

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING APPENDIX-A ZONING; ARTICLE XXII COMMUNITY BUSINESS B-2 DISTRICT, SECTION 22.3 PERMITTED USES; ARTICLE XXIII LIBERAL BUSINESS B-3 DISTRICT, SECTION 23.3 PERMITTED USES; ARTICLE XXI NEIGHBORHOOD BUSINESS B-1 DISTRICT, SECTION 21.3 PERMITTED USES; ARTICLE VII TRANSIT ORIENTED CORRIDOR - CORRIDOR (TOC-C) DISTRICT, SECTION 7.3 PERMITTED USES; ARTICLE VIII TRANSIT ORIENTED CORRIDOR - GATEWAY (TOC-G) DISTRICT, SECTION 8.4 PERMITTED USES; ARTICLE IX TRANSIT ORIENTED CORRIDOR - CITY CENTER (TOC-CC) DISTRICT, SECTION 9.5 PERMITTED USES; PROVIDING FOR MINIMUM STANDARDS; PROVIDING FOR REPEAL; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1: The Code of the City of Margate, Florida, Appendix-A Zoning, Article XXII Community Business B-2 District Section 22.3 Permitted uses is hereby amended to read as follows¹:

Section 22.3. - Permitted uses.

(A) *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 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 Walkway cafes less than ~~four hundred (400)~~1,000 square
2 feet in area, permitted as an accessory use to a
3 restaurant or other food service establishment and
4 subject to the following requirements and limitations:

5 (1) *Application requirements.* Application for a permit
6 to operate a walkway cafe less than ~~four hundred (400)~~
7 1,000 square feet in area shall be made at the building
8 department with the following documentation:

9 (a) A walkway cafe application;

10 (b) Photographs, drawings, or manufacturers'
11 brochures describing the appearance of all proposed
12 tables, chairs, umbrellas, or other objects related
13 to the walkway cafe;

14 (c) A signed statement that the applicant shall
15 hold harmless the City, its officers, and employees
16 and shall indemnify the City, its officers, and
17 employees for any claims for damages to property or
18 injury to persons which may be occasioned by any
19 activity carried on under the terms of the permit;

20 (d) A copy of public liability insurance, food
21 products liability insurance, and property damage
22 insurance from all claims and damage to property or
23 bodily injury, including death, which may arise from
24 operations under the permit or in connection
25 therewith. Such insurance shall provide coverage of
26 not less than ~~one million dollars (\$1,000,000.00)~~
27 for bodily injury, and property damage respectively per
28 occurrence. Such insurance shall be without prejudice
29 to coverage otherwise existing therein and shall name
30 as additional insured the City, its officers and
31 employees.

32 (e) For walkway cafe applicants that serve alcoholic
33 beverages, liquor liability insurance in the amount
34 of ~~one million dollars (\$1,000,000.00)~~ per occurrence
35 for bodily injury and property damage is required.
36 The applicant shall furnish and maintain such public
37 liability, liquor products liability, and property
38 damage insurance from all claims and damage to
39 property or bodily injury, including death, which may
40 arise from operations under the permit or in
41 connection therewith. Such insurance shall be without
42 prejudice to coverage otherwise existing therein and
43 shall name as additional insured, the City, its
44 officers and employees. Such insurance will be
45 primary to any insurance or self-insurance whether

1 collectible or not which may be available to the
2 City, its officers or employees;

3 (f) All of the policies of insurance so required to
4 be purchased and maintained shall contain a provision
5 or endorsement that the coverage afforded shall not be
6 canceled, materially changed or renewal refused until
7 at least ~~thirty~~ (30) calendar days' written notice has
8 been given to the City by certified mail.

9 (2) *Use standards.*

10 (a) The following use standards shall be adhered to in
11 reviewing the application:

12 (i) The walkway cafe dining area shall be located
13 adjacent to the primary business, with a minimum
14 four-foot clear pedestrian passage provided
15 throughout. This minimum four-foot requirement shall
16 be measured and maintained when chairs and tables are
17 occupied.

