

1 CITY OF MARGATE, FLORIDA

2 ORDINANCE NO. _____

3 AN ORDINANCE AMENDING THE CODE OF THE CITY
4 OF MARGATE, FLORIDA, APPENDIX A ZONING,
5 ARTICLE XI COMMUNITY FACILITY CF-1
6 DISTRICT, SECTION 11.3 PERMITTED USES;
7 ARTICLE VII TRANSIT ORIENTED CORRIDOR -
8 CORRIDOR TOC-C DISTRICT, SECTION 7.3 TOC-C
9 CORRIDOR PERMITTED USES; ARTICLE VIII
10 TRANSIT ORIENTED CORRIDOR - GATEWAY TOC-G
11 DISTRICT, SECTION 8.4 TOC-G GATEWAY
12 PERMITTED USES; ARTICLE IX TRANSIT
13 ORIENTED CORRIDOR - CITY CENTER TOC-CC
14 DISTRICT, SECTION 9.5 TOC-CC CITY CENTER
15 PERMITTED USES; ARTICLE XXI NEIGHBORHOOD
16 BUSINESS B-1 DISTRICT, SECTION 21.3
17 PERMITTED USES; ARTICLE XXII COMMUNITY
18 BUSINESS B-2 DISTRICT, SECTION 22.3
19 PERMITTED USES; ARTICLE XXIII COMMUNITY
20 BUSINESS B-3 DISTRICT, SECTION 23.3
21 PERMITTED USES; ARTICLE III GENERAL
22 PROVISIONS, SECTION 3.22 ALCOHOLIC
23 BEVERAGES; PROVIDING FOR PUBLIC OR PRIVATE
24 ELEMENTARY, MIDDLE, AND HIGH SCHOOLS IN
25 ORDER TO ANALYZE, REVIEW, CONSIDER,
26 MODIFY, PROCESS FOR ADOPTION AND IMPLEMENT
27 POTENTIAL CHANGES TO ITS COMPREHENSIVE
28 PLAN AND/OR ITS CODE OF ORDINANCES
29 PERTAINING TO THE IMPACT OF KINDERGARTEN
30 THROUGH TWELTH GRADE SCHOOLS ON, AMONG
31 OTHER THINGS, INFRASTRUCTURE, EMERGENCY
32 AND PUBLIC SERVICE, VEHICULAR TRAFFIC,
33 PUBLIC SAFETY, PUBLIC WELFARE AND PUBLIC
34 FACILITIES; PROVIDING FOR SEVERABILITY;
35 PROVIDING FOR CODIFICATION; PROVIDING FOR
36 AN EFFECTIVE DATE.

37
38 **WHEREAS**, on May, 18, 2016, the City Commission adopted
39 Ordinance 1500.621, enacting a six (6) month moratorium for
40 development of any new charter schools.

41
42 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
43 THE CITY OF MARGATE, FLORIDA:
44

1 **SECTION 1:** The Code of the City of Margate, Florida,
2 Appendix A Zoning, Article XI Community Facility CF-1 District,
3 Section 11.3 Permitted uses, is hereby amended to read as
4 follows¹:
5

6 **Section 11.3. - Permitted uses.**

7 (A) No building or structure, or part thereof, shall be
8 erected, altered, or used, or land or water used in whole
9 or in part, for other than one of the following:

10
11 ~~(1) Elementary, middle and senior schools that are a part~~
12 ~~of the School Board of Broward County, Florida.~~

13
14 (12) Houses of worship and schools on the same plot. Such
15 use shall be located on a plot having at least forty
16 thousand (40,000) square feet and at least two hundred
17 (200) feet of street frontage. Private academic
18 schools, including VPK, may be permitted as an
19 accessory use when located on the same plot as an
20 existing house of worship.

21
22 (23) Hospitals, nursing and convalescent homes not
23 including correctional or mental institutions, nor
24 veterinary hospitals. Such use shall be located on a
25 plot having at least forty thousand (40,000) square
26 feet and at least two hundred (200) feet of street
27 frontage.

