries within the City of Margate is in the best
- 15921 interest of the City.
- 15922
- 15923 3. Prohibition. Medical Marijuana Treatment Center Dispensing Facilities are prohibited
- 15924 within the boundaries of the City of Margate. No variance, special exception or other
- 15925 procedural or regulatory exemption to this City-wide ban may be processed by or granted
- 15926 by the City.
- 15927

#### 15928 **40.616 Pain Management Clinics**

15929

##### 15930 (A) General.

15931

- 15932 1. Notwithstanding any other provision of the Margate Code of Ordinances that allows
- 15933 medical clinics, doctors' offices, or pharmacies as a permitted use in any other zoning
- 15934 district, pain management clinics, as defined in section 40.201, shall be allowed only as a
- 15935 special exception use in the CF, Community Facilities District, the Corridor District, and
- 15936 the B-3 Liberal Business District. In order to provide adequate protection to the community
- 15937 and establish the legitimacy of the business, the following regulations shall apply to the
- 15938 location, design, operation, and maintenance of pain management clinics, and shall be in
- 15939 addition to all other requirements or limitations of this chapter:
- 15940
- 15941 a. A special exception must be approved by the City Commission prior to the
- 15942 establishment of any pain management clinic.
- 15943
- 15944 b. The application for a special exception for a pain management clinic shall disclose, in
- 15945 detail, the owners and operators of the facility, and shall be updated by the
- 15946 owner/operator annually at the time of renewal of the local business tax receipt for the



15947 business, or at any time that there is a change of owner or the physician of record  
15948 pursuant to F.S. § 458.3265 or F.S. § 459.0137, as may be amended from time to  
15949 time.

15950

15951 c. The applicant shall provide to the City proof of registration with the Florida Department  
15952 of Health, pursuant to F.S. § 458.3265 or F.S. § 459.0137, as may be amended from  
15953 time to time, upon application of a special exception. If the registration of a pain  
15954 management clinic is revoked or suspended by the Florida Department of Health, the  
15955 City's special exception shall be revoked automatically.

15956

15957 d. The application for a special exception shall include an affidavit by the owner or  
15958 physician of record pursuant to F.S. § 458.3265 or F.S. § 459.0137, as may be  
15959 amended from time to time, attesting to the fact that no employee of the business, nor  
15960 any independent contractor or volunteer having regular contact with customers of the  
15961 business, has been convicted of a drug-related felony within the five-year period prior  
15962 to the date of application, and that the business shall not employ or allow any such  
15963 convicted employee, independent contractor, or volunteer on the premises thereafter.

15964

15965 e. The application for a special exception shall include written documentation from a fully  
15966 licensed and accredited Broward or Palm Beach County hospital, hospice and/or  
15967 facility for the treatment of the terminally ill that there is an affiliation with the applicant  
15968 pain management clinic, and that the physician(s) of record pursuant to F.S. §  
15969 458.3265 or F.S. § 459.0137, as may be amended from time to time, has/have treating  
15970 privileges at said hospital, hospice, or treatment facility.

15971

15972 f. A pain management clinic shall be limited to the hours of operation between 7:00 a.m.  
15973 and 9:00 p.m., Monday through Saturday.

15974

15975 g. A pain management clinic shall post the required special exception resolution in a  
15976 conspicuous location at or near the entrance to the facility so that it may be easily read  
15977 at any time.

15978

15979 h. No pain management clinic shall be permitted to be located within 1,200 feet of another  
15980 pain management clinic or a place of assembly, child care center, or educational  
15981 center. The applicant shall furnish a certified survey to the City upon application for a  
15982 special exception for the business. Said survey shall be prepared by a registered land  
15983 surveyor in the State of Florida, indicating the distance in linear feet between the  
15984 proposed pain management clinic and another pain management clinic, and any place  
15985 of assembly, child care facility, and educational center, measured from the nearest  
15986 point of one (1) facility to the nearest point of the other facility in a straight line. Any  
15987 pain management clinic legally in existence prior to the effective date of this section,  
15988 but now in violation of its provisions due this Subsection, shall be considered a legal  
15989 nonconforming use for a period of one (1) year from the effective date of this section.  
15990 After the one-year period of time, such nonconforming use shall be removed or  
15991 discontinued.

15992

15993 i. Pain management clinics are prohibited from having any outdoor seating areas,  
15994 queues, or customer waiting areas. All activities of the pain management clinic,



15995 including sale, display, preparation, and storage, shall be conducted entirely within a  
15996 completely enclosed building.

15997  
15998 j. With the exception of subsection viii above, all pain management clinics legally in  
15999 existence prior to the effective date of this section shall comply with the requirements  
16000 herein within 60 days of the effective date of this section.

16001  
16002 k. If at any time the City determines that a pain management clinic is operating in any  
16003 manner that is inconsistent with, or contrary to, the provisions of this article or any  
16004 other applicable code or statute, the City may revoke the special exception.

16005  
16006 **40.617 Self-service Storage**

16007  
16008 (A) Where any structure or site was lawfully developed for the use of self-service storage, said  
16009 use may continue as originally permitted, subject to the limitations of 40.308 of this Code, and  
16010 the following:

16011  
16012 1. Self-service storage shall not be a part of any structure devoted to any other permitted  
16013 use; and

16014  
16015 2. Individual storage units or private postal boxes in a self-service storage shall not be  
16016 considered a premises for the purpose of assigning a legal address in order to obtain a  
16017 local business tax receipt to do business.

16018  
16019 **40.618 Wireless Communication Facilities**

16020  
16021 (A) Intent. The goals of this section are to:

16022  
16023 1. Minimize the impacts of wireless communication facilities on surrounding land uses by  
16024 establishing standards for location, structural integrity, and compatibility;

16025  
16026 2. Avoid potential injury to persons and properties from tower failure and debris hazards  
16027 through structural standards and setback requirements;

16028  
16029 3. Preserve the scenic and visual character of the geographic area by encouraging the  
16030 location, design and architectural treatment of wireless communication facilities to avoid  
16031 the disruption of the natural and built environment, and to ensure harmony and  
16032 compatibility with surrounding land use patterns;

16033  
16034 4. Facilitate the provision of wireless communication services to residents, businesses, and  
16035 visitors;

16036  
16037 5. Provide a uniform and comprehensive framework for evaluating proposals for wireless  
16038 communication facilities;

16039  
16040 6. Encourage builders and tenants of towers and antennas to locate them, to the extent  
16041 possible, in areas where the adverse impact on the community is minimal;  
16042

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.

- 16185
- 16186 27. Lattice structure: A tapered style of antenna support structure that consists of vertical and
- 16187 horizontal supports with multiple legs and cross-bracing, and metal crossed diagonal strips
- 16188 or rods to support antennas.
- 16189
- 16190 28. Least visually obtrusive profile: The design of a telecommunication facility intended to
- 16191 present a visual profile that is the minimum profile necessary for the facility to properly
- 16192 function.
- 16193
- 16194 29. Wireless master plan: A plan developed for the City of Margate by the city's
- 16195 telecommunications consultant intended to enforce the planning and zoning issues of the
- 16196 city while complying with all applicable laws, rules, and mandates of all governing bodies.
- 16197
- 16198 30. Microcell facility: A wireless communications facility consisting of an antenna (as defined
- 16199 above) and related equipment which is located either on a tower or affixed to a structure
- 16200 in some fashion for the provision of wireless services.
- 16201
- 16202 31. Microwave dish antenna: A dish-like antenna used to link wireless service sites together
- 16203 by wireless transmission of voice or data.
- 16204
- 16205 32. Mitigation: A modification of an existing antenna support structure to increase the height
- 16206 or to improve its integrity, by replacing or removing one (1) or several antenna support
- 16207 structure(s) located in proximity to a proposed new antenna support structure in order to
- 16208 encourage compliance with this section or improve aesthetics or functionality of the overall
- 16209 wireless network.
- 16210
- 16211 33. Monopole structure: A style of freestanding antenna support structure consisting of a
- 16212 single shaft usually composed of two (2) or more hollow sections that are in turn attached
- 16213 to a foundation. This type of antenna support structure is designed to support itself without
- 16214 the use of guy wires or other stabilization devices. These facilities are mounted to a
- 16215 foundation that rests on or in the ground or on a building's roof.
- 16216
- 16217 34. Monopole tower: A tower consisting of a single pole or spire self-supported by a permanent
- 16218 foundation, constructed without guy wires and ground anchors.
- 16219
- 16220 35. Non-concealed: A wireless communication facility that is readily identifiable as such and
- 16221 can be either freestanding or attached.
- 16222
- 16223 36. Panel antenna: A grouping of antennas designed for signal gain.
- 16224
- 16225 37. Personal wireless service: Commercial mobile services, unlicensed wireless services, and
- 16226 common carrier wireless exchange access services, as defined in the
- 16227 Telecommunications Act of 1996.
- 16228
- 16229 38. Public safety communications equipment: All communications equipment utilized by a
- 16230 public entity for the purpose of ensuring the safety of the citizens of the city and operating
- 16231 within the frequency range of 150 MHz, 450 MHz, 700 MHz and 1,000 MHz and any future
- 16232 spectrum allocations at the direction of the FCC.

- 16233
- 16234 39. Radio frequency emissions: Any electromagnetic radiation or other communications signal
- 16235 emitted from an antenna or antenna-related equipment on the ground, antenna support
- 16236 structure, building, or other vertical projection.
- 16237
- 16238 40. Replacement: The removal of an existing tower for purposes of erecting a new tower of
- 16239 nearly equal dimensions usually for the purposes of improving structural integrity.
- 16240
- 16241 41. Roofline: The overall ridge line of the structure which does not include cupolas, elevator
- 16242 towers, clock towers or other features that are permitted to exceed the maximum height
- 16243 of the building.
- 16244
- 16245 42. Satellite earth station: A single or group of parabolic (or dish) antennas mounted to a
- 16246 support device that may be a pole or truss assembly attached to a foundation in the
- 16247 ground, or in some other configuration. A satellite earth station may include the associated
- 16248 separate equipment cabinets necessary for the transmission or reception of wireless
- 16249 communications signals with satellites.
- 16250
- 16251 43. Self-support lattice tower: A tapered structure broad at the base and more narrow at the
- 16252 top consisting of cross-members and diagonal bracing and without guyed support.
- 16253
- 16254 44. Structure: Anything constructed or erected, the use of which required permanent location
- 16255 on the ground, or attachment to something having a permanent location on the ground,
- 16256 including advertising signs.
- 16257
- 16258 45. Tower: Any staffed or unstaffed location for the transmission and/or reception of radio
- 16259 frequency signals, or other wireless communications, and usually consisting of a tower or
- 16260 towers, an antenna or group of antennas, transmission cables, and equipment cabinets,
- 16261 and may include an antenna support structure.
- 16262
- 16263 46. Tower base: The foundation, usually concrete, on which the tower and other support
- 16264 equipment are situated. For measurement calculations, the tower base is that point on the
- 16265 foundation reached by dropping a perpendicular line from the geometric center of the
- 16266 tower.
- 16267
- 16268 47. Tower height: The vertical distance measured from the grade line to the highest point of
- 16269 the tower, including any antenna, lighting, lightning protection or other equipment affixed
- 16270 thereto.
- 16271
- 16272 48. Tower site: The land area that contains, or will contain, a proposed tower, support
- 16273 structures and other related buildings and improvements.
- 16274
- 16275 49. Waiver: A modification of the terms of this section where, owing to conditions peculiar to
- 16276 the property, a literal enforcement of this section would result in an unnecessary hardship.
- 16277 A waiver shall be reviewed and issued by the city commission.
- 16278
- 16279 50. Wireless broadband facility: A subtype of wireless communications facility that is an
- 16280 unstaffed location for the wireless transmission and/or reception of broadband data

16281 services exclusively, usually consisting of a tower, an antenna or group of antennas,  
16282 transmission cables, and equipment cabinets, and may include an antenna support  
16283 structure.

16284  
16285 51. Wireless communications facility: A staffed or unstaffed location for the wireless  
16286 transmission and/or reception of voice/data services, including new, mitigated, or existing  
16287 towers, antenna support structures, public antenna support structures, replacement  
16288 antenna support structures, collocation on existing antenna support structures, attached  
16289 wireless communications facilities, concealed wireless communication facilities, and non-  
16290 concealed wireless communication facilities. Antenna support structures do not include  
16291 any device used to attach antennas to an existing building, unless the device extends  
16292 above the highest point of the building by more than 20 feet. Types of support structures  
16293 include, but are not limited to, guyed, lattice, monopole, and other similar type towers,  
16294 utility distribution poles, and water tanks.

16295  
16296 52. Whip antenna: A cylindrical antenna that transmits and/or receives signals in 360 degrees.



16297

16298 (C) Tower siting in certain zoning districts. Freestanding towers shall be located in the following  
16299 order of hierarchy:

16300

16301 1. City-owned property.

16302

16303 2. Utilities U-1 district.

16304

16305 3. Light industrial M-1 district.

16306

16307 4. Industrial park M-1A district.

16308

16309 5. Liberal business B-3 district.

16310

16311 6. Community business B-2 district.

16312

16313 7. Corridor district.

16314

16315 8. Gateway district.

16316

16317 9. Recreational S-1 district.

16318

16319 10. Open space S-2 district.

16320

16321 11. Community facility CF district.

16322

16323 12. City Center district.

16324

16325 13. Conservation CON district.

16326

16327 City-owned property shall take preference over privately owned property. If the proposed site  
16328 is other than city-owned property, the applicant shall provide an affidavit stating that there is  
16329 a demonstrated need for the placement of the facility at that location and that there is not a  
16330 technically suitable location available to accommodate the need on city-owned property.

16331

16332 (D) City-owned property. Freestanding towers shall be deemed a permitted use on any city-owned  
16333 property in accordance with an executed lease agreement acceptable to the city. The city  
16334 shall have no obligation whatsoever to execute such lease even if the applicant can meet the  
16335 criteria set forth herein.

16336

16337 i. The city may, as appropriate, to protect its property and the public interest establish  
16338 additional requirements beyond the minimum requirements of a permit for city-owned  
16339 property. Setback and distance requirements in Article 5 of this Code may be modified  
16340 to the extent necessary to provide for the public interest as determined by the city  
16341 commission. This provision further does not preclude the city from issuing a letter of  
16342 interest for the purposes of leasing sites on designated city property for the  
16343 construction and installation of wireless communications facilities. For designated city-

16344                    owned property, the city will encourage the installation of wireless communications  
16345                    facilities which have a minimal impact on the surrounding areas and are consistent  
16346                    with the development of the affected area.

16347  
16348 (E) Freestanding towers as permitted use. Freestanding towers shall be deemed a permitted use  
16349                    in light industrial M-1 and industrial park M-1A districts subject to DRC approval meeting the  
16350                    requirements of the minimum standards for development of towers as specified in this  
16351                    ordinance.

16352  
16353 (F) Freestanding towers—Conditional. Freestanding towers shall be deemed conditional within  
16354                    the following zoning districts:

16355                    i.    Recreational S-1 district;

16356                    ii.   Open space S-2 district;

16357                    iii.   Liberal business B-3 district;

16358                    iv.   Community business B-2 district;

16359                    v.    Community facility CF district;

16360                    vi.   Corridor district;

16361                    vii.   Gateway district;

16362                    viii.   City Center district.

16363  
16364                    Each conditional use pursuant to paragraph (F) above shall be reviewed by the DRC and  
16365                    approval of the city commission obtained to determine if said conditional use is appropriate  
16366                    in the area where same is to be placed, based upon the criteria set forth herein including,  
16367                    but not limited to, the aesthetics of the proposed facility in conjunction with its surrounding  
16368                    physical environment. The city commission shall make specific written findings of fact  
16369                    regarding the approval or denial of the conditional use.

16370  
16371  
16372 (G) Towers as part of existing utility poles shall be permitted as a conditional use pursuant to  
16373                    paragraph (c) in the Florida Power and Light easement, used for major electric transmission  
16374                    that traverses the city in a north-south corridor approximately 285 feet wide. Said area is  
16375                    parallel to and east of Rock Island Road. No freestanding towers constructed exclusively as  
16376                    a wireless communications facility shall be permitted other than as provided in paragraphs  
16377                    (C), (D), and (E). No additional rights other than provided herein shall be deemed created by  
16378                    this designation.

16379  
16380 (H) Prohibitions. The location of a new tower on a property other than those specified on (C), (D),  
16381                    (E) or (F) shall be prohibited, except as may be granted a waiver by the city commission due  
16382                    to unnecessary hardship or extenuating circumstances, and after consideration of the  
16383                    aesthetics of the proposed facility in connection with its surrounding physical environment; in  
16384                    particular, the applicant must demonstrate:  
16385  
16386  
16387  
16388  
16389  
16390  
16391

- 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

16439 wireless communications facility could accommodate the applicant's proposed facility  
 16440 shall consist of any of the following:  
 16441  
 16442 i. No existing wireless communications facility located within the geographic area  
 16443 meets the applicant's engineering requirements, and why.  
 16444  
 16445 ii. Existing wireless communications facilities are not of sufficient height to meet the  
 16446 applicant's engineering requirements and cannot be increased in height.  
 16447  
 16448 iii. Existing wireless communications facilities do not have sufficient structural  
 16449 integrity to support the applicant's proposed telecommunications facilities and  
 16450 related equipment, and the existing facility cannot be sufficiently improved.  
 16451  
 16452 iv. Other limiting factors that render existing wireless communications facilities  
 16453 unsuitable.  
 16454  
 16455 b. Technical data included in the report shall include certification by a radio frequency  
 16456 engineer qualified to practice before the Federal Communications Commission or  
 16457 other qualified professional, which qualifications shall be included, regarding service  
 16458 gaps or service expansions that are addressed by the proposed tower and  
 16459 accompanying maps and calculations demonstrating the need for the proposed tower.  
 16460  
 16461 c. A map showing the designated search ring along with the exact location of the  
 16462 proposed wireless communications facility on a City of Margate zoning map.  
 16463  
 16464 d. A radio frequency propagation lot indicating the coverage of existing wireless  
 16465 communications sites, coverage prediction, and design radius, together with a  
 16466 certification from the applicant's radio frequency (RF) engineer that the proposed  
 16467 facility's coverage or capacity potential cannot be achieved by any higher ranked  
 16468 alternative such as a concealed facility, attached facility, replacement facility,  
 16469 collocation, or new antenna support structure. NOTE: These documents are needed  
 16470 to justify a facility and to determine if the proposed location is the only or best one (1)  
 16471 in the designated geographic area of the proposed facility.  
 16472  
 16473 e. An affidavit by a radio frequency engineer demonstrating compliance with section  
 16474 40.618(C) (siting alternatives hierarchy). If a lower ranking alternative is proposed the  
 16475 affidavit must address why higher ranked options are not technically feasible, practical  
 16476 or justified given the location of the proposed wireless communications facility.  
 16477  
 16478 f. One (1) original and two (2) paper copies plus one (1) digital copy in pdf format of a  
 16479 survey of the property completed by a registered professional surveyor, licensed in the  
 16480 State of Florida showing all existing uses, structures, and improvements.  
 16481  
 16482 g. Three (3) sets (24 inch x 36 inch) of site plans, one (1) of which must be signed and  
 16483 sealed by a Florida registered Professional Engineer, plus one (1) digital copy in pdf  
 16484 format including antenna support structure elevations, landscape plans, maximum  
 16485 height of the proposed tower and antenna, including individual measurement of the  
 16486 tower base, the antenna support structure and lightning rod, structural designs that

16487 take into account the latest edition of the FBC, and preliminary grading plans, which  
16488 may be included on site plans or separately submitted in equal quantities. The site  
16489 plan shall identify adjacent landowners, land uses, height of principal building, size of  
16490 lots, and existing zoning and land use designation.

16491  
16492 h. The site plan shall include deed book, and page and map book and page reference;  
16493 name of project; scale, north arrow, vicinity map, zoning, watershed classification—  
16494 percent coverage of lot to be impervious surface (if located in a designated watershed  
16495 area; also delineate the location and classification of all major public or private streets  
16496 and rights-of-way, driveways, public parking areas, pedestrian ways, trails and  
16497 bikeways within 500 feet of property boundary, including zoning district boundaries,  
16498 on a 24 inch x 36 inch sheet.

16499  
16500 i. Proof that a property and/or antenna support structure owner's agent has appropriate  
16501 authorization to act upon the owner's behalf (if applicable). A signed statement from a  
16502 qualified person, together with their qualifications, shall be included that warrants radio  
16503 frequency emissions from the antenna array(s) comply with FCC standards regarding  
16504 interference to other radio services. The statement shall also certify that both  
16505 individually and cumulatively, and with any other facilities located on or immediately  
16506 adjacent to the proposed facility, the proposed wireless communications facility  
16507 complies with FCC standards.

16508  
16509 j. A stamped or sealed structural analysis of the proposed antenna support structure  
16510 prepared by a registered professional engineer licensed by the State of Florida  
16511 indicating the proposed and future loading capacity of the antenna support structure  
16512 is compliant with EIA/TIA 222G (as amended).

16513  
16514 k. The applicant shall provide a statement as to the potential visual and aesthetic impacts  
16515 of the proposed tower and equipment on all adjacent residential zoning districts.

16516  
16517 l. All other documentation, evidence, or materials necessary to demonstrate compliance  
16518 with the applicable approval criteria set forth in this ordinance.

16519  
16520 m. A written statement by a registered professional engineer licensed by the State of  
16521 Florida specifying the design structural failure modes of the proposed facility.

16522  
16523 n. The applicant shall demonstrate that the following notice was mailed (via certified mail)  
16524 to all other wireless service providers licensed to provide service within the city as  
16525 indicated on the list of wireless service providers provided by the city:

16526  
16527 "Pursuant to the requirements of section 40.618 of the Margate Unified  
16528 Development Code, we are hereby providing you with notice of our intent to meet  
16529 with the City Staff in a pre-application conference to discuss the location of a  
16530 freestanding wireless communications facility that would be located at \_\_\_\_\_  
16531 (physical address, latitude and longitude (NAD-83)). In general, we plan to  
16532 construct a support structure of \_\_\_\_\_ feet in height for the purpose of providing  
16533 \_\_\_\_\_ (type of wireless service). Please inform City staff if you have any desire  
16534 for placing additional wireless facilities or equipment within 2 miles of our proposed

16535 facility. Please provide us with this information within 20 business days after the  
16536 date of this letter. Your cooperation is sincerely appreciated. Sincerely, (pre-  
16537 application applicant, wireless provider)"  
16538

16539 o. Title report or American Land Title Association (A.L.T.A.) survey showing all  
16540 easements on the subject property, together with a full legal description of the property.  
16541

16542 p. Prior to issuance of a building permit, proof of FAA compliance with subpart C of the  
16543 Federal Aviation Regulations, part 77, and "Objects Affecting Navigable Airspace," if  
16544 applicable.  
16545

16546 q. A line of sight analysis which shall include the following information:  
16547

16548 i. An identification of significant existing natural and manmade features adjacent to  
16549 the proposed tower location, to indicate those features that will provide buffering  
16550 for adjacent properties and public rights-of-way;  
16551

16552 ii. An identification of specific points, measured 2,000 feet north of the proposed  
16553 tower, 1,000 feet south of the proposed tower, and 500 feet east and west of the  
16554 proposed tower from which the line of sight analysis is presented or the closest  
16555 accessible public property from each of the above delineated points;  
16556

16557 iii. A graphic illustration of the visual impact of the proposed tower, at a scale that  
16558 does not exceed five (5) degrees of horizontal distance, presented from specific  
16559 points identified within the line of sight analysis;  
16560

16561 (K) Collocation. No new tower shall be built, constructed or erected in the city unless such tower  
16562 is capable of accommodating, at a future date, additional wireless communications facilities  
16563 owned by other persons and the tower owners agree to comply with subsection 40.618(J)  
16564 existing towers. All new towers shall be designed and built to accommodate multiple users; at  
16565 a minimum, monopole towers shall be able to accommodate two (2) users and at a minimum,  
16566 self-support/lattice or guyed towers shall be able to accommodate three (3) users. As wireless  
16567 technology advances, applicants may be required to construct facilities utilizing advancing  
16568 technologies including, but not limited to, combined antennas when determined necessary for  
16569 health, safety, welfare aesthetics, and compatible with providers technical, capacity and  
16570 coverage requirements. The applicant shall state in any application for permit that it will, as a  
16571 condition of issuance of the permit, accommodate antenna facilities of other providers, on a  
16572 nondiscriminatory basis on terms which are reasonable in the industry unless the applicant  
16573 can affirmatively demonstrate, based on verifiable objective data, why it cannot do so. Refusal  
16574 to continually comply with this obligation shall be a violation of this section and shall be  
16575 grounds for revoking applicant's permit.  
16576

16577 1. Written statement required. In order to facilitate the regulation, placement, and  
16578 construction of an antenna, and to ensure that all parties are complying to the fullest extent  
16579 possible with the rules, regulations, and/or guidelines of the FCC, each owner of an  
16580 antenna, antenna array or applicant for a new wireless communications facility or a  
16581 collocation in additional to the requirements of subsection 40.618(J) shall agree in a  
16582 written statement to the following:



- 16583
- 16584 a. Compliance with "good engineering practices" as defined by the FCC in its rules and
- 16585 regulations.
- 16586
- 16587 b. Compliance with FCC regulations regarding susceptibility to radio frequency
- 16588 interference, frequency coordination requirements, general technical standards for
- 16589 power, antenna, bandwidth limitations, frequency stability, transmitter measurements,
- 16590 operating requirements, and any and all other federal statutory and regulatory
- 16591 requirements relating to radio frequency interference (RFI).
- 16592
- 16593 c. In the case of an application for collocated wireless communications facilities, the
- 16594 applicant, together with the owner of the subject site, shall use their best efforts to
- 16595 provide a composite analysis of all users of the site to determine that the applicant's
- 16596 proposed facilities will not cause radio frequency interference with the city's public
- 16597 safety communications equipment and will implement appropriate technical measures,
- 16598 as described in antenna element replacements, to attempt to prevent such
- 16599 interference.
- 16600
- 16601 d. Whenever the city has encountered radio frequency interference with its public safety
- 16602 communications equipment, and it believes that such interference has been or is being
- 16603 caused by one (1) or more antenna arrays, the following steps shall be taken:
- 16604
- 16605 i. The city shall provide notification to all wireless service providers operating in the
- 16606 city of possible interference with the public safety communications equipment, and
- 16607 upon such notifications, the owners shall use their best efforts to cooperate and
- 16608 coordinate with the city and among themselves to investigate and mitigate the
- 16609 interference, if any, utilizing the procedures set forth in the joint wireless industry-
- 16610 public safety "Best Practices Guide," released by the FCC in February 2001,
- 16611 including the "Good Engineering Practices," as may be amended or revised by the
- 16612 FCC from time to time.
- 16613
- 16614 ii. If any equipment owner fails to cooperate with the city in complying with the
- 16615 owner's obligations under this section or if the FCC makes a determination of radio
- 16616 frequency interference with the city public safety communications equipment, the
- 16617 owner who failed to cooperate and/or the owner of the equipment which caused
- 16618 the interference shall be responsible, upon FCC determination of radio frequency
- 16619 interference, for reimbursing the city for all costs associated with ascertaining and
- 16620 resolving the interference, including, but not limited to, any engineering studies
- 16621 obtained by the city to determine the source of the interference. For the purposes
- 16622 of this subsection, failure to cooperate shall include failure to initiate any response
- 16623 or action as described in the "Best Practices Guide" within 24 hours of the city's
- 16624 notification.
- 16625
- 16626 (L) Access. A parcel of land upon which a tower is located must provide access during normal
- 16627 business hours to at least one (1) paved vehicular parking space on site.
- 16628
- 16629 (M) Compliance with radio frequency emission standards. Each application for a wireless
- 16630 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.

- 16870 4. All maintenance or construction on a tower, wireless communications facilities or antenna  
16871 support structure shall be performed as provided by law.
- 16872
- 16873 5. All towers shall maintain compliance with current radio frequency emissions standards of  
16874 the FCC.
- 16875
- 16876 6. In the event any portion of the use of the tower is discontinued by any provider, that  
16877 provider shall provide written notice to the city of its intent to discontinue use and the date  
16878 when the use shall be discontinued.
- 16879

16880 (BB) Antennas not located on towers.

16881

- 16882 1. Conditional uses. Concealed and non-concealed rooftop or building-mounted antennas  
16883 not exceeding 20 feet above roofline and not exceeding ten (10) feet above maximum  
16884 height of applicable zoning district shall be permitted as a conditional use only as an  
16885 accessory use in the following districts:
- 16886

- 16887 a. City-owned property.
- 16888
- 16889 b. Light industrial M-1 district.
- 16890
- 16891 c. Industrial park M-1A district.
- 16892
- 16893 d. Liberal business B-3 district.
- 16894
- 16895 e. Community business district B-2 district.
- 16896
- 16897 f. Corridor district.
- 16898
- 16899 g. Gateway district.
- 16900
- 16901 h. Recreational S-1 district.
- 16902
- 16903 i. Open space S-2 district.
- 16904
- 16905 j. Community facility CF district.
- 16906
- 16907 k. City center district.
- 16908

16909 The city commission shall make specific written findings of fact regarding the approval or  
16910 denial of the conditional use.

16911

- 16912 2. City-owned property preferred location. City-owned property shall take preference over  
16913 privately owned property. If the proposed site is other than city-owned property, the  
16914 applicant shall provide an affidavit stating that there is a demonstrated need for the  
16915 placement of the facility at that location and that there is not a technically suitable location  
16916 available to accommodate the need.
- 16917



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.

- 17013
- 17014 3. Collocation of wireless communications antennas by more than one (1) provider on
- 17015 existing or new towers shall take precedence over the construction of new single-use
- 17016 towers. Accordingly, each application for a tower shall include the following:
- 17017
- 17018 a. A written evaluation of the feasibility of sharing a tower, if appropriate towers are
- 17019 available. The evaluation shall analyze one (1) or more of the following factors:
- 17020
- 17021 i. Structural capacity of the towers;
- 17022
- 17023 ii. Radio frequency interference;
- 17024
- 17025 iii. Geographical search area requirements;
- 17026
- 17027 iv. Mechanical or electrical incompatibility;
- 17028
- 17029 v. Inability or ability to locate equipment on the tower or towers;
- 17030
- 17031 vi. Availability of towers for collocation;
- 17032
- 17033 vii. Any restrictions or limitations of the FCC that would preclude the shared use of the
- 17034 tower;
- 17035
- 17036 viii. Additional information requested by the city.
- 17037
- 17038 b. The city may deny an application if an available collocation is feasible and the
- 17039 application is not for such collocation.
- 17040
- 17041 c. For any tower approved for shared use, the owner of the tower shall provide notice of
- 17042 the location of the tower.
- 17043
- 17044 d. Requirements in this section may be waived where it is determined that based upon
- 17045 site, location, or facility, such waiver is in the best interest of the health, safety, welfare,
- 17046 or aesthetics of the city and in the best interest of wireless communication service to
- 17047 the community.
- 17048
- 17049 4. Applications under this subsection that are entitled to the streamlined processes described
- 17050 in F.S. § 365.172(12) shall meet all of the requirements set forth in subsection 40.618(X).
- 17051
- 17052 (DD) Satellite earth station (SES).
- 17053
- 17054 1. Compliance standards. Satellite earth stations which are larger than one (1) meter (39.37
- 17055 inches), intended to receive signals from orbiting or geo-stationary satellites and other
- 17056 sources, or to link wireless service sites together by wireless transmission of voice or data
- 17057 shall comply with the following provisions.
- 17058
- 17059 a. Single- and two-family residential standards.
- 17060

- 17061 i. Rooftop SESs are prohibited.
- 17062
- 17063 ii. An SES shall be considered an accessory structure; however, an SES shall be
- 17064 permitted within five (5) feet of a side and/or rear property line.
- 17065
- 17066 iii. No SES shall be permitted within any front, corner, or street side setbacks. For lots
- 17067 having more than one (1) street setback, an SES shall be located in a side setback
- 17068 which does not abut a public or private right-of-way.
- 17069
- 17070 iv. No SES shall exceed 15 feet in height. No dish shall exceed ten (10) feet in
- 17071 diameter.
- 17072
- 17073 v. Any SES located in a rear setback is hereby required to provide a visual screen
- 17074 from neighboring properties and any adjacent rights-of-way. Said screen may take
- 17075 the form of a dense hedge that meets the planting requirements of the landscape
- 17076 code or an opaque fence made of wood or vinyl, or a masonry wall.
- 17077
- 17078 vi. There shall be no more than one (1) antenna as described in paragraph (1) on any
- 17079 single- and two-family lot.
- 17080
- 17081 b. Nonresidential and multifamily standards.
- 17082
- 17083 i. All SESs shall be ground-mounted and located in the rear setback so as not to be
- 17084 visible from any public right-of-way.
- 17085
- 17086 ii. An SES may not be located in the rear setback if the rear lot line abuts a public
- 17087 right-of-way, lands zoned residential or S-1.
- 17088
- 17089 iii. All SES equipment permitted by this section is hereby required to provide a visual
- 17090 screen from neighboring properties and any adjacent rights-of-way. Said screen
- 17091 may take the form of a dense hedge that meets the planting requirements of the
- 17092 landscape code or an opaque fence made of wood or vinyl, or a masonry wall.
- 17093 Said screen material shall be planted or installed within ten (10) feet of the SES.
- 17094
- 17095 iv. No SES shall exceed 20 feet in height measured from grade. No dish shall exceed
- 17096 15 feet in diameter.
- 17097
- 17098 v. Nonresidential SES's may be considered for roof installation provided that
- 17099 application is made to the DRC as a conditional use and same shall be granted or
- 17100 denied by the city commission of the City of Margate. Roof-mounted SES's must
- 17101 be screened by parapets that appear to be an integral part of the building so that
- 17102 not more than 25 percent of the antenna height is visible from grade level of
- 17103 adjacent property and adjacent public or private rights-of-way. The city commission
- 17104 shall make specific written findings of fact regarding the approval or denial of the
- 17105 conditional use.
- 17106
- 17107 vi. All SES's shall not be light reflective. Dish antennas shall not have any sign copy
- 17108 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.