18 (ii) The walkway cafe seating area shall not
19 interfere with the circulation of pedestrian and/or
20 vehicular traffic;

21 (iii) Tables, chairs, umbrellas, and any other
22 objects associated with the walkway cafe shall be
23 safe and convenient for users and passers-by. The
24 design, materials and colors of such objects must be
25 compatible with Section 40.5-Exterior building or
26 structural color of the property maintenance
27 standards of the Margate Zoning Code.

28 (iv) Walkway cafes under ~~four hundred~~ (400) 1,000
29 square feet require no additional parking;

30 ~~(v) Pass-through windows, take-out windows, or~~
31 ~~similar types of windows are not permitted;~~

32 ~~(vii)~~ (v) Cooking facilities are prohibited on the
33 sidewalk with the exception of those temporary mobile
34 facilities that are used in the finishing of meals
35 that were substantially prepared inside the building.
36 All cooking facilities permitted under this
37 subsection shall be removed immediately when not in
38 use;

39 ~~(viii)~~ (vi) Audio/visual devices (televisions), ~~and~~
40 ~~public address systems are prohibited~~ are permitted
41 in the walkway cafe dining area;

42 ~~(ix)~~ (vii) Speakers are permitted that play the same
43 music that would be played inside the dining
44 establishment, as long as such music is not audible

1 in the public right-of-way. Public address systems
2 are prohibited;

3 ~~(*viii) Awning signs meeting the specifications~~
4 ~~provided in Section 39.6 of this Code are permitted.~~
5 ~~Logos up to four square feet are permitted on~~
6 ~~umbrellas; There shall be no advertising signs or~~
7 ~~logos displayed on umbrellas or awnings associated~~
8 ~~with the walkway cafe, including those of the name or~~
9 ~~logo of the business operating the walkway cafe;~~

10 ~~(*x) One (1) menu board or sandwich sign is allowed~~
11 ~~per restaurant and shall be limited to six (6) square~~
12 ~~feet in area;~~

13 ~~(*ix) The hours of operation for the walkway cafe~~
14 ~~shall be no greater than that of the principal~~
15 ~~restaurant;~~

16 ~~(*ix) Upon the issuance of a hurricane warning, all~~
17 ~~outdoor furniture shall be removed from the walkway~~
18 ~~cafe dining area;~~

19 ~~(*iii) No objects that would have the effect of~~
20 ~~forming a physical or visual barrier discouraging the~~
21 ~~use of the sidewalk by the general public shall be~~
22 ~~permitted around the perimeter of a walkway cafe;~~

23 ~~(*ixi) The sidewalk area and all tables, chairs,~~
24 ~~umbrellas and any other objects associated with the~~
25 ~~walkway cafe must be kept in a clean, orderly and~~
26 ~~safe condition, and the area shall be cleared of all~~
27 ~~debris throughout the day and at the close of~~
28 ~~business.~~

29 ~~(*vii) All tableware must be immediately removed at~~
30 ~~the close of business;~~

31 ~~(*vixiii) Awnings shall be permitted over the~~
32 ~~walkway cafe area if permitted in accordance with the~~
33 ~~Florida Building Code;~~

34 ~~(*vixiv) No tables, chairs, umbrellas, nor any~~
35 ~~other part of a walkway cafe shall be attached,~~
36 ~~chained or in any manner affixed to any tree, post,~~
37 ~~sign, or other fixtures, curb, or sidewalk within or~~
38 ~~near the permitted area; and~~

39 (3) *Temporary suspension.*

40 (a) The eCity may require the temporary removal of
41 walkway cafes when street, sidewalk, or utility
42 repairs necessitate such action.

43 (b) The eCity may immediately remove or relocate all
44 or parts of any walkway cafe in emergency situations;
45 and

1 (c) The eCity, its officers, and employees shall not
2 be responsible for any walkway cafe components
3 relocated during emergencies;

4 (4) Denial, revocation or suspension of permit.