28
29 (34) Group care facilities, as defined in Section 2.2 of
30 the Margate Zoning Code. Such use shall be located on
31 a plot having at least forty thousand (40,000) square
32 feet and at least two hundred (200) feet of frontage.
33 Such facility shall occupy the entire structure or
34 structures within which it is located and shall not
35 share space with any other use or residence for
36 persons other than those associated with said
37 facility.

38
39 ¹ CODING: Words in ~~struck through~~ text are deletions from
40 existing text, words in underscored text are additions to
41 existing text, and **shaded** text are changes between First
42 and Second Readings.
43

1 (45) Municipal buildings, fire stations, libraries, public
2 offices, parks, playgrounds, reservations, parking.

3
4 (56) Accessory structure or use which is clearly incidental
5 or subordinate to the principal use and which use is
6 located on the same plot.

7
8 (B) Special exception uses. Special exception uses may be
9 deemed appropriate to provide a complete distribution of
10 uses within the Ceity, but because of their operational
11 characteristics or area requirements need to be given
12 individual consideration with respect to their location,
13 access and relationship to adjacent properties and public
14 rights-of-way, and conformity with the Ceity's current and
15 future redevelopment efforts.

16
17 (1) The following uses are authorized upon a finding by
18 the City Ceommission that a special exception to the
19 article is warranted. The City Ceommission shall
20 consider all applications for special exception
21 approval pursuant to the procedures and criteria set
22 forth in sections 22.9 and 22.10 for new construction
23 and in sections 22.11 and 22.12 for use of existing
24 buildings or sites.

25
26 (a) ~~Private academic schools, including VPK~~
27 ~~(voluntary prekindergarten), elementary, middle~~
28 ~~and senior schools unless located on the same~~
29 ~~plot as a house of worship. Such use shall be~~
30 ~~located on a plot at least four (4) acres in~~
31 ~~area. Public or private elementary, middle, or~~
32 ~~high school, subject to the following:~~

33
34 1. Schools shall not be located on roadways
35 classified by Broward County Metropolitan
36 Organization's Broward Highway Functional
37 Classifications Map as arterial roadways.
38 Access to schools shall not be from roadways
39 classified by Broward County Metropolitan
40 Organization's Broward Highway Functional
41 Classifications Map as arterial roadways.

42
43 2. School must be located in freestanding
44 single use structure(s), located on a parcel
45 no smaller than the minimum size required by
46 the School Board of Broward County for

1 public schools. As an exception, charter
2 schools may be permitted as an accessory use
3 if located within an existing library,
4 community service facility, museum,
5 performing arts center, theatre, cinema,
6 religious institution, Florida College
7 System institution, college, or university
8 facility, in accordance with F.S.
9 1002.33(18) (C).

10
11 3. School must provide a student drop off area
12 for motorists that is dedicated to student
13 drop off activities and will not interfere
14 with onsite parking or roadways adjacent to
15 the school. The appropriate length and
16 dimensions of the drop off area shall be
17 identified in a traffic study prepared by a
18 professional engineer licensed in the State
19 of Florida.

20
21 4. In order to allow sufficient time to secure
22 required development order, building permit,
23 and local business tax receipt approval, a
24 special exception use application and fee
25 must be filed with the Economic Development
26 Department at least nine (9) months before
27 the start of the school year. This time
28 requirement cannot be waived or reduced.

29
30 (b) Public or private postsecondary educational
31 facilities, including vocational schools. Any
32 associated residence shall be ancillary to the
33 permitted use, and permitted only for full-time
34 students of the post-secondary educational
35 facility and any staff required to preserve the
36 safety and welfare of resident students.

37
38 ~~(c) Charter schools and charter lab schools~~
39 ~~properly sponsored by the School Board of~~
40 ~~Broward County or a state university.~~

41
42
43 **SECTION 2:** The Code of the City of Margate, Florida,
44 Appendix A Zoning, Article VII Transit Oriented Corridor -
45 Corridor (TOC-C) District, Section 7.3 TOC-C Corridor permitted
46 uses, is hereby amended to read as follows:

1
2 **Section 7.3. - TOC-C Corridor permitted uses.**

3
4 (A) *[Permitted uses.]* No building or structure, or part
5 thereof, shall be erected, altered or used, or land or
6 water used, in whole or in part, for other than any of the
7 uses specified below.

