

1 CITY OF MARGATE, FLORIDA

2
3 ORDINANCE NO. _____
4

5 AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA,
6 RELATED TO PUBLIC OR PRIVATE ELEMENTARY, MIDDLE,
7 OR HIGH SCHOOLS, AMENDING CHAPTER 40- "THE
8 MARGATE UNIFIED LAND DEVELOPMENT CODE," DIVISION
9 2, "SPECIFIC USE REGULATIONS," SECTION 40.620,
10 "PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, OR HIGH
11 SCHOOLS" OF THE CITY OF MARGATE CODE OF
12 ORDINANCES; PROVIDING FOR REVISIONS TO ACCESS,
13 LOCATION, PARCEL SIZE REQUIREMENTS, AND TO
14 REFLECT REVISIONS TO FLORIDA STATUTES FOR PRIVATE
15 SCHOOLS; PROVIDING FOR REPEAL; PROVIDING FOR
16 SEVERABILITY; PROVIDING FOR CODIFICATION;
17 PROVIDING FOR AN EFFECTIVE DATE.
18

19
20 WHEREAS, the Code of Ordinances of the City of Margate,
21 Florida, (hereinafter the "Code"), Chapter 40, "The Margate
22 Unified Land Development Code," Division 2 "Specific Use
23 Regulations," Section 40.620 "Public or Private Elementary,
24 Middle, or High Schools," provides requirements for access,
25 location, and parcel size for Public or Private Elementary,
26 Middle, or High Schools within the City of Margate; and

27 WHEREAS, the City Commission of the City of Margate has
28 found that certain Code requirements need to be amended to
29 provide for more specific access, location, parcel size
30 requirements, and to reflect recent revisions to Florida Statutes
31 for private schools; and

32 WHEREAS, the City of Margate Planning and Zoning Board,

1 sitting as the Local Planning Agency, has reviewed the Code
2 revisions contained in this Ordinance at a duly noticed public
3 hearing on October 1st, 2024, and recommended approval of the
4 Code revisions; and

5 WHEREAS, the City Commission conducted a first and second
6 reading of this Ordinance at duly noticed public hearings, as
7 required by law, and after having received input from and
8 participation by interested members of the public and staff, the
9 City Commission has determined that this Ordinance is consistent
10 with the City's Comprehensive Plan and in the best interest of
11 the health, safety, and welfare of the City, its residents, and
12 businesses.

13 NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
14 THE CITY OF MARGATE, FLORIDA:

15 **SECTION 1:** That Chapter 40, "The Margate Unified Land
16 Development Code," Division 2, "Specific Use Regulations,"
17 Section 40.620, "Public or Private Elementary, Middle, or High
18 Schools" of the City of Margate Code of Ordinances is hereby
19 amended to read as follows:

20 **40.620. Public or Private Elementary, Middle, or High Schools.**

21 (A) *Use standards.*

22 1. The following use standards shall be adhered to in
23 reviewing the application.

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

1 a. No building or structure, or part thereof, shall be
2 erected, altered or used, or land or water used, in whole
3 or in part, unless conforming to the standards below:

4 b. ~~Schools shall not be located on roadways classified~~
5 ~~by Broward County Metropolitan Organization's Broward~~
6 ~~Highway Functional Classifications Map as arterial~~
7 ~~roadways.~~ Vehicular access to schools shall not be from
8 roadways classified by the Broward County Metropolitan
9 Organization's Broward County Highway Functional
10 Classifications map as arterial roadways or collector
11 roadways.

12 i. The use of shared driveways and/or cross-access
13 agreements to allow vehicles for the school to pass
14 through an adjacent property that abuts an arterial
15 or collector roadway is prohibited.

16 ii. Vehicular access to the school shall be
17 provided directly through a publicly owned local
18 road, and the driveway opening which serves the
19 school must be located at least 500 feet from an
20 arterial or collector roadway, measured from the
21 closest outer edge of the driveway pavement to the
22 nearest point of the applicable right-of-way limit,
23 by direct airline measurement.

