

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, RELATED TO THE PERMITTED USES AND DEVELOPMENT STANDARDS FOR ALL PROPERTIES LOCATED WITHIN THE TRANSIT ORIENTED CORRIDOR-CORRIDOR (TOC-C) DISTRICT; TRANSIT ORIENTED CORRIDOR-GATEWAY (TOC-G) DISTRICT; AND TRANSIT ORIENTED CORRIDOR-CITY CENTER (TOC-CC) DISTRICT CONTAINED IN APPENDIX "A," "ZONING" CODE OF THE CITY OF MARGATE, FLORIDA; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Appendix "A," "Zoning" of the Code of the City of Margate, Florida, provides for the permitted uses and development standards for all properties located within the Transit Oriented Corridor-Corridor (TOC-C) District; Transit Oriented Corridor-Gateway (TOC-G) District; and Transit Oriented Corridor-City Center (TOC-CC) District; and

WHEREAS, the City Commission of the City of Margate has found that changing the permitted uses and development standards in these districts to be necessary to encourage more compact and more intense redevelopment; and

WHEREAS, the City Commission conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the

1 City Commission has determined that this Ordinance is consistent
2 with the City's Comprehensive Plan and in the best interest of
3 the City, its residents, and its visitors.

4 NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
5 THE CITY OF MARGATE, FLORIDA:

6
7 **SECTION 1:** The Code of Ordinances of the City of
8 Margate, Florida, Appendix "A," "Zoning", ARTICLE VII. - TRANSIT
9 ORIENTED CORRIDOR-CORRIDOR (TOC-C) DISTRICT, Section 7.3. - TOC-
10 C Corridor permitted uses is hereby amended to read as follows:

11
12 **Section 7.3. - TOC-C Corridor permitted uses.**

13 (A) *[Permitted uses.]* No building or structure, or part
14 thereof, shall be erected, altered or used, or land or
15 water used, in whole or in part, for other than any of
16 the uses specified below.

17
18 Accessory uses and structures to a permitted use.

19 Adult day care center.

20 Art gallery.

21 Art studio.

22 Automatic teller machine (outdoor).

23 Banks and other financial institutions. Subject to

requirements of Section 33.11 of this Code.

Bars, and taverns.

Body art studios, subject to the following limitations:

(a) No body art studio shall be located within one thousand (1,000) feet from any other body art studio; and

(b) No body art studio shall be located within one thousand (1,000) feet from any academic school for minors or day care; and

(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. The rooms shall not be visible to the general public.

Bottled gas. (Not permitted within one hundred (100) feet of any residential district or use).

Business office, no stock or storage.

Carpet cleaning. (Not permitted within one hundred (100) feet of any residential district).

Caterers.

Check cashing. (Not permitted within one thousand feet (1,000) of like use.)

1
2 Child care center. Same shall contain a contiguous
3 outdoor fenced or walled-in play area located away
4 from vehicular traffic and providing no less than
5 thirty (30) per cent shade coverage. The outdoor
6 play area shall be covered in turf, mulch, sand or
7 other nonhazardous pervious materials. The outdoor
8 play area shall not be credited toward open space
9 requirements. Subject to requirements of Section
10 33.11 of this Code.

11 Church, synagogue, and similar congregations of other
12 religion and denominations, subject to the following:

- 13 (a) That same shall not exceed seven thousand
14 (7,000) square feet in gross area; and
15 (b) That bingo and other similar games of chance
16 are operated only as an accessory use; and
17 (c) There shall be no academic parochial school on
18 the subject site; and
19 (d) That a safe and adequate pedestrian circulation
20 system has been provided.

21 Clubs—Civic, noncommercial (Less than three
22 thousand (3,000) square feet).
23

1 Commercial recreation (indoor).
2 Community residential home, Type 2 as defined in Section
3 2.2.
4 Dental laboratory.
5 Dry cleaning establishment subject to the following
6 limitations and requirements:
7 (a) Service shall be rendered directly to customers
8 who shall bring in and take away articles to
9 be cleaned; and
10 (b) The establishment shall not provide vehicle
11 pickup or delivery service; and
12 (c) Ventilation shall direct exhaust away from
13 residential districts and uses; and
14 (d) Not more than ten (10) individual cleaning
15 units shall be used in any establishment, and
16 the total combined rated capacity shall not
17 exceed eighty (80) pounds; and
18 (e) Subject to requirements of Section 33.11 of
19 this Code.
20 Fire station.
21 Funeral home.
22 Glass tinting.
23 Groceries, retail.