- 17488 8. All outdoor vending machines must be permitted by the Margate Building Department prior  
17489 to installation. All outdoor vending machines must be plugged directly into a power source.  
17490  
17491 9. Prior to issuing a permit for an outdoor vending machine, a letter of authorization from the  
17492 property owner must be submitted with the permit application.  
17493

17494 **40.622 Walkway Cafes**  
17495

17496 (A) Walkway cafes are permitted as an accessory use to a restaurant or other food service  
17497 establishment and subject to the following requirements and limitations:  
17498

17499 1. Application requirements.  
17500

17501 a. Walkway cafe application form.  
17502

17503 b. Photographs, drawings, or manufacturers' brochures describing the appearance of all  
17504 proposed tables, chairs, umbrellas, or other objects related to the walkway cafe;  
17505

17506 c. Hold Harmless Agreement. A signed statement that the applicant shall hold harmless  
17507 the City, its officers, and employees and shall indemnify the City, its officers, and  
17508 employees for any claims for damages to property or injury to persons which may be  
17509 occasioned by any activity carried on under the terms of the permit.  
17510

17511 d. A copy of public liability insurance, food products liability insurance, and property  
17512 damage insurance from all claims and damage to property or bodily injury, including  
17513 death, which may arise from operations under the permit or in connection therewith.  
17514 Such insurance shall provide coverage of not less than \$1,000,000.00 for bodily injury,  
17515 and property damage respectively per occurrence. Such insurance shall be without  
17516 prejudice to coverage otherwise existing therein and shall name as additional insured  
17517 the City, its officers and employees.  
17518

17519 e. For walkway cafe applicants that serve alcoholic beverages, liquor liability insurance  
17520 in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage  
17521 is required. The applicant shall furnish and maintain such public liability, liquor  
17522 products liability, and property damage insurance from all claims and damage to  
17523 property or bodily injury, including death, which may arise from operations under the  
17524 permit or in connection therewith. Such insurance shall be without prejudice to  
17525 coverage otherwise existing therein and shall name as additional insured, the City, its  
17526 officers and employees. Such insurance will be primary to any insurance or self-  
17527 insurance whether collectible or not which may be available to the City, its officers or  
17528 employees;  
17529

17530 f. All of the policies of insurance so required to be purchased and maintained shall  
17531 contain a provision or endorsement that the coverage afforded shall not be canceled,  
17532 materially changed or renewal refused until at least 30 calendar days' written notice  
17533 has been given to the City by certified mail.  
17534

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

- c. The City Commission may grant an extension of time for any TUP by application submitted to the Development Services Department subject to payment of double the fee for the initial application as specified on the fee schedule.
- d. Walkway or parking lot sales by businesses having a City-issued Local Business Tax Receipt, with all such activities located within the property of those businesses and not in any right-of-way.
- e. Farmers' markets.
- f. Community garage sales.
- g. Promotional events for businesses and community facilities having a City-issued Local Business Tax Receipt, which anticipate having fewer than 500 attendees at any given time. All such activities shall be located within the property of those businesses and community facilities and not in any right-of-way.
- h. Block parties in residential areas with an anticipated attendance greater than 75 people but fewer than 500 people. Block parties in residential areas with an anticipated attendance of 75 people or fewer are not required to apply for a TUP, but must notify the Police Department seven calendar days in advance.
- i. Political, religious, or social gatherings which anticipate having fewer than 500 attendees at any given time.
2. City Commission approval: Applications for the following types of TUPs shall be transmitted to the Development Services Department for review and input by various City departments. Subsequent to administrative review, the Development Services Department shall schedule the application for review by the City Commission. The City Commission may approve the application by resolution and may impose reasonable conditions as necessary to ensure public safety and welfare:
- a. Carnivals, fairs, and circuses.
- b. Promotional events for businesses and community facilities which anticipate having 500 or more attendees at any given time.
- c. Fireworks displays and shows.
- d. Other temporary uses or structures which in the opinion of the Development Services Department may require City Commission review.
- e. Block parties in residential areas with an anticipated attendance of 500 or more people.
- f. Political, religious, or social gatherings which anticipate having 500 or more attendees at any given time.

(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.

- 17857 3. Single-family detached dwellings, duplex dwellings, villas, and townhouses shall be limited  
17858 to a maximum of one (1) temporary storage container at a given residence at any time.
- 17859
- 17860 4. In order to be granted a permit, residents who live within a homeowner's association or  
17861 condo association must submit written approval of the portable storage container from  
17862 their association.
- 17863
- 17864 5. The temporary storage container must be removed within 72 hours of Department of  
17865 Building and Code Services having declared the threat of landfall of a hurricane or  
17866 immediately upon the issuance of a flood warning notification.
- 17867
- 17868 6. The temporary storage container is permitted twice a year only and shall remain a  
17869 maximum of 15 calendar days per application.
- 17870

#### 17871 40.702 Fences, Walls and Hedges

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17873 (A) Walls and fences. All walls and fences shall be constructed in accordance with the following  
17874 regulations with the exception of any standards or deviations approved with a Planned Unit  
17875 Development or required by the Planned Residential Community (PRC) District development  
17876 standards. For the purposes of this section any property containing a mixed-use (horizontal  
17877 or vertical) shall follow the standards for nonresidential properties.

17878

- 17879 1. Permitted materials. Aluminum, chain link, concrete block covered with stucco or pre-cast  
17880 concrete, molded polyethylene composite, polyvinyl chloride (PVC), weather proofed  
17881 wood, or other material deemed similar by the Development Services Director. Barbed,  
17882 razor or similar type wire, broken glass, plywood and sheet metal are prohibited.
- 17883
- 17884 a. Chain link exception. Chain link or other similar style fences shall not be permitted  
17885 within the Corridor, Gateway, and City Center zoning districts, except when used on a  
17886 temporary basis to secure an active construction site.
- 17887
- 17888 b. Finished side. All fences shall have the finished side facing the outside of the property,  
17889 with the exception that interior fences abutting properties where an existing fence or  
17890 wall prevents the erection of the fence, in those cases the finished side may face into  
17891 the subject property.
- 17892
- 17893 c. Maintenance. All walls and fences shall be maintained in a state of good repair, free  
17894 of any breaks, discolorations and graffiti and in a safe condition. All wood fences shall  
17895 have weatherproofing applied.
- 17896
- 17897 d. Gate operation. Gates must operate entirely on the property in which they are installed  
17898 unless there is an easement that allows access to the adjoining property. Gates are  
17899 prohibited from operating on any right-of-way.
- 17900
- 17901 e. Setback from a right-of-way or access easement. When any property is developed  
17902 after the date of the adoption of this Code, any perimeter fence or wall of a  
17903 development shall be setback a minimum of five (5) feet from any adjacent right-of-



17904 way or access easement in an area that is under unified control and ownership. Lots  
 17905 within an existing residential subdivision are exempt from this requirement.  
 17906  
 17907 *f. Easements.*  
 17908 *i. When a wall or fence is proposed to be installed in a recorded utility easement the*  
 17909 property owner shall provide a notarized affidavit acknowledging that the utility  
 17910 provider will not be responsible in any way for repairs to, or replacement of, any  
 17911 portion of it and that any removal and replacement of this construction necessary  
 17912 for the use of this easement will be done at the property owner's expense. Further  
 17913 understanding that the owner will assume full responsibility for any damage  
 17914 incurred to the utility facilities during the construction.  
 17915  
 17916 *ii. When a wall or fence is proposed to be installed in a recorded drainage, canal or*  
 17917 lake maintenance easement the property owner shall obtain written permission  
 17918 from the applicable easement holder to install the wall or fence.  
 17919  
 17920 *g. Subdivision or common development walls or fences. All subdivision or common*  
 17921 development walls and fences shall be constructed in a uniform design, material,  
 17922 pattern and color throughout the length of the same development.  
 17923  
 17924 *i. Where one (1) or more lots or lots directly abut the public right-of-way, a uniform*  
 17925 plan or design for a wall or fence shall be submitted at the time that a site plan is  
 17926 considered, and the area in which is it placed shall be under unified control and  
 17927 ownership.  
 17928  
 17929 *ii. A subsequent development which abuts the same right-of-way which is*  
 17930 unseparated by an intersecting street shall conform to the uniform plan for the  
 17931 wall or fence which had been previously submitted to the development review  
 17932 committee. No certificate of occupancy shall be issued prior to the completion of  
 17933 that portion of the wall or fence which has been approved for the lot where  
 17934 development is to take place.  
 17935  
 17936 *a. Aluminum picket with decorative concrete posts*  
 17937  
 17938 *b. Concrete block with stucco*  
 17939  
 17940 *c. Molded Polyethylene Composite*  
 17941  
 17942 *d. Pre-cast concrete*  
 17943  
 17944 *e. PVC*  
 17945  
 17946 *f. A combination of the above*  
 17947  
 17948 *iii. Walls and solid fences for a common subdivision or development shall be provided*  
 17949 where the rear setback abuts the public right-of-way or access easement, setback  
 17950 a minimum of five (5) feet, and the area in which is it placed shall be under unified

17951 control and ownership. Walls and fences shall be constructed only where approved  
17952 by the Development Review Committee.

17953  
17954 iv. Existing subdivisions. On the lots identified in subsections (a and b) below, only  
17955 white PVC privacy fencing as depicted in Figure 1, may be installed along the side  
17956 and rear lot lines.

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Figure 1

a. Generally.

- Banks Road from NW 32<sup>nd</sup> Street to NW 28<sup>th</sup> Street
- Coral Gate Boulevard from the City limits to the Courtyard Condominiums
- Royal Palm Boulevard from NW 57<sup>th</sup> Terrace west to the bridge
- Royal Palm Boulevard from Rock Island Road east to the bridge
- Rock Island Road from the C-14 Canal to Southgate Boulevard
- Southgate Boulevard from Rock Island Road west to the City limits
- SW 11<sup>th</sup> Street from SW 49<sup>th</sup> Terrace to State Road 7

b. Specifically.

<u>FOLIO</u>	<u>SITE ADDRESS</u>
<u>484219100250</u>	<u>5199 NW 32 CT</u>
<u>484219030010</u>	<u>5301 NW 32 CT</u>
<u>484219100130</u>	<u>5184 NW 32 CT</u>
<u>484219031160</u>	<u>5300 NW 32 CT</u>
<u>484219100240</u>	<u>5187 NW 32 ST</u>
<u>484219031170</u>	<u>5301 NW 32 CT</u>
<u>484219100010</u>	<u>5180 NW 32 ST</u>
<u>484219030410</u>	<u>3120 NW 53 TER</u>
<u>484219030420</u>	<u>3110 NW 53 TER</u>
<u>484219100120</u>	<u>5181 NW 31 ST</u>
<u>484219030430</u>	<u>3100 NW 53 TER</u>
<u>484219030440</u>	<u>3020 NW 53 TER</u>
<u>484219050010</u>	<u>5282 NW 31 ST</u>

17988	<u>484219030450</u>	<u>3010 NW 53 TER</u>
17989	<u>484219050110</u>	<u>5273 NW 30 CT</u>
17990	<u>484219030460</u>	<u>3000 NW 53 TER</u>
17991	<u>484219030470</u>	<u>2990 NW 53 TER</u>
17992	<u>484219050120</u>	<u>5274 NW 30 CT</u>
17993	<u>484219030480</u>	<u>2980 NW 53 TER</u>
17994	<u>484219030490</u>	<u>2970 NW 53 TER</u>
17995	<u>484219050200</u>	<u>5265 NW 30 ST</u>
17996	<u>484219030260</u>	<u>5350 NW 29TH CT</u>
17997	<u>484219030500</u>	<u>2960 NW 53 TER</u>
17998	<u>484219030270</u>	<u>5340 NW 29 CT</u>
17999	<u>484219030510</u>	<u>2950 NW 53 TER</u>
18000	<u>484219030280</u>	<u>5332 NW 29 CT</u>
18001	<u>484219050210</u>	<u>5256 NW 30 ST</u>
18002	<u>484219030290</u>	<u>5330 NW 29 CT</u>
18003	<u>484219030520</u>	<u>2946 NW 53 TER</u>
18004	<u>484219030300</u>	<u>5322 NW 29 CT</u>
18005	<u>484219050260</u>	<u>5257 NW 29 CT</u>
18006	<u>484219030530</u>	<u>2930 NW 53 TER</u>
18007	<u>484219030310</u>	<u>5320 NW 29 CT</u>
18008	<u>484219030320</u>	<u>5312 NW 29 CT</u>
18009	<u>484219030540</u>	<u>2920 NW 53 TER</u>
18010	<u>484219030330</u>	<u>5310 NW 29 CT</u>
18011	<u>484219050270</u>	<u>5258 NW 29 CT</u>
18012	<u>484219030340</u>	<u>5321 NW 29 ST</u>
18013	<u>484219030550</u>	<u>2912 NW 53 TER</u>
18014	<u>484219030350</u>	<u>5311 NW 29 ST</u>
18015	<u>484219050320</u>	<u>2931 NW 52 WAY</u>
18016	<u>484219030560</u>	<u>2910 NW 53 TER</u>
18017	<u>484219030360</u>	<u>2901 NW 53 TER</u>
18018	<u>484219030570</u>	<u>2902 NW 53 TER</u>
18019	<u>484219050330</u>	<u>2921 NW 52 WAY</u>
18020	<u>484219030580</u>	<u>2900 NW 53 TER</u>
18021	<u>484219050340</u>	<u>2911 NW 52 WAY</u>
18022	<u>484219050350</u>	<u>2900 NW 52 WAY</u>
18023	<u>484219050540</u>	<u>2904 NW 51 TER</u>
18024	<u>484219050360</u>	<u>2901 NW 51 TER</u>
18025	<u>484219050810</u>	<u>2859 NW 52 TER</u>
18026	<u>484219050820</u>	<u>2869 NW 52 TER</u>
18027	<u>484219050800</u>	<u>2849 NW 52 TER</u>
18028	<u>484219050830</u>	<u>2879 NW 52 TER</u>
18029	<u>484219050840</u>	<u>2841 NW 52 TER</u>
18030	<u>484219050550</u>	<u>2840 NW 51 TER</u>
18031	<u>484219050790</u>	<u>2839 NW 52 TER</u>
18032	<u>484219050780</u>	<u>2829 NW 52 TER</u>
18033	<u>484219050770</u>	<u>2819 NW 52 TER</u>
18034	<u>484219050930</u>	<u>5226 NW 28 ST</u>
18035	<u>484219051040</u>	<u>5235 NW 27 CT</u>

18036	<u>484219051050</u>	<u>5224 NW 27 CT</u>
18037	<u>484219051160</u>	<u>5233 NW 27 ST</u>
18038	<u>484219051170</u>	<u>5220 NW 27 ST</u>
18039	<u>484219051280</u>	<u>5231 NW 26 CT</u>
18040	<u>484219050760</u>	<u>5220 NW 26 CT</u>
18041	<u>484125070440</u>	<u>5817 NW 20 CT</u>
18042	<u>484125070450</u>	<u>5813 NW 20 CT</u>
18043	<u>484125070460</u>	<u>5809 NW 20 CT</u>
18044	<u>484125070470</u>	<u>5805 NW 20 CT</u>
18045	<u>484125070480</u>	<u>5801 NW 20 CT</u>
18046	<u>484126100280</u>	<u>2001 NW 70 LN</u>
18047	<u>484126100010</u>	<u>2000 NW 70 LN</u>
18048	<u>484126100210</u>	<u>2000 NW 69 TER</u>
18049	<u>484126100100</u>	<u>2001 NW 70 AVE</u>
18050	<u>484126100110</u>	<u>2000 NW 70 AVE</u>
18051	<u>484126100200</u>	<u>2001 NW 69 TER</u>
18052	<u>484135060250</u>	<u>150 SW 70TH WAY</u>
18053	<u>484135060770</u>	<u>7201 SW 1ST ST</u>
18054	<u>484135060760</u>	<u>150 SW 72 TER</u>
18055	<u>484135060260</u>	<u>160 SW 70TH WAY</u>
18056	<u>484135060750</u>	<u>160 SW 72 TER</u>
18057	<u>484135060270</u>	<u>170 SW 70TH WAY</u>
18058	<u>484135060740</u>	<u>170 SW 72 TER</u>
18059	<u>484135060280</u>	<u>180 SW 70TH WAY</u>
18060	<u>484135060730</u>	<u>180 SW 72 TER</u>
18061	<u>484135062200</u>	<u>183 SW 73 TER</u>
18062	<u>484135060290</u>	<u>190 SW 70TH WAY</u>
18063	<u>484135060300</u>	<u>191 SW 70TH TER</u>
18064	<u>484135060720</u>	<u>190 SW 72 TER</u>
18065	<u>484135062190</u>	<u>191 SW 73 TER</u>
18066	<u>484135062130</u>	<u>190 SW 74TH AVE</u>
18067	<u>484135062120</u>	<u>191 SW 74TH AVE</u>
18068	<u>484135062060</u>	<u>190 SW 74 TER</u>
18069	<u>484135062050</u>	<u>191 SW 74 TER</u>
18070	<u>484135061990</u>	<u>190 SW 75TH AVE</u>
18071	<u>484135061980</u>	<u>191 SW 75TH AVE</u>
18072	<u>484135061920</u>	<u>190 SW 75 TER</u>
18073	<u>484135061910</u>	<u>191 SW 75 TER</u>
18074	<u>484135061850</u>	<u>190 SW 76 AVE</u>
18075	<u>484135061840</u>	<u>191 SW 76 AVE</u>
18076	<u>484135061780</u>	<u>190 SW 76TH TER</u>
18077	<u>484135061770</u>	<u>191 SW 76TH TER</u>
18078	<u>484135061710</u>	<u>190 SW 77TH AVE</u>
18079	<u>484135061700</u>	<u>191 SW 77TH AVE</u>
18080	<u>484135061640</u>	<u>190 SW 77TH TER</u>
18081	<u>484135061630</u>	<u>191 SW 77TH TER</u>
18082	<u>484135061570</u>	<u>190 SW 78TH AVE</u>
18083	<u>484135061560</u>	<u>191 SW 78TH AVE</u>

18084	<u>484135061510</u>	<u>190 SW 78 TER</u>
18085	<u>484135061500</u>	<u>191 SW 78 TER</u>
18086	<u>484135061450</u>	<u>190 SW 79 AVE</u>
18087	<u>484135061440</u>	<u>191 SW 79 AVE</u>
18088	<u>494101091100</u>	<u>300 SW 66 AVE</u>
18089	<u>494101091090</u>	<u>6605 SW 3 ST</u>
18090	<u>494101091080</u>	<u>6625 SW 3 ST</u>
18091	<u>494101091070</u>	<u>6635 SW 3 ST</u>
18092	<u>494101091060</u>	<u>6655 SW 3 ST</u>
18093	<u>494101091020</u>	<u>300 SW 67 AVE</u>
18094	<u>494101091010</u>	<u>6721 SW 3 ST</u>
18095	<u>494101091000</u>	<u>6741 SW 3 ST</u>
18096	<u>494101090990</u>	<u>6761 SW 3 ST</u>
18097	<u>494101090980</u>	<u>6801 SW 3 ST</u>
18098	<u>494101090970</u>	<u>6851 SW 3 ST</u>
18099	<u>494101090960</u>	<u>6901 SW 3 ST</u>
18100	<u>494101090870</u>	<u>250 SW 70 WAY</u>
18101	<u>494101090860</u>	<u>275 KATHY LN</u>
18102	<u>494206190610</u>	<u>1034 SW 49 TER</u>
18103	<u>494206190520</u>	<u>1023 SW 49 WAY</u>
18104	<u>494206190510</u>	<u>1024 SW 49 WAY</u>
18105	<u>494206190420</u>	<u>1013 SW 49 AVE</u>
18106	<u>494206190410</u>	<u>1014 SW 49 AVE</u>
18107	<u>494206190720</u>	<u>1100 SW 49 TER</u>
18108	<u>494206190710</u>	<u>4911 SW 11 CIR</u>
18109	<u>494206200100</u>	<u>1031 SW 56 AVE</u>
18110	<u>494206190700</u>	<u>4921 SW 11 CIR</u>
18111	<u>494206190290</u>	<u>1071 SW 50 AVE</u>
18112	<u>494206190690</u>	<u>4931 SW 11 CIR</u>
18113	<u>494206200090</u>	<u>1041 SW 56 AVE</u>
18114	<u>494206190680</u>	<u>4941 SW 11 CIR</u>
18115	<u>494206190010</u>	<u>1080 SW 50 AVE</u>
18116	<u>494206200080</u>	<u>5570 SW 10 PL</u>
18117	<u>494206190670</u>	<u>4951 SW 11 CIR</u>
18118	<u>494206200070</u>	<u>5560 SW 10 PL</u>
18119	<u>494206190660</u>	<u>4961 SW 11 CIR</u>
18120	<u>494206200010</u>	<u>5500 SW 10 PL</u>
18121	<u>494206200020</u>	<u>5510 SW 10 PL</u>
18122	<u>494206200030</u>	<u>5520 SW 10 PL</u>
18123	<u>494206200060</u>	<u>5550 SW 10 PL</u>
18124	<u>494206200040</u>	<u>5530 SW 10 PL</u>
18125	<u>494206200050</u>	<u>5540 SW 10 PL</u>
18126	<u>494206200840</u>	<u>1090 SW 55 AVE</u>
18127	<u>494206190900</u>	<u>5001 SW 11 CIR</u>
18128	<u>494206190890</u>	<u>5011 SW 11 CIR</u>
18129	<u>494206190880</u>	<u>5021 SW 11 CIR</u>
18130	<u>484126120030</u>	<u>6965 NW 19 CT</u>
18131	<u>484126120011</u>	<u>6985 NW 19 CT</u>

18132	484126120021	6975 NW 19 CT
18133	484126120340	1999 NW 70 LN
18134	484135060011	190 SW 69TH TER

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.

18180 3. Heights. All walls and fences shall be measured from the grade of the property in which  
18181 they are located and only installed to the following maximum height limits:

18182  
18183 a. Single-family attached and detached dwellings.

18184  
18185 i. Six (6) feet.

18186  
18187 ii. Nonresidential use exception. A property developed with a permitted residential  
18188 use may install a wall or fence to a height not to exceed eight (8) feet along any  
18189 side or rear property line that is adjacent to or separated by a canal right-of-way  
18190 less than 80 feet in width, or an alley from a nonresidential use.

18191  
18192 b. Multiple family dwellings.

18193  
18194 i. Four (4) feet in front setbacks.

18195  
18196 ii. Six (6) feet all other allowed locations.

18197  
18198 iii. Nonresidential use exception. A property developed with a permitted residential  
18199 use may install a wall or fence to a height not to exceed eight (8) feet along any  
18200 side or rear property line that is adjacent to or separated by a canal right-of-way  
18201 less than 80 feet in width, or an alley from a nonresidential use.

18202  
18203 c. Nonresidential properties.

18204  
18205 i. Eight (8) feet.

18206  
18207 ii. Required walls. When a nonresidential property is developed, redeveloped, or  
18208 undergoes a substantial improvement as defined by FEMA regulations, that  
18209 directly abuts or is separated by a canal right-of-way less than 80 feet in width, or  
18210 an alley with a permitted residential use, concrete block covered with stucco or  
18211 pre-cast concrete, eight (8) feet in height shall be installed along any side and/ or  
18212 rear property line facing or abutting the residential use.

18213  
18214 iii. Connectivity. No fence or wall shall be erected within the Corridor, Gateway, and  
18215 City Center district that isolates any property, or otherwise inhibits connectivity and  
18216 the availability of shared parking, with the exception of residential-only  
18217 developments.

18218  
18219 d. Vacant land or abandoned developed properties. Vacant land or abandoned  
18220 developed properties may be secured with a fence constructed in the following manner  
18221 along all property lines:

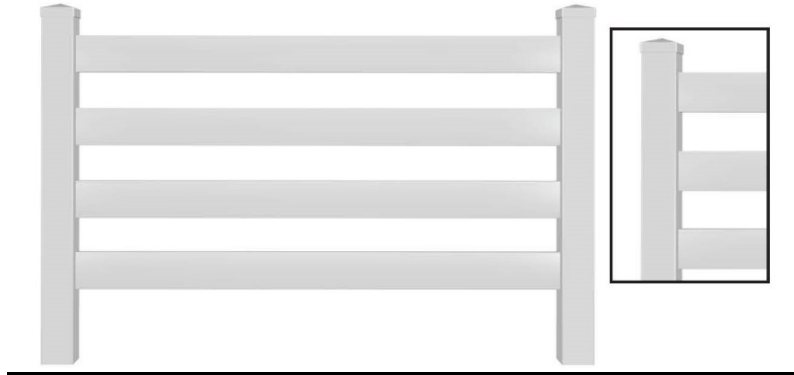
18222  
18223 i. Split rail ranch style fence constructed out of wood or polyvinyl chloride (PVC) (see  
18224 Figure 2)

18225  
18226 a. White in color



18228  
18229  
18230  
18231  
18232

- 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.



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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:

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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 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.
3. *Directly abutting.* To share a common property line without any intervening canal or roadway at least 50 feet in width located along said common property line.
4. *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.
5. *Driveway.* A private road connecting a vehicular use area (defined below) to an access easement, right-of-way, private road or another site.
6. *Drought tolerant species.* Any plant species that will survive extended periods without rain or supplemental irrigation, while remaining healthy and retaining an acceptable appearance.

- 18362 7. Encroachment. Any extension by any part of a vehicle, boat or trailer into a landscaped
- 18363 area.
- 18364
- 18365 8. Florida native species. A native plant species shall be those plant species indigenous to
- 18366 the ecological communities of South Florida, as indicated on lists provided by City of
- 18367 Margate, or that can be scientifically documented to be native to South Florida.
- 18368
- 18369 9. Florida Friendly Landscaping. As defined Under Chapter 373, Florida Statutes (as may be
- 18370 amended from time to time) this addresses landscaping including, but not limited to,
- 18371 planting the right plant in the right place, efficient watering, appropriate fertilization,
- 18372 mulching, attraction of wildlife, responsible management of yard pests, recycling yard
- 18373 waste, reduction of stormwater runoff, and waterfront protections. Additional components
- 18374 of Florida-friendly landscape include planning and design, soil analysis, the uses of solid
- 18375 waste compost, practical use of sod, and proper maintenance.
- 18376
- 18377 10. Ground cover. A planting of low growing plants that covers the ground in place of turf sod
- 18378 and which naturally grows to a height of two and one-half (2½) feet or less.
- 18379
- 18380 11. Hedge. A close planting of shrubs which form a compact, dense, visually opaque, living
- 18381 barrier when mature.
- 18382
- 18383 12. Landscaping. Sod, ground covers, shrubs, vines, accents, hedges, trees, and other
- 18384 decorative forms of live vegetation.
- 18385
- 18386 13. Landscaping element. Nonliving material commonly used in landscaping, including but not
- 18387 limited to, statues, walls, fences, trellises, decorative benches, pergolas, arbors, curbing,
- 18388 fountains, ponds, and boulders, etc. However, not synthetic turf. All proposed ponds or
- 18389 water bodies must meet the South Florida Drainage District specification, guidelines and
- 18390 standards.
- 18391
- 18392 14. Mulch. An arsenic-free organic soil covering such as compost, wood chips, bark or straw
- 18393 used to reduce evaporation, prevent erosion, control weeds, enrich the soil, and lower soil
- 18394 temperature for around trees, palms, accents, shrubs and ground covers per code and not
- 18395 to be utilized as mulch beds only.
- 18396
- 18397 15. Nonresidential property. All land that is used for commercial, industrial, and/or community
- 18398 facility uses.
- 18399
- 18400 16. Pervious area. A natural ground surface area that allows the penetration of water.
- 18401
- 18402 17. Right-of-way. Land, usually in a strip, acquired for or devoted to transportation purposes.
- 18403
- 18404 18. Scalping. Cutting lawn grass low so that the stems of the grass blades are exposed due
- 18405 to operator error or improperly maintained equipment.
- 18406
- 18407 19. Shade tree. A category 1 tree as specified in this section.
- 18408

- 18409 20. *Shrub*. A multi-stemmed woody plant with several permanent stems instead of a single  
18410 trunk and usually not over ten (10) feet in height.
- 18411
- 18412 21. *Site*. An area of land consisting of a lot, tract, parcel or other unit of land recorded in the  
18413 public records, or combinations thereof, and having a common development scheme  
18414 presented to the city as a single project whether simultaneously or in phases.
- 18415
- 18416 22. *Sod or Lawn*. A mat layer of living monocotyledonous grass plants such as, but not limited  
18417 to, Bahia, Bermuda, Centipede, Seaside Paspalum, St Augustine, and Zoysia and their  
18418 cultivars. However, this definition does not include any type of synthetic/artificial turf.
- 18419
- 18420 23. *Synthetic turf*. Means a dense and continuous surface of synthetic fibers mounted on a  
18421 permeable backing and of sufficient density and green color to replicate the appearance  
18422 of healthy, natural grass.
- 18423
- 18424 24. *Tree*. Any living, self-supporting, dicotyledonous or monocotyledonous woody perennial  
18425 plant which has a DBH of no less than three (3) inches at maturity and which normally  
18426 grows to an overall height of no less than ten (10) feet in southeast Florida.
- 18427
- 18428 25. *Vehicular use area*. Any area used by vehicles, except public rights-of-way, to include, but  
18429 not be limited to, areas for parking, display or traverse of any and all types of vehicles,  
18430 cars, motorcycles, buses, boats, trailers, campers or heavy construction equipment. Also  
18431 included are areas paved or compacted for outdoor storage, display or sales.
- 18432
- 18433 26. *Vine*. A plant which produces climbing, meandering stems and which will grow only as tall  
18434 as their supporting object.
- 18435
- 18436 27. *Weed*. An uncultivated plant of rapid growth, generally characterized by the production of  
18437 large quantities of seeds, which tends to overgrow or choke out more desirable plants.
- 18438

18439 (C) *Application of landscaping code.*

18440

- 18441 1. No new building or vehicular use area shall be erected or paved, unless in conformity with  
18442 the regulations specified herein.
- 18443
- 18444 2. The provisions of this landscaping code regarding the installation of new landscaping  
18445 material (other than replacement landscaping material) shall apply in the following  
18446 instances:
- 18447
- 18448 a. When any existing building or vehicular use area is expanded, extended, redeveloped,  
18449 or enlarged; however, single-family homes undergoing driveway expansion or repave  
18450 shall not be required to install new landscaping at the time of permitting.
- 18451
- 18452 b. For any special exception use application that involves new construction,  
18453 redevelopment, or substantially redeveloping or reconstructing an existing building.
- 18454
- 18455 c. Any existing affected area related to an application for special exception use within an  
18456 existing building, other than described above.
-

18457  
18458 d. Any exterior affected areas related to an application.  
18459

- 18460 3. The standards for landscaping maintenance shall be applicable to all landscaping within  
18461 the city regardless of when same was installed.  
18462

18463 (D) Plan required.  
18464

- 18465 1. A landscaping plan and irrigation plan shall be submitted with every DRC application for  
18466 site plan approval, or amendment, or special exception, or any other building permit  
18467 application for a new building, expansion of building, or building permit to substantially  
18468 redevelop or reconstruct a building or principal structure. Said landscaping plan shall be  
18469 prepared by a Florida registered landscape architect.  
18470

- 18471 2. Landscaping plan specifications. Landscaping plans shall be required to be submitted as  
18472 follows:  
18473

18474 a. The landscaping plan must be drawn to scale and show the location and dimensions  
18475 of all existing and proposed structures and infrastructure, including, but not limited to,  
18476 vehicular use areas, driveways, surface water areas, site lighting, walls, fences, gates,  
18477 signs, transformers, berms, utilities, and fire lanes, zones and hydrants.  
18478

18479 b. The landscaping plan shall indicate the location, size, grade and specifications of all  
18480 existing and proposed landscaping materials, including common and botanical names,  
18481 planting instructions, soil and fertilizer requirements, mulch specifications, berm  
18482 elevations, protective curbs or other devices, existing trees, and the description of any  
18483 adjacent conditions which affect the landscaping of the subject site. Also, provide  
18484 planting and staking details including, but not limited to, planting and staking  
18485 specifications, general notes, and tree protection barricade details.  
18486

18487 c. Plant species and materials shall be selected and located on the plan so that plant  
18488 groupings are organized by water, light, and soil condition requirements.  
18489

18490 d. An irrigation plan signed and sealed by a State of Florida Registered Landscape  
18491 Architect for all landscaped areas within the site and adjacent right-of-way or access  
18492 easement shall be submitted simultaneously with the landscaping plan. Said irrigation  
18493 plan shall show the source of water, pumps, valves, pipe sizes, rain sensors, head  
18494 types, locations and spray patterns.  
18495

18496 e. The landscape plan shall also include any trees or landscaping on adjacent properties  
18497 within 25 feet that may impact the landscape plan.  
18498

18499 f. Such other information that may be required to give a complete understanding of the  
18500 proposed plans.  
18501

- 18502 3. The Development Services Department shall review the landscaping plan for compliance  
18503 with the minimum requirements of this code. All landscaping shall be installed pursuant to  
18504 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.
    - iii. Nonresidential, mixed use, and multifamily properties shall not be permitted to substitute palm trees for more than 25 percent of the shade trees required by this section.
    - iv. A palm with multiple trunks shall be counted as a single palm.
    - v. Multi-trunk palms may not be used as a hedge material. This includes but is not limited to such species as Areca palm (Dypsis lutescens), Bamboo palm (Chamaedorea seifrizii), Fishtail palm (Caryota mitis), Lady Palm (Rhapis excelsa), or Lipstick palm (Cyrtostachys renda).
  - c. Tree size requirements shall only be applied to landscaping required through processes outlined in this Code.
  - d. Sabal palmetto/cabbage palm planted after December 20, 2023, do not provide credit toward tree requirements outlined in this Code.