8 . . .
9
10 School of instruction, non-academic. ~~Subject to~~
11 ~~requirements of section 33.11 of this Code.~~

12 . . .
13
14
15 (B) *Special exception uses.* Special exception uses may be
16 deemed appropriate to provide a complete distribution of
17 commercial uses with the Ceity, but because of their
18 operational characteristics or area requirements need to be
19 given individual consideration with respect to their
20 location, access and relationship to adjacent properties
21 and public rights-of-way, and conformity with the Ceity's
22 current and future redevelopment efforts.

23
24 (1) The following uses are authorized upon a finding by
25 the Ceity Ceommission that a special exception to the
26 article is warranted, pursuant to the procedure and
27 criteria set forth in sections 22.9 through 22.12 of
28 this Code.

29 . . .
30
31 (s) Promotional events that are accessory to a permitted
32 use and temporary in nature shall be permitted after a
33 finding by the Ddevelopment Rreview Ceommittee that
34 such event meets the criteria as set forth in section
35 22.13 of this Code.

36
37 (t) Public or private elementary, middle, or high school,
38 subject to the following:

- 39
40 1. Schools shall not be located on roadways
41 classified by Broward County Metropolitan
42 Organization's Broward Highway Functional
43 Classifications Map as arterial roadways.

1 Access to schools shall not be from roadways
2 classified by Broward County Metropolitan
3 Organization's Broward Highway Functional
4 Classifications Map as arterial roadways.
5

6 2. School must be located in freestanding
7 single use structure(s), located on a parcel
8 no smaller than the minimum size required by
9 the School Board of Broward County for
10 public schools. As an exception, charter
11 schools may be permitted as an accessory use
12 if located within an existing library,
13 community service facility, museum,
14 performing arts center, theatre, cinema,
15 religious institution, Florida College
16 System institution, college, or university
17 facility, in accordance with F.S.
18 1002.33(18)(C).
19

20 3. School must provide a student drop off area
21 for motorists that is dedicated to student
22 drop off activities and will not interfere
23 with onsite parking or roadways adjacent to
24 the school. The appropriate length and
25 dimensions of the drop off area shall be
26 identified in a traffic study prepared by a
27 professional engineer licensed in the State
28 of Florida.
29

30 4. In order to allow sufficient time to secure
31 required development order, building permit,
32 and local business tax receipt approval, a
33 special exception use application and fee
34 must be filed with the Economic Development
35 Department at least nine (9) months before
36 the start of the school year. This time
37 requirement cannot be waived or reduced.
38

39 (u) Restaurants with curb or automobile service. Such
40 approval shall also be subject to the following
41 restrictions:
42

43 1. Subject property shall be located a minimum of
44 seven hundred fifty (750) feet from one-family
45 dwelling districts; such distance shall be

1 measured from front door of the establishment to
2 the single-family property line; and

3
4 2. All applicable city codes and regulations must be
5 complied with as of the time of application.

6
7 (~~v~~) Theater, outdoor. Subject to requirements of
8 section 33.11 of this Code.

9
10 (~~w~~) Vehicle rental business.

11
12 (~~x~~) Walkway cafes greater than four hundred (400)
13 square feet in area, subject to the criteria and
14 limitations in section 22.3(B) of this Code.

15 . . .

16
17
18 **SECTION 3:** The Code of the City of Margate, Florida,
19 Appendix A Zoning, Article VIII Transit Oriented Corridor -
20 Gateway (TOC-G) District, Section 8.4 TOC-G Gateway permitted
21 uses, is hereby amended to read as follows:
22

23 **Section 8.4. - TOC-G Gateway permitted uses.**

24
25 (A) *[Permitted uses.]* No building or structure, or part
26 thereof, shall be erected, altered or used, or land or
27 water used, in whole or in part, for other than any of the
28 uses specified below.