1 c. Schools shall not be located within 1,000 feet from
2 any other existing public or private elementary, middle,
3 or high school, or a childcare facility. This distance
4 shall be measured from the property line in the shortest
5 airline distance between nearest property lines.

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

18 i. An elementary school site must be at least 12
19 acres in size. The preferred site is rectangular
20 in shape with 700 feet of street frontage and 750
21 feet of depth.

22 ii. A middle school site must be at least 20 acres
23 in size. The preferred site is rectangular in shape

1 with 1,200 feet of street frontage and 730 feet of
2 depth.

3 iii. A high school site must be at least 45 acres
4 in size. The preferred site is rectangular in shape
5 with 1,320 feet of street frontage and 1,480 feet
6 of depth.

7 ~~d~~ e. Schools must provide a student drop off/pick-up area
8 for motorists that is dedicated to student drop off/pick-
9 up activities and will not interfere with onsite parking,
10 or rely on vehicles queueing into roadways adjacent to
11 the school. The appropriate length and dimensions of the
12 drop off area shall be identified in a traffic study
13 prepared by a qualified traffic engineer who is a
14 professional engineer licensed in the State of Florida.

15 f. Exceptions from the above restrictions shall apply
16 to the following schools and the following activities
17 associated with a school:

18 i. Vehicular access designed and used solely for
19 emergency vehicles.

20 ii. Any existing school that is owned and operated
21 by the School Board of Broward County.

22 iii. Charter schools may be permitted as an
23 accessory use if located within an existing library,

1 community service facility, museum, performing arts
2 center, theatre, cinema, religious institution,
3 Florida College System institution, college, or
4 university facility, in accordance with F.S. §
5 1002.33(18)(C) as may be amended from time to time.
6 iv. A private school may use facilities on property
7 owned or leased by, or purchased from, a library,
8 community service organization, museum, performing
9 arts venue, theater, cinema, or church facility
10 under F.S. § 170.201, which is or was actively used
11 as such within 5 years of any executed agreement
12 with a private school to use the facilities; any
13 facility or land owned by a Florida College System
14 institution or university; any similar public
15 institutional facilities; and any facility recently
16 used to house a school or child care facility
17 licensed under F.S. § 402.305, under any such
18 facility's preexisting zoning and land use
19 designations without rezoning or obtaining a special
20 exception or a land use change, and without
21 complying with any mitigation requirements or
22 conditions. The facility must be located on property
23 used solely for purposes described in this

1 paragraph, and must meet applicable state and local
2 health, safety, and welfare laws, codes, and rules,
3 including fire safety and building safety.

4 v. The acreage requirement may be reduced to not
5 less than 3.5 acres, gross, pursuant to an approved
6 development agreement, executed in accordance with
7 F.S. § 163.3227, as may be amended from time to
8 time.

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

16 **SECTION 2:** All ordinances or parts of ordinances in
17 conflict are repealed to the extent of such conflict.

18 **SECTION 3:** If any section, sentence, clause, or phrase of
19 this Ordinance is held to be invalid or unconstitutional by a
20 court of competent jurisdiction, then said holding shall in no
21 way affect the validity of the remaining portions of this
22 Ordinance.

23 **SECTION 4:** It is the intention of the City Commission that

1 the provisions of this Ordinance shall become and be made a part
2 of the City of Margate Code, and that the sections of this
3 Ordinance may be renumbered or relettered and the word
4 "ordinance" may be changed to "section", "article" or such other
5 appropriate word or phrase in order to accomplish such
6 intentions.

7 **SECTION 5:** This Ordinance shall become effective
8 immediately upon adoption at its second reading.

9
10 PASSED ON FIRST READING THIS 16th day of October 2024.

11 PASSED ON SECOND READING THIS 6th day of November 2024.

12 ATTEST:

13
14 _____
15 JENNIFER JOHNSON
16 CITY CLERK

MAYOR

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

18
19 Simone _____
20 Schwartz _____
21 Ruzzano _____
22 Caggiano _____
23 Arserio _____

Simone _____
Schwartz _____
Ruzzano _____
Caggiano _____
Arserio _____