

1 CITY OF MARGATE, FLORIDA

2
3 ORDINANCE NO. _____

4 AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA,
5 AMENDING CHAPTER 40 - LAND DEVELOPMENT CODE,
6 ARTICLE 2 - DEFINITIONS, SECTION 40.201 AND
7 ARTICLE III ADMINISTRATION, DIVISION 2 -
8 APPLICATIONS, REVIEW PROCEDURES AND PUBLIC
9 NOTICE, SECTION 40.307 RESERVED; OF THE CITY
10 OF MARGATE CODE OF ORDINANCES TO PROVIDE FOR
11 A PROCESS FOR THE GRANTING OF A SPECIAL
12 WAIVER FOR CERTAIN DEVELOPMENT PROJECTS;
13 PROVIDING FOR CONFLICT; PROVIDING FOR
14 SEVERABILITY; PROVIDING FOR CODIFICATION;
15 PROVIDING FOR AN EFFECTIVE DATE.
16

17
18 BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF
19 MARGATE, FLORIDA:

20
21 **Section 1:** Chapter 40 - Land Development Code,
22 Article 2 - Definitions, Section 40.201, is hereby amended
23 to read as follows:

24
25 40.201. Definitions

26 . . .

27
28 (C) Definitions of terms.

29 . . .
30

31 *Special exception use.* A use that would generally not be
32 appropriate in the zoning district, which may be authorized
33 if specific provisions and controls are applied, Special
34 exception uses may be deemed appropriate to provide a
35 complete distribution of uses within the city, but because of
36 their operational characteristics or area requirements need
37 to be given individual consideration with respect to their
38 location, access and relationship to adjacent properties and
39 public rights-of-way, and the use conforms with the city's
40 goals, objectives and policies within the comprehensive plan.

41 Special waiver:

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

1 A waiver granted by the City Commission where the City
2 Commission finds and determines that a literal enforcement of
3 any section of the land development code produces a result
4 that is a burdensome hardship, based on certain criteria, or
5 produces a result that is inconsistent with the municipal
6 intent in the adoption of any specific provision of the land
7 development code and is not in the best interests of the City
8 of Margate.

9 *Spot Zoning.* A property or group of properties having
10 specific zoning designations applied to them that differ from
11 the zoning designations surrounding them.

12 . . .

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

16 **Section 2:** Chapter 40 Article III Administration,
17 Division 2 - Applications, Review Procedures and Public
18 Notice, Section 40.307 Reserved, is hereby amended to read
19 as follows:
20

21 **40.307. Special Waiver.**

22 (A) Purpose. Special waiver requests are generally warranted
23 when the literal interpretation of the City's Land
24 Development Code results in a burdensome hardship to the
25 property owner, and is inconsistent with the objectives and
26 goals of the City Commission as it relates to development
27 within the City. The requested waiver shall be compatible
28 with adjacent land uses, and due to their unique
29 characteristics or potential impacts on the surrounding

1 neighborhood and the City as a whole, require individual
2 review as to location, design, configuration, and/or
3 operation for the particular use at the particular location
4 proposed, as well as the imposition of individualized
5 conditions in order to ensure that the use is compatible with
6 the surrounding neighborhoods and appropriate at a particular
7 location.

8 (B) Application requirements for a special waiver. The City
9 shall only accept an application for a special waiver in
10 conjunction with the review of a site plan or site plan
11 amendment application. In addition, no development shall be
12 established within an existing building or structure, or on
13 any property, until after such development has received
14 approval under the provisions of this section and has
15 received all permits required by this Code of Ordinances and
16 the Florida Building Code. The application shall include:

17 1. Application fee. Payment of all fees as specified in
18 the Fee Schedule adopted by Resolution of the City
19 Commission of the City of Margate.

20 2. Application form. A completed application form on the
21 form provided by the Development Services Department.

1 3. A map showing adjacent uses and structures within 1000'
2 of the subject property.

3 4. Any other architectural, engineering, or other data as
4 may be required to permit the necessary findings related
5 to the special waiver request.

6 5. A justification statement to support the applicant's
7 entitlement to the approval of the special waiver request.

8 6. A written and graphic summary of the special waiver
9 sought for the proposed project and its relationship to
10 the general standards of review of this Code.

11 7. Ownership affidavit and owner's sworn to consent, if
12 applicable.

13 (D) General standards of review. In addition to the standards
14 set forth in this Code of Ordinances, all proposed special
15 waivers shall meet the following:

16 1. The special waiver shall be consistent with the
17 purposes, goals, objectives and policies of the Margate
18 Comprehensive Plan and the Margate Code of Ordinances.

1 2. The requested special waiver shall not be detrimental
2 to or endanger the public health, safety, or general
3 welfare.

4 3. The requested special waiver shall be compatible with
5 the existing natural environment and community character
6 of the properties within the immediate neighborhood.

7 4. The requested special waiver will not degrade the
8 provision of any utilities, roadway capacity, drainage,
9 and other necessary public facilities, including police,
10 fire and emergency services.

11 5. The requested special waiver shall ensure that adequate
12 measures exist or shall be taken to provide ingress and
13 egress to the subject property, for both vehicles and
14 pedestrians, in a manner that minimizes traffic congestion
15 on public streets, and the use may not result in an
16 increase in the amount of traffic on local streets than
17 would result from a development permitted by right.

18 6. There shall be adequate parking areas and off-street
19 truck loading spaces (if applicable), and the layout of
20 the parking and vehicular use areas shall be convenient

1 and conducive to safe operation consistent with city
2 standards to the greatest extent possible.