1 Gun shop.

2 Health studio or club, gymnasium.

3 Janitorial service.

4 Jewelry, watch, and electronic repairs.

5 Landscaping and plant nursery.

6 Laundries, coin-operated (may only be open for operation
7 from 7:00 a.m. to 11:00 p.m.).

8 Locksmith.

9 Long-term care facility.

10 Mail-plus service.

11 Massage services, permitted as accessory use only within
12 an approved medical office or physical therapy office.

13 Medical office. Not including correctional or mental, nor
14 institutions for care of drug or liquor patients.

15 Merchant, retail.

16 Multiple-family dwellings

17 Municipal buildings, parks, playgrounds.

18 Museum.

19 Music, instruction (indoors and soundproofed only).

20 Nightclubs, teen clubs, catering halls or dance halls,
21 with an occupant load of less than two hundred fifty
22 (250) persons. Subject to limitations of section 33.11
23 of this Code.

Package store. Subject to requirements of section 33.11 of this Code.

Personal care services, except massage.

Pet grooming (soundproofed only).

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

Pharmacy.

Photography studio and developing. Subject to requirements of section 33.11 of this Code.

Picture framing.

Printing, photocopying, blueprinting shop subject to the following:

(a) Maximum sheet press of twenty-five and one-half (25.5) inches.

(b) The equipment shall be limited to photocopy, diazo process or similar type print machines, facsimile and offset duplicator machines.

(c) There shall be a maximum gross floor area of five thousand (5,000) square feet of gross floor area per establishment.

Professional office.

Recording studio (indoors and soundproofed only).

1 Rental business. (Not vehicular).

2 Restaurant. Subject to requirements of section 33.11 of
3 this Code.

4 School of instruction. Subject to requirements of section
5 33.11 of this Code.

6 Secondhand and/or used merchandise, retail.

7 Shoe repair shop.

8 Small appliance repair. Not permitted within one hundred
9 (100) feet of any residential district.

10 Substation for utilities.

11 Swimming pool equipment and chemicals, retail, subject
12 to the following conditions and limitations:

13 (a) All swimming pool supplies, including
14 prepackaged chemicals, except bulk quantities
15 of sodium hypochlorite, shall be dispensed
16 strictly through retail sales and shall be
17 stored and sold within a completely enclosed
18 structure.

19 (b) No wholesale or bulk nonpackaged storage or
20 sale of calcium hypochlorite or muriatic acid
21 shall be permitted. Muriatic acid shall be sold
22 only if prepackaged.

23 (c) Chemical storage area not permitted within one

1 hundred (100) feet of any residential district.

2 Tailor shop, seamstress.

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

4 Theater, indoor. Subject to requirements of section 33.11
5 of this Code.

6 Utilities, public offices.

7 Vehicle dealership, new, subject to the following
8 limitations and requirements:

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

11 Vending machine (outdoor), permitted as an accessory use
12 to a permitted use and subject to the following
13 limitations:

14 (a) Only one (1) vending machine shall be permitted
15 outdoors per building; and

16 (b) All vending machines must be located on a paved
17 surface; and

18 (c) No vending machine shall obstruct any
19 pedestrian means of travel nor reduce any
20 walkway to less than four (4) feet in width,
21 nor shall any vending machine be permitted
22 within any parking space, drive aisle, or
23 alley; and

- 1 (d) All products offered for sale shall be
2 completely enclosed within an approved vending
3 machine and packaged for individual retail
4 sale; and
- 5 (e) The content of vending machines shall be
6 limited to products that are naturally and
7 customarily associated with the type of
8 business utilizing the vending machine; and
- 9 (f) No tobacco or alcohol products shall be
10 permitted to be sold from a vending machine;
11 and
- 12 (g) Only the product or service offered via the
13 vending machine shall be permitted to be
14 advertised on the vending machine; and
- 15 (h) The maximum size of an outdoor vending machine
16 shall be twenty-four (24) square feet in area,
17 and no taller than six and one-half (6½) feet
18 in height.
- 19 (i) All outdoor vending machines must be permitted
20 by the Margate Building Department prior to
21 installation. All outdoor vending machines
22 must have a permanent power source that has
23 been professionally installed and

1 independently permitted by the Margate
2 Building Department. Connection of vending
3 machine to power source via extension cord(s)
4 is strictly prohibited; and

5 (j) Prior to issuing a permit for an outdoor
6 vending machine, a letter of authorization from
7 the property owner must be submitted with the
8 permit application.