5 (a) The eCity may deny, revoke or suspend a permit
6 for any walkway cafe if it is found that:

7 (i) Any necessary business or health permit has
8 been suspended, revoked or canceled;

9 (ii) The permit holder does not have insurance
10 which is correct and effective in the minimum
11 amount described in this chapter;

12 (iii) Changing conditions of pedestrian or
13 vehicular traffic cause congestion that
14 necessitates the removal of a walkway cafe. Such
15 decisions shall be based upon findings of the
16 eCity ~~Manager~~ or his/her designee that the
17 minimum four-foot pedestrian path provided is
18 insufficient under existing circumstances and
19 represents a danger to the health, safety or
20 general welfare of pedestrians or vehicular
21 traffic; and/or

22 (iv) The permit holder has failed to correct
23 violations of this chapter or conditions of his
24 permit within seven ~~(7)~~ days of receipt of a eCity
25 notice of same.

26 (b) Tables, chairs and other vestiges of the walkway
27 cafe may be removed by the eCity, and a reasonable fee
28 charged for labor, transportation and storage, should
29 the permit holder fail to remove said items within
30 ~~thirty-six (36)~~ hours of receipt of the eCity's final
31 notice to do so for any reason provided under this
32 chapter.

33 (c) A revocation or suspension of a permit shall be
34 authorized only upon seven ~~(7)~~ days' notice to the
35 permit holder at the address listed on said permit.
36 During said time, the permit holder may offer any
37 documents or any other evidence why the permit should
38 not be revoked.

39 (d) Upon denial or revocation, the eCity shall give
40 notice of such action to the applicant or the permit
41 holder in writing stating the action taken and the
42 reason thereof. If the action of the eCity is based on
43 subsections (a)(2) or (3) of this section, the action
44 shall be effective upon giving such notice to permit
45 holder. Otherwise, such notice shall become effective
46 within seven ~~(7)~~ days unless appealed to the eCity

1 eCommission within five ~~(5)~~ days' notice of the
2 decision of the eCity ~~m~~Manager or his/her designee.
3
4 . . .

5
6
7 (B) *Special exception uses.* The following uses are
8 authorized upon a finding by the eCity eCommission that a
9 special exception to the article is warranted, pursuant
10 to the procedure and criteria set forth in sections 22.9
11 through 22.12 of this Code.
12
13 . . .

14
15 Walkway cafes greater than ~~four hundred (400)~~ 1,000 square
16 feet in area, subject to the following requirements and
17 limitation (s):

18 (1) Walkway cafes over ~~four hundred (400)~~ 1,000 square
19 feet shall be required to provide parking. The amount of
20 parking shall be determined by the zoning district and
21 applicable restaurant requirement of that district.
22 ~~provide one (1) parking space for every thirty (30) feet~~
23 ~~of floor area over four hundred (400) square feet, as~~
24 ~~required by subsection 33.3(19) of the Municipal Code.~~

25 (2) Photographs, drawings, or manufacturers' brochures
26 describing the appearance of all proposed tables, chairs,
27 umbrellas, or other objects related to the walkway cafe;

28 (3) A signed statement that the applicant shall hold
29 harmless the City, its officers, and employees and shall
30 indemnify the City, its officers, and employees for any
31 claims for damages to property or injury to persons which
32 may be occasioned by any activity carried on under the
33 terms of the permit;

34 (4) A copy of public liability insurance, food products
35 liability insurance, and property damage insurance from
36 all claims and damage to property or bodily injury,
37 including death, which may arise from operations under
38 the permit or in connection therewith. Such insurance
39 shall provide coverage of not less than ~~one million~~
40 ~~dollars~~ ~~(\$1,000,000.00)~~ for bodily injury, and property
41 damage respectively per occurrence. Such insurance shall
42 be without prejudice to coverage otherwise existing

1 therein and shall name as additional insured the City,
2 its officers and employees:

3 (5)