- 18553 3. Shrubs and hedges shall be mulched and installed at a minimum of two (2) feet in height  
18554 after planting. Where hedges are required, shrubs must be planted every (3) feet on  
18555 centers. Shrubs used for hedges shall be woody, evergreen species.  
18556
- 18557 4. Ground covers shall be mulched and planted at 75% coverage in sufficient quantity as to  
18558 present a finished appearance and to provide complete coverage within three (3) months.  
18559 5. Lawn areas shall be sodded with St. Augustine Floratam, Palmetto or Bermuda, with the  
18560 following exceptions except as permitted below:  
18561
- 18562 a. Shrubs, ground covers, and planting beds may be substituted for any area otherwise  
18563 required to provide lawns or sod. Landscapes made entirely of rock, mulch, shell, or  
18564 other similar materials are not permitted.  
18565
- 18566 b. Landscape elements may be substituted for up to 25 percent of any area otherwise  
18567 required to provide lawns or sod.  
18568
- 18569 c. Bahia sod is generally prohibited but may be permitted in specific approved retention  
18570 areas.  
18571
- 18572 d. Bare soil is prohibited in any area otherwise required to be sodded.  
18573
- 18574 e. Plant species listed as prohibited within the South Zone as provided in the University  
18575 of Florida's Institute of Food and Agricultural Sciences biennial Assessment of Non-  
18576 Native Plants shall hereby be prohibited from use and installation within the city.  
18577

18578 (F) Installation.  
18579

- 18580 1. All landscaped areas within nonresidential, multifamily, and mixed-use developments shall  
18581 be protected from vehicular encroachment by curbing or other durable barriers. All shade  
18582 trees, except palms, installed within six (6) feet of public infrastructure, including, but not  
18583 limited to, utility lines, sidewalks, curbing, asphalt and paved rights-of-way, shall utilize at  
18584 least a 24" deep root barrier system, structure soil or suspended pavement system as  
18585 approved by the department of environmental and engineering services. The front of  
18586 parked vehicles may overhang a protected landscaped area if said area is at least seven  
18587 (7) feet wide.  
18588
- 18589 2. Planting holes shall be a minimum of twice the diameter of the root ball or container and  
18590 shall be free of limerock, rocks, asphalt or other debris. All planting holes shall be backfilled  
18591 with suitable soil, free of clay, stone, plants, roots, and other debris. The root flare shall be  
18592 visible at time of planting.  
18593
- 18594 3. Slow-release general fertilizer shall be applied at the time of planting and contain trace  
18595 elements iron and manganese in addition to N-P-K. However, fertilizer shall not be applied  
18596 within ten (10) feet of any body of water.  
18597
- 18598 4. Trees.  
18599

- 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.

- 18695  
18696 a. Hedges, trees, and palms shall be planted no closer than two (2) feet from any lot line.  
18697 The planting of hedges, trees, or palms within any easement of record shall be  
18698 permitted only when written permission is granted by the applicable departments  
18699 and/or utility companies.  
18700

18701 10. Irrigation.

- 18702 a. All landscaping required by this code shall be supplied with water through an  
18703 underground irrigation system. Said irrigation system shall deliver 100 percent  
18704 coverage and 50 percent overlap of all landscaping plants, including swale turf sod.  
18705 Irrigation systems shall not spray upon abutting property, adjoining sidewalks and  
18706 streets, or any other impervious surfaces.  
18707  
18708 b. Trees, shrubs, flowers, and ground covers may be irrigated with low volume drip,  
18709 micro-spray, or bubbler emitters.  
18710  
18711 c. All irrigation systems installed after the effective date of this article shall properly install,  
18712 maintain, and operate technology that inhibits or interrupts operation of the system  
18713 during period of sufficient moisture in accordance with Section 373.62, Florida  
18714 Statutes, as amended. Such technologies include, but are not limited to, rain sensors,  
18715 also called rain shutoff devices, and soil moisture sensors.  
18716  
18717 d. A zone layout plan (minimum scale one (1) inch equals 20 feet).  
18718  
18719 e. Indication of water source, valves, pumps, backflow preventers, controllers, main line,  
18720 lateral lines, sleeves, headtypes, specifications, and spacing.  
18721  
18722 f. All irrigation systems utilizing non-potable water shall include a treatment system to  
18723 prevent rust stains.  
18724  
18725 g. An indication of methods used to achieve compliance with University of Florida's The  
18726 Florida Friendly Landscaping Guide to Plant Selection and Landscape Design as  
18727 required by F.S. Statute 373.185, unless provided for herein.  
18728  
18729 h. A non-potable water source must be used, if available. A well shall be drilled if the  
18730 necessary permit can be obtained.  
18731  
18732 i. Such other information that may be required to give a complete understanding of the  
18733 proposed plan.  
18734  
18735 j. No irrigation system that draws water from a canal or similar waterway shall be  
18736 installed such that the irrigation suction line float encroaches further than 10% of the  
18737 width of the canal or waterway where it is located, measured from the canal retaining  
18738 wall. Where there is no canal retaining wall, the distance shall be measured from the  
18739 property line unless same is not submerged, in which case the measurement shall be  
18740 from the average high-water line.  
18741  
18742

(G) Florida-Friendly Landscaping.

18743  
18744 Within the City of Margate, the principles of Florida-friendly landscaping shall be incorporated into  
18745 all landscape designs. These include the following:  
18746

- 18747 1. Preserving existing native trees and vegetation, if feasible. Where established natural  
18748 vegetation is incorporated into the landscape design, irrigation of those areas shall not be  
18749 required.
- 18750 2. The plant palette and irrigation system shall be appropriate for site conditions, taking into  
18751 account that, in some cases, soil improvements can enhance water use efficiency.  
18752 Drought resistant plants are emphasized.  
18753
- 18754 3. Plants shall be grouped together by irrigation demand.  
18755
- 18756 4. The percentage of landscaped area in irrigated high-water use hydrozones shall be  
18757 minimized. The maximum percentage of irrigated landscape area that may be included in  
18758 high water use hydrozones, excluding sod, shall not exceed 20 percent. These high-water  
18759 use limits shall not apply to landscaped areas requiring large amounts of sod for their  
18760 primary functions, e.g., ball fields and playgrounds.  
18761
- 18762 5. Soil improvements are encouraged to improve the soil with organic materials prior to the  
18763 installation of any irrigation system.  
18764
- 18765 6. An efficient irrigation system shall be required and designed according to the water needs  
18766 of the planting groups.  
18767
- 18768 7. Reclaimed or non-potable water should be used for irrigation if an acceptable source is  
18769 determined to be available by the City Utilities Department. If such reclaimed water or non-  
18770 potable water is available from the City to service a site, a local water provider, if different  
18771 than the City, shall allow such use of reclaimed water, unless prohibited by Statute.  
18772
- 18773 8. Low impact design principles such as bio-swales, bio-retention areas and other creative  
18774 stormwater management techniques.  
18775

18776 (H) Required landscaping abutting rights-of-way. On the site of a building or vehicular use area  
18777 directly fronting on a public right-of-way, with the exception of single-family detached dwellings  
18778 and duplex detached dwellings, there shall be landscaping provided between the site and the  
18779 right-of-way as follows:  
18780

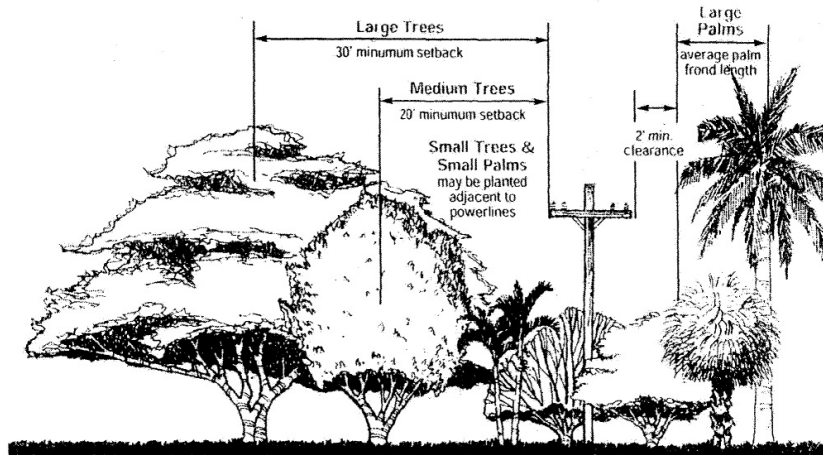
- 18781 1. In nonresidential districts, mixed-use and multi-family residential districts, a strip of land at  
18782 least ten (10) feet in width, adjacent to and parallel with the right-of-way, shall be  
18783 landscaped. Within said strip there shall be planted at least one (1) shade tree for every  
18784 40 linear feet of frontage or portion thereof. In addition, a hedge shall be planted within  
18785 the landscape strip and parallel with the street. All hedges must be planted a minimum of  
18786 two (2) feet back from any public sidewalk. The remaining area of this strip shall be  
18787 covered with additional shrubs, ground covers, and or sod turf. Ground covers shall cover  
18788 at least 50 percent of the landscaping strip not occupied by trees and shrubs.  
18789

- 18790 a. Mixed-use developments are permitted to encroach into this landscaped area for  
18791 facilities related pedestrian-friendly amenities.
- 18792
- 18793 b. Mixed-use developments are permitted to utilize smaller trees in these landscaped  
18794 areas where a structure abuts the landscaped area.
- 18795
- 18796 2. In mixed-use districts, where developments are required to provide an urban greenway of  
18797 varying widths based on the size of the abutting roadway. The following provisions shall  
18798 apply:
- 18799
- 18800 a. An eight (8) foot-wide planting strip measured from the curb or edge of pavement  
18801 inward toward the private development, running parallel with the right-of-way shall be  
18802 provided.
- 18803
- 18804 b. Within said planting strip, one (1) shade tree shall be planted within a 80 square foot  
18805 pervious area every 30 linear feet of frontage. Sod, shrubs or ground covers shall fill  
18806 areas of the pervious area not occupied by the required shade tree.
- 18807
- 18808 c. Where a substitution for a smaller tree is necessary because of existing overhead  
18809 utility lines, each category 2 tree shall be planted within a 64 square foot pervious area,  
18810 and each category tree shall be planted within a minimum 40 square foot pervious  
18811 area.
- 18812
- 18813 d. Palm trees are permitted within the urban greenway but shall not be credited toward  
18814 the urban greenway tree requirement.
- 18815
- 18816 e. Public amenities requested by the Development Review Committee shall be provided  
18817 within the planting strip at the time of development, including but not limited to, paved  
18818 connections to the right-of-way, benches and other public seating, waste receptacles,  
18819 bicycle racks or lockers, etc.
- 18820
- 18821 3. Where overhead utilities are pre-existing and in conflict with the installation of required  
18822 trees, a smaller category of tree may be planted at an increased frequency in lieu of the  
18823 category 1 shade tree requirement and as follows:
- 18824
- 18825 a. One (1) category 2 tree shall be planted for every 24 linear feet of frontage; or
- 18826
- 18827 b. One (1) category 3 tree shall be planted for every 18 linear feet of frontage.
- 18828
- 18829 (l) Requirements for planting of trees under or adjacent to utilities.
- 18830
- 18831 1. Small trees. Defined as less than 20 feet in height at maturity and may be planted adjacent  
18832 to, or under, power lines.
- 18833
- 18834 2. Medium trees. Defined as 20 feet to 30 feet in height at maturity, and must have a setback  
18835 of 20 feet from the crossbar of the power-line poles, as depicted in Exhibit "A."
- 18836



3. Large trees. Greater than 30 feet in height at maturity and must have a setback of 30 feet from the crossbars of the power-line pole, as depicted in Exhibit "A."
4. Small palms. Small palms shall be defined as less than 20 feet in height and can be planted adjacent to, or under, power lines.
5. Large palms. Large palms shall be defined as greater than 20 feet in height at maturity and shall be planted at the average frond length plus two (2) feet for minimum clearance from the crossbar of the power poles as depicted in Exhibit "A."

#### Exhibit "A"



#### (J) Visual clearance.

1. Public rights-of-way. When a site abuts the intersection of two (2) public rights-of-way, landscaping shall be maintained within the sight triangle to provide adequate visibility. The 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.

a. Within the perimeter landscape strip described above, each abutting property shall plant one (1) shade tree along the common property line for every for every 75 linear feet or fractional part thereof. Such shade trees shall be located with consideration given to the trees provided by the abutting property, so that adequate spacing is provided between the trees. If overhead utility lines are in conflict with the selection of shade tree species, then right tree right place shall prevail.

b. The remaining area of the perimeter landscape strip shall be planted with small ornamental trees, shrubs, ground covers, and turf sod. Not more than 50 percent of the perimeter landscape strip may be sodded.

The provisions of this section shall be modified in the following instances:

i. Where buildings are located along a common property line, the requirements of this section shall not apply to those portions of the perimeter covered by such buildings.

ii. Where an agreement to operate abutting properties as a joint parking area or a cross access agreement is in force, the perimeter landscape strip requirements between said properties shall be waived for the portions of the perimeter used for vehicular access until the agreement is terminated.

2. Property owner responsibility for waterway frontage.

a. All canals, lakes and retention areas shall be kept clear of any and all bushes, trees, vegetation, or debris of any sort emanating from adjacent banks that interfere with the free flow of water within such canals, lakes and retention areas.

b. Where tree limbs overhang into a canal right-of-way or over any other body of water, said tree limbs shall be properly pruned to provide a minimum of eight (8) feet of vertical clearance measured from the mean water level or top of sea wall.

c. The banks adjacent to all canals, lakes and retention areas not containing seawalls shall be cleared, and kept clear, of all Florida Holly, Australian pines, weeds, and other noxious species.

d. Such banks shall be graded at a slope no steeper than four (4) horizontal to one (1) vertical and shall be covered with sod down to the design water elevation.

(L) Parking area and pedestrian zone interior landscaping.

Interior landscaping shall be located within the vehicular use area subject to the following requirements:

1. Terminal islands. Landscaped terminal islands of at least 11 feet in width (including curbs) 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.

- 19014  
19015 2. Previously developed sites that are legally non-conforming with this section shall be  
19016 required to comply at the time of any DRC application for site plan approval or amendment,  
19017 or special exception that involves new construction, redevelopment, or substantially  
19018 redeveloping or reconstructing an existing building.

19019  
19020 To achieve the objectives of this section, existing off-street parking facilities may be  
19021 reduced upon administrative review and approval of a site plan amendment by the  
19022 Development Review Committee.  
19023

- 19024 3. All mechanical, utility, or any other equipment installed outside and on the ground shall be  
19025 screened from all public rights-of-way by a continuous hedge, fence or wall maintained to  
19026 a height not less than six (6) inches above the height of the installed equipment. The  
19027 screening material shall be planted or installed within ten (10) feet of the equipment that it  
19028 was planted intended to screen.  
19029

- 19030 4. Shopping centers and strip centers shall place litter receptacles along the front walkways  
19031 of said centers at an interval of 200 linear feet or a minimum of two (2) per center,  
19032 whichever is greater. Freestanding commercial buildings shall contain a minimum of one  
19033 (1) trash receptacle per building.  
19034

19035 a. For the purposes of this section, litter receptacle shall be defined as any container  
19036 which is made of wood, recycled plastic, metal or stone and is a minimum of thirty (30)  
19037 gallons in size. Said container shall be provided and usable for the disposal of litter,  
19038 garbage or trash and same shall be collected and disposed of on a regular basis.  
19039

19040 b. Litter receptacles shall be architecturally compatible with the surrounding development  
19041 and shall be permanently anchored to the wall or ground to prevent theft and/or  
19042 vandalism.  
19043

19044 c. For food and beverage drive-through uses, litter receptacles shall also be placed at  
19045 the exit of drive through lanes to allow for vehicular traffic to utilize receptacles.  
19046

19047 (N) *Planting in swales.*  
19048

- 19049 1. *Certain species prohibited.* The planting of the following types of trees shall be prohibited  
19050 within or nearby to the nontravelled public rights-of-way (swales, parkways, etc.) of a  
19051 highway, road, street or any thoroughfare held as public property for public access within  
19052 the city: the Florida Holly, Ficus, Brazilian Pepper, any tree of the Moraceae family, and  
19053 any tree or shrub having an excessive root system that is considered undesirable by the  
19054 City for maintenance of streets, sidewalks and public utilities.  
19055

- 19056 2. *Application required.* Anyone planting trees or shrubs within any portion of the nontravelled  
19057 public rights-of-way (swales, parkways, etc.) within the city shall make written application  
19058 for said planting to the department of environmental and engineering services, and obtain  
19059 approval if there are no water mains in the swales. If a tree is planted and has not been  
19060 approved by the City, it shall be removed by the property owner who planted it if not  
19061 approved by the City.

- 19062
- 19063       3. Maintenance. Landscaping other than trees and sod shall be maintained to a maximum
- 19064       height of 24 inches. Tree limbs shall be properly pruned to ANSI 300 standards to provide
- 19065       a minimum of eight (8) feet of vertical clearance above grassy areas and adjacent
- 19066       sidewalks, and a minimum of 14 feet of vertical clearance above adjacent paved
- 19067       roadways. Sod shall be maintained to a maximum height of six (6) inches.
- 19068

19069 (O) Minimum landscape requirements for zoning districts.

19070

19071 The following are the minimum landscaping requirements for the designated zoning districts:

19072

- 19073       1. Sites of Single-family dwellings, and two-family dwellings, and individual RV sites within
- 19074       an RVRP district shall provide the following minimum landscaping on site. However, right
- 19075       trees and right place, site specific trees, and the sustainability of the trees shall take
- 19076       precedence with the selection of the trees required. Not less than 50 percent of the
- 19077       required landscaping shall be planted in the front half of the lot.
- 19078
- 19079       2. Lawns/Sod. Lawns shall be placed on all areas not covered by buildings, shrubs, ground
- 19080       covers, landscape elements, walks or drives and shall extend to any street pavement edge
- 19081       and to the mean waterline of any abutting lake, canal or waterway.
- 19082
- 19083       3. Trees. Minimum tree requirements shall be based on lot size, as follows:
- 19084
- 19085       a. Canopy area values considered for this section shall be the same as those specified
- 19086       in the table provided in this Code.
- 19087
- 19088       b. When calculating tree requirements, fractional portions shall be rounded up to the
- 19089       nearest whole tree requirement.
- 19090
- 19091       c. Lots of 15,000 square feet or greater shall provide the canopy equivalent of 12 percent
- 19092       of the gross lot size.
- 19093
- 19094       d. Lots ranging from 6,000 to 14,999 square feet or greater shall be required to provide
- 19095       a tree canopy equivalent of ten (10) percent of the gross lot size.
- 19096
- 19097       e. Lots of 5,999 square feet or less shall provide the canopy equivalent of eight (8) per
- 19098       cent six (6) percent of the gross lot size., however, no lot shall provide less than two
- 19099       (2) Category 3 trees and one (1) Category 4 tree.
- 19100
- 19101       4. Shrubs. Every lot shall provide at least one (1) shrub per thousand square feet of gross
- 19102       area, or fractional portion thereof, however, no lot shall provide less than six (6) shrubs.
- 19103
- 19104       5. Multiple family dwelling districts, including but not limited to R-3, R-3A, R-3U, PRC, and
- 19105       PUD districts. In addition to any other landscaping required by this Code, each site shall
- 19106       contain a minimum of six (6) shrubs and the canopy equivalent of one (1) category 2 tree
- 19107       per dwelling unit. Lawns shall be placed on all areas not covered by buildings, shrubs,
- 19108       ground covers, landscape elements, walks or drives and shall extend to any abutting street
- 19109       pavement edge and to the mean waterline of any abutting lake, canal, or waterway.

19110  
19111 6. Nonresidential districts.  
19112

- 19113 a. In cases of nonresidential development or redevelopment, on that portion of the site  
19114 which is abutting or adjacent to residentially zoned or designated property, the  
19115 nonresidential property owner shall create a buffer zone along the common property  
19116 line in order to screen light, noise, traffic and trash from the residential parcel.  
19117  
19118 b. The buffer zone is required when a nonresidential site directly abuts a residential site  
19119 or residential use.  
19120  
19121 c. The buffer zone is required when the nonresidential site is separated from a residential  
19122 site or use by any private roadway, any alley, and/or any roadway classified by the  
19123 Broward County Trafficways Plan Map as a local road.  
19124  
19125 d. The buffer zone is required when the nonresidential site is separated from a residential  
19126 site or use by a canal or other waterbody that has an average width of less than 80  
19127 feet.  
19128  
19129 e. The buffer zone requirement does not apply to City parks.  
19130

19131 7. The nonresidential site shall create a 20-foot wide unpaved strip along the common  
19132 property line.  
19133

- 19134 a. This buffer strip shall provide an eight (8) foot high unpierced decorative masonry wall,  
19135 constructed in conformance to applicable building codes and stuccoed include a  
19136 decorative, painted or dyed, finished surface and painted on both sides, and  
19137 maintained in good condition.  
19138  
19139 b. Said wall shall be located wholly on the nonresidential site adjacent to the common  
19140 property line and running its full length. Walls within the same subdivision shall  
19141 conform to a uniform compatible design and appearance.  
19142  
19143 c. One (1) category 1 non-deciduous tree shall be planted for every 25 linear feet of the  
19144 strip. Trees shall be planted in a staggered pattern, but in no instance shall a tree be  
19145 permitted to be planted within five (5) feet of the required wall or a paved area.  
19146

19147 8. When the nonresidential site directly abuts the residential site or residential use, the wall  
19148 shall be contiguous to the property line that separates them.  
19149

- 19150 a. When the nonresidential site is separated from the residential site or use by a road or  
19151 waterbody, the wall shall be located along the most inward extent of the buffer zone,  
19152 so that the buffer trees are provided along the outside of the wall.  
19153

19154 9. Where a structure within a nonresidentially zoned property nonresidential development  
19155 has been permitted without a buffer adjacent to residentially zoned property or use under  
19156 unified control, prior to development permits being issued on the residential property, it



shall be the responsibility of the residential property owner to comply with the following conditions:

- a. The residential site shall provide an eight (8) foot high unpierced decorative masonry wall, constructed in conformance to applicable building codes and stuccoed and painted include a decorative painted finish on both sides and maintained in good condition.
- b. Such wall shall be located wholly on the residential site adjacent to the common property line and running its full length. Walls within the same subdivision shall conform to a uniform appearance.
- c. The residential site shall create a 20-foot wide landscape strip adjacent to the wall within the residential side.
- d. One (1) category 1 non-deciduous tree shall be planted for every 25 linear feet of the common property line. Trees shall be planted in a staggered pattern, but in no instance shall a tree be permitted to be planted within five (5) feet of the required wall or a paved area.
- e. This section shall not apply to the installation of additions/alterations to previously permitted residential property.
- f. The buffer zone is required when a nonresidential site built without a conforming buffer is separated from the 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.
- g. The buffer zone is required when a nonresidential site built without a conforming buffer is separated from a residential site or use by a canal or other waterbody that has an average width of less than 80 feet.
- h. When a nonresidential site directly abuts the residential site or residential use, the wall shall be contiguous to the property line that separates them.
- i. When a nonresidential site is separated from the residential site or use by a road or waterbody, the wall shall be located along the most inward extent of the buffer zone, so that the buffer trees are provided along the outside of the wall.

(P) Maintenance of landscaping.

1. Responsible party.

- a. The owner or owners, together with their tenants and individuals or entities legally in control or responsible for real property, shall be jointly and severally responsible for the maintenance of all landscaping existing or which previously had been installed on any developed site which they own or control within the city, including landscaping located within an abutting swale or canal bank.



19205 2. Requirements.

- 19206
- 19207 a. All landscaping shall be maintained in a healthy and growing condition. Visual
- 19208 evidence of disease or pest damage is unacceptable, and damaged plants shall be
- 19209 treated immediately.
- 19210
- 19211 b. Trees and palms shall be maintained in a healthy and aesthetically pleasing manner,
- 19212 free of pests and disease.
- 19213
- 19214 c. Fruit, nuts, flowers, fronds, and branches that fall from a tree must be removed
- 19215 immediately.
- 19216
- 19217 d. All cuttings not shredded for use as mulch onsite shall be disposed of properly and
- 19218 removed from the site. Grass clippings and other yard waste are not permitted to be
- 19219 disposed of within any storm drain.
- 19220
- 19221 e. All trash container and dumpster areas shall be maintained so as to prevent the
- 19222 runover spillover of refuse.
- 19223
- 19224 f. Walls, fences and curbing shall be maintained free of breaks, decay and stains.
- 19225

19226 3. Pruning of Trees.

- 19227
- 19228 a. Proper pruning must be performed in accordance with the American National
- 19229 Standards Institute, ANSI A-300 and Broward County standards, as amended.
- 19230
- 19231 b. All tree pruners which provide services in the city are required to have a valid Broward
- 19232 County tree trimmer license.
- 19233
- 19234 c. Tree limbs found growing into street rights-of-way shall be properly pruned to provide
- 19235 eight (8) feet of vertical clearance above sidewalks and swales, and fourteen (14) feet
- 19236 of vertical clearance above paved roadways.
- 19237
- 19238 d. Tree limbs found growing into a canal right-of-way shall be pruned to provide eight (8)
- 19239 feet of vertical clearance above the mean water level or top of seawall.
- 19240
- 19241 e. Trees, or any other landscaping, located on private property or the swale of a public
- 19242 roadway determined to be obstructing streetlights shall be properly pruned by the
- 19243 property owner, or adjacent property owner to restore light output of the light fixture(s).
- 19244
- 19245 f. Trees, or any other landscaping, determined to be obstructing parking lot lights shall
- 19246 be properly pruned by the property owner to restore the required light output of the
- 19247 light fixture(s).
- 19248

19249 4. Tree Pruning exemptions.

- 19250
- 19251 a. The removal of diseased or dead portions of one (1) tree or the removal of an
- 19252 interfering, obstructing or weak branch of a tree such that the result is a tree which is

19253 not a threat to public safety or to adjacent property is allowed. Proper pruning to reduce  
19254 or eliminate interference with or obstruction of streetlights, stop signs or traffic signals  
19255 is an example of an allowed proper pruning activity; provided tree abuse does not  
19256 occur.

19257  
19258 b. In emergencies such as floods, hurricanes or other disasters, or in cases which a fallen  
19259 tree is interrupting service or is limiting access to utility facilities, the requirements for  
19260 implementing the American National Standards Institute (ANSI A-300) shall not apply  
19261 to utility companies.

19262  
19263 5. Pruning of shrubs and hedges.

19264  
19265 a. Shrubs and hedges shall be properly pruned to prevent encroachment into any  
19266 sidewalk, driveway, or roadway.

19267  
19268 b. Shrubs and hedges shall be maintained in a healthy and aesthetically pleasing  
19269 manner, free of pests and disease.

19270  
19271 c. For all lots lots of single-family detached dwellings, and duplex detached dwellings,  
19272 and RV sites, shrubs and hedges shall be pruned as follows: planted along any lot line  
19273 or within the required yard shall be maintained in a healthy and to a height not  
19274 exceeding six (6) feet above the established grade.

19275  
19276 d. As an exception to the preceding paragraph, hedges that are not located within a site  
19277 triangle may be maintained to a height of ten (10) feet above the established grade  
19278 yards and rear yards abutting nonresidential property or abutting a right-of-way 100  
19279 feet in width or greater.

19280  
19281 e. Shrubs and hedges planted along any plot line or within the required building setbacks  
19282 shall not exceed six (6) feet in height.

19283  
19284 f. For the purposes of this section areca palms and similar species are not considered  
19285 hedges.

19286  
19287 g. Shrubs and hedges planted within eight (8) feet of a window shall be maintained to a  
19288 height below the bottom of the window.

19289  
19290 h. Nonresidential use exception. Shrubs and hedges may be maintained to a height of  
19291 eight (8) feet along any side or rear property line that is adjacent to or separated by a  
19292 canal right-of-way less than 80 feet in width, or an alley, from a nonresidential use.

19293  
19294 i. For all nonresidential and mixed-use developments, hedges and shrubs shall be  
19295 pruned as follows:

19296  
19297 i. Shrubs and hedges planted along or within 15 feet of a property line adjacent to a  
19298 roadway shall be maintained to a height of 42 inches, unless part of a residential  
19299 buffer. Hedges and shrubs within a sight triangle shall be maintained to a maximum  
19300 height of 24 inches.

19301  
19302       ii.   Shrubs and hedges that are part of a residential buffer or planted along or within  
19303       15 feet of an interior property line shall be maintained to a height of six (6) feet.

19304  
19305       iii.   Shrubs and hedges planted within or adjacent to a vehicular use area shall be  
19306       maintained to a height of 42 inches.

19307  
19308       j.   For all multifamily developments, hedges and shrubs shall be pruned as follows:

19309  
19310       i.   Shrubs and hedges planted along or within 15 feet of a property line adjacent to a  
19311       roadway shall be maintained to a height not less than three (3) feet, but not more  
19312       than six (6) feet, unless part of a residential buffer. Hedges and shrubs within a  
19313       sight triangle shall be maintained to a maximum height of 24 inches.

19314  
19315       ii.   Shrubs and hedges planted along or within 15 feet of an interior property line shall  
19316       not exceed six (6) feet in height, unless part of a residential buffer.

19317  
19318       iii.   Nonresidential use exception. Shrubs and hedges may be maintained to a  
19319       maximum height of eight (8) feet along any side or rear property line that is  
19320       adjacent to or separated by a canal right-of-way less than 80 feet in width, or an  
19321       alley, from a nonresidential use.

19322  
19323       iv.   Shrubs and hedges planted within eight (8) feet of a window shall be maintained  
19324       to a height below the bottom of the window.

19325  
19326   6.   Sod and ground covers mowing, edging, and trimming.

19327  
19328       a.   Lawns, sod, and ground covers shall be maintained in a healthy and aesthetically  
19329       pleasing manner, free of pests and disease.

19330  
19331       b.   Sod areas on a developed site shall be mowed to a height that shows no signs of  
19332       scalping.

19333  
19334       c.   No lawn or sod area on a developed site shall be permitted to grow taller than six (6)  
19335       inches in height.

19336  
19337       d.   It shall be unlawful for the owner, occupant, lessee or person in control of any  
19338       undeveloped land to allow grass or weeds to grow in excess of 12 inches.

19339  
19340       e.   All lawns and ground covers shall be trimmed or edged to prevent encroachment onto  
19341       any adjacent sidewalk, driveway, roadway, curb or other public hardened surface.

19342  
19343   7.   Fertilizers, herbicides, and pesticides.

19344  
19345       a.   Fertilizers, herbicides, and pesticides shall not be applied within ten (10) feet of any  
19346       body of water.

19347  
19348       b.   Fertilizers, herbicides, and pesticides shall only be applied per the manufacture's label.

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- c. All fertilizer, herbicides, and pesticides shall be removed from hard surfaces, in an effort to reduce storm water runoff.
- d. The provisions of this section shall apply to all fertilizer applications within the City of Margate with the following exceptions:
  - i. Bona fide farm operations as defined in Florida Right to Farm Act, Section 823.14, F.S., as amended, provided that fertilizers are applied in accordance with the appropriate best management practices manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question; and
  - ii. Fertilizer application for golf courses, parks, and athletic fields shall follow the provisions as indicated in Rule 5E-1.003(2)(d), F.A.C., as amended.
  - iii. Non-commercial applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the UF/IFAS Extension and UF/IFAS Florida Yards and Neighborhoods program when applying fertilizers.
- e. Licensing and Training of commercial fertilizer or pesticide applicators.
  - i. Any commercial fertilizer or pesticide applicator to an urban landscape must be certified by the Department of Agriculture and Consumer Services, in accordance with the NPDES operating permit, pursuant to Section 482.1562, F.S., as amended, in accordance with the NPDES operating permit.
  - ii. All commercial and institutional applicators of fertilizer within the City of Margate, shall successfully complete and apply fertilizers in accordance with the six-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of 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.

- 19396 i. In no case shall fertilizers containing nitrogen and/or phosphorus to sod and/or  
19397 landscape plants during times which a flood, tropical storm, or hurricane watch or  
19398 warning issued by the National Weather Service is in effect for any portion of  
19399 Broward County.  
19400
- 19401 h. Application practices.  
19402 i. Deflector shields are required when fertilizing via rotary spreaders. Deflectors must  
19403 be positioned such that fertilizer granules are deflected away from all impervious  
19404 surfaces, fertilizer-free zones and water bodies, including wetlands.  
19405
- 19406 ii. Fertilizer shall not be applied, spilled or otherwise deposited on any impervious  
19407 surface.  
19408
- 19409 iii. Any fertilizer applied, spilled or deposited, either intentionally or accidentally, on  
19410 any impervious surface shall be immediately and completely removed to the  
19411 greatest extent practicable.  
19412
- 19413 iv. Fertilizer released on an impervious surface shall be immediately contained and  
19414 either legally applied to sod or any other legal site or returned to the original or  
19415 other appropriate container.  
19416
- 19417 v. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into  
19418 stormwater drains, ditches, conveyance, or water bodies.  
19419
- 19420 i. Pesticide Management.  
19421
- 19422 i. All landscape applications of pesticides, including "Weed and Feed" products, for  
19423 hire should be made in accordance with State and Federal Law and with the most  
19424 current version of the Florida-Friendly Best Management Practices for Protection  
19425 of Water Resources by the Green Industries, as amended.  
19426
- 19427 ii. Property owners and managers are encouraged to use an Integrated Pest  
19428 Management Strategy as currently recommended by the UF/IFAS Extension  
19429 publications.  
19430
- 19431 iii. When using pesticides, all label instructions of State and Federal law should be  
19432 adhered to. The Florida Department of Agriculture and Consumer Services is  
19433 responsible for enforcement of pesticide laws.  
19434
- 19435 j. Irrigation Limitations.  
19436
- 19437 i. Irrigation of landscaping which has been planted in the ground for more than ninety  
19438 (90) days shall be limited to two (2) days per week, as follows:  
19439
- 19440 a. Residences and businesses with an odd-numbered street address may water  
19441 on Wednesdays and/or Saturdays only.  
19442

- 19443                    b. Residences and business with an even-numbered street address or other  
19444                    locations without an address may water on Thursdays and/or Sundays only.
- 19445
- 19446                    ii. Irrigation systems shall not apply more than one (1) inch of water per cycle.
- 19447
- 19448                    iii. Irrigation is not permitted between the hours of 10:00 a.m. and 4:00 p.m.
- 19449
- 19450                    iv. Irrigation overspray or flooding onto adjacent impervious areas is not permitted.
- 19451
- 19452                    v. All wasteful and unnecessary irrigation, including, but not limited to allowing water  
19453                    to be dispersed without any practical purpose to the water use, allowing water to  
19454                    be dispersed in a grossly inefficient manner, and allowing water to flow through a  
19455                    broken or malfunctioning water delivery or landscape irrigation system is not  
19456                    permitted.
- 19457

19458        8. Irrigation Exemptions.

