

EXHIBIT A

Section 1, Changes:

Chapter 2 – Administration

Chapter 11 – Drainage and Waterway Structures

Chapter 31 – Platting, Subdivision and Other Land Use Regulations

Chapter 35 – Streets, Sidewalks and Other Public Places

Section 2, New Chapter:

Chapter 40: Land Development Code

- Article 1 – Purpose
- Article 2 – Definitions
- Article 3 – Administration
- Article 4 – Subdivision
- Article 7 – Zoning & Development Regulations



Section 1

Chapter 2 – Administration

Chapter 11 – Drainage and Waterway Structures

Chapter 31 – Platting, Subdivision and Other Land Use Regulations

Chapter 35 – Streets, Sidewalks and Other Public Places



Chapter 2 - ADMINISTRATION^[1]

ARTICLE I. - IN GENERAL

Sec. 2-1. - Regular meeting of city commission.

The regular meetings of the city commission shall be held at least twice each month as established by the city commission, unless cancelled by affirmative majority vote of Commission . The mayor is authorized to change the beginning time of the regular city commission meetings when he or she deems necessary with reasonable notice to the public and commissioners.

(Ord. No. 77-17, § A, 8-24-1977)

Sec. 2-2. - Rules governing conduct of commission meetings.

- (a) The city commission shall adopt and shall have the right to amend formal rules of procedure for all meetings of said body.
- (b) Rules governing the procedure of the city commission shall be adopted by resolution as soon as practicable following the annual election and official seating of the commissioners of the city.
- (c) In order to preserve the public's confidence in the fairness and objectivity of the city commission and to avoid even the appearance of conflicts of interest, city commissioners shall abstain not only from voting; but also, from participation in discussion, at city commission meetings, on matters in which they would be required to abstain from voting pursuant to F.S. 112.3143(3).

(Ord. No. 77-17, § A, 8-24-1977; Ord. No. 79-20, § 1, 5-2-1979; Ord. No. 93-5, § 1, 2-17-1993; Ord. No. 2015-8, § 1, 11-18-2015)

Sec. 2-3. - Rules governing conduct of spectators at all public city meetings.

- (a) The city commission shall adopt and shall have the right to amend formal rules governing conduct of public speakers and spectators at all public city meetings by resolution.
- (b) It shall be unlawful and a violation of this Code for any person to violate the rules of conduct at public city meetings adopted by the city commission.

(Ord. No. 77-17, § A, 8-24-1977; Ord. No. 79-20, § 2, 5-2-1979; Ord. No. 93-5, § 1, 2-17-1993)

Sec. 2-4. - Written communication to city—False signing.

It shall be unlawful for any person to falsely affix or cause to be affixed the sign or signature of any other person without his or her express authority to any petition, application, letter or written communication sent, delivered, given, addressed or intended to be sent, delivered, given or addressed to the city, its officers, commissioners, employees or agents, relating to any aspect of municipal government of said city.

(Ord. No. 77-17, § A, 8-24-1977)

Sec. 2-5. - Same—Unauthorized signatures.

It shall be unlawful for any person to send, deliver, give, address or present to the city, its officers, commissioners, employees or agents any written document specified in section 2-4, which such person knows bears one (1) or more signs or signatures of any person affixed thereto without the express authority of such person.

38 (Ord. No. 77-17, § A, 8-24-1977)

39 Sec. 2-6. - Same—Conspiracy to violate sections 2-4 and 2-5.

40 It shall be unlawful for any person to conspire with one (1) or more other persons to commit any unlawful
41 act specified in sections 2-4 and 2-5.

42 (Ord. No. 77-17, § A, 8-24-1977)

43 ~~Sec. 2-7. - No smoking in commission chambers.~~

44 ~~There shall be no smoking allowed anywhere in the commission chambers during any meeting of the city~~
45 ~~commission nor during any meeting of any official board or committee of the city.~~

46 ~~(Ord. No. 84-6, § 1, 2-1-1984)~~

47 *(Superseded by Florida Clean Indoor Air Act)*

48 Sec. 2-8. - Political campaigns.

49 (a) It shall be unlawful for any elected official, appointed official, employee or agent of the city to utilize
50 city resources in any political campaign, whether partisan or nonpartisan.

51 (b) City resources shall be defined as any:

52 (1) City employees during duty hours;

53 (2) City property, supplies, purchases, or any other tangible or intangible thing owned by the city.

54 The above shall not limit the right of the use of city-owned real property for political campaigns if said city
55 property or buildings are regularly used in the course of business of the city for civic, charitable or other
56 similar functions.

57 (c) Prohibition on campaign activities. The city manager, assistant city manager, city clerk, police chief,
58 fire chief, city attorney and any assistant city attorneys shall not participate in a campaign involving
59 any candidate for or incumbent City of Margate Commissioner, including being a member of an
60 election or re-election committee for a candidate; public endorsement with or without financial support
61 of a candidate; holding campaign signs, wearing a campaign tee-shirt, or other public display of
62 support for a candidate; signing an endorsement card for a candidate; attending a candidate's
63 campaign fundraiser; chairing or co-chairing an ongoing election campaign or fundraiser for a
64 candidate; or providing financial campaign contribution. Nothing in this section shall be deemed to
65 prohibit the city manager, assistant city manager, city clerk, police chief, fire chief, city attorney and
66 any assistant city attorneys from expressing his or her opinions on any candidate or issues during the
67 employee's off-duty hours.