4 (a) For walkway cafe applicants with restaurants that
5 serve alcoholic beverages, liquor liability insurance
6 in the amount of ~~one million dollars~~ (\$1,000,000.00)
7 per occurrence for bodily injury and property damage
8 is required. The applicant shall furnish and maintain
9 such public liability, liquor products liability, and
10 property damage insurance from all claims and damage
11 to property or bodily injury, including death, which
12 may arise from operations under the permit or in
13 connection therewith. Such insurance shall be without
14 prejudice to coverage otherwise existing therein and
15 shall name as additional insured, the eCity, its
16 officers and employees. Such insurance will be primary
17 to any insurance or self-insurance whether collectible
18 or not which may be available to the eCity, its
19 officers or employees;

20 (b) All of the policies of insurance so required to
21 be purchased and maintained shall contain a provision
22 or endorsement that the coverage afforded shall not be
23 canceled, materially changed or renewal refused until
24 at least ~~thirty~~ (30) calendar days' written notice has
25 been given to the eCity by certified mail; and

26 (6) The required insurance coverage shall be issued by
27 an insurance company duly authorized and licensed to do
28 business in the State of Florida with the following
29 minimum qualifications in accordance with the latest
30 edition of A.M. Best's Insurance Guide: Financial
31 Stability: B+ to A+;

32 (7) Use standards, temporary suspension guidelines, and
33 denial, revocation, or suspension of permit, will be the
34 same as those outlined for walkway cafes less than ~~four~~
35 ~~hundred~~ (400) 1,000 square feet, as outlined in
36 subsection 22.3(A), ~~Permitted uses,~~ of this Code.

37 ~~(8) Temporary suspension guidelines will be the same as~~
38 ~~those outlined for walkway cafes less than four hundred~~
39 ~~(400) square feet, as outlined in subsection 22.3(A),~~
40 ~~Permitted uses; and~~

41 ~~(9) Denial, revocation or suspension of permit will be~~
42 ~~the same as outlined for walkway cafes less than four~~
43 ~~hundred (400) square feet, as outlined in subsection~~
44 ~~22.3(A), Permitted uses.~~

1
2
3 [Note to Municipal Code: The rest of this section
4 shall remain as codified.]

5
6 **SECTION 2:** The Code of the City of Margate,
7 Florida, Appendix-A Zoning, Article XXIII Liberal Business
8 B-3 District Section 23.3 Permitted Uses is hereby amended
9 to read as follows:
10

11 **Section 23.3. - Permitted uses.**

12
13
14 Walkway cafes less than ~~four hundred (400)~~1,000 square
15 feet in area permitted subject to conditions provided in
16 section 22.3.

17
18
19 (B) *Special exception uses.* The following uses are
20 authorized upon a finding by the eCity eCommission that a
21 special exception to the article is warranted, pursuant
22 to the procedure and criteria set forth in sections 22.9
23 through 22.12 of this Code.
24

25
26 Walkway cafes greater than ~~four hundred (400)~~1,000
27 square feet in area (subject to the provisions of
28 Section 22.3(B)).

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

33
34
35 **SECTION 3:** The Code of the City of Margate, Florida,
36 Appendix-A Zoning, Article XX1 Neighborhood Business B-1
37 District Section 21.3 Permitted Uses is hereby amended to

1 read as follows:
2

3 **Section 21.3. - Permitted uses.**
4

5
6 Walkway cafes less than ~~four hundred (400)~~ 1,000 square
7 feet in area, permitted as an accessory use to a
8 restaurant or other food service establishment and
9 subject to the requirements and limitations provided in
10 section 23.3.
11

12
13 **[Note to Municipal Code: The rest of this section**
14 **shall remain as codified.]**
15

16
17 **SECTION 4:** The Code of the City of Margate, Florida,
18 Appendix-A Zoning, Article VII Transit Oriented Corridor -
19 Corridor (TOC-C) District Section 7.3 TOC-C Corridor
20 Permitted Uses is hereby amended to read as follows:
21

22 **Section 7.3. - TOC-C Corridor permitted uses.**
23

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

29
30
31 Walkway cafes less than ~~four hundred (400)~~ 1,000 square feet in
32 area; permitted subject to the criteria and limitations contained
33 in subsection 22.3(A) of this Code.
34

35 (B) *Special exception uses.* Special exception uses may
36 be deemed appropriate to provide a complete distribution
37 of commercial uses with the ~~e~~City, but because of their

1 operational characteristics or area requirements need to
2 be given individual consideration with respect to their
3 location, access and relationship to adjacent properties
4 and public rights-of-way, and conformity with the eCity's
5 current and future redevelopment efforts.