29 . . .

30
31
32 School of instruction, non-academic. ~~Subject to~~
33 ~~requirements of section 33.11 of this Code.~~

34 . . .

35
36
37 (B) *Special exception uses.* Special exception uses may be deemed
38 appropriate to provide a complete distribution of commercial
39 uses with the City, but because of their operational
40 characteristics or area requirements need to be given
41 individual consideration with respect to their location,
42 access and relationship to adjacent properties and public

1 rights-of-way, and conformity with the Ceity's current and
2 future redevelopment efforts.

3
4 (1) The following uses are authorized upon a finding by
5 the Ceity Ceommission that a special exception to the
6 article is warranted, pursuant to the procedure and
7 criteria set forth in sections 22.9 through 22.12 of
8 this Code.

9 . . .

10
11 (k) Promotional events that are accessory to a permitted
12 use and temporary in nature shall be permitted after a
13 finding by the development review committee that such
14 event meets the criteria as set forth in section 22.13
15 of this Code.

16
17 (l) Public or private elementary, middle, or high school,
18 subject to the following:

19
20 1. Schools shall not be located on roadways
21 classified by Broward County Metropolitan
22 Organization's Broward Highway Functional
23 Classifications Map as arterial roadways.
24 Access to schools shall not be from roadways
25 classified by Broward County Metropolitan
26 Organization's Broward Highway Functional
27 Classifications Map as arterial roadways.

28
29 2. School must be located in freestanding
30 single use structure(s), located on a parcel
31 no smaller than the minimum size required by
32 the School Board of Broward County for
33 public schools. As an exception, charter
34 schools may be permitted as an accessory use
35 if located within an existing library,
36 community service, museum, performing arts,
37 theatre, cinema, church, Florida College
38 System institution, college, or university
39 facility, in accordance with F.S.
40 1002.33(18)(C).

41
42 3. School must provide a student drop off area
43 for motorists that is dedicated to student
44 drop off activities and will not interfere
45 with onsite parking or roadways adjacent to

1 the school. The appropriate length and
2 dimensions of the drop off area shall be
3 identified in a traffic study prepared by a
4 professional engineer licensed in the State
5 of Florida.
6

7 4. In order to allow sufficient time to secure
8 required development order, building permit,
9 and local business tax receipt approval, a
10 special exception use application and fee
11 must be filed with the Economic Development
12 Department at least nine (9) months before
13 the start of the school year. This time
14 requirement cannot be waived or reduced.
15

16 (m) Theater, outdoor. Subject to requirements of section
17 33.11 of this Code.
18

19 (n) Walkway cafes greater than four hundred (400) square
20 feet in area, subject to the criteria and
21 limitations in section 22.3(B) of this Code.
22

23 [Note to Municipal Code: The rest of this section shall
24 remain as codified.]
25

26 **SECTION 4:** The Code of the City of Margate, Florida,
27 Appendix A Zoning, Article IX Transit Oriented Corridor - City
28 Center (TOC-CC) District, Section 9.5 TOC-CC City Center
29 permitted uses, is hereby amended to read as follows:
30

31 **Section 9.5. - TOC-CC City Center permitted uses.**
32

33 (A) [Permitted uses.] No building or structure, or part
34 thereof, shall be erected, altered or used, or land or
35 water used, in whole or in part, for other than any of the
36 uses specified below.
37

38 . . .
39
40 School of instruction, non-academic. Subject to
41 requirements of section 33.11 of this Code.
42
43 . . .

1 (B) *Special exception uses.* Special exception uses may be
2 deemed appropriate to provide a complete distribution of
3 commercial uses with the Ceity, but because of their
4 operational characteristics or area requirements need to be
5 given individual consideration with respect to their
6 location, access and relationship to adjacent properties
7 and public rights-of-way, and conformity with the Ceity's
8 current and future redevelopment efforts.