19459

- 19460                    a. Irrigating any landscaping which has been planted and established for 90 calendar  
19461                    days or less, "new landscaping," shall comply with the following provisions:
- 19462
- 19463                    i. New landscaping may be irrigated once on the day it is installed without regard to  
19464                    the listed watering days and times. Irrigation of soil immediately prior to the  
19465                    installation of the new landscaping is allowed without regard to the listed watering  
19466                    days and times.
- 19467
- 19468                    ii. A 90-day establishment period begins on the day new landscaping is installed. The  
19469                    new landscaping shall be installed within a reasonable time from the date of  
19470                    purchase, which may be demonstrated with a dated receipt or invoice.
- 19471
- 19472                    iii. Irrigation of new landscaping that has been in place for 30 calendar days or less  
19473                    may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday,  
19474                    and/or Sunday, but shall not occur between the hours of 10:00 a.m. and 4:00 p.m.
- 19475
- 19476                    iv. Irrigation of new landscaping that has been in place for 31 to ninety 90 calendar  
19477                    days may be accomplished on Monday, Wednesday, Thursday, and/or Sunday,  
19478                    but shall not occur between the hours of 10:00 a.m. and 4:00 p.m.
- 19479
- 19480                    v. Irrigation of new landscaping is limited to areas containing only new landscaping.  
19481                    An entire zone of an irrigation system shall only be utilized for landscape irrigation  
19482                    under this exemption if the zone in question is for an area that contains at least 50  
19483                    percent new landscaping. If a zone contains less than 50 percent new landscaping,  
19484                    or if the new landscaping is in an area that will not typically be irrigated by an  
19485                    irrigation system, only the individual new plantings are eligible for additional  
19486                    irrigation. Targeted watering may be accomplished by low-volume hand watering  
19487                    by one (1) person, with one (1) hose, fitted with a self-cancelling or automatic  
19488                    shutoff nozzle, or any appropriate method with isolates and waters only the new  
19489                    landscaping.
- 19490



- b. Agricultural businesses, including plant nurseries.
- c. Irrigation systems supplied with reclaimed water.
- d. Irrigation systems supplied with water captured in a rain barrel or other similar device.
- e. Low-volume hand watering of landscape by one (1) person, with one (1) hose, fitted with a self-cancelling or automatic shutoff nozzle.
- f. Irrigation of athletic play areas which includes golf course fairways, tees, roughs, and greens, and other athletic play surfaces including football, baseball, soccer, polo, tennis, and lawn bowling fields, and rodeo, equestrian and livestock arenas.
- g. Irrigation systems may be operated outside restricted days and/or times for cleaning, maintenance, and repair with an attendant on-site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one (1) test should not exceed ten (10) minutes per zone.
- h. Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides, and herbicides, where such watering-in is required by the manufacturer, or by federal, state, or local law, shall be allowed under the following conditions:
- i. Such watering-in shall be limited to one (1) application in the absence of specific alternative instructions from the manufacturer; and
- ii. Such watering-in shall be accomplished during normal watering days and times permitted by 40.704(P)(8)(a) unless a professional licensed applicator has posted a temporary sign containing the date of application and the dates of needed watering-in activity.
- i. In the event the South Florida Water Management District, or its successor agency, 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 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.

- 19586
- 19587 g. If a waiver is granted, the applicant shall be required to post a notice at each parcel to
- 19588 which the waiver pertains, no later than five (5) days after the waiver is granted. Said
- 19589 notice is subject to approval by city staff but at a minimum, shall be conspicuous and
- 19590 posted such that it is visible from the exterior of any building on the property.
- 19591
- 19592 h. A waiver is invalid if it has expired or if the applicant or its agent violates the terms of
- 19593 the waiver.
- 19594
- 19595 i. Approved waivers shall expire on the date specified on the approval. However, no
- 19596 waiver shall be valid for a term greater than two (2) years.
- 19597
- 19598 j. Application fee. To be acceptable, an application for an irrigation waiver shall be
- 19599 accompanied by a nonrefundable application fee in the following amount, as
- 19600 appropriate:
- 19601
- 19602 i. Initial waiver application or re-application (waivers which have been invalidated per
- 19603 the above or were previously denied are re-applications): \$100.00.
- 19604
- 19605 ii. Renewal of waiver (for renewal applications which have been received by the city
- 19606 prior to the expiration of a currently valid waiver): \$50.00.
- 19607
- 19608 iii. Transfer of waiver to a new property owner: \$50.00.
- 19609
- 19610 k. Notice to abate. Should the owner or occupant of any area where there has not been
- 19611 compliance with section refuse or neglect to comply with the above subsection, or fail
- 19612 to repair any city improvements, abatement or repair shall be accomplished pursuant
- 19613 to the procedures contained in this Code.
- 19614
- 19615 l. Violations of this chapter shall be enforced pursuant to section 1-8 of the City Code.
- 19616

19617 10. Synthetic Turf.

19618

- 19619 a. Permitted locations. Synthetic Turf may be permitted only as follows:
- 19620
- 19621 i. On Single-Family and Duplex properties within the rear yard between the back of
- 19622 a Structure to the property line or as part of an overall design within a concrete or
- 19623 brick paver vehicular driveway or front walkway, subject to the requirements and
- 19624 procedures set forth in this Section.
- 19625
- 19626 ii. Putting Greens. Putting Greens may consist of natural grass or Synthetic Turf.
- 19627 Putting Greens that consist of Synthetic Turf shall comply with the requirements of
- 19628 this Section.
- 19629
- 19630 iii. Synthetic Turf for athletic fields and public facilities shall be allowed if reviewed
- 19631 and approved by the Development Services Department.
- 19632
- 19633 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.
  - vi. Be a minimum of six (6) feet from a Tree or palm and 12 inches from Hedges, Shrubs or Ground Cover, including the separator.
  - vii. Have an infill medium consisting of clean silica sand or other mixture, pursuant to the manufacturer's specifications that shall:
    - a. Be brushed into the fibers to ensure that the fibers remain in an upright position;
    - b. Provide ballast that will help hold the Synthetic Turf in place; and
    - c. Provide a cushioning effect.

- d. Additional standards. Synthetic Turf shall comply with all of the following additional standards:
- i. Areas of living plant material shall be installed and/or maintained in conjunction with the installation of Synthetic Turf. Living plant material shall be provided per the minimum code requirements. Synthetic Turf shall not be counted towards the minimum required landscaped areas and shall not be considered part of the Pervious Area.
  - ii. Synthetic Turf shall be separated from planter areas and Tree wells by a concrete mow strip or other barrier with a minimum four (4) inch thickness to prevent the intrusion of living plant material into the Synthetic Turf.
  - iii. Irrigation systems proximate to the Synthetic Turf shall be directed so that no Irrigation affects the Synthetic Turf.
  - iv. Synthetic Turf strips of no more than four (4) inches in width are allowed only as a part of an overall design to enhance a concrete or brick paver vehicular driveway or front walkway for Single-Family or Duplex properties.
  - v. Synthetic Turf strips are allowed on Front and only as part of an overall driveway or front walkway design and shall meet all applicable Setback requirements for driveways or front walkways.
- e. Maintenance standards. Synthetic Turf shall comply with all of the following maintenance standards and shall:
- i. Be maintained in an attractive and clean condition, and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces or edges, heat degradation or excessive wear.
  - ii. Be maintained in a green fadeless condition and free of weeds, Debris, and impressions.
- f. Prohibitions. Except as otherwise allowed in this Section, the following are prohibited:
- i. Synthetic Turf in Public Rights-Of-Way or Swales.
  - ii. Synthetic Turf shall not be used as a screening material where screening is required by the Code.
  - iii. Synthetic Turf shall not be within a lake maintenance easement or drainage easement.

(Q) Preservation and Protection of Trees.

1. Legislative findings. The City Commissioner hereby find that trees use their leaf surfaces to trap and filter out ash, dust and pollen in the air, thereby helping to alleviate air pollution;

that trees help prevent erosion of the soil, thereby helping to protect the resources of all of the city belonging to the general public; that removal of trees causes increased surface runoff, which contributes to water pollution; that protection of trees increases the value of property, enhances the economic integrity of an area, by providing a camouflage for harsh scenery and softening the outline of masonry, metal and glass, thereby being a part of comprehensive land use planning; that trees slow down forceful wind velocities and cut noise pollution; that the living communities of native trees are a valuable educational and aesthetic natural heritage; and that it is necessary to regulate the cutting, trimming and pruning of trees to help ensure that the health, function and value of these important resources are protected.

2. Documents incorporated by reference. The following documents, as amended, are adopted as standards and are incorporated into this Article by reference: The American National Standards Institute A-300, Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, and Z-133.1, Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements; Florida Department of Agriculture Division of Plant Industry, Grades and Standards for Nursery Plants; Jim Clark and Nelda Matheny, Trees and Development; Council of Tree and Landscape Appraisers, Guide for Plant Appraisal, Tenth Edition; 2019 Richard Harris, Arboriculture Integrated Management of Landscape Trees, Shrubs and Vines, Second Fourth Edition; Gary W. Watson and E.B. Himelick, Principles and Practices of Planting Trees and Shrubs; Florida Urban Forestry Council, Selecting and Planting Trees for the South Florida Urban Forest; and Florida Power and Light's Plant The Right Tree In the Right Place brochure. 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.

3. Definitions. When a word, term, or phrase is not defined herein, the definitions set forth in this Code and publications recognized as authoritative in the scientific and engineering fields, as applicable, shall apply. Such publications shall include the latest edition of Trees Native to Tropical Florida by Tomlinson; 500 Plants of South Florida by Julia Morton; Dig Manual by the State of Florida; Guide for Plant Appraisal by the Council of Tree and 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:

- 19777 a. Breast height. A height of four and one-half (4½) feet above the natural grade.
- 19778
- 19779 b. Canopy coverage. The areal extent of ground within the drip line of the tree.
- 19780
- 19781 c. DEES. The City of Margate Department of Environmental and Engineering Services.
- 19782
- 19783 d. Destruction of the natural habit of growth. Pruning that causes irreparable damage and
- 19784 permanent disfigurement to a tree such that, even with regrowth, the tree will never
- 19785 regain the original characteristics of its tree species; or pruning which amounts to tree
- 19786 abuse as defined herein that results in the death of the tree.
- 19787
- 19788 e. Developed land. Land upon which permanent, principal building or buildings have
- 19789 been constructed.
- 19790
- 19791 f. Diameter breast height (DBH). The diameter of the trunk of a tree measured at breast
- 19792 height. The DBH of trees with multiple trunks shall be the sum of the individual trunk
- 19793 diameters at breast height. Trees with less than four and one-half (4½) feet of clear
- 19794 trunk shall be measured as the diameter of the largest vertical branch or leader at
- 19795 breast height.
- 19796
- 19797 g. Drip line. The peripheral limits of the horizontal crown of a tree spread vertically to the
- 19798 ground; provided, however, that the same shall not be less than a circle with a five (5)
- 19799 foot radius measured from the center of the tree.
- 19800
- 19801 h. DSD. The City of Margate Development Services Department.
- 19802
- 19803 i. Effectively destroy. To cause, suffer, allow or permit any act which will cause a tree to
- 19804 die or go into a period of unnatural decline within a period of one (1) year from the date
- 19805 of the act. Acts which may effectively destroy a tree include, but are not limited to,
- 19806 damage inflicted upon the root system by heavy machinery, excessive trimming,
- 19807 changing the natural grade above the root system or around the trunk, damage
- 19808 inflicted on the tree permitting infection or pest infestation, application of herbicides or
- 19809 other chemical agents or intentional fire damage to the tree permitting infection or pest
- 19810 infestation, the infliction of a trunk wound that is 50 percent or greater of the
- 19811 circumference of the trunk, or the removal of sufficient canopy to cause the unnatural
- 19812 decline of the tree.
- 19813
- 19814 j. Hatrack. To sever the leader or leaders, or to prune a tree by stubbing of mature wood.
- 19815
- 19816 k. Historical tree. A particular tree or group of trees which has historical value because
- 19817 of its unique relationship to the history of the region, state, nation or world as
- 19818 designated by the City Commission.
- 19819
- 19820 l. Horizontal plane. An imaginary line that begins at the base of the live frond petioles.
- 19821
- 19822 m. Land clearing. The clearing of vegetation and soils for the purpose of land
- 19823 development activities. This includes, but is not limited to, construction for buildings,
- 19824 rights-of-way, utility easements, access or drainage ways, parking lots and other



19825 structures, rock mining, the control of weeds or the initial clearing of vegetation to  
 19826 enhance property value or agricultural activities that involve the removal of trees as  
 19827 defined by this article.  
 19828  
 19829 n. Mitigation. To compensate for impacts to tree(s).  
 19830  
 19831 o. Nuisance tree. Any of the following tree species:  
 19832  
 19833 i. Metopium toxiferum (Poisonwood).  
 19834  
 19835 ii. Araucaria excelsia (Norfolk Island Pine).  
 19836  
 19837 iii. Leucaena leucocephala (Lead Tree).  
 19838  
 19839 iv. All tree species identified as Category 1 on the Florida Invasive Species Councils  
 19840 List of Invasive Plant Species, as may be amended.  
 19841  
 19842 p. Owner-occupied. A dwelling in a habitable condition occupied by the owner of record,  
 19843 as the owner's primary residence, and holding a valid certificate of occupancy.  
 19844  
 19845 q. Overlift. The removal of the majority of the inner lateral branches and foliage thereby  
 19846 displacing weight and mass to the ends of the branches. The alteration of the tree's  
 19847 live crown ratio may be considered as evidence of overlifting.  
 19848  
 19849 r. Person. Any natural person, individual, owner, operator, public or private corporation,  
 19850 firm, association, joint venture, partnership, municipality, governmental agency,  
 19851 political subdivision, public or private utilities, public officer, responsible party or any  
 19852 other entity whatsoever, or combination thereof, of whatever kind.  
 19853  
 19854 s. Protective barrier. A conspicuously colored fences or like structures constructed of  
 19855 sturdy materials that are at least four (4) feet in height which prevent or obstruct  
 19856 passage.  
 19857  
 19858 t. Prune or trim. To cut away, remove, cut off or cut back parts of a tree.  
 19859  
 19860 u. Remedial action. A corrective action required to offset the impacts of tree abuse, as  
 19861 defined herein.  
 19862  
 19863 v. Removal. To cut down, dig up, destroy, effectively destroy, or the unlicensed relocation  
 19864 of any tree.  
 19865  
 19866 w. Shape. The regular and frequent shearing of outer tree branches, making pruning cuts  
 19867 of one (1) inch in diameter or less, for the purpose of controlling the size and shape of  
 19868 the tree canopy.  
 19869  
 19870 x. Shearing. The cutting of many small-diameter stems of one (1) inch in diameter or  
 19871 less.  
 19872



- y. Specimen. Any tree which has a DBH of 18 inches or greater, with the exception of a condition rating of 60 percent or greater in accordance with the condition rating guidelines as specified in the Guide for Plant Appraisal, as amended except for the following:
- i. Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to: mangos, avocados, or citrus.
- a. Species of the genus Ficus except Ficus Aurea (strangler fig), Ficus Laevigata (short leaf fig), Ficus Rubiginosa (rusty fig or rusty leaf fig), Ficus Jacquinifolia;
- b. All multi-trunk palms.
- c. Trees that are in poor condition or form as determined by DEES.
- z. Structure. Anything built or constructed. Examples include, but are not limited to, buildings, trailers, fences, billboards, swimming pools, poles, pipelines, ditches, roads, utility installation, transmission lines, track and advertising signs.
- aa. Substantial deviation. Any proposed modification or modification to a development, a License Permit or a License Permit application which, either individually or cumulatively with other changes, creates a reasonable likelihood of additional environmental impact, as covered by the scope of this article, or any change or proposed change that may result in any impacts on trees not previously reviewed by DEES as covered by the scope of this article.
- bb. Topiary pruning. The practice of pruning a tree into an ornamental shape by pruning branches one (1) inch in diameter or less.
- cc. Tree. Any living, self-supporting, dicotyledonous or monocotyledonous woody perennial plant which has a DBH of no less than one and one-half (1.5) inches and which normally grows to an overall height of no less than ten (10) feet in southeast Florida.
- dd. Tree abuse:
- i. Hatracking a tree; or
- ii. Destroying the natural habit of tree growth; or
- iii. Pruning which leaves stubs or results in a flush cut; or splitting of limb ends; or
- iv. Removing tree bark to the extent that if a line is drawn at any height around the circumference of the tree, over one-third (1/3) of the length of the line falls on portions of the tree where bark no longer remains; or

- 19919 v. Using climbing spikes, nails or hooks, except for purposes of total tree removal or  
19920 as specifically permitted by standards set by the American National Standards  
19921 Institute, as amended; or
- 19922
- 19923 vi. Pruning that does not conform to standards or recommendations set by the  
19924 American National Standards Institute, as amended; or
- 19925
- 19926 vii. Pruning of live palm fronds which initiate above the horizontal plane; or
- 19927
- 19928 viii. Overlifting a tree; or
- 19929
- 19930 ix. Shaping a tree.
- 19931
- 19932 ee. Tree canopy. The upper portion of the tree consisting of limbs, branches, and leaves.
- 19933
- 19934 ff. Tree removal License Permit. A written authorization with conditions issued by DEES  
19935 to remove or relocate a tree.
- 19936
- 19937 gg. Tree survey. A document signed and sealed by a Florida registered land surveyor  
19938 meeting the requirements of F.S. § 472.025, as amended, which must provide, at a  
19939 minimum, the following information:
- 19940
- 19941 i. The location, plotted by accurate techniques, of all existing non-nuisance trees;
- 19942
- 19943 ii. The common and scientific name of each tree;
- 19944
- 19945 iii. The DBH of each tree, or if a multiple-trunk tree, the sum DBH for all trunks; and
- 19946
- 19947 iv. Canopy coverage, if required by DEES.
- 19948
- 19949 4. General prohibitions. Unless otherwise authorized by this article, no person shall cause,  
19950 suffer, permit or allow:
- 19951
- 19952 a. The removal of any historical tree without first obtaining approval from the City  
19953 Commission to conduct the removal.
- 19954
- 19955 b. The removal of any tree without first obtaining a tree removal license permit from  
19956 DEES as herein provided.
- 19957
- 19958 c. Tree abuse as defined by this Code.
- 19959
- 19960 d. Any encroachments, excavations, or change of the natural grade within the drip line of  
19961 a tree unless it can be demonstrated to DEES prior to the commencement of said  
19962 activity, that the activity will not negatively impact any tree.
- 19963
- 19964 e. Land clearing or the operation of heavy equipment in the vicinity of a tree without  
19965 placing and maintaining a protective barrier around the drip line of the tree. The

19966 protective barrier shall be conspicuous enough and high enough to be seen easily by  
19967 operators of trucks and other equipment.

19968  
19969 f. The storage or use of materials or equipment within the drip line of any tree, or  
19970 attachments, other than those of a protective and nondamaging nature, to any tree.

19971  
19972 5. General exemptions.

19973 a. Emergency conditions. During emergency conditions caused by a hurricane or other  
19974 natural disaster, the provisions of this article may be suspended by the direction of the  
19975 city manager.

19976  
19977 b. Nuisance trees. Nuisance trees as defined by this Code are exempt from the  
19978 prohibitions set forth in this article, as amended provided that no condition is created  
19979 which poses an imminent threat to public safety or property unacceptable risk. In such  
19980 cases, the nuisance tree shall be removed to alleviate any threat. Failure to remove  
19981 said tree after warning from DEES shall constitute a violation of this article.

19982  
19983 c. Tree Risk. The pruning, trimming, removal, or replanting of a tree on residential  
19984 property is exempt from any notice, application, approval, permit, fee, or mitigation  
19985 requirements of this Article if the property owner possesses documentation from an  
19986 arborist certified by the International Society of Arboriculture or a Florida licensed  
19987 landscape architect that the tree presents a danger poses an unacceptable risk to  
19988 persons or property. This exemption implements and adopts by reference Section  
19989 163.045, Florida Statutes, as amended, including, but not limited to the definitions of  
19990 documentation and residential property, and the standards therein for determining  
19991 whether a tree poses an unacceptable risk. This exemption does not apply to the  
19992 exercise of specifically delegated authority for mangrove protection pursuant to  
19993 Sections 403.9321 through 403.9333, Florida Statutes, as amended.

19994  
19995 6. Tree removal permit requirements and standards.

19996  
19997 a. Permit requirements. Unless otherwise exempted by this article, a person shall obtain  
19998 a tree removal license prior to relocating or removing a tree.

19999  
20000 b. Exemptions from Permitting. Unless otherwise prohibited by the Code, the following  
20001 activities are exempted from the Permitting requirements of this article provided that  
20002 no nuisance or any condition which adversely affects the environment or public health  
20003 is created, and provided that the activity does not violate any provisions of the Code,  
20004 or federal, state, or local government regulations:

20005  
20006 i. Removal of any tree that is hazardous to the extent that its continued existence  
20007 creates an imminent threat to public safety or property. In order to claim this  
20008 exemption, the owner of the property must document by photographs or other  
20009 evidence that such condition(s) existed prior to the removal of the tree.

20010  
20011 ii. Pursuant to Section 163.045, Florida Statutes, as amended, pruning, trimming,  
20012 removal, or replanting of, or mitigation to, tree on residential property is exempt  
20013 from any notice, application, approval, permit, fee, or mitigation requirements of

20014 this section if the property owner obtains documentation from an arborist certified  
20015 by the International Society of Arboriculture or a Florida licensed landscape  
20016 architect that the tree presents a damage to persons or property.  
20017  
20018 iii. Removal of trees by all county-licensed nurseries, botanical gardens and  
20019 commercial grove operations, but only in relation to those trees which are planted  
20020 and grown for the sale or intended sale to the general public in the ordinary course  
20021 of the licensed business;  
20022  
20023 iv. Removal of trees by all governmental and private nurseries with respect to trees  
20024 which have been planted and grown for future relocation;  
20025  
20026 v. Removal of trees, except historical or specimen trees, by franchised utility  
20027 companies provided that:  
20028  
20029 vi. The utility company provides written notice to DEES and the record owner of the  
20030 property on which the trees proposed to be removed are located of the intent to  
20031 remove trees; the written notices shall be delivered, at minimum, 15 calendar days  
20032 prior to the intended tree removal; and the utility company can demonstrate to  
20033 DEES prior to tree removal that:  
20034  
20035 a. The tree will cause a continual disruption of service. A specimen palm tree may  
20036 be removed under this exemption;  
20037  
20038 b. The easement or property was in actual use conveying utilities prior to the  
20039 effective date of this article; and  
20040  
20041 c. The threat of service interruption cannot be remedied by tree pruning in  
20042 accordance with standards as set by the American National Standards  
20043 Institute, as amended;  
20044  
20045 d. Removal of nuisance trees.  
20046  
20047 c. *Permit application requirements.* A permit application for removing or relocating trees  
20048 shall be submitted by a property owner or authorized agent of the owner, on DEES  
20049 approved application form(s).  
20050  
20051 d. *Tree removal fees.* The permit fee, except as otherwise provided, shall be the  
20052 following:  
20053  
20054 i. Initial tree removal permit application fee on developed residential occupied  
20055 property (nonrefundable) \$10.00.  
20056  
20057 ii. Initial tree removal permit application fee on all other property (nonrefundable)  
20058 \$50.00.  
20059  
20060 iii. Plus, for each tree proposed to be removed or relocated \$10.00.  
20061

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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.

- i. Any person conducting tree removal activities shall only remove a tree or trees from a site as approved for removal in a DEES tree removal permit.
- ii. Permits shall be issued or denied in accordance with the provisions in this Code.
- iii. The term of a tree removal permit shall be in accordance with the provisions of this Code.
- iv. Damage to any other tree or trees on the site during tree removal activity shall constitute a violation of this article.

- v. An applicant may be eligible to receive a tree removal permit if one (1) of the following criteria is present:
- a. A proposed development cannot be located on the site without tree removal;
  - b. The applicant has made every reasonable effort to incorporate existing trees in the development project and to minimize the number of trees removed;
  - c. A tree proposed to be removed is of poor quality and condition;
  - d. A tree proposed to be removed is obstructing safe vehicular cross visibility;
  - e. A tree proposed to be removed is damaging existing improvements;
  - f. A tree proposed to be removed is creating ongoing safety problems for existing development; or
  - g. A tree proposed to be removed is growing too close in proximity to another tree(s) to permit normal growth and development of the affected tree(s); or
  - h. A tree proposed to be removed is inhibiting the use of rooftop photovoltaic solar systems, and pruning the tree does not provide adequate remedy.
  - i. If an application meets the above criteria, DEES will, prior to issuing any tree removal permit, conduct a tree relocation evaluation.
- g. Tree relocation evaluation. For tree relocation, DEES shall make the following evaluations:
- i. A tree which meets the criteria for removal as specified in this section.
  - ii. Whether relocation is on the property or off the property, due to lack of available space on the property. Where relocation is to occur onto another property, written authorization from the property owner shall be required.
- h. Tree relocation requirements. Any person conducting tree relocation activities shall:
- i. Not unnecessarily damage any other tree or trees remaining on-site while relocating a tree;
  - ii. Relocate a tree so that it will not interfere with existing or proposed utilities, either above or below ground. A relocated tree which may reach a height of 30 feet shall not be placed within 20 feet of an overhead power line or as outlined in Selecting and Planting Trees for the South Florida Urban Forest;
  - iii. Relocate a tree to an area with adequate space for root and canopy development;
  - iv. Relocate a tree, where practicable, within the City of Margate;

- v. Ensure successful relocation and transplanting of trees by adhering to the following guidelines for transplanting a tree:
- a. Any tree being relocated shall not be unnecessarily damaged during removal, transport or replanting of that tree;
- b. If a tree has a dormant period, it should be transplanted during that time. A tree should not be transplanted during periods of strong, dry winter winds or during droughts;
- c. Adequate space for root and canopy development shall be provided;
- d. Prior to transplanting, the tree shall be root and canopy pruned according to sound arboricultural standards. All crown pruning shall be done in accordance with standards set by the American National Standards Institute, as amended;
- e. During and following transplanting of a tree, the root ball and trunk shall be protected. The root ball must be kept moist at all times;
- f. A transplanted tree shall be braced for at least one (1) year after its relocation; and
- g. A transplanted tree shall be fertilized as appropriate and shall be watered sufficiently until tree growth is re-established.
- i. Tree relocation maintenance/monitoring requirements. Any person conducting tree relocation activities shall:
- i. Maintain the health of a relocated tree for a period of one (1) year from the date of planting; and
- ii. Replace, within 60 calendar days, a relocated tree that dies or is determined by DEES to be effectively destroyed within one (1) year of being relocated. The one-year maintenance period shall begin anew whenever a tree is replaced. For projects that include the relocation of ten (10) or more trees, a ten (10) percent mortality allowance will apply. If 90 percent or more of the relocated trees are determined to be viable after a period of one (1) year, the project shall be considered successful and replacement trees will not be required for the remaining ten (10) percent of the trees that die or are in a state of decline.
- j. Tree relocation bond requirements.
- i. Bond required. Unless otherwise exempted by this article, any person conducting tree relocation activities involving specimen trees must post a bond to insure the survival of specimen trees designated for preservation. Said bond shall meet the approval of the city attorney's office and may be in the form of a letter of credit drawn upon banks or savings and loan institutions legally doing business in the State of Florida, cash bonds issued by an insurance company legally doing



20205 business in Florida or other acceptable means as approved by the city attorney's  
 20206 office.

20207 ii. Determination of bond. Determination of the bond amount shall be computed  
 20208 based upon the most current version of the Guide for Plant Appraisal, published  
 20209 by the International Society of Arboriculture.

20210

20211 iii. Government entities are exempt from bond requirements.

20212

20213 k. Release of bonds.

20214

20215 i. Tree relocation bonds will be released upon successful tree relocation as set forth  
 20216 in this section and written approval by DEES. Bonds involving specimen trees shall  
 20217 be released upon completion of construction activities, if it is determined by DEES  
 20218 that the tree(s) is/are not effectively destroyed.

20219

20220 ii. Bonds may be released by the city when a tree removal permit is transferred. The  
 20221 city may condition the release of the bond upon the posting of a new bond by the  
 20222 subsequent permittee.

20223

20224 l. Drawing on bonds. If a tree is determined by DEES to be effectively destroyed within  
 20225 one (1) year from the date of relocation, the bond shall be drawn upon and funds will  
 20226 be deposited into the City of Margate Tree Preservation Fund.

20227

20228 m. Tree replacement in lieu of tree relocation. When it is determined by DEES that tree  
 20229 relocation cannot be accomplished, an applicant shall replace trees pursuant to this  
 20230 section.

20231

20232 n. Tree replacement requirements.

20233

20234 i. Tree replacement requirements for nonspecimen trees.

20235

20236 a. If DEES determines that a removed tree cannot be successfully relocated, said  
 20237 tree shall be replaced to compensate for lost tree canopy coverage.

20238

20239 ii. The following criteria shall be used by DEES to determine the tree replacement  
 20240 requirements:

20241

20242 a. The tree canopy coverage of a site shall be determined using any combination  
 20243 of the following methods:

20244

20245 1. Review of aerial photography;

20246

20247 2. On-site inspection; and/or

20248

20249 3. Review of a tree survey.

20250

20251 b. A tree that is successfully relocated pursuant to this section need not be  
 20252 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.*

- 20291 i. All replacement trees shall be a minimum quality of Florida Fancy grade or better,  
20292 as identified in Grades and Standards, Florida Department of Agriculture;  
20293
- 20294 ii. Only trees listed in appendix 1 (Replacement Tree Species) shall be used as  
20295 replacement trees. The applicant shall have the option of choosing the category of  
20296 trees for replacement provided at least 50 percent of the replacement trees are  
20297 from category 1 or category 2 with respective size as follows:  
20298
- 20299 a. Category 1.  
20300
- 20301 1. 300 square feet (for trees greater than or equal to a 12-foot minimum  
20302 height)  
20303
- 20304 2. 350 square feet (for trees greater than or equal to a 13-foot minimum  
20305 height)  
20306
- 20307 3. 400 square feet (for trees greater than or equal to a 16-foot minimum  
20308 height)  
20309
- 20310 b. Category 2.  
20311
- 20312 1. 150 square feet (for trees greater than or equal to an 8-foot minimum  
20313 height)  
20314
- 20315 2. 200 square feet (for trees greater than or equal to a 10-foot minimum  
20316 height)  
20317
- 20318 c. Category 3.  
20319
- 20320 1. Minimum of six (6) feet in height at time of planting.  
20321
- 20322 d. Category 4.  
20323
- 20324 1. For replacement palm trees, a minimum of six (6) feet clear trunk or  
20325 Greywood at time of planting.  
20326
- 20327 iii. If the minimum tree size is commercially unavailable, smaller trees may be  
20328 substituted with the approval of DEES. Additional credit may be given for the  
20329 installation of larger trees, at DEES discretion.  
20330
- 20331 g. General requirements for replaced trees. Any person conducting tree replacement  
20332 activities shall:  
20333
- 20334 i. Refrain from unnecessarily damaging any other tree or trees remaining on site  
20335 while planting or preparing the site for any replacement tree(s);  
20336

- 20337           ii.   Plant the replacement tree so that it will not interfere with existing or proposed  
20338           utility lines or cables, either above or below ground. A tree which may reach a  
20339           height of 30 feet shall not be planted within 20 feet of an overhead power line;  
20340  
20341           iii.   Plant replacement tree species and use installation and maintenance methods that  
20342           follow xeriscape principles, where practicable;  
20343  
20344           iv.   Plant a replacement tree in an area with adequate space for root and canopy  
20345           development following Florida Power and Light's Right Tree In The Right Place  
20346           guidelines;  
20347  
20348           v.   Where practicable, plant a replacement tree within the municipality from which the  
20349           original tree was removed; and  
20350  
20351           vi.   Complete tree replacement within six (6) months of the issuance of a DEES tree  
20352           removal permit unless granted an extension by DEES.  
20353  
20354       r.   Maintenance/monitoring requirements for replaced trees. Any person conducting tree  
20355       replacement activities shall:  
20356  
20357           i.   Maintain the health of a replacement tree for a period of one (1) year from the date  
20358           of planting;  
20359  
20360           ii.   Replace within 60 calendar days any replaced tree that dies or is determined to be  
20361           effectively destroyed within one (1) year of being planted, as determined by the  
20362           city. The one (1) year maintenance period shall begin anew whenever a tree is  
20363           replaced. For projects that include the planting of 100 or more replacement trees,  
20364           a ten (10) percent mortality allowance will apply. If 90 percent or more of the  
20365           replacement trees are determined to be viable after a period of one (1) year, the  
20366           project shall be considered successful and replacement trees will not be required  
20367           for the remaining ten (10) percent of the trees that die or are in a state of decline.  
20368  
20369       s.   Remuneration in lieu of tree replacement. If it is determined by DEES that the  
20370       replacement is not feasible due to lack of available planting space, the following  
20371       applies:  
20372  
20373           i.   The person conducting the tree replacement activity shall pay into the City's Tree  
20374           Preservation Account a replacement contribution in lieu of actual tree replacement;  
20375  
20376           ii.   The replacement contribution will be determined using a schedule for current value  
20377           of replacement trees plus installation and maintenance as established by the city;  
20378  
20379           iii.   Specimen tree calculations shall be in accordance with subsection  
20380           40.7014(Q)(6)(o).  
20381  
20382       t.   Tree preservation account.  
20383

- 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:
- 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.