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

11
12 . . .
13
14 (w) Walkway cafes greater than ~~four hundred (400)~~ 1,000
15 square feet in area, subject to the criteria and
16 limitations in section 22.3(B) of this Code.
17

18 . . .
19
20 [Note to Municipal Code: The rest of this section shall
21 remain as codified.]

22
23
24 **SECTION 5:** The Code of the City of Margate, Florida,
25 Appendix-A Zoning, Article VIII Transit Oriented Corridor
26 - Gateway (TOC-G) District Section 8.4 TOC-G Gateway
27 Permitted Uses is hereby amended to read as follows:
28

29 **Section 8.4. - TOC-G Gateway permitted uses.**
30

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

1 Walkway cafes less than ~~four hundred (400)~~1,000 square
2 feet in area; permitted subject to the criteria and
3 limitations contained in subsection 22.3(A) of this Code.

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

13 (1) The following uses are authorized upon a finding
14 by the eCity eCommission that a special exception to
15 the article is warranted, pursuant to the procedure
16 and criteria set forth in sections 22.9 through 22.12
17 of this Code.

18 . . .

19
20
21 (m) Walkway cafes greater than ~~four hundred (400)~~1,000
22 square feet in area, subject to the criteria and
23 limitations in section 22.3(B) of this Code.

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

27
28
29 **SECTION 6:** The Code of the City of Margate, Florida,
30 Appendix-A Zoning, Article IX Transit Oriented Corridor -
31 City Center (TOC-CC) District Section 9.5 TOC-CC City
32 Center Permitted uses is hereby amended to read as follows:
33

34 **Section 9.5. - TOC-CC City Center permitted uses.**

35
36 (A) *[Permitted uses.]* No building or structure, or part
37 thereof, shall be erected, altered or used, or land or
38 water used, in whole or in part, for other than any of
39 the uses specified below.
40

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

Walkway cafes less than ~~four hundred (400)~~1,000 square feet in area; permitted subject to the criteria and limitations contained in subsection 22.3(A) of this Code.

(B) *Special exception uses.* Special exception uses may be deemed appropriate to provide a complete distribution of commercial uses within the eCity, 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 eCity's current and future redevelopment efforts.

(1) The following uses are authorized upon a finding by the eCity eCommission that a special exception to the article is warranted, pursuant to the procedure and criteria set forth in sections 22.9 through 22.12 of this Code.

(j) Walkway cafes greater than ~~four hundred (400)~~1,000 square feet in area, subject to the criteria and limitations in subsection 22.3(B) of this Code.

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

SECTION 7: All ordinances or parts of ordinances in conflict are repealed to the extent of such conflict.

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

SECTION 9: It is the intention of the City Commission

1 that the provisions of this Ordinance shall become and be
2 made a part of the City of Margate Code, and that the
3 sections of this Ordinance may be renumbered or relettered
4 and the word "ordinance" may be changed to "section",
5 "article" or such other appropriate word or phrase in
6 order to accomplish such intentions.
7

8 **SECTION 10:** This Ordinance shall become effective
9 immediately upon adoption at its second reading.

10 PASSED ON FIRST READING THIS 12th day of July, 2017.

11 PASSED ON SECOND READING THIS 23rd day of August, 2017.
12
13
14

15 ATTEST:

16
17
18 _____
19 JOSEPH J. KAVANAGH
20 CITY CLERK

21
22 _____
23 MAYOR TOMMY RUZZANO

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

25 Caggiano	<u>YES</u>	Caggiano	_____
26 Simone	<u>YES</u>	Simone	_____
27 Peerman	<u>YES</u>	Peerman	_____
28 Schwartz	<u>YES</u>	Schwartz	_____
	<u>YES</u>	Ruzzano	_____