68 (Ord. No. 85-22, § 1, 6-5-1985; Ord. No. 2015-3, § 1, 9-16-2015)

69 Sec. 2-9. - Duplication charges. The following shall be charged for any request from the general public in
70 regard to utilization of data stored by computer by the city:

71 Computer rate per hour\$36.00

72 (Minimum charge of \$36.00)

73 Operator rate per hour17.00

74 (Minimum charge of \$17.00)

75 Programming rate per hour32.00

76 (Minimum charge of \$32.00)

77 Miscellaneous costs (electricity, ribbons, equipment maintenance charges)5.00

78 (Minimum charge of \$5.00)

79 Total minimum charge90.00

80 Paper rate per sheet/page0.15

81 Diskette cost per disk5.00

82 (Ord. No. 89-21, § 2, 10-4-1989; Ord. No. 91-27, § 2, 11-6-1991)

83 **Editor's note—** Ord. No. 89-21, adopted Oct. 4, 1989, amended the Code by adding § 2-151, which
84 section has been redesignated as § 2-9 for purposes of classification.

85 Sec. 2-10. - City seal.

86 Pursuant to F.S. 165.043, as amended, the city does hereby designate an official municipal seal. A copy
87 of the official seal as designated by this section is attached to Ordinance No. 91-21 and shall remain in
88 the offices of the city clerk.

89 No person or entity may use or display the city's logo or slogan except the city and businesses directly
90 affiliated with the city, such as the community redevelopment agency and the Northwest Focal Point
91 Center, as well as those entities having a sponsorship relationship with the city, such as city sponsored
92 sports leagues. This section shall be effective and apply retroactively, and therefore, any person or entity
93 currently using the city's logo or slogan must immediately cease such use.

94 A violation of this section shall be punishable as provided in sections 1-8, 1-8.1 and 1-8.2 of the Code.

95

96 (Ord. No. 91-21, § 1, 9-11-1991; Ord. No. 98-6, § 1, 5-6-1998, Ord. No. 2016-14, § 1, 11-16-2016)

97

98 Sec. 2-11. - Requests for research and information concerning outstanding city liens.

99 Whenever the city receives a request for an accounting of the amounts of any outstanding city liens, a
100 minimum service fee of seventy-five dollars (\$75.00) per request shall be charged to the person making
101 the request. For requests requiring rush service, to be produced in one (1) business day, a minimum
102 service fee of one hundred fifty dollars (\$150.00) per request shall be charged to the person making the
103 request. Additional charges at the rate of twenty-five dollars (\$25.00) per hour shall be charged if the
104 request requires more than one (1) hour of staff time.

105 (Ord. No. 91-26, § 2, 11-6-1991; Ord. No. 2020-1, § 1, 3-4-2020)

106 **Editor's note—** Ordinance No. 91-26, §§ 2, 3, adopted Nov. 6, 1991, amended the Code by adding new
107 §§ 2-10 and 2-11. Inasmuch as § 2-10 already existed in the Code, such provisions were codified as § 2-
108 11 and subsequently, § 2-12.

109 Sec. 2-12. - Charges for preparing and recording liens and lien satisfactions.

110 The following charges are imposed in connection with liens and lien satisfactions:

111 *Abatement liens and utility liens:*

112 Lien preparation and recording\$55.00

113 Lien release and recording50.00

114 *Special magistrate liens:*

115 Lien preparation and recording by city100.00

116 Lien satisfaction preparation and recording by city50.00

117 (Ord. No. 91-26, § 3, 11-6-1991; Ord. No. 2007-11, § 1, 7-3-2007)

118 **Note—** See § 2-11 editor's note.

119 Sec. 2-13. - Costs of publication.

120 (a) Where any individual, corporation, partnership, organization, or concern requests the enactment of an
121 ordinance of the city, same shall reimburse the city for all costs associated with the publication and
122 the consideration and enactment of said ordinance.

123 (b) The administration is directed to formulate a procedure to provide for the reimbursement, as provided
124 for in subsection (a) above.

125 (c) Excepted from subsection (a) above shall be every officer and employee of the city acting in their
126 official capacity.

127 (Ord. No. 93-9, § 2, 3-17-1993)

128 Sec. 2-14. - Additional cost to city.

129 (a) Where any individual, corporation, partnership, organization, or concern applies or requests any
130 development permit as defined in section 31-32 of the Code of the city, or otherwise applies for any
131 relief or official action of the city, said individual, corporation, partnership, organization, or concern
132 shall reimburse the city for all costs determined by the administration to be other than routine operating
133 costs which are associated with said application or request.