9 Vinyl graphics.

10 Walkway cafes less than one thousand (1,000) square feet
11 in area; permitted subject to the criteria and
12 limitations contained in subsection 22.3(A) of this Code.

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

22
23 (1) The following uses are authorized upon a finding by

1 the City Commission that a special exception to the
2 article is warranted, pursuant to the procedure and
3 criteria set forth in Chapter 31, Section 31-54 of
4 the Margate Code of Ordinances.

5 (s) Residential, ~~including one-family detached~~
6 ~~dwelling, two-family dwellings, or multiple-~~
7 ~~family dwellings, including horizontal and~~
8 ~~vertical mixed use, subject to requirements of~~
9 ~~the PRC zoning district and limitations~~
10 ~~provided in Sections 9.9 and 9.10 of this Code.~~

11 . . .

12 **Note to Municode: The rest of this Section shall**
13 **remain as codified.**

14
15 **SECTION 3:** The Code of Ordinances of the City of
16 Margate, Florida, Appendix "A," "Zoning", ARTICLE VIII. - TRANSIT
17 ORIENTED CORRIDOR-GATEWAY (TOC-G) DISTRICT, Section 8.4. - TOC-
18 G Gateway permitted uses is hereby amended to read as follows:

19
20 **Section 8.4. - TOC-G Gateway permitted uses.**

21 (A) *[Permitted uses.]* No building or structure, or part
22 thereof, shall be erected, altered or used, or land or

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

3 Accessory uses and structures to a permitted use.

4 Adult day care center.

5 Art gallery.

6 Art studio.

7 Automatic teller machine (outdoor).

8 Banks and other financial institutions. Subject to
9 requirements of section 33.11.

10 Bars and taverns.

11 Body art studios, subject to the following limitations:

12 (a) No body art studio shall be located within one
13 thousand (1,000) feet from any other body art
14 studio.

15 (b) No body art studio shall be located within one
16 thousand (1,000) feet from any academic school
17 for minors or day care.

18 (c) Body art studios shall be required to have a
19 separate room for the purpose of tattooing and
20 piercing. Each room shall be limited to one (1)
21 customer chair and shall be apart from the
22 waiting room. The rooms shall not be visible
23 to the general public.

1 Business office, no stock or storage.

2 Caterers.

3 Child care center. Same shall contain a contiguous
4 outdoor fenced or walled-in play area located away from
5 vehicular traffic and providing no less than thirty (30)
6 per cent shade coverage. The outdoor play area shall be
7 covered in turf, mulch, sand or other nonhazardous
8 pervious materials. The outdoor play area shall not be
9 credited toward open space requirements. Subject to
10 requirements of section 33.11.

11 Church, synagogue, and similar congregations of other
12 religion and denominations, subject to the following:

13 (a) That same shall not exceed seven thousand
14 (7,000) square feet in gross area; and

15 (b) That bingo and other similar games of chance
16 are operated only as an accessory use;
17 and

18 (c) There shall be no academic parochial school on
19 the subject site; and

20 (d) That a safe and adequate pedestrian circulation
21 system has been provided.

22 Clubs—Civic, noncommercial (less than three thousand
23 (3,000) square feet).

Commercial recreation (indoor).

Dental laboratory.

Dry cleaning establishment subject to the following limitations and requirements:

(a) Service shall be rendered directly to customers who shall bring in and take away articles to be cleaned; and

(b) The establishment shall not provide vehicle pickup or delivery service; and

(c) Ventilation shall direct exhaust away from residential districts and uses; and

(d) Not more than ten (10) individual cleaning units shall be used in any establishment, and the total combined rated capacity shall not exceed eighty (80) pounds; and

(e) Subject to requirements of section 33.11 of this Code.

Fire station.

Groceries, retail.

Health studio or club, gymnasium.

Janitorial service.

Jewelry, watch, and electronic repairs.

Locksmith.

1 Mail-plus service.

2 Massage services, permitted as accessory use only within
3 an approved medical office or physical therapy office.

4 Medical office. Not including correctional or mental, nor
5 institutions for care of drug or liquor patients.

6 Merchant, retail.

7 Multiple-family dwellings

8 Municipal buildings, parks, playgrounds.

9 Museum.

10 Music, instruction (indoors and soundproofed only).

11 Nightclubs, teen clubs, catering halls or dance halls,
12 with an occupant load of less than two hundred fifty
13 (250) persons. Subject to limitations of section 33.11
14 of this Code.