- 20430 ii. Tree abuse necessary to alleviate a dangerous condition posing an imminent  
20431 threat to the public or property provided that the threat cannot be remedied by  
20432 pruning that is not defined as tree abuse; or  
20433
- 20434 iii. Shaping of trees to protect property, such as buildings and infrastructure, in which  
20435 there is adequate evidence accepted by DEES that shaping has occurred  
20436 historically.  
20437
- 20438 b. Remedial measures for tree abuse. Any person that abuses a tree in violation of this  
20439 article shall:  
20440
- 20441 i. Undertake pruning and other remedial action as determined by DEES, not limited  
20442 to the removal of severely abused trees to protect public safety and property, and  
20443 corrective pruning to improve the health and form of affected trees. No tree  
20444 removal license permit is required for the removal of severely abused trees that  
20445 are removed pursuant to DEES direction.  
20446
- 20447 ii. Plant replacement trees pursuant to this Code, if the natural habit of growth of the  
20448 abused tree is destroyed.  
20449

20450 9. Historical trees.  
20451

- 20452 a. Standards for designation. The City Commission shall only designate as a historical  
20453 tree a tree or group of trees that meet the following criteria:  
20454
- 20455 i. The tree is located on historically significant property and is related to a historic  
20456 event; or  
20457
- 20458 ii. The tree is uniquely related to the heritage of the City of Margate; or  
20459
- 20460 iii. The tree is at least 35 years old.  
20461
- 20462 b. Request for designation. The following entities may request that the board City  
20463 Commission designate a particular tree or group of trees within its jurisdiction as an  
20464 historical tree:  
20465
- 20466 i. State, county, municipality or any historical preservation society designated by the  
20467 City Commission; or  
20468
- 20469 ii. Any property owner may make a similar request providing the request is for a tree  
20470 or group of trees located on their own property.  
20471
- 20472 iii. The request shall be in writing to the City Manager and contain:  
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- 20474 a. The exact location of the tree or trees to be designated as historical.  
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- 20476 b. The name and address of the current owner and affected utilities of the land  
20477 upon which the tree is located.

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c. The reason(s) for requesting the historical designation.

c. Consideration by the City Commission. The entity shall request that the City Manager place the request on the City Commission agenda for discussion and vote on the request. When the person requesting this designation is not the property owner, the property owner shall be notified in writing by certified mail of the request and the time, date, and place of the hearing. The City Commission shall then make a determination 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 elliottii 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 busic</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>	

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>

10. Protection of trees from destruction, damage, etc.

- a. Tree abuse. It shall be unlawful for any person to abuse a tree in violation of this section. In the event a person abuses a tree in violation of this section, the violator shall be responsible to remove the abused tree and replace it as provided for in this section.

- b. Tree replacement. If the natural habit of growth of the tree is destroyed, the violator shall remove the destroyed tree and install a replacement tree, at his expense, pursuant to 40.704(Q)(6). The destroyed tree shall be removed if it threatens public safety or property, and the appropriate tree removal permit fee shall apply.
- c. Remedial actions. Remedial actions and replacement required under this section shall be completed within 60 calendar days of notice from the City that such actions are required. The City may require the violator to immediately undertake remedial actions in the event the abused tree is an immediate threat to the public or property.
- d. Protective barriers. During any construction or land development, protective barriers, of specifications approved by the city, shall be placed and maintained around all trees to be retained on the site to prevent their destruction or damage; and the developer shall use every precaution possible to avoid damaging such trees, by preventing the use or storage of materials or equipment, or the contamination of soil with such materials as paint, oil solvents, asphalt, concrete, mortar, etc., within the drip line.
- e. Attachments. No attachments, other than those of a protective or nondamaging nature, shall be attached to any tree except those trees approved by the City to be eliminated and not be retained or relocated.
- f. Nuisance trees. Nothing in this section shall disallow a person from shaping a nuisance tree which may be contrary to the standards of this section.
- g. Responsibility. The owner of the property, tenant, and agent, whether same be an individual, corporation, or other entity shall be responsible in the event that a tree is abused, contrary to this section.
- h. Power lines. Nothing in this section shall read to prohibit the shaping of trees under power lines such that they do not interfere with such power lines and cause a public safety hazard.

11. Removal of trees on public lands.

- a. No trees shall be removed from any public land, including, but not limited to, street right-of-way and swale areas, without the approval of the City according to this article or any other appropriate sections of the Code.

12. Designation of administration and enforcement personnel.

- 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.
4. Where a building or use, which existed at the effective date of this ordinance, is enlarged in floor area, volume, capacity, or space occupied, off-street parking facilities as specified herein shall be provided for the additional floor area, volume, capacity or space so created or occupied.
5. It shall be unlawful for an owner or operator of any building, structure 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.

6. Areas where parking is permitted.

a. Vehicles may only be parked in parking spaces meeting the design standards of this Code. Parking in drive aisles and loading zones is prohibited.

b. Exception. Single-family and two-family dwellings

7. The off-street parking facilities required under this article shall be located on the same lot or parcel of land such facilities are intended to serve, or upon an additional lot of land, the nearest property line of which is located within 400 feet, airline measurement, of the nearest property line of the premises it is intended to serve. All off-street parking facilities required under this Article shall be located on property whereon such off-street parking use is a permissible use and shall be designed, developed and maintained in accordance with all applicable provisions of this Code for Corridor, Gateway, and City Center Districts.

8. All off-street parking facilities required under this article that are to be provided upon an additional lot of land as hereinbefore provided shall be permitted through the Engineering Department, and requires that the owner of such additional lot of land to be used for off-street parking facilities and the owner of the land intended to be served by such off-street parking facilities enter into a written agreement with the City whereby the land providing the additional parking area shall never be sold or disposed of except in conjunction with the sale of the building or the use which the additional area serves, so long as such parking facilities are required, and said agreement shall be approved by the City Attorney and recorded in the public records of Broward County, Florida, at the expense of the owner, and shall be considered to be a restriction running with the land and shall bind the heirs, successors and assigns of the said owner; provided, that another additional lot or lots complying with the provisions of the zoning ordinance and subject to a recorded agreement as above specified may be substituted for the additional lot of land. Said written agreement may be voided by the City Commission if other provisions are made for off-street parking facilities pursuant to this article. In the case of a new or substitute agreement for the use of a lot of additional land to meet off-street parking requirements, the original or preceding agreement shall be voided by the execution and recording of the new agreement.

9. Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operations.

10. In the case of a building occupied by a use which is not permitted as a new use in the district in which such building is located, where major repairs, substantial alterations, or extensions of the use are to be made, no such major repairs, substantial alterations or extensions of use shall be permitted unless and until the off-street parking requirements

of this article, for a new use of the type involved, are applied to such existing use and are fully provided for.

11. Back-out parking. Means a parking lot design which forces vehicles to use a public right-of-way to move in to and out of a parking stall, is prohibited except for where single-family and duplex structures are permitted. Back-out parking facilities are prohibited in all other zoning districts.

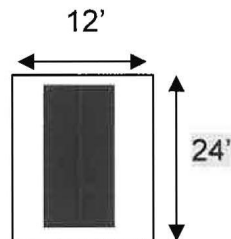
(B) Parking design standards.

1. Single-family and duplex residential development:

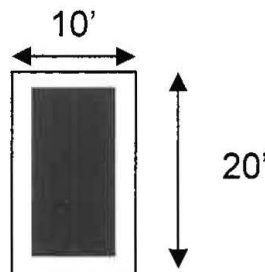
a. The following minimum requirements shall apply to all single-family dwellings and duplex dwellings. The following minimum requirements shall also apply to any fee-simple townhouse or villa developments which provide off-street parking in the form of driveways, carports, and/or garages when the parking 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:

i. In order for parking facilities to count toward minimum required parking, said facilities must meet the minimum dimensions as described below.

ii. A garage shall have minimum interior dimensions of 20 feet deep and 12 feet wide, with a minimum vertical clearance of eight (8) feet. This space shall not be occupied by fixtures such as cabinets, water heaters, laundry appliances, etc.

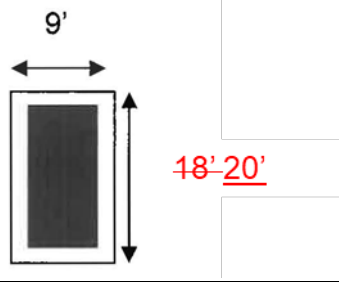


iii. A carport shall have a minimum dimension of 20 feet deep and ten (10) feet wide, per vehicle, with a minimum vertical clearance of eight (8) feet. This space shall be exclusive of vertical supports and shall not be occupied by storage, equipment, or inoperable vehicles.



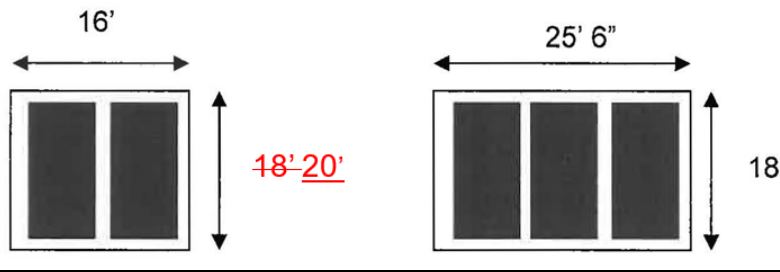
iv. A single-width driveway shall be a minimum 20 feet deep and nine (9) feet wide for a single vehicle.





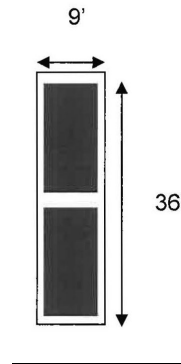
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- v. For a driveway where cars are parked side-by-side, the driveway shall be a minimum 20 feet deep and eight (8) feet wide for each vehicle when two (2) cars are parked side-by-side. If the driveway is widened to accommodate more than two (2) vehicles side-by side, the minimum width for each vehicle shall be eight (8) feet six (6) inches.



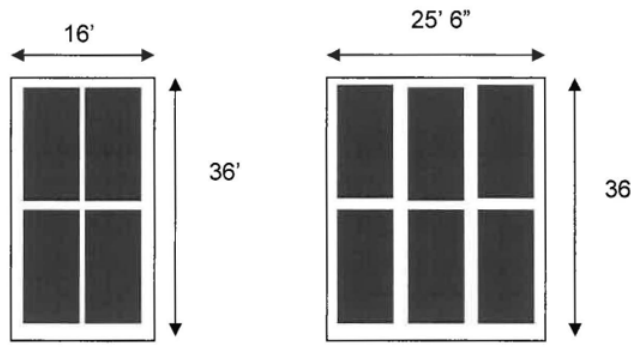
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- vi. For a single-width driveway where cars are parked in tandem (front-to-back), the driveway shall be a minimum 20 feet deep and nine (9) feet wide for each vehicle.

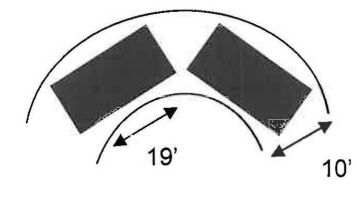


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- vii. For a driveway where cars are parked both side-by-side and in tandem, the driveway shall be a minimum 20 feet deep for each vehicle. The minimum width for two (2) side-by-side spaces shall be eight (8) feet for each vehicle. The minimum width for more than two (2) side-by-side spaces shall be eight feet (8) six (6) inches for each vehicle.



- 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.

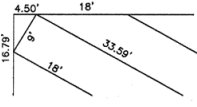
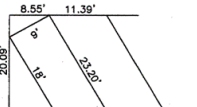
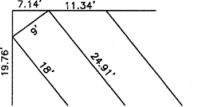
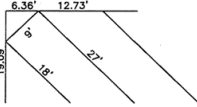
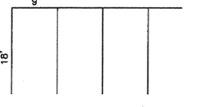
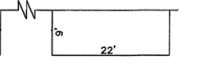


- ix. Fractional measurements do not count toward minimum required parking.

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 driveway within 60 feet of the right-of-way line of such trafficway or major thoroughfare. For all other building sites, regardless of location, such distance shall be at least 25 feet.
- c. Vehicle barriers. Vehicle barriers adjacent to parking spaces are required as follows:

- 20758 a. When a parking space abuts sidewalks, outdoor seating areas, walkway café's,  
20759 walls of a structure, or utility infrastructure bollards meeting the minimum  
20760 requirements provided by the Department of Environmental Engineering  
20761 Services shall be provided.
- 20762
- 20763 b. When a parking space abuts a landscape area protective curbing shall be  
20764 provided.
- 20765
- 20766 c. Exceptions. Bollards do not have to be provided in the following situation.  
20767
- 20768 a. When parking spaces are abutting sidewalks at least seven (7) feet wide  
20769 elevated at least six (6) inches.
- 20770
- 20771 d. Wheel stops may be removed from existing parking spaces if in compliance  
20772 with the above requirements.
- 20773
- 20774 ii. All interlocking 90-degree parking stalls shall be separated by a curbed landscape  
20775 median no less than seven (7) feet in width. Parking stalls of less than 90 degrees  
20776 shall be separated by a curbed median with an average width of seven (7) feet.  
20777 This requirement shall only apply to new developments and redevelopments within  
20778 the City.
- 20779
- 20780 iii. No parking stall shall be less than nine (9) feet in width and 18 feet in length, except  
20781 that parallel parking stalls shall be no less than nine (9) feet in width and 22 feet in  
20782 length. Any parking stall abutting a curbed landscape area no less than seven (7)  
20783 feet in width may reduce stall length by two (2) feet.
- 20784
- 20785 iv. No off-street parking area drive-aisle shall be less than 22 feet in width for two-way  
20786 traffic. The following standards shall apply to one-way drive aisles in parking areas:
- 20787
- 20788 a. One-way drive-aisles for thirty-degree angled parking and parallel parking shall  
20789 be no less than 12 feet in width.
- 20790
- 20791 b. One-way drive aisles for 45-degree angled parking shall be no less than 13  
20792 feet in width.
- 20793
- 20794 c. One-way drive aisles for 52.5-degree angled parking shall be no less than 15  
20795 feet in width.
- 20796
- 20797 d. One-way drive aisles for 60-degree parking shall be no less than 17 feet in  
20798 width.
- 20799
- 20800 e. One-way drive aisles for 90-degree parking shall be no less than 22 feet in  
20801 width.
- 20802

TABLE P OFF STREET PARKING STANDARDS	
 <p>30° PARKING</p>	 <p>60° PARKING</p>
 <p>52.5° PARKING</p>	 <p>45° PARKING</p>
 <p>90° PARKING</p>	 <p>PARALLEL PARKING</p>

- (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>	<ul style="list-style-type: none"><li>• <u>Sidewalks and other pedestrian areas within nonresidential or multifamily developments</u></li></ul>
<u>Level 1</u>	<ul style="list-style-type: none"><li>• <u>Multifamily residential</u></li></ul>
<u>Level 2</u>	<ul style="list-style-type: none"><li>• <u>Nonresidential uses. These facilities can fall back to level 1 criteria only after the closing hours of all businesses within the center.</u></li></ul>

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)<sup>1</sup></u>	<u>10:1</u>	<u>10:1</u>
<u><sup>1</sup> 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

<u>Feature</u>	<u>General Areas</u>	<u>Ramps</u>	<u>Entrance Areas</u>	<u>Stairways</u>	<u>Rooftop</u>
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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

- iv. Light sources: All exterior parking lot lighting fixtures must be fully shielded to prevent nuisance lighting.
- 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.
- 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.
- 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.
- 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.
- 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 certify to the Margate Department of Environmental and Engineering Services that the exterior lighting facilities are in compliance with this section.

(H) Master Parking Plan required for new parking area, Change of use or substantial modification.

1. Before any building permit for any 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 can be issued, a property owner shall submit a master parking plan to the City for review and approval, as follows:

a. For single-family or duplex housing, a parking plan shall be submitted with the building permit application for said single-family or duplex unit. The plan shall clearly and accurately designate the required off-street parking spaces.

b. For all other uses or improvements described in Paragraph (1), above, a master parking plan shall be submitted by the property owner to the Development Services Department for review and approval by the Development Review Committee (DRC). The plan shall clearly and accurately designate off-street parking spaces, landscape areas, pedestrian access, bicycle parking facilities, parking for disabled people, pedestrian drop off and pick-up areas, dumpster locations, loading zones, all truck turning movements, drainage, lighting, access aisles, driveways, and the relation to the uses or structures these off-street parking facilities are intended to serve as appropriate. If applicable to the subject property or properties, the following parking area features shall be included in the master parking plan: electric vehicle charging stations, fuel pumps, valet parking, vehicle gates, vehicle reservoir areas (queueing), short-term parking such as order online and pick-up at store parking, designated spaces for restaurants with curbside or automobile service where customers consume food in vehicles, reserved parking spaces, hydrants, freestanding signs, and all other accessory structures within the parking area. Such facilities shall be arranged for the convenient access and safety of pedestrians and vehicles.

i. The master parking plan shall be prepared by a professional engineer licensed in the State of Florida.

ii. The master parking plan shall provide a detailed parking calculation. If this Code does not prescribe a minimum number of parking spaces for the proposed use(s), then a justification for the number of parking spaces provided shall be prepared by a qualified traffic engineer or certified planner (AICP) and submitted with the master parking plan.

iii. Where shared parking is proposed, the master parking plan shall identify the uses that share the parking and demonstrate the hours of peak demand by each use.

iv. When an application for a change of use is submitted a previously approved master parking plan may be submitted to the Development Services Director for review with an updated parking calculation and justification for the number of spaces provided. The director may approve the plan or forward it to the DRC for review and approval.

v. Approval of a proposed master parking plan shall be based on the design standards of the City Code for the various components of the plan. All of the



20956 following factors shall be considered in the justification of the number of parking  
 20957 spaces:

- 20958
- 20959 a. The physical constraints of the parking field.
- 20960
- 20961 b. The intensity of the uses on the property.
- 20962
- 20963 c. The use of shared parking.
- 20964
- 20965 d. The availability of and convenient access to transit to the site.
- 20966
- 20967 e. Information from peer-reviewed literature regarding parking generation rates  
 20968 and the reduction of parking demand.
- 20969
- 20970 f. Experience from other sites in the City.
- 20971
- 20972 g. The proposed master parking plan will not create a parking problem due to  
 20973 customers or employees using on-street parking in the neighborhood, and that  
 20974 traffic problems in the neighborhood will not be materially increased.
- 20975
- 20976 vi. The property owner is responsible for making all improvements described in the  
 20977 approved master parking plan prior to the issuance of any temporary certificate of  
 20978 occupancy, certificate of occupancy, or certificate of completion for any application  
 20979 required to comply with this section.
- 20980
- 20981 vii. A master parking plan shall be null and void if a building permit and/or engineering  
 20982 permit has not been issued for the improvements described therein within one year  
 20983 from the date of approval. The date of approval shall be the date an official DRC  
 20984 meeting approved the plan, or in the case of a previously approved master plan,  
 20985 the date of the Development Services director approval.
- 20986
- 20987 (l) Amount of off-street parking. The off-street parking required by this article shall be provided  
 20988 and maintained on the basis of the following minimum requirements:
- 20989
- 20990 1. Dwelling, single-family and two-family:
- 20991
- 20992 a. For single-family and two-family dwellings developed prior to September 5, 2018,  
 20993 including additions thereto and the reconstruction of those properties after  
 20994 catastrophe, the following minimum parking requirements shall apply: Two (2) parking  
 20995 spaces for each dwelling unit. Any combination of indoor garage, carport or driveway  
 20996 parking facilities is to be considered as complying with this section.
- 20997
- 20998 b. For single-family and two-family dwellings developed after September 5, 2018: A  
 20999 minimum of two (2) parking spaces for the first bedroom, plus one (1) additional  
 21000 parking space for each additional bedroom.
- 21001
- 21002 i. Carports with the dimensions of section 40.705(B) shall count as required parking.
- 21003

- 21004 ii. Single car garages shall have a minimum unobstructed area of 12 feet by 20 feet  
21005 and not count as a required space.  
21006  
21007 Commentary: In South Florida, single-car garages are often used for storage  
21008 instead of parking, given the absence of basements. For this reason, single-car  
21009 garages do not count toward required parking.  
21010  
21011 iii. Two (2) car garages that have an unobstructed area of minimum 20 feet by 20 feet  
21012 and may count as one (1) required parking space. Additional garage area that  
21013 meets the dimensions of section 40.705(B) may also count towards required  
21014 parking.  
21015  
21016 iv. The number of parking spaces a driveway will provide depends on the dimensions  
21017 of said driveway, as described in section 40.705(B) of this Code.  
21018  
21019 2. Dwelling, multiple-family:  
21020  
21021 a. For multiple-family dwellings developed prior to September 5, 2018, including the  
21022 reconstruction of those properties after catastrophe, the following minimum parking  
21023 requirements shall apply:  
21024  
21025 i. One (1) parking space for each efficiency.  
21026  
21027 ii. A minimum of two (2) parking spaces for each dwelling unit of one (1) or more  
21028 bedrooms.  
21029  
21030 iii. Garages shall not be considered as complying with this section.  
21031  
21032 iv. In addition to the above requirements, supplemental guest parking shall be  
21033 provided on the basis of one (1) space for each five (5) dwelling units.  
21034  
21035 v. Housing which is zoned or deed restricted for exclusive use by persons 62 years  
21036 of age or older, one (1) space dwelling unit plus an additional one (1) space for  
21037 each five (5) dwelling units for guest parking.  
21038  
21039 b. For multiple-family dwellings developed after September 5, 2018, including additions  
21040 to existing developments: A minimum of two (2) parking spaces for each dwelling unit  
21041 of two (2) bedrooms or less. One (1) additional parking space is required for each  
21042 additional bedroom.  
21043  
21044 i. Guest parking for developments with more than eight (8) units shall be provided at  
21045 a rate of 15 percent.  
21046  
21047 ii. Carports with the dimensions of section 40.705(B) shall count as required parking.  
21048  
21049 iii. Single car garages shall have a minimum unobstructed area of 12 feet by 20 feet  
21050 and not count as a required space.  
21051

- iv. Guest parking must be provided on common areas owned by the multifamily development.
- Commentary: In South Florida, single-car garages are often used for storage instead of parking, given the absence of basements. For this reason, single-car garages do not count toward required parking.
- v. Two (2) car garages that have an unobstructed area of minimum 20 feet by 20 feet may count as one (1) required parking space.
- vi. Each parking space within a parking structure, as defined in section 40.201 of this Code, shall count toward required parking provided the parking dimensions satisfy the minimum requirements of Table P provided in this Article.
3. Convalescent homes, nursing homes, retirement homes, and other similar institutions for the care of the aged and infirmed: One (1) parking space for each five (5) beds for patients or inmates, and one (1) parking space for each employee.
4. Uses not specifically mentioned: The requirements for off-street parking for any residential uses not specifically mentioned in this section shall be the same as provided in this section for the use most similar to the one sought, it being the intent to require all residential uses to provide off-street parking as described above. All non-residential uses shall be required to provide off-street parking, in accordance with an approved Master Parking Plan.
5. Fractional measurements: When units or measurements determining the number of required off-street parking spaces result in requirements of fractional space, any such fraction shall require a full off-street parking space.
- (J) Parking of commercial vehicles.
1. Off-street parking facilities supplied by the owner or operator to meet the requirements of this article shall not be used by commercial vehicles owned, operated or used in the business of such owner or operator during regular hours of business.
- (K) Off-street loading.
1. On the same lot with every structure or use hereafter erected or created, there shall be provided and maintained adequate space for loading and unloading of materials, goods or things and for delivery and shipping, so that vehicles for these services may use this space without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.
2. Where any structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended 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.

- 21100 3. For the purposes of this section, an off-street loading space shall be an area at grade level  
21101 at least 12 feet wide by 45 feet long with 14½ foot vertical clearance. For lots or  
21102 developments containing an aggregate amount of less than 10,000 square feet of Gross  
21103 Floor Area of Buildings including office buildings and banks, an off-street loading space  
21104 may be reduced to 12 feet in width by 25 feet long. Each off-street loading space shall be  
21105 directly accessible from a street or alley without crossing or entering any other required  
21106 off-street loading space and arranged for convenient and safe ingress and egress by  
21107 motor truck and/or trailer combination. Such loading space shall also be accessible from  
21108 the interior of any building it is intended to serve.  
21109
- 21110 4. Off-street loading spaces shall be provided and maintained in accordance with the  
21111 following schedule:  
21112
- 21113 a. For each retail store, storage warehouse, wholesale establishment, industrial plant,  
21114 factory, freight terminal, market, restaurant, funeral home, laundry, dry cleaning  
21115 establishment or similar use which has an aggregate gross floor area of:  
21116
- 21117 i. Over 10,000 sq. ft. but not over 25,000 sq. ft. 1 space  
21118
- 21119 ii. Over 25,000 sq. ft. but not over 60,000 sq. ft. 2 spaces  
21120
- 21121 iii. Over 60,000 sq. ft. but not over 120,000 sq. ft. 3 spaces  
21122
- 21123 iv. Over 120,000 sq. ft. but not over 200,000 sq. ft. 4 spaces  
21124
- 21125 v. Over 200,000 sq. ft. but not over 290,000 sq. ft. 5 spaces  
21126
- 21127 vi. Plus for each additional 90,000 sq. ft. over 290,000 sq. ft. or major fraction thereof 1  
21128 space  
21129
- 21130 b. For each multiple dwelling or apartment hotel having at least 50 dwelling units but not  
21131 over 100 dwelling units: One (1) space.  
21132
- 21133 c. For each multiple dwelling having over 100 dwelling units: One (1) space plus one (1)  
21134 space for each additional 100 dwelling units or major fraction thereof.  
21135
- 21136 d. For each auditorium, convention hall, exhibition hall, museum, hotel, office building,  
21137 sports arena, stadium, hospital, sanitarium, welfare institution or similar use which has  
21138 an aggregate gross floor area of:  
21139
- 21140 i. Over 20,000 sq. ft. but not over 40,000 sq. ft. 1 space  
21141
- 21142 ii. Plus for each additional 60,000 sq. ft. over 40,000 sq. ft. or major fraction thereof:  
21143 One (1) space.  
21144
- 21145 e. For any use not specifically mentioned in this section, the requirements for off-street  
21146 loading for a use which is so mentioned and to which the unmentioned use is similar  
21147 shall apply.

- 21148
- 21149 5. Off-street loading facilities supplied to meet the needs of one (1) use shall not be
- 21150 considered as meeting the off-street loading needs of any other use.
- 21151
- 21152 6. No parking facilities supplied to meet the required off-street parking facilities for a use shall
- 21153 be utilized for or be deemed to meet the requirements of this article for off-street loading
- 21154 facilities.
- 21155
- 21156 7. Nothing in this section shall prevent the collective, joint or combined provision of off-street
- 21157 loading facilities for two (2) or more buildings or uses, provided that such off-street loading
- 21158 facilities are equal in size and capacity to the combined requirements of the several
- 21159 buildings or uses and are so located and arranged as to be usable thereby.
- 21160
- 21161 8. Plans for buildings or uses requiring off-street loading facilities under the provision of this
- 21162 section shall clearly indicate the location, dimensions, clearances and access of all such
- 21163 required off-street loading facilities.
- 21164

21165 (L) Parking spaces for disabled persons.

21166

- 21167 1. Parking spaces as for disabled persons shall be provided as required by the Florida
- 21168 Building Code, Accessibility Section 502 as may be amended from time to time shall be
- 21169 designated for use by disabled persons and shall be provided in the immediate vicinity of
- 21170 any building maintained for use by the public, whether said building shall be a public or
- 21171 quasi-public building, or which is a multi-unit residential use.
- 21172

21173 (M) Vehicular reservoir areas for drive-through facilities.

21174

- 21175 1. All facilities which render goods and/or services directly to patrons within vehicles shall be
- 21176 required to provide reservoir areas for inbound vehicles. The purpose of these areas is to
- 21177 ensure that the vehicles using the facility do not interfere with the flow of vehicular and
- 21178 pedestrian traffic within public rights-of-way, nor interfere with parking circulation or
- 21179 loading within the facility.
- 21180
- 21181 2. Each reservoir area required pursuant to this article shall be a minimum of ten (10) feet
- 21182 wide by 20 feet long and each reservoir area shall not block parking stalls, parking aisles,
- 21183 driveways or pedestrian ways. For the purposes of this section, the space occupied by the
- 21184 vehicle being served by the facility is considered one (1) reservoir area.
- 21185
- 21186 3. The number of reservoir areas required shall be provided and maintained on the basis of
- 21187 the following minimum requirements:
- 21188

	<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:

21218  
21219 3. General standards.  
21220

21221 a. Side setbacks: Eighteen (18) inches.  
21222

21223 b. Rear setback: Five (5) feet.  
21224

21225 c. The width of driveways on the lot may not exceed the maximum width allowed at the  
21226 frontage.  
21227

21228 d. Between driveway connections on the same lot: 20 feet.  
21229

21230 e. Circular driveways shall have a landscaped area between each connection. The curve  
21231 of the circular driveway shall be setback at least eight (8) feet at the midpoint between  
21232 connections.  
21233

21234 f. Driveways may have flares at the point of intersection with the abutting roadway.  
21235 Flares may be a maximum of five (5) feet in width, and may have a zero (0) setback  
21236 measured from a straight line extended from the property line to the abutting roadway.  
21237

21238 g. Turn-in or similar design where the driveway turns to be parallel or almost parallel to  
21239 the adjacent street, eight (8) feet from the adjacent property line.  
21240

21241 h. All driveways shall be located as far away from street intersections as possible.  
21242

21243 i. A driveway may only connect to another driveway in front of a home.  
21244

21245 j. Each driveway must have a hardened driveway approach that is made of concrete,  
21246 asphalt, or brick paver, and is at least as wide as the driveway is at the property line.  
21247

21248 k. Vehicles are prohibited from driving over curbs and sidewalks that were not designed  
21249 and built for vehicular traffic.  
21250

21251 4. Frontage. For the purposes of this section, the property owner may designate which  
21252 frontage is the primary frontage and which is the secondary frontage for the property on  
21253 which the driveway is located, subject to the undivided local street highway classification  
21254 map requirements of subsection (5)(b); only one (1) frontage may be considered the  
21255 primary frontage.  
21256

21257 5. Driveway regulations for lots with fifty-four (54) feet or less street frontage.  
21258

21259 a. Primary frontage: Maximum of two (2) driveways with a maximum total width of 27  
21260 feet.  
21261

21262 b. Secondary frontage: If located on an undivided local street, as classified by the  
21263 Broward County Metropolitan Organization's Broward Highway Functional  
21264 Classifications Map, may have a maximum of one (1) driveway with a minimum depth



21265 of 20 feet entirely on the property, maximum 20 percent of the width of the frontage,  
21266 not less than nine (9) feet in width.

21267  
21268 6. Driveway regulations for lots with more than 54 feet street frontage.

21269  
21270 a. Primary frontage: Maximum of three (3) driveways with a maximum total width of 60  
21271 percent of the frontage, not less than 27 feet in width.

21272  
21273 b. Secondary frontage: If located on an undivided local street, as classified by the  
21274 Broward County Metropolitan Organization's Broward Highway Functional  
21275 Classifications Map, may have a maximum of two (2) driveways with a minimum depth  
21276 of 20 feet entirely on the property, maximum 20 percent of the width of the frontage  
21277 not less than nine (9) feet in width.

21278  
21279 7. Summary of single-family attached and detached dwellings driveway regulations. The  
21280 driveway requirements of this section are summarized in the table below:

21281

<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>

21282  
21283 8. Driveway design standards for nonresidential and mixed-use development driveway  
21284 design standards:

21285  
21286 a. Maximum width of 40 feet for two-way traffic.

21287  
21288 b. Maximum width of 14 feet for one-way traffic.

21289  
21290 c. Abutting properties are strongly encouraged to share driveway connections where  
21291 possible.

21292  
21293 d. When a driveway for the property's only legal access cannot comply with the spacing  
21294 requirements of this section, a driveway shall be allowed as far as possible from other  
21295 driveways without the need to apply for a variance, subject to the requirements of the  
21296 Florida Department of Transportation or Broward County as applicable, and the  
21297 limitations below. This requirement applies to both vacant and lots being redeveloped.

21298  
21299 e. When a driveway for the property cannot comply with the spacing requirements of this  
21300 section and has legal access from a nonresidential street or alley or has a cross-

21301 access easement with an abutting property, a driveway on that frontage shall be  
21302 prohibited.

21303  
21304 9. In multifamily nonresidential, and mixed-use districts, the following shall apply:

21305  
21306 a. Maximum of one (1) two-way or two (2) one-way driveways for any street frontage of  
21307 200 feet or less.

21308  
21309 b. Driveways shall be located as far away from street intersections as possible.

21310  
21311 c. Minimum spacing between two-way driveways of 200 feet from any other driveway.

21312  
21313 d. Minimum spacing for one-way driveways of eighty (80) feet from any other driveway.

21314  
21315 10. All driveways shall be located as far away from street intersections as possible.

21316  
21317 11. Backout parking, i.e. a parking lot design which forces vehicles to use a public right-of-  
21318 way to maneuver into or out of a parking stall, is prohibited except for one- and two-family  
21319 sites fronting on local streets. Driveways connecting same are considered to be one-way.  
21320 This provision is not intended to regulate on-street parking.

21321  
21322 **40.706 Signage**

21323  
21324 (A) Statement of purpose.

21325  
21326 The purpose of this article is to create the framework for a comprehensive and balanced  
21327 system of sign control, thereby facilitating clear and attractive communication between people  
21328 and their environment. It is the purpose of this article to control those signs which are intended  
21329 to communicate to the general public and to authorize the use of signs which are:

21330  
21331 1. Compatible with their surroundings.

21332  
21333 2. Expressive of the identity of individual proprietors or of the community as a whole.

21334  
21335 3. Legible under the circumstances in which they are seen.

21336  
21337 4. Conducive to promoting traffic safety by preventing visual distraction.

21338  
21339 5. Provide for the aesthetic appearance of the community and consistency with architecture.

21340  
21341 6. Effectively and efficiently communicate the intent and nature of the city's business  
21342 community.

21343  
21344 (B) Definitions.