9
10 (1) The following uses are authorized upon a finding by
11 the Ceity Ceommission that a special exception to the
12 article is warranted, pursuant to the procedure and
13 criteria set forth in sections 22.9 through 22.12 of
14 this Code.

15 . . .
16
17 (h) Promotional events that are accessory to a permitted
18 use and temporary in nature shall be permitted after a
19 finding by the development review committee that such
20 event meets the criteria as set forth in section 22.13
21 of this Code.

22
23 (i) Public or private elementary, middle, or high school,
24 subject to the following:

25
26 1. Schools shall not be located on roadways
27 classified by Broward County Metropolitan
28 Organization's Broward Highway Functional
29 Classifications Map as arterial roadways.
30 Access to schools shall not be from roadways
31 classified by Broward County Metropolitan
32 Organization's Broward Highway Functional
33 Classifications Map as arterial roadways.

34
35 2. School must be located in freestanding
36 single use structure(s), located on a parcel
37 no smaller than the minimum size required by
38 the School Board of Broward County for
39 public schools. As an exception, charter
40 schools may be permitted as an accessory use
41 if located within an existing library,
42 community service facility, museum,
43 performing arts center, theatre, cinema,
44 religious institution, Florida College
45 System institution, college, or university

1 facility, in accordance with F.S.
2 1002.33(18)(C).

3
4 3. School must provide a student drop off area
5 for motorists that is dedicated to student
6 drop off activities and will not interfere
7 with onsite parking or roadways adjacent to
8 the school. The appropriate length and
9 dimensions of the drop off area shall be
10 identified in a traffic study prepared by a
11 professional engineer licensed in the State
12 of Florida.

13
14 4. In order to allow sufficient time to secure
15 required development order, building permit,
16 and local business tax receipt approval, a
17 special exception use application and fee
18 must be filed with the Economic Development
19 Department at least nine (9) months before
20 the start of the school year. This time
21 requirement cannot be waived or reduced.

22
23
24 (j±) Theater, outdoor. Subject to requirements of section
25 33.11 of this Code.

26
27 (k±) Walkway cafes greater than four hundred (400) square
28 feet in area, subject to the criteria and limitations
29 in section 22.3(B) of this Code.

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

34
35 **SECTION 5:** The Code of the City of Margate, Florida,
36 Appendix A Zoning, Article XXI Neighborhood Business B-1
37 District, Section 21.3 Permitted uses, is hereby amended to read
38 as follows:

39
40
41 **Section 21.3. - Permitted uses.**

42 . . .

1 (B) *Special exception uses.* The following uses are authorized
2 upon a finding by the Ceity Ceommission that a special
3 exception to the article is warranted. The City Ceommission
4 shall consider all applications for a special exception
5 approval pursuant to the procedure and criteria set forth
6 in ~~sections 23.9 and 23.10 for new construction and in~~
7 ~~sections 23.11 and 23.12 for uses at existing buildings~~
8 22.9 through 22.12 of this Code.
9

10 Animal clinic, pet hospital, subject to the following
11 limitations:

- 12 (1) Must be less than three thousand (3,000) square feet
13 in area.
14
15 (2) Adequate soundproofing in any area where animals are
16 contained or treated.
17
18 (3) All boarding activities shall be ancillary to the
19 primary use.
20
21 (4) Subject to the restrictions set forth in chapter 6 of
22 the Margate Code of Ordinances.
23

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

26 Public or private elementary, middle, or high school,
27 subject to the following:
28

29 (1) Schools shall not be located on roadways
30 classified by Broward County Metropolitan
31 Organization's Broward Highway Functional
32 Classifications Map as arterial roadways.
33 Access to schools shall not be from roadways
34 classified by Broward County Metropolitan
35 Organization's Broward Highway Functional
36 Classifications Map as arterial roadways.
37

38 (2) School must be located in freestanding
39 single use structure(s), located on a
40 parcel no smaller than the minimum size
41 required by the School Board of Broward
42 County for public schools. As an
43 exception, charter schools may be

1 permitted as an accessory use if located
2 within an existing library, community
3 service facility, museum, performing arts
4 center, theatre, cinema, religious
5 institution, Florida College System
6 institution, college, or university
7 facility, in accordance with F.S.
8 1002.33(18) (C).