15 Package store. Subject to requirements of section 33.11
16 of this Code.

17 Personal care services, except massage.

18 Pet grooming (soundproofed only).

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

21 Pharmacy.

22 Photography studio and developing. Subject to
23 requirements of section 33.11.

1 Picture framing.

2 Professional office.

3 Recording studio (indoors and soundproofed only).

4 Rental business. (Not vehicular).

5 Restaurant. Subject to requirements of section 33.11 of
6 this Code.

7 School of instruction, non-academic.

8 Secondhand and/or used merchandise, retail; subject to
9 the following limitations:

10 (a) Not permitted within one thousand (1,000) feet
11 from any other secondhand dealer selling like
12 merchandise; and

13 (b) Not permitted within one thousand (1,000) feet
14 of any pawn shop; and

15 (c) No consignment.

16 Substation for utilities.

17 Tailor shop, seamstress.

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

19 Theater, indoor. Subject to requirements of Section
20 33.11.

21 Vehicle dealership, new, subject to the following
22 limitations and requirements:

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

3 Vending machine (outdoor), permitted as an accessory use
4 to a permitted use and subject to the following
5 limitations:

6 (a) Only one (1) vending machine shall be permitted
7 outdoors per building; and

8 (b) All vending machines must be located on a paved
9 surface; and

10 (c) No vending machine shall obstruct any
11 pedestrian means of travel nor reduce any
12 walkway to less than four (4) feet in width,
13 nor shall any vending machine be permitted
14 within any parking space, drive aisle, or
15 alley; and

16 (d) All products offered for sale shall be
17 completely enclosed within an approved vending
18 machine and packaged for individual retail
19 sale; and

20 (e) The content of vending machines shall be
21 limited to products that are naturally and
22 customarily associated with the type of

business utilizing the vending machine;

and

(f) No tobacco or alcohol products shall be permitted to be sold from a vending machine; and

(g) Only the product or service offered via the vending machine shall be permitted to be advertised on the vending machine; and

(h) The maximum size of an outdoor vending machine shall be twenty-four (24) square feet in area, and no taller than six and one-half (6½) feet in height.

(i) All outdoor vending machines must be permitted by the Margate Building Department prior to installation. All outdoor vending machines must have a permanent power source that has been professionally installed and independently permitted by the Margate Building Department. Connection of vending machine to power source via extension cord(s) is strictly prohibited; and

(j) Prior to issuing a permit for an outdoor vending machine, a letter of authorization from

1 the property owner must be submitted with the
2 permit application.

3 Walkway cafes less than one thousand (1,000) square feet
4 in area; permitted subject to the criteria and
5 limitations contained in subsection 22.3(A) of this Code.
6

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

15 (1) The following uses are authorized upon a finding by the
16 City Commission that a special exception to the article
17 is warranted, pursuant to the procedure and criteria set
18 forth in Chapter 31, Section 31-54 of the Margate Code
19 of Ordinances.

20 (m) Residential, ~~including one-family detached~~
21 ~~dwelling, two-family dwellings, or multiple~~
22 ~~family dwellings, including horizontal and~~
23 vertical mixed use, ~~subject to requirements of the~~

~~PRC zoning district and limitations provided in
Sections 9.9 and 9.10 of this Code.~~

. . .

**Note to Municode: The rest of this Section shall
remain as codified.**

SECTION 4: The Code of Ordinances of the City of
Margate, Florida, Appendix "A," "Zoning", ARTICLE IX. - TRANSIT
ORIENTED CORRIDOR-CITY CENTER (TOC-CC) DISTRICT, Section 9.7. -
Specific design standards is hereby amended to read as follows:

Section 9.7. - Specific design standards.

(L) *Height limits.* ~~A minimum height of two (2) enclosed
floors of active use is required for all new development and
redevelopment in the TOC-CC City Center district. No building
or structure shall be erected or altered to exceed four (4)
floors and sixty-six (66) feet in the TOC-C Corridor
districts. No building or structure shall be erected or
altered to exceed six (6) floors and ninety-four (94) feet in
height in TOC-G Gateway districts, provided that no more than
seventy-five (75) per cent of any building elevation exceeding
one hundred fifty (150) feet in length may exceed four (4)
stories and sixty-six (66) feet. No building or structure~~

1 ~~shall be erected or altered to exceed eight (8) floors and one~~
2 ~~hundred twenty-two (122) feet in height in the TOC-CC City~~
3 ~~Center district.~~ Rooftop antennas and elevator shafts are not
4 counted in these height limitations. Rooftop mechanical
5 equipment must be placed in enclosures or screened.