21345  
21346 The following words, terms and phrases, when used in this article shall have the meaning  
21347 ascribed to them in this section, except where the context clearly indicated a different  
21348 meaning:

- 21349
- 21350 1. Abandoned sign: A sign which no longer correctly directs or exhorts any person,
- 21351 advertises a bona fide business, lessor, owner, product or activity conducted or available
- 21352 on the premises where such sign is displayed.
- 21353
- 21354 2. Address sign: A sign listing at least the numerical prefix of the street address of a building.
- 21355
- 21356 3. Advertising: Any form of public announcement intended to aid, directly or indirectly, in the
- 21357 sale, use or promotion of a product, commodity, service, person, event, activity or
- 21358 entertainment.
- 21359
- 21360 4. Advertising balloon: Any balloon of any size containing a display of advertising.
- 21361
- 21362 5. A-frame sign, portable sign, and sandwich board sign: A moveable sign not secured or
- 21363 attached to the ground, but which is not being carried by an individual, nor moving or
- 21364 animated in any other fashion.
- 21365
- 21366 6. Animated sign: A sign which utilizes motion parts by any means or displays flashing,
- 21367 oscillating or intermittent lights. This also includes the use of animals or humans for
- 21368 advertising purposes.
- 21369
- 21370 7. Announcing sign: A sign announcing a project to be under construction, an intended use
- 21371 of the premises in the immediate future, or change of tenant during build out.
- 21372
- 21373 8. Awning sign: Any sign which is painted, printed, sewed or otherwise attached to the
- 21374 exterior face of an awning.
- 21375
- 21376 9. Banner or pennant sign: A sign having characters, letters or illustrations applied to cloth,
- 21377 paper, flexible plastic, flexible vinyl or fabric of any kind with only such material for backing
- 21378 other than those meeting the definition of a flag.
- 21379
- 21380 10. Bench sign: Any sign painted on or attached to a bench.
- 21381
- 21382 11. Billboard: A sign, including those located on poles, benches, buses, buildings or
- 21383 structures, that is located in the public right-of-way or on private property, utilized for
- 21384 advertising an establishment, an activity, a product, a service or entertainment, which is
- 21385 sold, produced, manufactured, available or furnished at a place other than on the property
- 21386 on which said sign is located.
- 21387
- 21388 12. Blade sign: A small sign, which is suspended from an overhang, canopy, awning, or is
- 21389 suspended from mounting attached directly to the building wall and hangs perpendicular
- 21390 to the building wall.
- 21391
- 21392 13. Blank panel: A single color, individual sign panel with no writing, characters, symbols,
- 21393 letters, numbers or any design of any kind visible or applied or painted on either side of
- 21394 the panel.
- 21395
- 21396 14. Bunting: Any kind of pennant, streamer or other similar fabric or flexible plastic.

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15. Cabinet sign: Any sign, the face of which is enclosed, bordered, or contained within a box-like structure, frame or other device.
16. Canopy: An ornamental roof-like structure that is not an integral part of the roof, but rather, is appended to the building and extends beyond the building or building line. For purposes of this Code, a roof structure over a gasoline pump or pumps is considered a canopy.
17. Canopy sign: A sign attached to the face of a canopy or covered structure which projects from, or is supported by a building, when such canopy or covered structure extends beyond the building, building lines, or property line.
18. Changeable copy sign: A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign. This may be done by using flexible or rigid plastic letters, electronic messaging or LED.
19. City: The City of Margate, Florida.
20. City manager: The city manager of the City of Margate.
21. Clubhouse: A common property to a homeowner's or condominium association which includes such community amenities as a swimming pool, meeting place and/or auditorium.
22. Clubhouse identification sign: A sign identifying its clubhouse.
23. Community bulletin board sign: A sign displaying information of interest to the general public.
24. Community identification sign: A sign identifying a community.
25. Complex: A group or cluster of buildings with a common access from a dedicated roadway.
26. Directional sign: Any on-premises sign indicating route of travel for reaching the place or use indicated on the sign face.
27. Directory sign: A sign on which the names and locations of occupants or the use of a building or site are given but not advertising the use in any manner.
28. Door: An entry equipped with double-pivoted hardware so designed as to cause a semi counter balanced swing action when opening.
29. Election signs: Any sign which indicates the name, cause or affiliation of any person 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.

- 21443 30. Facade: That portion of a building encompassing the area extending in a generally vertical  
21444 plane from the ground to the highest point of the building or canopy and extending in a  
21445 horizontal plane between the vertical ends of the structure.  
21446
- 21447 31. Feather banner sign: A temporary lightweight sign comprised of partial metal or plastic  
21448 frame, pole, and/or base to which a vinyl, nylon, canvas or polyester fabric sign face is  
21449 attached. Depending on the shape and type of movement, such signs may also be called  
21450 a "flutter," "tear drop," "flying," "wing," "bow," "rectangular" banner, etc.  
21451
- 21452 32. Feature car: One (1) or more automobiles situated on a car lot prominently to highlight  
21453 product value.  
21454
- 21455 33. Flag: A sign having characters, letters or illustrations applied or woven into cloth or fabric  
21456 with only such material for backing which depicts the emblem or insignia of a nation,  
21457 political subdivision, a corporation or other entity and which is not intended to convey any  
21458 commercial or noncommercial message.  
21459
- 21460 34. Frontage, building: The exterior length of a building or portion thereof designated as a  
21461 single premises parallel to a public right-of-way.  
21462
- 21463 35. Frontage, street: The length of the property line of any one (1) premises parallel to [and]  
21464 along a public right-of-way.  
21465
- 21466 36. Grade: The established average level of ground on a property.  
21467
- 21468 37. Grand opening event: Celebration of or event commencing the opening of a business,  
21469 held within 60 days of the issuance of the first local business tax receipt or transfer of a  
21470 local business tax receipt for the business at a location.  
21471
- 21472 38. Grand opening ground sign: A temporary sign constructed by the City of Margate and  
21473 leased to new businesses in order to provide additional roadway visibility during their  
21474 grand opening.  
21475
- 21476 39. Grand projecting sign: A sign, other than a wall sign, which is attached to a building or  
21477 other structure, and extends outward beyond the line of building or structure to which it is  
21478 attached.  
21479
- 21480 40. Height of sign: Sign height, as measured from the established grade of the property on  
21481 which the sign is located or proposed to be located.  
21482
- 21483 41. Human sign: A person wearing a costume or holding a sign or other demonstration  
21484 displaying a commercial message.  
21485
- 21486 42. Identification sign: A sign used to identify a place, location, building or name.  
21487
- 21488 43. Illuminated sign: A sign with an internally or externally illuminated light source which  
21489 makes the message on the sign readable.  
21490

- 21491 44. Illumination, external: An exterior shielded light source such as ground lights, spot lights  
21492 or other similar lighting that projects the light onto the sign face.
- 21493
- 21494 45. Illumination, internal: A light source concealed or contained within the sign which becomes  
21495 visible by shining through a translucent surface.
- 21496
- 21497 46. Inflatable sign: A temporary sign, including balloons, larger than 24 inches in diameter or  
21498 height, which is structurally supported through the use of air, helium or other gas to provide  
21499 structural support, including signs which contain air, helium or other gas in a sealed  
21500 container or structure and signs which utilize a fan or blower to push air into or through  
21501 the sign material.
- 21502
- 21503 47. Logo: A symbol, emblem, trademark or graphic device which has been registered or  
21504 trademarked with the State of Florida or U.S. government and is used as a badge or  
21505 identity to represent an organization, corporation or business to identify said entities'  
21506 property or products.
- 21507
- 21508 48. Logotype: The use of a stylized font in a word or words that has been designed to create  
21509 a unique identity or trademark for an organization, corporation or business and which has  
21510 been registered with the State of Florida or U.S. government.
- 21511
- 21512 49. Mansard roof: A four-sided gambrel-style hip roof characterized by two (2) slopes on each  
21513 of its sides with the lower slope, punctured by windows, at a steeper angle than the upper  
21514 slope.
- 21515
- 21516 50. Model sign: A sign which designates a particular dwelling unit design which is not for sale  
21517 or rent, but rather represents other units of a similar design that are for sale or rent.
- 21518
- 21519 51. Monument sign: A sign which is attached to a self-supporting structure, has vertical sides  
21520 from base of the sign face to the ground level, has a sign face that is no more than six (6)  
21521 inches wider on either side than the sign structure, has a concealed means of support and  
21522 is not attached or affixed in any way to a building or other structure, and has no clearance  
21523 between the ground and the bottom of the sign.
- 21524
- 21525 52. Multi-tenant center: Any shopping center, office center or business center in which two (2)  
21526 or more occupancies abut each other or share common parking facilities or driveways or  
21527 are otherwise related.
- 21528
- 21529 53. Nameplate sign: A sign indicating the name, and/or profession or address of a person or  
21530 persons residing on the premises or legally occupying the premises.
- 21531
- 21532 54. Neighborhood block sign: A sign marking the location of a particular neighborhood or  
21533 subdivision by indicating the name and/or logo of such area.
- 21534
- 21535 55. Nonconforming sign: A sign which was legally constructed and maintained under laws or  
21536 regulations in effect at the time of construction which does not conform with the provisions  
21537 of this article.
- 21538

- 21539 56. Nonprofit sale sign: A sign advertising a sale benefiting a city sponsored or a city-based  
21540 nonprofit organization (i.e., Halloween pumpkin sale, fireworks sale, Christmas tree sale).  
21541
- 21542 57. Off-premises sign: Any sign that is advertising or indicating the location of a product,  
21543 service, business or other activity that is located or conducted elsewhere than on the  
21544 premises on which the sign is located.  
21545
- 21546 58. On-premises sign: Any sign identifying or advertising a business, person, activity, goods,  
21547 product or service located on the premises where the sign is installed and maintained.  
21548
- 21549 59. Opinion sign: A sign which indicates a belief concerning an issue, name, cause, or  
21550 affiliation which is not scheduled for an election. This includes, but is not limited to, signs  
21551 advertising political parties, or any political information.  
21552
- 21553 60. Outdoor public telephone: For purposes of this signage code, any exterior telephone  
21554 located either freestanding or affixed to a building which is intended for use by the general  
21555 public. This definition is also to include any structure which is intended for the purpose of  
21556 supporting said telephone.  
21557
- 21558 61. Parapet or parapet wall: That portion of the building that rises above the roof level.  
21559
- 21560 62. Pennants: See "Banner and pennant signs."  
21561
- 21562 63. Permanent sign: Any sign which, when installed, is intended for permanent use. For the  
21563 purposes of this chapter [article], any sign with an intended use in excess of 12 months  
21564 from the date of installation shall be deemed a permanent sign.  
21565
- 21566 64. Personal gain sign: Any sign advertising for personal gain on residential property; (i.e., a  
21567 garage, yard or patio sale sign).  
21568
- 21569 65. Pole sign: A permanent sign erected upon a pole or poles and which is wholly independent  
21570 of any building or other structure for support.  
21571
- 21572 66. Portable sign: Any sign not permanently attached to the ground or building.  
21573
- 21574 67. Premises: A tract of real property in a single ownership which is not divided by a public  
21575 street or right-of-way.  
21576
- 21577 68. Project: A group or cluster of buildings with a common access from a dedicated roadway.  
21578
- 21579 69. Projecting sign: A sign attached to and supported by a building or other structure and  
21580 which extends at any angle therefrom.  
21581
- 21582 70. Public hearing sign: A sign announcing the date, time, and location of where an issue of  
21583 law or fact is brought forth to the decision-making body.  
21584
- 21585 71. Public interest sign: A noncommercial sign, permanently erected and maintained by the  
21586 city, county, state, or any agency thereof, to denote the name of any thoroughfare; the



- 21587 route to any city, facility educational institution, public building, park, recreational facility  
21588 or hospital; to direct and regulate traffic; or, to denote any transportation or transmission  
21589 company for the safety of the public.
- 21590
- 21591 72. Promotional advertising banner: A sign placed on a permanent pole being used on a  
21592 rotating basis to provide greater visibility to multi-tenant developments.
- 21593
- 21594 73. Real estate sign: A sign erected by the owner, or his agent, indicating property which is  
21595 for rent, sale or lease.
- 21596
- 21597 74. Rear identification sign: A sign that is located in the rear portion of the building containing  
21598 the service or secondary service entrance that is not on the same building side as a  
21599 customer entrance.
- 21600
- 21601 75. Replaceable tenant panel: An individual sign panel with the name of a single tenant of a  
21602 multi-tenant complex or the name of the multi-tenant complex for use in a monument sign  
21603 of a multi-tenant complex where said panel is designed for easy installation into the  
21604 monument sign's cabinet or frame in the field without any other alteration to any other  
21605 portion of the monument sign's sign face or structure.
- 21606
- 21607 76. Roof sign: A sign erected over or on the roof, or extending above the roof line, which is  
21608 dependent upon the roof, parapet or upper walls of any building, or portion thereof, for  
21609 support.
- 21610
- 21611 77. Sign: A device, structure or representation for visual communication that is used for the  
21612 purposes of bringing the subject thereof to the attention of the general public. For the  
21613 purposes of removal, "sign" shall also include all sign structures.
- 21614
- 21615 78. Sign area: The square foot area enclosed by the perimeter of the sign structure. When a  
21616 sign is composed of individual letters, symbols or logos only, the sign area is the area  
21617 enclosed by a perimeter line (forming a single rectangle) enclosing all letters, symbols and  
21618 logos; however, no sign shall have a distance greater than three (3) feet between symbols,  
21619 logos, letters, or numbers. For monument signs, the square foot area from the ground,  
21620 excluding first 12 inches, to the maximum height times width is the sign area.
- 21621
- 21622 79. Signage code inspector: A code inspector, a code inspector's designated representative,  
21623 or any other individual designated by the city manager to enforce the provisions of this  
21624 signage code.
- 21625
- 21626 80. Sign face: The part of the structure that is intended primarily for or can be utilized for  
21627 communication purposes. The sign face shall include any area of the sign that is internally  
21628 illuminated.
- 21629
- 21630 81. Site: A parcel, lot, tract, or other unit of land recorded in the public records of Broward  
21631 County, or combinations thereof, and having a common development scheme presented  
21632 to the city as a single project whether simultaneously or in phases.
- 21633

- 21634 82. Snipe sign: A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to  
21635 trees, poles, wire or wood stakes, or fences, or to other objects with a message appearing  
21636 thereon.
- 21637
- 21638 83. Special event sign: A sign identifying a temporary event, other than a sale of goods, being  
21639 held in the city by a city-sponsored, city-based nonprofit organization, or announcing a  
21640 city-approved promotional activity sponsored by the owner or agent of a property and  
21641 being located on the site of the event (i.e., a parade, festival).
- 21642
- 21643 84. Structure: That which is built or constructed.
- 21644
- 21645 85. Subdivision identification sign: A sign designating a recorded subdivision, residential  
21646 complex or neighborhood with definable boundaries.
- 21647
- 21648 86. Symbol: A sign, design, character, or other such representation used to signify a use or  
21649 activity, rather than an organization or corporation.
- 21650
- 21651 87. Temporary sign: Any sign other than a window sign intended for use not permanent in  
21652 nature. For the purposes of this chapter [article] any sign with an intended use of 12  
21653 months or less shall be deemed a "temporary sign."
- 21654
- 21655 88. Under awning sign or under canopy sign: A horizontal hanging sign that is pedestrian-  
21656 oriented and is suspended beneath a canopy or awning over a pedestrian walkway and  
21657 not visible outside the canopy area.
- 21658
- 21659 89. Uniform sign plan: A plan for all signage for properties with more than two (2) businesses  
21660 utilizing signage. The plan sets forth standards for uniform sign type.
- 21661
- 21662 90. Vehicle sign: Any sign or signs permanently or temporarily affixed to or painted on a  
21663 transportation vehicle, including, but not limited to, automobiles, trucks, boats, trailers, or  
21664 campers, for the primary purpose of identification, advertisement, sales, or directing the  
21665 public to a business, person, event or activity located on the same or another property, or  
21666 any other premises.
- 21667
- 21668 91. Wall sign: A sign which is affixed to and supported by wall or other enclosure.
- 21669
- 21670 92. Wayfinding sign: An off-premises sign with symbols, text, maps, or other similar graphics  
21671 that are used to convey location and directions to travelers.
- 21672
- 21673 93. Window: For purposes of this section a window is a set of contiguous panels of glass or  
21674 other transparent material separated by dividers six (6) inches or smaller.
- 21675
- 21676 94. Window sign, interior: A sign located on the inside of a window or within ten (10) feet of  
21677 window or enclosed structure which is visible from the exterior through a window or other  
21678 opening.
- 21679
- 21680 95. Window sign, exterior: A sign affixed or applied to the exterior of a window.
- 21681

(C) General requirements for signs in all zoning districts.

1. All signs shall comply with the construction and installation requirements of the Florida Building Code.
2. All structural, electrical, and mechanical members utilized in the construction, erection and operation of signs shall be concealed except for vertical supports or other supporting members which are designed and arranged so as to be an integral part of the aesthetic composition of a sign.
3. Signs shall not utilize more than five (5) colors including a background color. For the purpose of this section, white, black, neutral bronze or the color of the building on which the signs are affixed shall not be considered colors for sign structures. When a logo or logotype is used, the logo or logotype may be comprised of the colors as appropriately registered or trademarked with the State of Florida or U.S. government. White, black, neutral bronze or the color of the building on which signs are affixed shall not be considered.
4. All wood permitted to be used, whether for new permanent signs, for replacement of existing permanent signs, or for any part thereof, shall be rot and termite resistant, through open-cell preservation methods as specified by the American Wood Preservation Association, or by any other open-cell preservation treatment approved by the building department.
5. No face jumping or wires visibly connected to individual letters shall be permitted.
6. Interior angle of V-shaped signs shall be no greater than 30 degrees.
7. All signs permitted by this Code shall be professionally drawn and constructed.
8. Location of the sign shall not interfere with public alarms, signals or signs. No sign or support shall be placed in such a position or manner as to obstruct or interfere, either physically or visually, with any fire alarm, police alarm, traffic signal or sign or any devices maintained by or under public authority.
9. No sign, except interior window signs, shall be constructed of cardboard or any other paper products.
10. All letters or symbols two (2) inches or larger on permanent identification signs must extrude or intrude into the sign face a minimum of three-eighths ( $\frac{3}{8}$ ) of an inch. Signs which are nonconforming due to this requirement only shall not be subject to section 40.706(O) of this signage code. The following signs shall be exempt from this requirement:
  - a. Window signs;
  - b. Replacement tenant panels on multi-tenant monument signs, and cabinet wall signs;
  - c. Address signs;

d. Rear identification signs.

e. All signs must be installed perpendicular (at a 90-degree angle) to level earth.

11. At all intersections of a private driveway with a public right-of-way, no sign, except permitted temporary signs no greater than three (3) feet in height, shall be permitted within 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.

12. At all intersections of public rights-of-way, no sign, except permitted temporary signs no greater than three (3) feet in height, shall be permitted within the triangular area formed by the chord connecting 35 feet from the intersection of the right-of-way lines or tangent extensions thereof.

(D) Required signs.

The following signs must be placed where relevant:

1. Fire lane markings, no smoking, locked doors, blocked, apartment identification, not an exit, warning signs at vehicle fuel stations and others as may be prescribed by the fire marshal.

2. Handicapped parking signs and other signs in accordance with state requirements.

3. As a condition for receiving a certificate of occupancy or local business tax receipt, the correct street address shall be permanently placed on the front of the building, storefront or bay and easily recognized at all times. All address signs shall have a minimum of three (3)-inch letters and a maximum of eight (8)-inch letters. Buildings backing on a public right-of-way shall also display an address sign in a conspicuous location. The color of street address letters shall be of opposing contrast to its background. Buildings backing on a public right-of-way shall also display an address sign in a conspicuous location. Additionally, all non-residential buildings shall have an address sign on the rear door.

4. Public hearing signs. All public hearing items heard by any board, committee or city commission of the City of Margate shall post a public hearing sign as required by section 40.310 of this Code.

(E) Residential district permanent signs.

The following signs are authorized in all residential districts, including residential areas contained within PUD and PRC, and C, G, CC zones. All signs permitted and approved prior to January 8, 1997, are exempt from the requirements of section 40.706(O) of this Code but not from the regulations of any other section:

1. Neighborhood block sign:

- 21778 a. Number maximum: One (1) per major neighborhood entrance.
- 21779
- 21780 b. Location: The sign shall be located at the intersection of two (2) roadways.
- 21781
- 21782 c. Setback minimum: Two (2) feet.
- 21783
- 21784 d. Area maximum: Six (6) square feet per each sign.
- 21785
- 21786 e. Height maximum: Seven (7) feet from base of sign.
- 21787
- 21788 f. Lines of copy maximum: Two (2) lines.
- 21789
- 21790 2. Subdivision identification sign:
- 21791
- 21792 a. Number maximum: One (1) monument or two (2) entrance wall signs (if symmetrical
- 21793 to one another) per entrance.
- 21794
- 21795 b. Location: Must be located on common property near said entrances.
- 21796
- 21797 c. Setback minimum: Five (5) feet from right-of-way or placed on subdivision perimeter
- 21798 wall.
- 21799
- 21800 d. Sign copy area maximum: Thirty-two (32) square feet per sign face and an aggregate
- 21801 area of 64 square feet.
- 21802
- 21803 e. Height maximum: Seven and one-half (7½) feet above established grade.
- 21804
- 21805 3. Clubhouse identification sign:
- 21806
- 21807 a. Number maximum: One (1) monument or one (1) entrance wall sign.
- 21808
- 21809 b. Location: Must be located on common property near said entrance.
- 21810
- 21811 c. Setback minimum: Five (5) feet from right-of-way or placed on clubhouse wall.
- 21812
- 21813 d. Sign copy area maximum: Thirty-two (32) square feet per sign copy including border.
- 21814
- 21815 e. Height maximum: Seven and one-half (7½) feet above established grade.
- 21816
- 21817 4. Multifamily identification signs:
- 21818
- 21819 a. Number maximum: One (1) wall sign.
- 21820
- 21821 b. Area maximum: Twenty (20) square feet.
- 21822
- 21823 c. Availability: These signs are available to multifamily buildings greater than five (5) units
- 21824 that are not part of a larger complex.
- 21825

21826 5. General information signs:

21827 a. Area maximum: Four (4) square feet.

21828 b. Height maximum: Six (6) feet.

21829 c. No advertising copy.

21830 d. Signs regulated by state statutes must comply with size, color, copy and other  
21831 regulations contained the regulating statues.

21832 6. Directional signs:

21833 a. Area maximum: Four (4) square feet.

21834 b. Height maximum: Four (4) feet.

21835 c. No advertising copy.

21836 7. Model signs:

21837 a. Model office lot.

21838 i. Number maximum: One (1) sign.

21839 ii. Area maximum: Twenty-four (24) square feet.

21840 b. Model lot.

21841 i. Number maximum: One (1) sign on each model lot.

21842 ii. Area maximum: Eight (8) square feet.

21843 c. Model directional signs.

21844 i. Number maximum: Three (3) per development.

21845 ii. Area maximum: Four (4) square feet per each sign.

21846 d. Utilization. Model signs may only be utilized while a unit is being actively used as a  
21847 non-dwelling model. Once the last model is inhabited, signs are no longer permitted at  
21848 the model office.

21849 (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.

e. Height minimum: Nine (9) feet.

f. Lines of copy maximum: Two (2) lines.

- 21967 g. Installation restrictions. Signs installed flat on building may not extend over a mansard,  
21968 signs installed on mansard may not extend over edge of mansard.  
21969
- 21970 3. Secondary identification wall sign:  
21971
- 21972 a. Number maximum: One (1) sign per side (other than that on which the main  
21973 identification wall sign exists) with right-of-way frontage, frontage on the main  
21974 circulation route of a multi-tenant shopping center, facade facing oncoming traffic on  
21975 near side of adjacent major roadway or has high visibility from a major roadway and  
21976 does not conflict with neighboring properties. Signs shall be posted on the wall with  
21977 said frontage.  
21978
- 21979 b. Location: Only available for occupancies that are allowed a main identification wall  
21980 sign. Building rear is excluded from having secondary identification wall sign.  
21981
- 21982 c. Area maximum: One (1) square foot for each linear foot of building frontage not to  
21983 exceed size of main identification wall sign.  
21984
- 21985 d. Height maximum: Top of facade or wall.  
21986
- 21987 e. Height minimum: Nine (9) feet.  
21988
- 21989 f. Length maximum: 100 percent of main identification wall sign or 75 percent of building  
21990 frontage whichever is less.  
21991
- 21992 g. Lines of copy maximum: Two (2) lines.  
21993
- 21994 h. Installation regulations: Signs installed flat on building may not extend over a mansard,  
21995 signs installed on mansard may not extend over edge of mansard.  
21996
- 21997 4. Rear identification sign:  
21998
- 21999 a. Number maximum: One (1) sign per occupancy.  
22000
- 22001 b. Location: The sign may be wall mounted and needs to either be located on or within  
22002 three (3) feet of a service or secondary entrance.  
22003
- 22004 5. Building identification wall sign:  
22005
- 22006 a. Number maximum: Two (2) signs per building, based on the limitation of location,  
22007 below.  
22008
- 22009 b. Location:  
22010
- 22011 i. Building frontages facing corridor or regional arterial roadways.  
22012
- 22013 ii. Installed within five (5) feet of the top of the facade and no less than 20 feet above  
22014 the established grade.

- 22015
- 22016        iii. Not permitted above the main roofline of a building.
- 22017
- 22018        c. Area maximum: One-half (1/2) square foot for each linear foot of building frontage not
- 22019        to exceed size of main identification wall sign.
- 22020
- 22021        d. Height maximum: Top of facade or wall.
- 22022
- 22023        e. Length maximum: Fifty (50) percent of the building frontage on which they are
- 22024        installed.
- 22025
- 22026        f. Letter height:
- 22027
- 22028            i. Twenty-four (24) inches for one- and two-story buildings;
- 22029
- 22030            ii. An additional six (6) inches of letter height shall be permitted for each additional
- 22031            story.
- 22032
- 22033        g. Installation restrictions: Signs installed flat on building may not extend over a mansard,
- 22034        signs installed on mansard may not extend over edge of mansard.
- 22035
- 22036        6. General information signs:
- 22037
- 22038            a. Area maximum: Four (4) square feet.
- 22039
- 22040            b. Height maximum: Six (6) feet.
- 22041
- 22042            c. Property owners may allow the labeling of up to 20 percent of total parking spaces for
- 22043            individual parking spaces for use by customers or employees of an individual business
- 22044            or group of businesses.
- 22045
- 22046            d. No advertising copy.
- 22047
- 22048            e. Signs regulated by State Statutes must comply with size, color, copy and other
- 22049            regulations contained in the regulating statutes.
- 22050
- 22051        7. Directional signs:
- 22052
- 22053            a. Area maximum: Four (4) square feet.
- 22054
- 22055            b. Height maximum: Four (4) feet.
- 22056
- 22057            c. No advertising copy.
- 22058
- 22059            d. Permitted on properties that have multiple tenants, more than one (1) entrance, a
- 22060            drive-thru facility, or an accessory use available to the public.
- 22061

- 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.

- 22110           ii. Twenty (20) square feet for tenant identification portion.
- 22111
- 22112           e. Height maximum: Eight (8) feet.
- 22113
- 22114           f. Letter height maximum:
- 22115
- 22116           i. Fifteen (15) inches for complex identification portion.
- 22117
- 22118           ii. Five (5) inches for tenant identification portion.
- 22119
- 22120           g. Other copy: No advertising copy.
- 22121
- 22122   11. Building directory sign:
- 22123
- 22124           a. Number maximum:
- 22125
- 22126           i. One (1) per building less than 20,000 square feet.
- 22127
- 22128           ii. Two (2) per building 20,000 square feet or greater.
- 22129
- 22130           b. Location: On building wall.
- 22131
- 22132           c. Area maximum: Total sign area to be no more than ten (10) square feet; sign may not
- 22133           be more than four (4) feet in height.
- 22134
- 22135           d. Letter height maximum: Six (6) inches for building identification.
- 22136
- 22137           e. Other copy: No advertising copy.
- 22138
- 22139           f. Compliance: Signs regulated by State Statues must comply with size, color, copy and
- 22140           other regulations contained in the regulating statutes.
- 22141
- 22142   12. Blade sign:
- 22143
- 22144           a. Number maximum: One (1) per ground-floor occupancy for each 30 feet of building
- 22145           frontage.
- 22146
- 22147           i. Fractional portions shall not be considered for additional blade sign(s).
- 22148
- 22149           ii. Businesses with less than 30 feet of building frontage may install one (1) blade
- 22150           sign per building frontage with a direct customer entrance, provided that no other
- 22151           blade sign is within 20 feet.
- 22152
- 22153           b. Location: Arcade, gallery, shopfront or awning type frontage with a direct entrance for
- 22154           customers.
- 22155
- 22156           c. Area maximum: Six (6) square feet.
- 22157

22158 13. Grand projecting sign:

- 22159
- 22160 a. Number maximum: One (1) per ground-floor tenants with at least 25,000 square feet
- 22161 of gross area.
- 22162
- 22163 b. Location: Only permitted on building frontages facing corridors or regional arterial
- 22164 roadways.
- 22165
- 22166 c. Area maximum: Forty-five (45) square feet.
- 22167
- 22168 d. Height maximum: Fifteen (15) feet.
- 22169
- 22170 i. No portion of a grand projecting sign shall be installed above 25 feet above the
- 22171 established grade.
- 22172
- 22173 ii. Nor shall any grand projecting sign protrude above any roofline.
- 22174
- 22175 iii. Width maximum: Three (3) feet.
- 22176
- 22177 e. Illumination: Signs may be illuminated.
- 22178

22179 14. Projecting sign:

- 22180
- 22181 a. Number maximum: One (1) per ground-floor tenant with direct entrance for customers.
- 22182
- 22183 b. Location: Building façade perpendicular to the façade. Not permitted to be installed
- 22184 under an arcade, gallery, or shopfront and awning type frontage overhang.
- 22185
- 22186 c. Area maximum: Six (6) square feet.
- 22187
- 22188 d. Spacing: Signs shall be at least 30 feet from another.
- 22189
- 22190 e. Illumination: Signs shall not be internally illuminated.
- 22191

22192 (G) Temporary signs.

22193

22194 1. General temporary sign regulations.

- 22195
- 22196 a. A maximum of five temporary signs of each type may be displayed per parcel or lot at
- 22197 any one time.
- 22198
- 22199 b. Each sign shall not be displayed for more than 12 consecutive months unless
- 22200 otherwise noted in this section.
- 22201
- 22202 c. Any such sign shall be located wholly on private property and shall have a minimum
- 22203 setback of one foot from the right-of-way for residential areas and five feet from the
- 22204 right-of-way or interior property line for nonresidential areas, unless otherwise noted
- 22205 in this section.

- d. No temporary signs shall exceed six feet in height unless otherwise noted in this section.
2. The following temporary signs shall be permitted in residential and nonresidential districts.
- a. Residential districts.
- i. Announcing sign:
- a. Number maximum: One per project on-site.
- b. Area maximum: Eight square feet and a maximum of 24 square feet for properties exceeding ten (10) acres in size.
- c. An announcing sign may be displayed from the date of site plan approval until the date that the certificate of occupancy is issued, for a length of 18 months, or for a change in tenant during build out.
- d. If desired, sign may be placed on construction fence.
- ii. Contractor sign:
- a. Number maximum: One per project on site.
- b. Area maximum: Six square feet and a maximum of 16 square feet for properties exceeding ten (10) acres in size.
- c. Contractor signs may be displayed from the issuance date of a building permit until said permit expires or date of the certificate of occupancy is issued, whichever is less.
- d. If desired, sign may be placed on construction fence.
- iii. Election sign:
- a. Area maximum: Six (6) square feet for single-family, residential; 32 square feet for multi-family residential.
- b. Election signs in multi-family areas may be displayed for a maximum of 60 days prior to the election and must be removed within 48 hours after.
- c. Each person wishing to post signs in multi-family areas shall provide the city with a list of the locations and descriptions of each sign, a written consent from the property owner of his authorized agent for each sign, and a local address and telephone number at which s/he (the person wishing to post the sign) may be contacted regarding violations or requirements of this subsection.



22254 d. Property owners, individuals filing for a permit and the party erecting the sign  
 22255 shall each be liable for violation of this subsection.  
 22256  
 22257 e. Election signs may be displayed for a maximum of 12 months within any  
 22258 calendar year for one- and two-family dwelling districts only.  
 22259  
 22260 iv. Opinion sign:  
 22261  
 22262 a. Area maximum: Three square feet.  
 22263  
 22264 b. Opinion signs may be displayed for a maximum of 12 months within any  
 22265 calendar year for one- and two-family dwelling districts only.  
 22266  
 22267 v. Personal gain sign:  
 22268  
 22269 a. Number maximum: One per lot on-site; four off-site provided it is not posted in  
 22270 a public right-of way or on other public property.  
 22271  
 22272 b. Setback minimum: One foot.  
 22273  
 22274 c. Area maximum: Three square feet per face; two face maximum.  
 22275  
 22276 d. Length of display: Maximum 45 days.  
 22277  
 22278 e. Height maximum: Three feet above grade.  
 22279  
 22280 vi. Grand opening sign:  
 22281  
 22282 a. Number maximum:  
 22283  
 22284 i. One banner per project; and  
 22285  
 22286 ii. One inflatable sign per project; and  
 22287  
 22288 iii. Three feather banner signs per project.  
 22289  
 22290 b. Area maximum:  
 22291  
 22292 i. Sixteen (16) square feet for banner.  
 22293  
 22294 ii. Thirty-five (35) square feet for feather banner.  
 22295  
 22296 c. Location:  
 22297  
 22298 i. Banner sign may only be hung from the front of the building where a local  
 22299 business tax receipt is issued.  
 22300

- 22301                    ii.    Feather banner(s) and inflatable sign are not permitted in any paved area  
22302                    of a parking lot.
- 22303
- 22304                    iii.   No grand opening sign shall be permitted to be displayed in a hazardous  
22305                    location or condition.
- 22306
- 22307                    iv.    Inflatable signs shall be setback from right-of-way at least equal to the  
22308                    height of the inflatable sign.
- 22309
- 22310                    d.    Height maximum:
- 22311
- 22312                    i.    Banner may be installed to the roof line or top of parapet of building.
- 22313
- 22314                    ii.   Feather banners are limited to a maximum overall height of 17 feet, and a  
22315                    banner height of 14 feet.
- 22316
- 22317                    iii.   Inflatable signs are limited to a maximum of 25 feet in height.
- 22318
- 22319                    e.    Length of display:
- 22320
- 22321                    i.    Sixty (60) consecutive days for banner sign.
- 22322
- 22323                    ii.   Seven (7) consecutive days for feather banner(s) and inflatable.
- 22324
- 22325                    f.    Approval of the grand opening signs must be obtained from the Department of  
22326                    Development Services within 365 days of the release of a model unit certificate  
22327                    of occupancy or upon issuance of a new local business tax receipt (LBTR) for  
22328                    an apartment complex.
- 22329
- 22330                    g.    If inflatable sign, feather banner(s) and grand opening banner sign are to be  
22331                    displayed, the inflatable sign and feather banner(s) must be displayed within  
22332                    the 60-day time period the banner is displayed.
- 22333
- 22334                    h.    No advertising of specific products or pricing shall be included on any grand  
22335                    opening sign.
- 22336
- 22337                    i.    A deposit as specified in the Fee Schedule adopted by Resolution of the City  
22338                    Commission of the City of Margate, Florida, shall be collected to ensure the  
22339                    grand opening signs are removed after the approved display period.
- 22340
- 22341                    j.    Any grand opening signs found to be displayed after the approved display  
22342                    period shall result in forfeiture of the deposit.
- 22343
- 22344                    k.    Any grand opening signs found to be installed without approval shall be  
22345                    immediately removed until such time that approval is granted.
- 22346

22347                    3.   Nonresidential districts.