9
10 (3) School must provide a student drop off
11 area for motorists that is dedicated to
12 student drop off activities and will not
13 interfere with onsite parking or roadways
14 adjacent to the school. The appropriate
15 length and dimensions of the drop off area
16 shall be identified in a traffic study
17 prepared by a professional engineer
18 licensed in the State of Florida.

19
20 (4) In order to allow sufficient time to
21 secure required development order,
22 building permit, and local business tax
23 receipt approval, a special exception use
24 application and fee must be filed with the
25 Economic Development Department at least
26 nine (9) months before the start of the
27 school year. This time requirement cannot
28 be waived or reduced.

29
30 [Note to Municipal Code: The rest of this section shall
31 remain as codified.]

32
33 **SECTION 6:** The Code of the City of Margate, Florida,
34 Appendix A Zoning, Article XXII Community Business B-2 District,
35 Section 22.3 Permitted uses, is hereby amended to read as
36 follows:

37
38 **Section 22.3. - Permitted uses.**

39 . . .
40
41 (B) *Special exception uses.* The following uses are authorized
42 upon a finding by the Ceity Ceommission that a special
43 exception to the article is warranted, pursuant to the
44 procedure and criteria set forth in sections 22.9 through
45 22.12 of this Code.

1
2
3
4 Public or private elementary, middle, or high school,
5 subject to the following:
6

7 (1) Schools shall not be located on roadways
8 classified by Broward County Metropolitan
9 Organization's Broward Highway Functional
10 Classifications Map as arterial roadways.
11 Access to schools shall not be from
12 roadways classified by Broward County
13 Metropolitan Organization's Broward
14 Highway Functional Classifications Map as
15 arterial roadways.
16

17 (2) School must be located in freestanding
18 single use structure(s), located on a
19 parcel no smaller than the minimum size
20 required by the School Board of Broward
21 County for public schools. As an
22 exception, charter schools may be
23 permitted as an accessory use if located
24 within an existing library, community
25 service facility, museum, performing arts
26 center, theatre, religious institution,
27 church, Florida College System
28 institution, college, or university
29 facility, in accordance with F.S.
30 1002.33(18) (C).
31

32 (3) School must provide a student drop off
33 area for motorists that is dedicated to
34 student drop off activities and will not
35 interfere with onsite parking or roadways
36 adjacent to the school. The appropriate
37 length and dimensions of the drop off area
38 shall be identified in a traffic study
39 prepared by a professional engineer
40 licensed in the State of Florida.
41

42 (4) In order to allow sufficient time to
43 secure required development order,
44 building permit, and local business tax
45 receipt approval, a special exception use
46 application and fee must be filed with the

1 Economic Development Department at least
2 nine (9) months before the start of the
3 school year. This time requirement cannot
4 be waived or reduced.

5
6 . . .
7
8 [Note to Municipal Code: The rest of this section shall
9 remain as codified.]

10
11 **SECTION 7:** The Code of the City of Margate, Florida,
12 Appendix A Zoning, Article XXIII Liberal Business B-3 District,
13 Section 23.3 Permitted uses, is hereby amended to read as
14 follows:
15

16 **Section 23.3. - Permitted uses.**

17
18 (B) *Special exception uses.* The following uses are authorized
19 upon a finding by the Ceity Ceommission that a special
20 exception to the article is warranted, pursuant to the
21 procedure and criteria set forth in sections 22.9 through
22 22.12 of this Code.
23

24 . . .
25
26 Public or private elementary, middle, or high school,
27 subject to the following:

28
29 (1) Schools shall not be located on roadways
30 classified by Broward County Metropolitan
31 Organization's Broward Highway Functional
32 Classifications Map as arterial roadways.
33 Access to schools shall not be from
34 roadways classified by Broward County
35 Metropolitan Organization's Broward
36 Highway Functional Classifications Map as
37 arterial roadways.