3 7. The approval of the special waiver shall not impede the
4 development of surrounding properties for uses permitted
5 in the zoning district nor have a negative impact on the
6 value of those properties;

7 8. The design of the proposed use shall minimize adverse
8 effects, including visual impacts, of the proposed use on
9 adjacent property through the use of building orientation,
10 setbacks, buffers, landscaping and other design criteria.

11 9. The City Commission finds that the granting of the
12 application will be in the best interest of the City.

13 (E) Review by Development Review Committee (DRC). A complete
14 application for a special waiver which is submitted pursuant
15 to a schedule prepared by the development services department
16 shall be reviewed at the next available DRC meeting. The DRC
17 shall review the application based on the general standards
18 of review, use regulations, development standards of this
19 Code, and all other applicable development regulations.

20 (F) Review by City Commission. The City Commission shall review
21 all special waiver applications. The Director of Development

1 Services shall transmit to the City Manager a copy of the
2 complete application, the DRC recommendation, and a written
3 staff report summarizing the facts of the case including all
4 relevant documents. The City Manager shall schedule the
5 proposed special waiver application for the next available
6 City Commission meeting providing the required notice
7 procedures are met.

8 1. Public hearing. The City Commission shall hold one (1)
9 public hearing on the requested special waiver. Notice
10 for the public hearing shall be provided in a manner
11 consistent with Sec. 40.310 of the City's Code of
12 Ordinances.

13 2. Action by City Commission. In considering a special
14 waiver request, the City Commission shall review the
15 proposed special waiver, based on the general purpose and
16 standards of review set forth in this section, the
17 recommendation from the DRC, the staff report, and any
18 oral and written comments received before or at the public
19 hearing. Based upon the record developed at the public
20 hearings, the City Commission may:

1 a. Approve the requested special waiver by resolution,
2 with or without conditions; or

3 b. Deny the requested special waiver by resolution; or

4 c. Defer the matter to a future meeting for a date
5 certain; or

6 d. Refer the matter to the administration for further
7 consideration, comments, or additional review.

8 (G) Conditions. The City Commission may attach such conditions
9 to the approval as it deems necessary to ensure the special
10 waiver conforms to the standards set forth in Section
11 40.307(D), "General Standards of Review," and to prevent or
12 minimize adverse effects on other property in the
13 neighborhood, including, but not limited to: architectural
14 design guidelines; limitations on size, bulk and location;
15 duration of construction period; requirements for
16 landscaping, signage, outdoor lighting, and the provision or
17 limitation of ingress and egress; duration of the approval;
18 hours of operation; and the mitigation of environmental
19 impacts.

20 (H) Effect of approval or denial.

1 1. Eligibility to apply for building permit, etc. Approval
2 of the application for special waiver by the City
3 Commission authorizes the applicant to proceed with any
4 necessary applications for final site plan approval,
5 building permits, and other permits, which the city may
6 require for the proposed development. No permit shall be
7 issued for work, which does not comply with the terms of
8 the special waiver approval.

9 2. Expiration of special waiver approval. Unless otherwise
10 provided in the approval, the approval of a special waiver
11 application shall be void if a building permit or
12 engineering permit has not been issued for the proposed
13 development or if the use has not commenced within twelve
14 (12) months after the date of the special waiver approval
15 by the City Commission. An applicant who has obtained
16 special waiver approval may request an extension of this
17 time period by submitting within the twelve-month period a
18 letter stating the reasons for the request. The City
19 Commission may, at a regular meeting with public notice,
20 grant an extension of up to twelve (12) months, provided
21 the City Commission makes the following findings:

1 a. The land use or zoning designation of the subject
2 parcel has not changed and both designations are
3 appropriate for the approved site plan.

4 b. The governing regulations of the subject parcel have
5 not been significantly changed since the site plan was
6 reviewed by the Development Review Committee.

7 c. There have been no developments on adjacent or nearby
8 properties that would create a conflict with the
9 current zoning regulations, or with the approved
10 special waiver.

11 d. The time limit extension for special waiver approval
12 shall not exceed an additional one (1) year.

13 (I) Amendments and alterations to approved special waivers.

14 1. Except as provided below, any expansion or change in
15 intensity to an approved special waiver and any addition
16 to or expansion of an existing special waiver shall
17 require the same application, review and approval as
18 required under this section for the original approval of
19 the special waiver.

1 2. No increase in the intensity or change in use shall be
2 considered a minor change for the purposes of this
3 Section.

4 **SECTION 3:** All ordinances or parts of ordinances
5 in conflict herewith are repealed to the extent of such
6 conflict.

7
8 **SECTION 4:** If any section, sentence, clause, or
9 phrase of this ordinance is held to be invalid or
10 unconstitutional by a court of competent jurisdiction, then
11 said holding shall in no way affect the validity of the
12 remaining portions of this Ordinance.

13
14 **SECTION 5:** It is the intention of the City
15 Commission that the provisions of this Ordinance shall become
16 and be made a part of the City of Margate Code, and that the
17 sections of this Ordinance may be renumbered or relettered
18 and the word "ordinance" may be changed to "section",
19 "article" or such other appropriate word or phrase in order
20 to accomplish such intentions.

21
22 **SECTION 6:** This Ordinance shall become effective
23 immediately upon adoption at its second reading.

24
25 PASSED ON FIRST READING THIS _____ day of _____ 2026.

26 PASSED ON SECOND READING THIS _____ day of _____ 2026.

27
28 ATTEST:

29
30 _____
31 JENNIFER M. JOHNSON
32 CITY CLERK

33 _____
34 MAYOR ANTONIO V. ARSERIO

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ORDINANCE _____

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

Schwartz	_____	Schwartz	_____
Simone	_____	Simone	_____
Ruzzano	_____	Ruzzano	_____
Caggiano	_____	Caggiano	_____
Arserio	_____	Arserio	_____

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