22348

- 22349 a. Announcing sign:  
22350  
22351 i. Number maximum: One per project on-site.  
22352  
22353 ii. Area maximum: Twenty-four (24) square feet.  
22354  
22355 iii. An announcing sign may be displayed from the date of site plan approval until the  
22356 date that the certificate of occupancy is issued, for a length of 18 months, or for a  
22357 change in tenant during build out.  
22358  
22359 iv. If desired, sign may be placed on construction fence.  
22360  
22361 b. Contractor sign:  
22362  
22363 i. Number maximum: One per roadway.  
22364  
22365 ii. Area maximum: Twenty-four (24) square feet.  
22366  
22367 iii. Contractor signs may be displayed from the issuance date of a building permit until  
22368 said permit expires or date of the certificate of occupancy is issued, whichever is  
22369 less.  
22370  
22371 iv. If desired, sign may be placed on construction fence.  
22372  
22373 c. Walkway sign:  
22374  
22375 i. Number maximum: One per business with a direct customer entrance from the  
22376 exterior of the building.  
22377  
22378 ii. Area maximum: Six feet.  
22379  
22380 iii. Location: Must be located within 15 feet of the customer entrance and not  
22381 permitted in any parking lot.  
22382  
22383 iv. Width maximum: Not permitted to reduce the walkway to less than five feet in  
22384 width.  
22385  
22386 v. Walkway signs are not permitted on any public sidewalk, except for urban  
22387 greenways located within the Activity Center.  
22388  
22389 vi. The sign must be freestanding. It is not permitted to be tied, or otherwise secured,  
22390 to any structure or landscaping, etc. for support.  
22391  
22392 d. Election sign:  
22393  
22394 i. Area maximum: Thirty-two (32) square feet.  
22395

22396 ii. Election signs may be displayed for a maximum of 60 days prior to the election  
 22397 and must be removed within 48 hours after.  
 22398  
 22399 iii. Each person wishing to post signs pursuant to this subsection shall provide the  
 22400 city with a list of the locations and descriptions of each sign, a written consent from  
 22401 the property owner of his authorized agent for each sign, and a local address and  
 22402 telephone number at which s/he (the person wishing to post the sign) may be  
 22403 contacted regarding violations or requirements of this subsection.  
 22404  
 22405 iv. Property owners, individuals filing for a permit and the party erecting the sign shall  
 22406 each be liable for violation of this subsection.  
 22407  
 22408 e. Opinion sign:  
 22409  
 22410 i. Area maximum: Thirty-two (32) square feet.  
 22411  
 22412 ii. Opinion signs may be displayed for a maximum of 12 months.  
 22413  
 22414 f. Special event sign:  
 22415  
 22416 i. Area maximum:  
 22417  
 22418 a. Twenty-four (24) square feet for banner or ground sign.  
 22419  
 22420 b. Thirty-five (35) square feet for feather banner.  
 22421  
 22422 ii. Number maximum: One banner or ground sign and three feather banners per  
 22423 street frontage on-site.  
 22424  
 22425 iii. Length of display:  
 22426  
 22427 a. Small events, approved by the DRC, shall be permitted to display event  
 22428 signage for up to 14 days prior to the event and throughout the duration of the  
 22429 event.  
 22430  
 22431 b. Large events, approved by the city commission, shall be permitted to display  
 22432 event signage for up to 30 days prior to the event and throughout the duration  
 22433 of the event.  
 22434  
 22435 c. All event signage shall be removed upon close of the event.  
 22436  
 22437 iv. Height maximum:  
 22438  
 22439 a. Six feet above grade for ground sign.  
 22440  
 22441 b. Banner may be hung from the front of the building not to exceed roof line or  
 22442 top of parapet of building.  
 22443

22444 c. Feather banners are limited to a maximum overall height of 17 feet, and a  
 22445 banner height of 14 feet.  
 22446  
 22447 g. Grand opening signs:  
 22448  
 22449 i. Number maximum:  
 22450  
 22451 a. One banner sign per business; and  
 22452  
 22453 b. One grand opening ground sign per roadway frontage of the subject property;  
 22454 and  
 22455  
 22456 c. Three feather banner signs per business; and  
 22457  
 22458 d. One inflatable sign per business.  
 22459  
 22460 ii. Location:  
 22461  
 22462 a. Banner sign may only be hung from the front of the building where business is  
 22463 located.  
 22464  
 22465 b. Feather banner(s) and inflatable sign are not permitted in any paved portion of  
 22466 a parking lot.  
 22467  
 22468 c. No grand opening sign shall be permitted to be displayed in a hazardous  
 22469 location or condition.  
 22470  
 22471 d. Inflatable signs shall be setback from right-of-way at least equal to the height  
 22472 of the inflatable sign.  
 22473  
 22474 iii. Area maximum:  
 22475  
 22476 a. Sixteen (16) square feet for banners on buildings with building frontage up to  
 22477 30 feet.  
 22478  
 22479 b. An additional one square foot may be added to a banner for each additional  
 22480 two feet of building frontage.  
 22481  
 22482 c. Grand opening ground signs shall contain a 24-square-foot frame pre-  
 22483 constructed by the City of Margate with an 18 square feet (three feet x six feet)  
 22484 space available on each side for businesses to utilize for personalized copy.  
 22485  
 22486 d. Thirty-five (35) square feet for feather banners.  
 22487  
 22488 iv. Height maximum:  
 22489  
 22490 a. Banner may be installed up to the roof line or top of parapet of building.  
 22491

22492                    b. Feather banners are limited to a maximum overall height of 17 feet, and a  
 22493                    banner height of 14 feet.

22494

22495                    c. Inflatable signs are limited to a maximum of 25 feet in height.

22496

22497                    v. Length of display:

22498

22499                    a. Banner and grand opening ground sign may be displayed for a maximum of 60  
 22500                    consecutive days.

22501

22502                    b. Feather banner(s) and inflatable sign may be displayed for a maximum of  
 22503                    seven consecutive days.

22504

22505                    vi. Approval of the grand opening sign(s) must be obtained from the Department of  
 22506                    Development Services within 365 days of the issuance of the first local business  
 22507                    tax receipt for a business at a new location, the transfer of an existing business, or  
 22508                    the registration of a fictitious name with the Division of Corporations of the Florida  
 22509                    Department of State.

22510

22511                    vii. If inflatable sign, grand opening ground sign, feather banner(s), and grand opening  
 22512                    banner sign are to be displayed, the inflatable sign, grand opening ground sign,  
 22513                    and/or feather banner(s) must be displayed within the 60-day time period the  
 22514                    banner is displayed.

22515

22516                    viii. No advertising of specific products or pricing shall be included on any grand  
 22517                    opening sign.

22518

22519                    ix. A deposit as specified in the Fee Schedule adopted by Resolution of the City  
 22520                    Commission of the City of Margate, Florida, shall be collected to ensure the  
 22521                    banner, inflatable sign, and feather banners are removed after the approved  
 22522                    display period.

22523

22524                    x. Any grand opening signs found to be displayed after the approved display period  
 22525                    shall result in forfeiture of the deposit.

22526

22527                    xi. Any grand opening signs found to be installed without approval shall be  
 22528                    immediately removed until such time that approval is granted.

22529

22530                    xii. A fee as specified in the Fee Schedule adopted by Resolution of the City  
 22531                    Commission of the City of Margate, Florida, shall be charged for all rental or  
 22532                    preconstructed grand opening ground sign frames. Businesses shall be  
 22533                    responsible for providing the City with individualized portion of grand opening  
 22534                    ground sign (copy), at their expense.

22535

22536                    xiii. Reopening event banners:

22537

- 22538 a. Shall only be approved for a business that is closed for a minimum of ten (10)  
22539 days for either reorganization, renovation, or as a result of a declared  
22540 emergency, immediately prior to said reopening.  
22541  
22542 b. Shall be subject to all rules and regulations pertaining to grand opening  
22543 banners, as specified above.  
22544  
22545 (H) Supplemental regulations.  
22546  
22547 1. Regulations outlined in this section are supplemental and in addition to regulations  
22548 outlined elsewhere in this Code.  
22549  
22550 a. Special signs. The city and/or the Margate Community Redevelopment Agency may  
22551 erect or authorize to be erected the following signs:  
22552  
22553 i. Entrance signs at or near the city limits;  
22554  
22555 ii. Community bulletin boards;  
22556  
22557 iii. Signs determined to provide for the health, safety and welfare of the community;  
22558  
22559 iv. Bench signs and/or bus shelter signs;  
22560  
22561 v. Signs displaying the city logo;  
22562  
22563 vi. Way-finding signs;  
22564  
22565 vii. Identification signs, including monument signs associated with property owned by  
22566 the City of Margate or the Margate Community Redevelopment Agency.  
22567  
22568 b. Changeable copy signs: Signs displaying messages which can be or are intended to  
22569 be changed by use of removable letters and numerals or electronic copy are permitted  
22570 to be used only for theaters, playhouses, freestanding places of assembly,  
22571 freestanding schools, drive-thru establishments, hospitals, banks, drive-thru facilities  
22572 and vehicle fuel stations, subject to the regulations below:  
22573  
22574 i. Electronic messaging:  
22575  
22576 a. Signs shall not have any scrolling, flashing or any other animation.  
22577  
22578 b. Signs may display more than one (1) message with a minimum of ninety (90)  
22579 seconds in between message changes.  
22580  
22581 c. Message changes must be quick shift. Fading or other similar animations are  
22582 not permitted.  
22583  
22584 d. The electronic messaging portion may not exceed 25 percent of the total sign  
22585 area.



- ii. Changeable copy signs for theaters or playhouses:
- a. May have changeable copy on a wall sign shall not to exceed 75 square feet in area.
- b. Multiple screen theaters may be permitted additional sign area, not to exceed 25 square feet per additional screen or theater.
- c. Playhouses may utilize allowable copy area of permissible freestanding signs for changeable copy.
- i. Such signs shall contain only the title of the performance, the Motion Picture Association of American rating, the hours of the performance, and the name of the production company or the name of the major star.
- iii. Changeable copy signs for drive-thru establishments:
- a. May have a single-faced moveable letter sign showing menu or featured items.
- b. Sign must have a transparent protective locked cover and all items of information must be contained within the area under the locked cover.
- c. The sign (combined with the sign structure) may not exceed six (6) feet in height and may not exceed 42 square feet in area.
- d. The sign must be affixed to a wall of the establishment adjacent to the drive-thru window or located freestanding between the building and drive-thru lane.
- e. The sign face must not be visible from any portion of right-of-way which abuts the establishment.
- c. Vehicle fuel stations: This section shall pertain to all vehicle fuel stations sites including any uses, whether accessory or not, which share the same site.
- i. In calculating linear feet of building frontage for purposes of determining wall sign size, vehicle fuel station canopies shall not be included.
- ii. A company logo not to exceed four (4) square feet shall be permitted on each side of a canopy with street frontage but no wall sign shall be permitted thereon.
- iii. One (1) additional wall sign, not to exceed 20 square feet, shall be permitted on a detached car wash building which is an accessory use to the vehicle fuel service station building.
- 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:

- 22634 a. The monument sign shall contain the company name and/or logo and gas  
22635 prices and may contain the company [name] and/or logo of any other  
22636 businesses which share the same occupancy.
- 22637
- 22638 b. The sign area of the name(s) and/or logo(s) shall equal one-half (½) the total  
22639 sign face area and one-half (½) the sign width.
- 22640
- 22641 c. The sign area advertising the price of gasoline may equal one-half (½) the total  
22642 sign face area and one-half (½) the sign width.
- 22643
- 22644 d. The sign shall not exceed nine (9) feet in height nor 49 feet in total area. A  
22645 maximum of 75 percent of the sign structure shall be used for sign face(s).
- 22646
- 22647 e. The pricing portion of the sign may have changeable copy or electronic  
22648 messaging changeable copy.
- 22649
- 22650 v. Signs may be placed on gasoline pumps in order to provide information to the  
22651 public; however such signs may not exceed one and one-half (1½) square feet per  
22652 sign face with a maximum of two (2) back-to-back faces (total of three (3) square  
22653 feet in area) per freestanding pump cluster.
- 22654
- 22655 vi. Signs designating a group of pump dispensers as "self-service" or "full-service"  
22656 shall be no larger than one (1) square foot in area and said signs shall only be  
22657 placed at the ends of an aisle of pump dispenser units.
- 22658
- 22659 vii. One (1) sign displaying prices shall be required of all establishments selling fuel to  
22660 power motorized vehicles within the city.
- 22661
- 22662 a. The size of said sign shall be a minimum of 12 square feet.
- 22663
- 22664 b. Said sign shall be prominently placed and readily visible during daylight hours  
22665 from a passing motor vehicle on at least one (1) abutting street.
- 22666
- 22667 c. The lowest price for at least two (2) grades of gasoline, diesel fuel or other  
22668 product sold to power motorized vehicles shall be posted.
- 22669
- 22670 d. Unit prices shall be displayed in Arabic numerals no smaller than ten (10)  
22671 inches high.
- 22672
- 22673 e. If a unit price is in increments of less than one (1) gallon or a unit price is  
22674 measured in other than gallons, said unit measure shall be clearly displayed in  
22675 numerals no less than eight (8) inches high on the sign as provided for above.
- 22676
- 22677 viii. The adoption of mandatory regulations regarding gasoline pricing signs by the  
22678 federal, state or local government shall preempt and govern gasoline pricing signs  
22679 permitted by the code.
- 22680
- 22681 d. Freestanding schools and places of assembly:

- i. One (1) monument sign, either illuminated or non-illuminated may be permitted. Said monument sign shall comply with all regulations set forth for monument signs in nonresidential districts except that an area of the sign, not to exceed 20 square feet, may contain changeable copy or electronic messaging changeable copy.
- ii. One (1) non-illuminated wall sign may also be permitted provided that it complies with the regulations for a "main identification wall sign" in nonresidential districts.
- iii. Signs in this category permitted and approved prior to January 8, 1997, are exempt from the requirements of section 40.706(O) of this Code but not from the regulations of any other section.
- e. Automatic teller machines (ATM): ATM's are permitted one (1) wall sign for sites with less than two (2) machines and may have up to two (2) wall signs if there are more than two (2) machines on site. Each sign shall not exceed four (4) square feet. An opaque lighted cabinet sign with lighted sign letters is permitted in this instance. The sign shall not be higher than eight (8) feet high and said sign must be adjacent to the machine. Signs in existence prior to the adoption of this Code need not comply with this subsection or section 40.706(C)(10) but must meet all other sections of this Code and any other applicable codes and regulations.
- f. Flags and flagpoles:
- i. No more than three (3) flags of any kind shall be permitted on any parcel or lot.
- ii. Flags must be no greater than 40 square feet in area.
- iii. Flags must be set back a minimum of ten (10) feet from the right-of-way and affixed in such a manner so as to comply with all the requirements of the Code of the City of Margate and the South Florida Building Code.
- iv. Flags shall not be flown so that the lowest portion of the flag (irrespective of any pole or mounting) rises above the roofline of the structure to which it is attached or affixed.
- v. Any pole planted or positioned into the ground to which a flag is attached must be permanent and be approved and permitted by the Margate Building Department.
- vi. Flags may not be attached, affixed or flown from any freestanding sign or pole which supports a lighting fixture.
- 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.

- 22729 g. Window signs: The total area of all window signs (interior, exterior and illuminated)  
22730 may be no greater than 25 percent of the total window area of each frontage, including  
22731 glass doors.
- 22732
- 22733 i. Interior window signs.
- 22734
- 22735 a. Located within ten (10) feet of the window;
- 22736
- 22737 b. Shall be nonilluminated.
- 22738
- 22739 ii. Exterior window signs:
- 22740
- 22741 a. Signs must be constructed from vinyl;
- 22742
- 22743 b. Signs shall not be applied to or cover any divider between individual panels in  
22744 a window.
- 22745
- 22746 iii. Illuminated window signs:
- 22747
- 22748 a. Two (2) illuminated (including neon) signs may be permitted per occupied  
22749 business premises. Signs shall be installed inside of the occupied business  
22750 premises.
- 22751
- 22752 b. Each sign shall not exceed four (4) square feet in area.
- 22753
- 22754 c. The total area of illuminated signs in the window shall not exceed 25 percent  
22755 of the total window area per window, and further shall be considered for the  
22756 total window sign are limitation of 25 percent of the total window area of each  
22757 frontage, including glass doors, provided above.
- 22758
- 22759 d. No flashing or strobe illumination is permitted.
- 22760
- 22761 e. Illuminated window signs that are not battery operated must have a permanent  
22762 power source that has been professionally installed and permitted by the  
22763 Margate Building Department.
- 22764
- 22765 iv. Window lighting. Neon, LED, rope lighting, window outlining or other similar lighting  
22766 devices are permitted when professionally installed inside of a business. Said  
22767 lighting shall not count toward limitations of window sign area.
- 22768
- 22769 v. Window transparency. Sunscreening material, such as tint or film, may be applied  
22770 to nonresidential windows and glass doors, subject to the following limitations:
- 22771
- 22772 a. No sunscreening material may be applied to windows and glass doors at any  
22773 business premises that has the effect of making said windows or glass doors  
22774 nontransparent. Suncreening material(s) shall be limited to the solar  
22775 reflectance and light transmittance limitations provided in F.S. § 316.2953, as  
22776 amended; and

- 22777  
22778  
22779  
22780  
22781  
22782  
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22820  
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22823
- b. Sunscreening material shall not count toward window sign coverage, unless said material displays lettering or images.
    - h. Real estate signs. Said signs must be maintained in good repair and appearance. The city shall have the right to request replacement of dilapidated signs.
    - i. Residential districts:
      - a. One (1) sign not to exceed three (3) square feet per sign face two (2) faces permitted), six (6) square feet aggregate.
      - b. Sign copy shall include the applicable language, for example, "For Sale," "For Rent," "For Lease," and may contain the name of the owner or representative and a contact phone number.
      - c. One (1) additional sign, not to exceed six (6) inches by eighteen (18) inches, may be attached to the approved sign displaying one (1) piece of information, such as "By Appointment Only," "Sold" or "Open." An "Open" or "Open House" sign may be displayed only when the premises are actually available for inspection by a prospective buyer or tenant.
      - d. One (1) off-site real estate "Open" sign not to exceed three (3) square feet in area, shall be permitted between the hours of 7:00 a.m. and 7:00 p.m. and only when the premises are actually available for inspection by prospective buyer or tenant.
      - e. Undeveloped residential land parcels greater than two (2) acres shall be permitted one (1) non-illuminated freestanding sign not to exceed sixteen (16) square feet per sign face with a maximum of two (2) faces.
    - ii. Nonresidential districts:
      - a. One (1) window sign in compliance with section 40.706(l)vii. is permitted. If the window on the available bay(s) or storefront(s) has a total area less than twenty-four (24) square feet, one (1) sign, not to exceed six (6) square feet in area may be displayed inside the window.
      - b. Undeveloped nonresidential land greater than four (4) acres shall be permitted one (1) non-illuminated freestanding sign not to exceed twenty-four (24) square feet per sign face with a maximum of two (2) faces.
      - c. A project with a vacant bay or storefront for sale or rent which is greater than 22,500 square feet in area or greater than 15 percent of all square footage in a project is for sale or rent or vacant land under four (4) acres may be permitted one (1) non-illuminated freestanding sign, not to exceed 16 square feet.

22824 d. All signs shall include the applicable language, for example "For Sale," "For  
 22825 Rent," "For Lease" or "Available," and may include the name of the owner or  
 22826 representative, a contact phone number, the applicable zoning district and total  
 22827 area of the property or storefront available.  
 22828  
 22829 i. Newspaper racks. Newspaper racks are prohibited from displaying the name, logo or  
 22830 any advertising message of any product or service other than the name and/or logo of  
 22831 the periodical being distributed.  
 22832  
 22833 j. Trash receptacles and dumpsters. Trash receptacles are prohibited from displaying  
 22834 any commercial or noncommercial message of any kind, other than the name and/or  
 22835 phone number of the company servicing said dumpster.  
 22836  
 22837 k. Public telephones. This subsection is to ensure the easy identification of public  
 22838 telephones by the general public in the event of any emergency or crisis. Any sign on  
 22839 an outdoor public telephone must only display the international sign for telephone.  
 22840  
 22841  
 22842 i. Each telephone is allowed one (1) sign not to exceed one (1) square foot in area  
 22843 per sign face with a maximum of two (2) sign faces for an aggregate of two (2)  
 22844 square feet.  
 22845  
 22846 ii. The sign may be attached to a freestanding phone structure or may be affixed to  
 22847 a wall above a public telephone.  
 22848  
 22849 iii. The sign may be a projecting sign provided that it has a minimum clearance of nine  
 22850 (9) feet, a maximum height of 12 feet, and it does not protrude over a right-of-way.  
 22851  
 22852 iv. This subsection is not intended to regulate any letters or symbols no greater than  
 22853 one-half (½) inch or less in height and/or width on the body of the telephone (not  
 22854 on the telephone structure) which describe instructions for use of the telephone or  
 22855 other information required by state or federal law.  
 22856  
 22857 l. Hospitals.  
 22858  
 22859 i. Hospitals with more than 100 beds for overnight patient treatment may have one  
 22860 (1) monument sign per building.  
 22861  
 22862 a. Maximum height: Thirteen (13) feet.  
 22863  
 22864 b. Maximum: Eight (8) feet.  
 22865  
 22866 c. Maximum square footage: Ninety-six (96) square feet.  
 22867  
 22868 ii. Signs may also be placed on building sides without roadway frontage provided 100  
 22869 percent of the sign face is visible from a main roadway and said signs conform to  
 22870 all other applicable sections of this Code.  
 22871

22872           iii.    A hospital must submit a uniform sign plan which shall conform with and be subject  
22873           to all of the provisions of Uniform Sign Plans of this Code.

22874  
22875       m.   Certification and affiliation signs. A business owner in any nonresidential district may  
22876       with the property owner's permission display up to one (1) nonanimated sign  
22877       designating its professional certification, seal, symbol, or other historic or generally  
22878       recognized trade affiliation. Said sign shall not exceed two (2) square feet in area and  
22879       may only be affixed to the wall of the building where the main customer entrance exists  
22880       but shall be no higher than the door. This sign may be in addition to other signs  
22881       permitted by this Code.

22882  
22883       n.   Nonresidential holiday decorative signs. Signs of a primarily decorative nature, clearly  
22884       incidental and customary and commonly associated with any national, local or  
22885       religious holiday shall be permitted provided that such signs shall be displayed for a  
22886       period of not more than 60 consecutive days. Such signs may be of any approved  
22887       type, number, area or illumination and shall be entirely within the boundaries of the lot  
22888       or premises on which they are erected. Said signs may be painted or applied to the  
22889       interior or exterior of any window. Said signs shall be subject to the applicable electrical  
22890       and structural inspection.

22891  
22892       o.   Replaceable tenant panels. Cabinet type wall signs and multi-tenant monument signs  
22893       which allow for the display of up to eight (8) tenants per side of a multi-tenant complex  
22894       may utilize replaceable tenant panels in said monument sign. These panels may be  
22895       changed or rotated without the requirement of a permit or inspection by the city. In the  
22896       event a business listed on a tenant panel(s) of a multi-tenant complex's monument  
22897       sign closes, leaves or abandons the complex, or in any other way no longer is to be  
22898       listed on the monument sign, the owner shall replace said tenant panel with a blank  
22899       panel until such time as a new tenant is listed.

22900  
22901       p.   Car dealerships. All car dealerships are subject to the following regulations:

22902  
22903           i.   Prohibited from displaying any attention attracting devices as described in section  
22904           40.706(J)(3).

22905  
22906           ii.   Permitted to display all industry required tags in vehicle windows;

22907  
22908           iii.   Permitted to have "feature cars" based on the following criteria:

22909  
22910               a.   Lots with less than 100 cars are permitted up to one (1) feature car.

22911  
22912               b.   Lots with 101 to 300 cars are permitted up to three (3) feature cars.

22913  
22914               c.   Lots with 301 or more cars are permitted up to five (5) feature cars.

22915  
22916           iv.   Shall be permitted to display the sale price of vehicles.

22917  
22918               a.   No more than one (1) price sign per vehicle;



- 22920                    b. May be vinyl decal or printed sign display in windshield area;
- 22921
- 22922                    c. May be hung from rear view mirror;
- 22923
- 22924                    d. No chalk, paint, marker or similar writing permitted.
- 22925
- 22926                    q. Nonresidential decorative lighting. Decorative light strings or light tubes that meet the
- 22927                    Underwriters Laboratories standards for commercial grade exterior use may be
- 22928                    displayed in all nonresidential zoning districts subject to the following conditions:
- 22929
- 22930                    i. Lights may be permitted to be affixed to any tree, hedge, bush, shrub, building
- 22931                    facade, column, awning, or any other architectural feature of a building.
- 22932
- 22933                    ii. The use of any installation hardware (nails, tacks, screws, etc.) that penetrates the
- 22934                    bark of a live tree is strictly prohibited.
- 22935
- 22936                    iii. All exterior lights must be permitted by the Margate Building Department prior to
- 22937                    installation.
- 22938
- 22939                    iv. Prior to issuing lights, a letter a permit for decorative of authorization from the
- 22940                    property owner must be submitted with the permit application as well as all
- 22941                    inspection and reinspection fees associated with the permit.
- 22942
- 22943                    v. All lights shall be professionally installed in accordance with the Florida Building
- 22944                    Code, the Florida Fire Prevention Code, and the National Electric Code. All lighting
- 22945                    must have a permanent power source that has been professionally installed and
- 22946                    independently permitted by the Margate Building Department.
- 22947
- 22948                    r. Promotional advertising banners. The purpose of this pilot program is to offer an
- 22949                    additional way for businesses in multi-tenant developments to gain greater visibility
- 22950                    and increase opportunities for promotion.
- 22951
- 22952                    i. General program requirements:
- 22953
- 22954                    a. Centers with more than six (6) tenants may install permanent poles to display
- 22955                    promotional advertising banners.
- 22956
- 22957                    b. One (1) set of poles per 100 feet is permitted.
- 22958
- 22959                    c. The property owner shall submit a site plan of property showing dimensioned
- 22960                    location of promotional advertising banners.
- 22961
- 22962                    d. Dimensioned drawing, photograph or detailed description of promotional
- 22963                    advertising display shall be submitted to the development services department.
- 22964
- 22965                    e. Each tenant may display the banner for a maximum of 30 days, up to six (6)
- 22966                    times per year.
- 22967

- 22968 f. Banners shall be the appropriate size for the provided poles.  
22969  
22970 g. Banners shall not display any pricing.  
22971  
22972 h. The permanent pole shall require any applicable permits through the building  
22973 department.  
22974

22975 (I) Nuisance.  
22976

- 22977 1. Illumination. No illuminated signs shall face a residential district in such a way that the  
22978 lighting fixture reflects directly into the residential district at night.  
22979  
22980 2. Utility pole signs. No signs shall be affixed or otherwise attached to any public utility pole  
22981 or structure except pole identification signs as placed by the owning utility, public  
22982 information signs as placed upon said pole or structure by a governmental entity, or other  
22983 signs as authorized by the city.  
22984  
22985 3. Attention attracting devices. Balloons, flags, pennants, streamers, spinners, tinsel,  
22986 bunting, neon lights, signs, or other similar devices shall not be applied to any vehicle,  
22987 boat, equipment, machinery or other stock-in-trade merchandise which is stationary and  
22988 outdoors, buildings or structure, or strung on wires, or otherwise used on any site except  
22989 as otherwise permitted in this article.  
22990  
22991 4. Angle to ground. All freestanding signs shall be maintained perpendicular (at a 90-degree  
22992 angle) to level ground.  
22993

22994 (J) Uniform sign plan.  
22995

- 22996 1. All projects with more than two (2) tenants and hospitals shall adopt a uniform sign plan,  
22997 indicating the sign type and size to be utilized for all permanent wall signs on the subject  
22998 property.  
22999  
23000 2. New or revised uniform sign plans shall be submitted by the property owner(s) or their  
23001 agent to the development services department for review along with the fee as specified  
23002 in the Fee Schedule adopted by Resolution of the City Commission of the City of Margate,  
23003 Florida, shall be collected.  
23004  
23005 3. Upon adoption of a new or revised uniform sign plan, all signs in the center shall be  
23006 changed to conform to the new approved criteria within one (1) year from the date of  
23007 approval of the new or revised plan.  
23008

23009 (K) Improper signs.  
23010

- 23011 1. Abandoned signs. Any sign advertising a commodity or service previously associated with  
23012 vacated or abandoned premises or a sign structure no longer displaying a sign advertising  
23013 a commodity or service currently or previously associated with a premises shall be  
23014 removed from the premises by the responsible party as defined in section 40.706(S)(1) no  
23015 later than 60 days from the time said activity ceases to exist at the premises.

- 23016
- 23017       a. Removal shall include any sign structure and/or foundation.
- 23018
- 23019       b. The facade or property shall be restored to original condition following removal of a
- 23020       sign, sign structure and/or sign foundation pursuant to this section.
- 23021
- 23022       c. In the event that the sign is a cabinet sign in a multi-tenant center, the panel advertising
- 23023       the previous business or use shall be removed and a blank panel shall be installed.
- 23024
- 23025       2. Dangerous or defective signs. No person shall maintain or permit to be maintained on any
- 23026       premises owned or controlled by him any sign which is in a dangerous or defective
- 23027       condition. Any such sign shall be removed or repaired by the owner of the sign or the
- 23028       owner of the premises, or as otherwise provided for in section 40.706(N).
- 23029
- 23030       3. Unlawful signs. No person shall erect on any premises any signs which does not comply
- 23031       with the provisions of this Code.
- 23032
- 23033       4. Signs without property owners consent. No person shall erect, construct or maintain any
- 23034       sign upon any property or building without the consent of the owner or person entitled to
- 23035       possession of the property or building if any, or their authorized representatives.
- 23036
- 23037       (L) Removal of improper signs.
- 23038
- 23039       1. Types of violations. The city shall cause to be removed any sign that endangers the public
- 23040       safety such as an abandoned, dangerous or defective sign, or an unlawful sign.
- 23041
- 23042       2. Notice. The city shall prepare a notice which states that if the sign is not removed or the
- 23043       violation is not corrected within ten (10) days, the sign shall be removed by the city in
- 23044       accordance with the provisions of this section.
- 23045
- 23046       a. All notices shall be sent by certified mail, return receipt requested.
- 23047
- 23048       b. Any time periods provided in the section shall be deemed to commence on the date of
- 23049       the receipt of the certified mail.
- 23050
- 23051       c. The notice shall be mailed to the owner of the property on which the sign is located as
- 23052       shown on the last tax roll.
- 23053
- 23054       d. The notice shall also be mailed or delivered to the owner of the sign and the occupant
- 23055       of the property.
- 23056
- 23057       e. The notice given by the city shall state not only the remedial action required to be
- 23058       taken, but shall also state that if such action is not taken within the time limits set forth
- 23059       in this article, the cost of correcting the unlawful feature of the sign or removing the
- 23060       sign may be assessed against the property on which the signs is located, together with
- 23061       the additional five (5) percent for inspection and incidental costs, and an additional ten
- 23062       (10) percent penalty for the cost of collection and the same shall constitute a lien
- 23063       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 including changing of face for maintenance provided copy or colors of face are not altered); or
  - b. The sign is relocated or moved; or

c. In the event the sign is damaged, in need of repair, remodeled or reconstructed to the extent that the cost of such repair, remodeling or reconstruction equals 50 percent or more of the original cost of the sign; or

d. The sign is replaced or abandoned.

3. Legal nonconforming sign maintenance and repair. Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this Code regarding safety, maintenance and repair of signs. However, any repainting, cleaning and other normal maintenance or repair of the sign or sign structure or copy shall not cause the sign to become more nonconforming. If such maintenance causes the sign to be more nonconforming, the sign shall lose its legal nonconforming status.

4. Amortization. Window signs which are found to be nonconforming to this article shall be altered to conform to the provisions of these regulations no later than November 2, 2018.

(O) Permitting process.

1. Permit required. It shall be unlawful for any person to install, alter or cause to be installed or altered within City of Margate, any sign requiring such a permit, whether permanent or temporary, without first having obtained a permit from the city. Said permit shall be issued by the city after determination has been made that all conditions of these regulations have been met.