6 (1) TOC-C Corridor District

7 (a) Maximum height of four (4) floors not to exceed 66
8 feet

9 (2) TOC-G Gateway District

10 (a) Maximum height of six (6) floors not to exceed 94
11 feet

12 (b) Buildings with more than 150 feet roadway frontage
13 are limited such that:

14 i. Not more than 75 percent of the building may
15 exceed four (4) floors not to exceed 66 feet

16 ii. This massing limitation shall not apply to
17 buildings that are setback at least 75 feet
18 from a right-of-way

19 iii. This massing limitation shall not apply to
20 buildings that have 150 feet or less of
21 roadway frontage

22 (3) TOC-CC City Center District.

(a) Minimum of two (2) floors of active use for all new
development and redevelopment

(b) Maximum of eight (8) floors not to exceed 122 feet

(M) *Frontage types.* For the purposes of this article private frontage is defined as the area extending from a building facade in combination with the private open space that spans between the building and to the public right-of-way or back of sidewalk line. ~~There shall be no residential frontages directly on State Road 7.~~

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Note to Municode: The rest of this Section shall
remain as codified.

SECTION 5: The Code of Ordinances of the City of Margate, Florida, Appendix "A," "Zoning", ARTICLE IX. - TRANSIT ORIENTED CORRIDOR-CITY CENTER (TOC-CC) DISTRICT, Section 9.9. - Mixing of uses is hereby amended to read as follows:

Section 9.9. - Mixing of uses.

1. The ~~Horizontal~~ mixing of residential and nonresidential uses ~~via separate buildings~~ may be authorized in all TOC districts by Special Exception, provided that

1 residential uses are not facing nonresidential loading
2 areas or dumpster enclosures.

- 3 2. Mixing of residential and nonresidential uses within
4 the same building of at least ~~four (4)~~ three (3)
5 stories in height may be authorized within all the TOC-
6 ~~EE Districts~~ by Special Exception, subject to
7 functionally appropriate separation of the uses,
8 including, but not limited to: separate stories;
9 separate access; separation and buffering of
10 residential units from loading areas and noisy
11 nonresidential uses via one (1) or more intervening
12 stories of office use, extra-thick concrete floors,
13 soundproofing on ceilings, walls and sound-containing
14 openings, operational standards and time limits, or
15 other proven technique acceptable to the city.
16 Furthermore, the following uses shall not be located
17 within a building containing residential use:
18 a. Bars, taverns and nightclubs.
19 b. Body art studios.
20 c. Bottled gas.
21 d. Caterers and catering halls.
22 e. Check cashing.
23 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.

SECTION 6: The Code of Ordinances of the City of Margate, Florida, ARTICLE IX. - TRANSIT ORIENTED CORRIDOR-CITY CENTER (TOC-CC) DISTRICT, Section 9.11. - The Regulating Plan. is hereby amended to read as follows:

Section 9.11. - The Regulating Plan.

(D) Parcels designated as Gateway are located at significant entrances to the City where distinctive building elements and height to emphasize the corner, such as a corner tower, are encouraged. ~~Buildings range from one (1) to six (6) stories, to a maximum of ninety-four (94) feet in height, provided that not more than seventy-five (75) percent of any building elevation exceeding one hundred fifty (150) feet shall exceed four (4) stories and sixty-six (66) feet. Buildings exceeding four (4) stories and sixty-six (66) feet are subject to a~~

~~minimum setback of seventy-five (75) feet from roadways
classified as arterial or collector by the Broward
Metropolitan Planning Organization's Federal Functional
Classification Map.~~

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Note to Municode: 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 that the provisions of this Ordinance shall become and be made a part of the City of Margate Code, and that the sections of this Ordinance 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 10: This Ordinance shall become effective immediately upon adoption at its second reading.

PASSED ON FIRST READING THIS ___ day of _____ 2023.

PASSED ON SECOND READING THIS ___ day of _____ 2023.

ATTEST:

JENNIFER JOHNSON
CITY CLERK

MAYOR ANTONY N. CAGGIANO

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

Arserio _____
Ruzzano _____
Caggiano _____
Schwartz _____
Simone _____

Arserio _____
Ruzzano _____
Caggiano _____
Schwartz _____
Simone _____