38
39 (2) School must be located in freestanding
40 single use structure(s), located on a
41 parcel no smaller than the minimum size
42 required by the School Board of Broward
43 County for public schools. As an
44 exception, charter schools may be
45 permitted as an accessory use if located

1 within an existing library, community
2 service facility, museum, performing arts
3 center, theatre, cinema, religious
4 institution, Florida College System
5 institution, college, or university
6 facility, in accordance with F.S.
7 1002.33(18)(C).

8
9 (3) School must provide a student drop off
10 area for motorists that is dedicated to
11 student drop off activities and will not
12 interfere with onsite parking or roadways
13 adjacent to the school. The appropriate
14 length and dimensions of the drop off area
15 shall be identified in a traffic study
16 prepared by a professional engineer
17 licensed in the State of Florida.

18
19 (4) In order to allow sufficient time to
20 secure required development order,
21 building permit, and local business tax
22 receipt approval, a special exception use
23 application and fee must be filed with the
24 Economic Development Department at least
25 nine (9) months before the start of the
26 school year. This time requirement cannot
27 be waived or reduced.

28
29 . . .
30
31 [Note to Municipal Code: The rest of this section shall
32 remain as codified.]

33
34 **SECTION 8:** The Code of the City of Margate, Florida,
35 Appendix A Zoning, Article III General Provisions, Section 3.22
36 Alcoholic beverages, is hereby amended to read as follows:

37
38 **Section 3.22 Alcoholic beverages**

39
40 . . .
41
42 (VIII) *Distance restrictions.*

43
44 (A) *Distance restrictions from a house of worship, ~~or school,~~*
45 *or daycare.* No liquor license approval or beer and wine

1 license approval for consumption on the premises shall be
2 issued where the place of business designated in the
3 application therefore is within one thousand (1,000) feet
4 of a house of worship or a public or private elementary,
5 middle or high school, or child care center. The distance
6 shall be measured from the main entrance or front door of
7 such house of worship, ~~or school, or daycare~~ to the main
8 entrance of such place of business in accordance with
9 subsection (IX). For any location within any zone
10 designated under any business classification to which a
11 license for the sale of liquor or beer and wine for
12 consumption on the premises has previously been issued, and
13 which license is subsisting and in use, no house of
14 worship, ~~nonacademic public or private elementary, middle,~~
15 ~~or high school, of instruction~~ or child care center shall
16 be permitted within one thousand (1,000) feet of said
17 location. The distance shall be measured from the front
18 door of the licensee to the main entrance of the house of
19 worship, ~~nonacademic school, of instruction~~ or child care
20 center. Any proposed use not meeting the specific distance
21 restrictions listed above shall be prohibited.

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

24
25 **SECTION 9:** All ordinances or parts of ordinances in
26 conflict are repealed to the extent of such conflict.

27
28 **SECTION 10:** If any section, sentence, clause, or phrase
29 of this Ordinance is held to be invalid or unconstitutional by a
30 court of competent jurisdiction, then said holding shall in no
31 way affect the validity of the remaining portions of this
32 Ordinance.

33
34 **SECTION 11:** It is the intention of the City Commission
35 that the provisions of this Ordinance shall become and be made a
36 part of the City of Margate Code, and that the sections of this
37 Ordinance may be renumbered or relettered and the word
38 "ordinance" may be changed to "section", "article" or such other
39 appropriate word or phrase in order to accomplish such
40 intentions.

41
42 **SECTION 12:** This Ordinance shall become effective
43 immediately upon adoption at its second reading.

44 PASSED ON FIRST READING THIS ____ day of _____, 2017.

45
46 PASSED ON SECOND READING THIS ____ day of _____, 2017.
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ATTEST:

JOSEPH KAVANAGH
CITY CLERK

MAYOR TOMMY RUZZANO

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

Caggiano _____
Simone _____
Peerman _____
Schwartz _____
Ruzzano _____

Caggiano _____
Simone _____
Peerman _____
Schwartz _____
Ruzzano _____

DRAFT