2. Permit application. Application for a permit shall be made to the city in writing upon forms provided by the city and shall state the following information:

a. Name, address and telephone number of the applicant.

b. Name, address and telephone number of the sign owner and owner of the property upon which the sign is proposed to be installed or affixed.

c. Location by street number and legal description (tract, block, lot) of the building, structure or lot to which or upon which the sign is proposed to be installed or affixed.

d. A drawing to scale showing the design of the sign, including dimensions, size, method of attachment, source of illumination, and relationship to any building or structure to which it is, or is proposed to be installed or affixed, or to which it relates.

e. A fully dimensioned lot plan (or site plan), to scale, indicating the location of the sign relative to property lines, rights-of-way, streets, easements, sidewalks and other buildings or structures on the premises.

f. Number, size and location of all existing signs on the same building, lot or premises.

g. Sign copy.

- 23158 h. Value of the sign.
- 23159
- 23160 i. Written permission from the owner of the property on which the sign is proposed to be
- 23161 erected.
- 23162
- 23163 j. An elevation of the building on which said sign is to be located showing dimensions of
- 23164 the building and the sign as well as the proposed location of said sign.
- 23165
- 23166 k. If applicable, a copy of the uniform sign plan for the building or center.
- 23167
- 23168 3. Permit fees. As a condition to the issuance of a permit, applications must be accompanied
- 23169 by the applicable fee, in accordance with section 9-21 (buildings - schedule of fees) of the
- 23170 Code of the City of Margate.
- 23171
- 23172 4. Permit issuance. If, upon all applicable final inspections (sign, electrical and/or structural),
- 23173 the city determines that an application is in conformance with the provisions of this chapter
- 23174 [article], the inspector shall cause a written certificate of completion to be issued. Said
- 23175 certificate of completion shall be posted in a conspicuous location within any occupancy
- 23176 displaying signage in such a way that it may be readily inspected by any official of the city.
- 23177 In the event that the sign is permitted to the property owner and not a particular occupancy,
- 23178 the certificate of completion shall be presented to any official requesting such within 72
- 23179 hours. Failure to properly post or produce a certificate of completion in compliance with
- 23180 this section shall be prima facie evidence of failure to meet the requirements of this chapter
- 23181 [article].
- 23182
- 23183 (P) Signs exempt from permit requirements.
- 23184
- 23185 1. The following signs shall be exempt from the permit requirements of this section:
- 23186
- 23187 a. Signs required by federal, state, county and/or municipal agencies.
- 23188
- 23189 b. Temporary window signs. Window signs that are permanently applied or affixed to a
- 23190 window, such as vinyl lettering or decals, require a permit.
- 23191
- 23192 c. Up to five (5) temporary and single-purpose signs, not exceeding six (6) square feet
- 23193 on any residentially zoned property.
- 23194
- 23195 d. Flags allowed under this Code. Flagpoles require a permit.
- 23196
- 23197 e. Nameplate, and building address signs.
- 23198
- 23199 f. Tablets, such as memorials, cornerstones, date of erection, when built into the walls
- 23200 of a building.
- 23201
- 23202 g. Professionally drawn or constructed general information signs, such as trespass signs,
- 23203 private driveway, and no dumping, when such signs do not exceed four (4) square feet
- 23204 in area each, are not illuminated, and do not project over a public right-of-way provided

23205 total number of signs on a property or in a complex will not exceed five (5), unless  
 23206 additional signs are required for compliance with state or federal regulations.  
 23207  
 23208 h. Changing of copy in permitted changeable copy signs.  
 23209  
 23210 i. Changing of directory listing in a permitted directory sign provided the size, style, and  
 23211 color of the listing to be changed conforms with the existing lettering on the sign.  
 23212  
 23213 j. Traffic regulatory signs with approval from city engineer.  
 23214  
 23215 k. Special event signs and nonprofit sale signs as allowed in section 40.706(H)(2)(vii).  
 23216  
 23217 l. Replacement tenant panels as provided in section 40.706(I)xv.  
 23218  
 23219 m. Promotional advertising banners. Permanent poles for banners require a permit.  
 23220  
 23221 n. Car dealership signs as provided for in section 40.706(I)xvi.  
 23222  
 23223 2. This exemption in no way waives the requirements of structural and/or safety requirements  
 23224 outlined by these regulations and/or the Florida Building Code.  
 23225  
 23226 (Q) Prohibited signs.  
 23227  
 23228 The following signs are those signs which shall not be installed or displayed within the city  
 23229 unless specifically identified and permitted in other sections of these regulations:  
 23230  
 23231 1. Abandoned signs.  
 23232  
 23233 2. Advertising balloons or any windborne advertising or attention getting devices except as  
 23234 outlined in section 40.706(H) and section 40.706(I)vi.  
 23235  
 23236 3. Flashing signs.  
 23237  
 23238 4. Banner signs except as a temporary grand opening sign or for approved special events,  
 23239 non-profit sales, academic schools or religious institutions (see section 40.706(H)  
 23240 "temporary signs").  
 23241  
 23242 5. Buntings, balloons and flags other than specifically permitted this article.  
 23243  
 23244 6. Obscene signs.  
 23245  
 23246 7. Off-premises signs and billboards, including off-premises project directional.  
 23247  
 23248 8. Pole signs.  
 23249  
 23250 9. Roof signs (except on a mansard) except where such sign is located on a parapet.  
 23251  
 23252 10. Snipe signs.



- 23253  
23254 11. Temporary signs and permanent signs (other than public interest signs) placed on any  
23255 public property (a shopping center parking lot shall not be deemed public property for the  
23256 purposes of enforcing this section).
- 23257  
23258 12. Any sign that could be confused with a traffic signal.
- 23259  
23260 13. Visible neon bulb, LED, or other bare bulb signs or building embellishment (except as  
23261 provided for in section 40.706(I)(vii)).
- 23262  
23263 14. Any sign not permitted by this article.
- 23264  
23265 15. Signs exceeding the height of a facade.
- 23266  
23267 16. Vehicle signs when a vehicle displaying a vehicle sign is:  
23268  
23269 a. Parked for more than three (3) hours in a twenty-four-hour period within 100 feet of  
23270 any public right-of-way; and  
23271  
23272 b. Visible from the street right-of-way that the vehicle is within 100 feet of; and  
23273  
23274 c. Not regularly "used in the conduct of the business advertised" on the vehicle (A vehicle  
23275 used primarily for the purpose of advertising, or for the purpose of providing  
23276 transportation for owners or employees of the occupancy advertised on the vehicle,  
23277 shall not be considered a vehicle used in the conduct of business); and  
23278  
23279 d. Not parked in the rear of the parking lot or in the rear of the building which contains  
23280 the business. On properties which do not provide a rear parking area, vehicle signs  
23281 are parked in parking spaces immediately adjacent to the street right-of-way when  
23282 other parking spaces are available on the premises, and are displayed in a manner  
23283 that constitutes a prohibited sign per section 40.706(R) of this Code.  
23284  
23285 (This section is not intended to prohibit any form of vehicular signage such as a sign  
23286 attached to a bus, lettered on a motor vehicle or attached to or displayed from a taxicab  
23287 which is not consistently used as a stationary sign or advertisement. In the instance  
23288 where a sign advertising the sale of the vehicle itself on the residential property of the  
23289 registered owner of the vehicle, said sign shall be considered a personal gain sign and  
23290 shall be subject to all applicable provisions of such signs on the owner's property.  
23291 Furthermore vehicles displaying a vehicle sign parked on properties with physical  
23292 constraints which cannot accommodate location requirements provided for in sections  
23293 (i)—(iv) above shall be exempt from said requirements.)  
23294  
23295 17. Signs projecting horizontally in excess of 12 inches from the structure upon which it is  
23296 constructed.
- 23297  
23298 18. Bench or bus shelter signs except those permitted by section 40.706(I)i.4.
- 23299  
23300 19. Signs painted directly upon any wall surface or exterior of a door or window.

20. Signs which are erected upon private property and extend into or above, or are anchored or placed in any portion of the right-of-way of a city street or public sidewalk, except grand projecting signs located in the transit oriented corridor zoning districts.

21. Signs attached to trees or other vegetative landscaping material.

22. Signs that emit sound, odor, visible matter or project onto a structure or into the atmosphere any visual image by means of current or future technology including searchlights.

23. Human signs.

(R) Enforcement.

1. Responsible parties. The following parties shall be liable for any violation of this Code:

a. The individual or entity erecting or displaying a sign contrary to this Code;

b. The owner of the sign erected or displayed;

c. The owner of the premises (other than any governmental entity) on which the sign has been unlawfully erected or displayed;

d. The lessee (if any) of the premises;

e. The person or entity contracted for erecting or displaying the sign if other than the owner of the sign, and

f. Any other person or entity in possession of said premises in which the sign has been erected or displayed unlawfully.

2. Permit revocation. Any permit may be revoked at any time by the city upon a determination by a court of competent jurisdiction or code enforcement action that the sign is not in compliance with the provisions of this Code. Further, if the sign authorized by any permit has not been constructed within the 180-day period after the date of issuance of any permit or if there is no request for final inspection within 180 days of the issuance of the permit then said permit shall automatically be revoked.

3. Penalty. In addition to revocation of a sign permit, any violation of the provisions of this Code shall be determined to be unlawful and punishable as prescribed in Article 3 Division 6 this Code. Signs installed without a permit or those for which there is no request for final inspection within 180 days of the issuance of the permit shall also be subject to double fee penalties.

4. Civil remedies.

a. Injunction and abatement. The city may initiate injunction or abatement proceedings or other appropriate action in a court of competent jurisdiction against any person who violates or fails to comply with any provision of this Code or the erector, owner or user of an unlawful sign, or the owner of the property on which an unlawful sign is located, to prevent, enjoin, abate or terminate violations of this signage code and/or the erection, use of display of an unlawful sign.

b. Should the city prevail in any civil action against a violator of this signage code, it shall be entitled to reasonable attorney's fees and all court costs therein.

5. Assurance of discontinuance. As an additional means of enforcing this Code, the city may accept an assurance of discontinuance of any act or practice deemed in violation of this Code or of any rule or regulation adopted pursuant hereto, from any person engaging in, or who has engaged in, such act or practice.

a. Any such assurance shall accomplish specify a time limit during which such discontinuance is to be accomplished within ten (10) days of notice.

b. Failure to perform the forms of any such assurance shall constitute prima facie proof of a violation of this signage code or any rule or regulation adopted pursuant thereto, which makes the alleged act or practice unlawful for the purpose of securing any injunctive relief from a court of competent jurisdiction.

#### (S) Waivers.

1. No sign shall be permitted to be erected or displayed contrary to the provisions of this article unless a waiver is approved by a majority vote of the members of the board of adjustment.

2. A decision to grant a waiver by the board of adjustment must be in conformance with the following criteria:

a. There is something unique about the building or site configuration that would cause the signage permitted by this article to be ineffective in identifying a use or structure that would otherwise be entitled to a sign.

b. The granting of a waiver is not contrary to the intent of the signage code, the aesthetics of the area, or does not create a nuisance or adversely affect any neighboring properties.

c. Literal enforcement of this article would result in unreasonable and undue hardship upon the petitioner.

3. Any person may petition the board of adjustment for a waiver of the affecting provisions of this article provided they:

a. Complete a petition application form as provided by the Development Services Department;

b. Submit payment to the city in the amount specified by the fee schedule of the Code of the City of Margate;

c. Prove that the proposed sign meets the criteria laid out above.

4. Any waiver may be conditioned on requirements deemed necessary in granting said waiver. Variances pursuant to any other code shall not be available for signs (as defined by this Code). Except as provided herein, waivers as provided for in this section shall be heard and appealed pursuant to the procedures contained in the Code of the City of Margate.

5. Any waiver granted pursuant to this section shall become null and void if a building permit for the approved sign is not applied for within 180 days of the ruling from the board of adjustment or Margate City Commission. Additionally, said waiver shall become null and void in the event that a permit expires or is revoked.

6. All signs approved by this waiver process must be constructed and installed as per the information presented to the board of adjustment and/or Margate City Commission both in writing and verbally. Failure to construct a sign per the information presented shall render the waiver null and void and any sign installed in its place shall be immediately removed.

(T) Savings clause.

1. If any clause, section, or other part of application of section 40.706 Signage, shall be held by any court of competent jurisdiction to be unconstitutional or invalid, it is the intent of the City Commission of the City of Margate that such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

#### **40.707 Sustainability and Green Building Policy**

(A) *Purpose.*

1. The purpose of the City's green building policy is to provide the City with a certified-based green building program. This program will provide sustainable and environmentally friendly practices of construction and design. It shall be the policy of the City to have all new City-owned and operated buildings evaluated by the design professional to the minimum certification level of the USGBC LEED, GBI Green Globes green building certification programs or other equivalent certification program as determined by the City. All renovation projects to City-owned and operated buildings including major renovation involving elements of HVAC renovation, significant envelope modifications and major interior rehabilitation, which meets the USGBC or GBI definition for major renovation, shall be evaluated by the design professional to "certified" status. In order to ensure that City construction projects meet the green building standards, all City construction projects deemed to be eligible for the program shall be registered with the appropriate green building program and the project team, including, but not limited to, the architect, engineer,

general contractor, and City agencies responsible for the projects, shall seek certification of registered projects. Design submittals for all such projects shall be reviewed and marked as "credit anticipated" prior to the submission of a petition to the Development Review Committee.

(B) *Green building rating policy.*

1. The LEED and Green Globes rating systems are certification tools. Points shall be awarded to building projects that incorporate the design and construction practices and technologies listed in the appropriate rating system. Applicants shall submit an itemized list with a development application which will demonstrate the individual criteria by which the development intends to meet certification requirements to be reviewed by the DEES department. The project shall be subject to review by a qualified City staff member or third party who has been trained and certified as a LEED accredited professional (LEED AP) or Green Globes professional (GGP). For purposes of the program, "third party" means any person or entity authorized by USGBC or GBI to verify that a project has satisfied any or all of the requirements associated with LEED or GBI standard designated for a particular project. The City must maintain green building components for the life of the building.

**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.



- 23539 a. Exception. Within a Planned Unit Development (PUD) the minimum lot size for each  
23540 dwelling shall provide a minimum of 7,500 square gross street feet on average.  
23541
- 23542 3. Minimum lot width. The minimum lot width for each dwelling site shall be 75 feet for interior  
23543 lots and 80 feet for corner lots.  
23544
- 23545 (B) Setbacks.
- 23546 1. Front setback. Minimum of 25 feet.  
23547
- 23548 2. Rear setback. Minimum of 15 feet.  
23549
- 23550 3. Side setbacks.
- 23551 a. For corner lots: Shall be minimum 15 feet from the side property line.  
23552
- 23553 b. Side setbacks: Minimum side setback shall be seven and one-half (7 ½) feet.  
23554
- 23555 4. Additional setback requirements. When any portion of a structure exceeds 22 feet in  
23556 height, that portion of the structure which exceeds 22 feet in height shall be set back a  
23557 minimum of an additional one (1) foot for each foot of height above 22 feet.  
23558  
23559
- 23560 (C) Height. The maximum height of a structure shall not exceed 35 feet.  
23561
- 23562 (D) Garages. Vehicular access to all garages shall be from a street or driveway.  
23563
- 23564 a. Size. A fully enclosed garage of minimum ten (10) feet by 20 feet designed for parking  
23565 at least one (1) automobile shall be required for each dwelling. This garage space shall  
23566 not count towards required parking.  
23567
- 23568 2. Single car garages. No more than 50 percent of the front facade of a single-story dwelling  
23569 shall be used for a garage.  
23570
- 23571 3. Two (2) car garages.
- 23572 a. Only permitted on two (2) story dwellings if the total area of garage door surfaces does  
23573 not exceed 30 percent of the total front facade area, and if at least one (1) of the  
23574 following design features is provided on the front façade: porch or balcony a minimum  
23575 of 10 feet in depth, both of which may encroach the front setback by five (5) feet.  
23576  
23577
- 23578 (E) Sidewalk requirements. A single-family dwelling development shall provide the following:  
23579
- 23580 1. A minimum five (5) foot wide sidewalk along the full length of each public right-of-way or  
23581 access easement, excluding an alley.  
23582
- 23583 2. A minimum three (3) foot wide sidewalk shall connect the front entrances with the sidewalk  
23584 along the right-of-way or access easement unless an alternative pedestrian access to the  
23585 sidewalk is approved by the Development Review Committee.  
23586



(F) 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 section 410.704. 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.

(G) Design. The design of adjacent single-family dwelling shall provide different front elevations in terms of rooflines and entrance design. Where more than five (5) dwellings are contiguous, a minimum of three (3) different front elevation designs shall be provided.

#### 40.712 Townhouse

(A) Definition. For the purposes of this section, a townhouse development shall be defined as three (3) or more attached single family dwelling units where each individual single-family unit and land thereunder is owned in fee simple.

(B) Site design criteria. A townhouse development shall meet the following site design criteria:

1. Minimum lot size. The lot upon which the group is located shall contain a minimum area of 7,500 square feet and shall provide an average of 2,000 square feet per dwelling unit, including driveways and areas held in common ownership.

a. Exception. Within a Planned Unit Development (PUD) each lot upon which a building group is located shall provide a minimum area of 7,500 square feet on average.

2. Density. The density is determined by the regulations governing the zoning district where the townhouse development is located.

3. Group limit. A townhouse group shall be limited to a maximum of eight (8) dwelling units.

a. A minimum of 25 percent of the townhouse group's front façade shall be set back an additional five (5) from the rest of the front façade.

b. Attached units may have a common wall or individual sidewalls no higher than the roofline separated by a distance of not more than one (1) inch or as determined reasonable by the Development Review Committee. If individual walls are used, the buildings shall have adequate flashing at the roofline.

4. Access.

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 abut 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 toward the right-of-way abutting each street side setback. The garage facing the right-of-way shall be subject to the following requirements:
    - i. Garages shall be set back an additional two (2) feet from the principal façade of the building; and

23682           ii. Townhouse units may be accessed from one (1) two-way driveway or two (2) one-  
23683               way driveways; and,

23684  
23685           b. Parking shall not be permitted between the townhouse buildings and any public right-  
23686               of-way; and,

23687  
23688           c. The area between the townhouse building and the public right-of-way shall be  
23689               landscaped in accordance with the requirements of section 40.704.

23690  
23691       7. Balconies.

23692  
23693           a. No balcony shall be less than six (6) feet in depth.

23694  
23695           b. A balcony, including a roof over it, may encroach a front or rear setback a maximum  
23696               of ten (10) feet.

23697  
23698           c. A balcony, including a roof over it, may encroach a side setback a maximum of five (5)  
23699               feet.

23700  
23701       (D) Glass requirement. A minimum of 25 percent of the area of the front façade shall have  
23702               transparent glass.

23703  
23704       (E) Entrance requirements. Each dwelling unit facing a public right-of-way other than an alley  
23705               must have, its own principal entrance, visible from and facing the right-of-way, and shall  
23706               include the following:

23707  
23708           1. A roofed landing; and

23709  
23710           2. An architectural design and material similar to and integral with the principal structure;  
23711               and,

23712           3. A minimum of four (4) linear feet shall be provided between principal entrances; and,

23713           4. The roofed landing may encroach into the front setback an additional three (3) feet; and,

23714  
23715           5. For individual dwelling units facing more than one (1) right-of-way, only one (1) entrance  
23716               shall be required.

23717  
23718       (F) Minimum floor area. Each individual dwelling unit shall have a minimum floor area of 750  
23719               square feet.

23720  
23721       (G) Height. The maximum height shall not exceed 40 feet.

23722  
23723       (H) Fence and wall requirements. Fences and walls shall be provided subject to the following:

23724  
23725           1. Seventy-five percent of all fencing or walls along the front setback of a townhouse  
23726               development abutting a public right-of-way must be of see-through materials such as  
23727  
23728

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.
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. The sidewalk shall be a minimum of two (2) feet from any driveway.

(L) 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.

(M) Maintenance agreement. A townhouse development shall have a recorded maintenance agreement for the common areas and any guest parking.

(N) Solid waste, yard waste, and recycling requirements. Each townhouse dwelling unit shall have incorporated into the design a designated area to locate containers that meet the requirements of this Code. The size of the containers and alternatives to these requirements may be permitted subject to approval of the Development Review Committee.

(O) Landscape area requirements.

1. Individual lots owned in fee simple within a townhouse development are exempt from providing landscape materials in the rear setback except for those areas subject to common easements.

2. The entire rear setback on an individual lot within an area surrounded by a wall or fence may be covered with pervious pavers.

#### **40.713 Duplex/Two (2) Family Dwellings**

(A) For the purposes of this section, a duplex shall include a building designed for and containing two (2) single family dwelling units entirely under one (1) roof that are completely separated from each other by one (1) dividing partition common to each unit and with each dwelling unit constructed on a separate lot. A two (2) family dwelling shall include a building constructed on a single lot that is designed for and contains two (2) single family dwelling units entirely under one (1) roof that are completely separated from each other by one (1) dividing partition common to each unit.

(B) Lot requirements. The minimum lot size for a duplex or two (2) family dwelling shall be 7,500 square feet.

1. Exception. Within a Planned Unit Development (PUD) each lot upon which a building is located shall provide a minimum area of 7,500 square feet on average.

(C) Density. The density shall be regulated by the zoning district where it is located.

(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.



- 23872 a. Access for a duplex or two (2) family dwelling development may be via public rights-  
23873 of-way or private access easements. Easements that provide access for all utilities  
23874 and for use by owners within the group of townhouses shall be provided.
- 23875
- 23876 b. Each duplex or two (2) family dwelling unit shall have vehicular access a public right-  
23877 of-way or private access easement.
- 23878
- 23879 c. Duplex or two (2) family dwelling developments that about a dedicated alley are  
23880 encouraged to provide access from the alley, and where none exists are encouraged  
23881 to provide a dedicated alley.
- 23882

23883 (F) Fence and wall requirements.

23884

- 23885 1. For new construction, 75 percent of all fencing or walls located within the front setback  
23886 must be of see-through materials such as vertical bars or picket fence and be subject to  
23887 all other requirements of 40.702.
- 23888
- 23889 a. When parking is placed in the rear of the development site, a wall or fence shall be  
23890 installed between the development site and any neighboring residential property  
23891 abutting the development site subject to the requirements of section 40.702.
- 23892

23893 (G) Garages facing a public right-of-way or access easement shall be subject to the following  
23894 criteria:

23895

- 23896 1. Garages shall be limited to a width equivalent to a maximum of 50 percent of the width of  
23897 the duplex or two (2) family dwelling units. The width shall be measured as the linear  
23898 dimension of the garage that is visible from the street, such as the garage door; and
- 23899
- 23900 2. Garages shall be set back an additional two (2) feet from the furthest projection of the  
23901 building façade to the property line. An area equivalent to the square footage of the  
23902 recessed garage may be reallocated to the front facade of the building as additional  
23903 square footage to the living area and may extend into the front setback up to three (3) feet  
23904 into the setback.
- 23905

23906 (H) Driveways facing a public right-of-way or access easement shall be subject to the following  
23907 criteria:

23908

- 23909 1. These driveways shall have a minimum separation of eight (8) feet from the adjacent  
23910 driveway within the same development for the entire length of the driveway.
- 23911
- 23912 2. The separation of driveways can be reduced to a minimum of four (4) feet in width with  
23913 the required installation of structural soil or other mitigating alternative to allow room for  
23914 root development of required trees, as reviewed and approved by Development Review  
23915 Committee.
- 23916
- 23917 3. The area between the driveways is to be a landscaped pervious area with a minimum of  
23918 one (1) canopy tree appropriate for the planting space and continuous shrub planting.
- 23919



- (I) Sidewalk requirements. A duplex or two (2) family 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.
- (J) 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.
- (K) Solid waste, yard waste, and recycling requirements. Each townhouse dwelling unit shall have incorporated into the design a designated area to locate containers that meet the requirements of this Code. The size of the containers and alternatives to these requirements may be permitted subject to approval of the Development Review Committee.

#### 40.714 Single-Family Dwelling: Zero Lot Line

- (A) Definition. A zero-lot-line dwelling is a single-family detached unit which, instead of being centered on the lot, has one (1) side placed on one (1) of the side lot lines in order to provide for more open space on the other side of the lot.
- (B) Site design criteria. A single-family dwelling zero-lot-line, herein referred to as zero-lot-line 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 zero-lot-line development is located.
  2. Minimum lot size. The minimum lot size for each dwelling shall be 4,500 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 4,500 square gross street feet on average.
  3. Minimum lot width. The minimum lot width for each dwelling site shall be 45 feet for interior lots and 50 feet for corner lots.
- (C) 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 abutting another zero-lot-line lot: Minimum side setback shall be zero (0) for one (1) side of the building, and ten (10) feet for the other side. In no instance shall a zero-lot-line dwelling be located closer than ten (10) feet from another building.

c. Side setback when abutting a non-zero-lot-line lot: The minimum side setback shall be 10 feet.

4. Additional setback requirements. When any portion of a zero-lot-line 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.

(D) Height. The maximum height of a zero-lot-line structure shall not exceed 35 feet.

(E) Garages. Vehicular access to all garages shall be from a street or driveway.

1. 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 zero-lot-line 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 zero-lot-line dwelling shall be used for a garage.

3. Two (2) car garages.

a. Only permitted on two (2) story zero-lot-line 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.

(F) Zero side setback building wall requirements. The elevation of the side wall of the zero-lot-line dwelling with a zero (0) side setback shall have the following requirements:

1. Only clerestory windows or similar transparent openings with a sill height of at least six (6) 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.

- 24015
- 24016       3. An atrium or other recessed outdoor area may be permitted along the zero-lot-line building
- 24017       wall when a solid wall a minimum eight (8) feet in height is provided that entirely screens
- 24018       the outdoor area.
- 24019
- 24020       4. An easement of four (4) feet shall be provided into the setback abutting the side of the
- 24021       structure on the lot line for use by the owner of the adjacent property for maintenance of
- 24022       the building.
- 24023

24024   (G) Sidewalk requirements. A zero lot line development shall provide the following:

24025

- 24026       1. A minimum five (5) foot wide sidewalk along the full length of each public right-of-way or
- 24027       access easement, excluding an alley.
- 24028
- 24029       2. A minimum three (3) foot wide sidewalk shall connect the front entrances with the sidewalk
- 24030       along the right-of-way or access easement unless an alternative pedestrian access to the
- 24031       sidewalk is approved by the Development Review Committee.
- 24032

24033   (H) Street tree requirements. Street trees shall be planted and maintained along the public right-

24034       of-way or access easement abutting the property to provide a canopy effect. The type of street

24035       trees may include shade, flowering and palm trees and shall be planted at a minimum height

24036       and size in accordance with the requirements of 40.704. The location, number, and minimum

24037       height of trees shall be determined by the Development Review Committee based on building

24038       and site design, separation distance, utility infrastructure and the proposed plan's compatibility

24039       to surrounding properties.

24040

24041   (I) Design. The design of adjacent single-family dwelling zero-lot-line shall provide different front

24042       elevations in terms of rooflines and entrance design. Where more than five (5) zero-lot-line

24043       dwelling are contiguous, a minimum of three (3) different front elevation designs shall be

24044       provided.

24045

#### 24046   40.715 Single-Family Dwelling, Attached: Cluster

24047

24048   (A) For the purposes of this section, a cluster development shall include one (1) or more cluster

24049       buildings located on the same development site.

24050

24051   (B) A cluster building shall include a single residential structure containing three (3) or four (4)

24052       dwelling units.

24053

24054   (C) Site design criteria. A single-family dwelling: cluster, herein referred to as cluster development,

24055       shall meet the following design criteria:

24056

- 24057       1. Lot requirements. The minimum lot size for a cluster development shall be a minimum 100
- 24058       feet in width and 100 feet in depth and 10,000 square feet in area.
- 24059
- 24060       a. Exception. The average lot size for a cluster development within a Planned Unit
- 24061       Development (PUD) shall be a minimum of 100 feet in width and 100 feet in depth and
- 24062       10,000 square feet in area.

24063  
24064 2. Density. The density is determined by the Future Land Use Plan Map classification where  
24065 the cluster development is located.

24066  
24067 3. Access to cluster developments shall meet the following requirements:

24068 a. Dwelling units within cluster buildings shall have access from a shared driveway or  
24069 from individual driveways fronting an alley.

24070  
24071 b. Parking facilities and garages for cluster buildings with a facade facing a right-of-way  
24072 or access easement, other than an alley, shall be provided in the side or rear of the  
24073 cluster building.

24074  
24075 c. Each dwelling unit shall have vehicular access to right-of-way, access easement, or  
24076 alley, or parking area serving the group. An easement for all utilities and for use by  
24077 owners within the group shall be provided.

24078  
24079 d. Those cluster developments located on a corner lot may have one (1) garage with an  
24080 opening facing toward the right-of-way or access easement abutting each street side  
24081 setback. The garage facing the right-of-way or access easement shall be subject to  
24082 the following requirements:

24083  
24084 i. The garage shall be limited to a width equivalent to a maximum of 50 percent of  
24085 the width of the dwelling unit. The width shall be measured as the linear dimension  
24086 of the garage that is visible from the street, such as the garage door; and

24087  
24088 ii. The garage shall be set back an additional two (2) feet from the principal facade  
24089 of the building or 18 feet from the property line, whichever is greater.

24090  
24091 (D) Setback requirements. Setbacks shall be measured from the property lines of the  
24092 development site, as established by the zoning district in which it is located, unless otherwise  
24093 noted.

24094  
24095 1. Front setback. The front setback of a cluster building abutting a public right-of-way or  
24096 access easement shall be a minimum of 15 feet. A five (5) foot easement along the front  
24097 property line of the cluster building is required when a fee simple lot within the cluster  
24098 development does not directly abut the public right-of way or access easement for use by  
24099 the owners of the units.

24100  
24101 2. Street side setback. A cluster building abutting two (2) or more public rights-of-way or  
24102 access easements shall provide a minimum street side setback of 15 feet. A five (5) foot  
24103 easement shall be required along the corner property line of the cluster development when  
24104 a fee simple lot within the cluster development does not directly abut the public right-of-  
24105 way or access easement for use by the owners of the units.

24106  
24107 3. Side setback. The minimum side setback shall be a minimum of ten (10) feet. A five (5)  
24108 foot easement shall be granted along the side property line of the cluster development for  
24109 use by the owners of the dwelling units in that building.

- 24111  
24112 4. Rear setback. The minimum rear setback shall be 15 feet. A five (5) foot easement shall  
24113 be provided along the rear property line of the cluster building for use by the owners of the  
24114 dwelling units in that building.  
24115  
24116 5. Interior separations. Buildings within the development shall be separated by a minimum  
24117 of ten (10) feet from each other.  
24118  
24119 6. Additional setbacks.  
24120  
24121 a. A minimum of 25 percent of the front facade shall be set back a minimum of an  
24122 additional five (5) feet from the rest of the front facade.  
24123  
24124 b. A minimum of 25 percent of the rear facade shall be set back a minimum of an  
24125 additional five (5) feet from the rest of the rear facade.  
24126  
24127 c. A minimum of 25 percent of an interior facade must be recessed at least two (2) feet.  
24128  
24129 d. When any portion of a cluster building abutting the side setback for the development  
24130 site exceeds 22 feet in height, that portion of the structure shall be set back an  
24131 additional one (1) foot for each foot of height above 22 feet.  
24132

24133 (E) Design elements.  
24134

- 24135 1. A cluster building shall be designed to provide a minimum of 25 percent of the area of the  
24136 front facade in the form of transparent glass.  
24137

24138 (F) Entrance requirements. Each dwelling unit facing a public right-of-way or access easement,  
24139 other than an alley, must have its own principal entrance visible from and facing the right-of-  
24140 way or access easement and shall include the following:  
24141

- 24142 1. A roofed concrete landing; and  
24143  
24144 2. Have the same design and material similar to and integral with the principal structure; and  
24145  
24146 3. A minimum of four (4) linear feet shall be provided between principal entrances; and  
24147  
24148 4. The roofed landing may encroach into the front setback an additional three (3) feet; and  
24149  
24150 5. For individual dwelling units facing more than one (1) right-of-way, only one (1) entrance  
24151 will be required.  
24152

24153 (G) Minimum floor area. Each individual dwelling unit shall have a minimum floor area of 750  
24154 square feet.  
24155

24156 (H) Height. The maximum height shall not exceed 35 feet.  
24157

24158 (I) Fence and wall requirements.

- 24159
- 24160 1. Seventy-five percent of all fences or walls within the front setback must be of see through
- 24161 materials such as, but not limited to, vertical bars or picket fence.
- 24162
- 24163 2. A six (6) foot wall or fence shall be installed between the development site and any
- 24164 neighboring residential property abutting the development.
- 24165
- 24166 (J) Maintenance agreement. A cluster development shall have a recorded maintenance
- 24167 agreement for all common areas and any required guest parking spaces.
- 24168
- 24169 (K) Sidewalk requirements. A cluster development shall provide the following:
- 24170
- 24171 1. A minimum five (5) foot wide sidewalk along each public street or access easement,
- 24172 excluding alleys, abutting the property along the full length of the front property line.
- 24173
- 24174 2. A minimum three (3) foot wide sidewalk shall connect the front entrances with the sidewalk
- 24175 along the right-of-way or access easement unless an alternative pedestrian access to the
- 24176 public sidewalk is approved by the department.
- 24177
- 24178 (L) Street tree requirements. Street trees shall be planted and maintained along the public right-
- 24179 of-way or access easement abutting the property to provide a canopy effect. The type of street
- 24180 trees may include shade, flowering and palm trees and shall be planted at a minimum height
- 24181 and size in accordance with the requirements of 40.704. The location and number of trees
- 24182 shall be determined by the Development Review Committee based on height, bulk, shadow,
- 24183 mass and design of the structures on the site and the proposed dwelling's compatibility to
- 24184 surrounding properties.
- 24185
- 24186 (M) Solid waste, yard waste, and recycling requirements. Each cluster unit shall have incorporated
- 24187 into the design a designated area to locate containers that meet the requirements of this Code.
- 24188 The size of the containers and alternatives to these requirements may be permitted subject
- 24189 to approval of the Development Review Committee.