134 (b) The administration is directed to formulate a procedure to provide for the reimbursement, , as provided
135 for in subsection (a) above.

136 (c) Excepted from subsection (a) above shall be every officer and employee of the city acting in their
137 official capacity.

138 (Ord. No. 93-10, § 2, 3-17-1993)

139 Sec. 2-15. - Procedures for quasi-judicial land use matters.

140 (a) Definition. As used in this subsection, the term "land use matter" shall mean any zoning ordinance, or
141 amendment to a zoning ordinance, any variance, any special exception, any conditional use, or any
142 appeal from the determination of a zoning official.

143 (b) Any city commissioner or any member of the board of adjustment, planning and zoning board, or land
144 planning agency, may discuss the merits of any land use matter with any individual, group or entity on
145 which action may be taken outside of a hearing; however, the following must be adhered to:

- (1) The substance of any communication regarding land use matters made outside of any commission, board of adjustment, planning and zoning board, or land planning agency meeting which may come before the commissioner or board member at any meeting shall not be presumed prejudicial to the matter being considered if the subject of the communication to the commissioner or board member, and the identity of the person, group or entity with whom the communication took place, is disclosed and made a part of the record before final action on the matter;
- (2) Any commissioner, board of adjustment member, planning and zoning board, or land planning agency member may read any written communication from any person; however, a written communication that relates to any action which may come before the commission, board of adjustment, planning and zoning board or land planning agency relating to a land use matter, shall not be presumed prejudicial to the determination of the action if such written communication is made a part of the record before final action is taken on the land use matter;
- (3) City commissioners, board of adjustment members, planning and zoning board members and land planning agency members may conduct investigations and site visits, and may receive expert opinions regarding land use matters pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit or expert opinion is made a part of the record before final action on the matter;
- (4) Disclosures pursuant to subsections (1), (2), and (3) above must be made before or during the commission meeting, board of adjustment meeting, planning and zoning board meeting or land planning agency where a vote is taken on the land use matter such that the persons who have opinions contrary to those expressed to the commissioner, board of adjustment member, planning and zoning board member or land planning agency member are given a reasonable opportunity to refute or respond to the communication.

(Ord. No. 97-2, § 2, 2-19-1997; Ord. No. 99-26, § 1, 10-20-1999)

Sec. 2-16. - Private covenants, rules and restrictions.

In consideration of any variance, special exception, conditional use, waiver, or other discretionary permit land use matter, the city commission, board of adjustment, planning and zoning board, development review committee, land planning agency, and any other board or committee of the City of Margate shall take into consideration any covenant, restriction, rule or bylaw of any condominium, homeowner's association, community development district, mobile home park, or any other organized property association in the granting or denying of the land use matter under consideration.

(Ord. No. 97-4, § 1, 2-19-1997)

Sec. 2-17. - Administrative fee.

An administrative fee of twenty dollars (\$20.00) will be applied when an original occupational license application is submitted for review. Such fee shall be deposited into the general fund.

(Ord. No. 97-14, § 1, 6-18-1997)

Sec. 2-18. - Official zoning confirmation letters.

(a) An administrative fee of ~~seventy-five dollars (\$75.00)~~ will be applied to all requests for an official zoning confirmation letter issued by the city. Such fee shall be deposited into the general fund.

- (1) Each official zoning confirmation letter shall only include zoning and land use information for a single property. If multiple properties are included in a single request for an official zoning confirmation letter, the administrative fee shall be applied for each letter issued by the city.

(b) All requests for an official zoning confirmation letter must be submitted to the development services department in writing and include the following:

- (1) Administrative fee;
- (2) Address of property for which the official zoning confirmation letter shall provide current zoning and land use information;
- (3) Current use of property;
- (4) Proposed use of property, if any;
- (5) Current telephone number, e-mail address, and mailing address of person or organization that has requested the official zoning confirmation letter.

(Ord. No. 2008-17, § 1, 12-3-2008; Ord. No. 2017-13, § 1, 7-12-2017 ; Ord. No. 2018-1, § 1, 3-7-2018)

Sec. 2-19. - Lobbying and lobbyists.

In conformity with section 1-19 of the Code of Broward County entitled the code of ethics for elected officials, the city hereby creates the city registration system for lobbyists and lobbying.

(1) Definitions.

Contractor means a person or entity having contract with the local government.

Covered individual means a member of the governing body of any municipality; any member of a final decision making body under the jurisdiction of any municipality; chief legal officer; chief administrative officer; any member of a procurement committee; head of any department of municipal government that makes final recommendations to decision-making authority that ranks or evaluates for recommendation to a final decision-making authority.

Elected official means a municipal official as defined below.

Filed for public inspection means form is completed legibly and filed with applicable city's administrative official or clerk, inputted into the city's database which is searchable by Internet or if not inputted into a database maintained by the Broward League of Cities.

Final decision making authority means the governing body of the city; final decision-making bodies under the jurisdiction of the city; any employee official or committee of the city that has authority to make a final decision to select a vendor or provider in connection with a public procurement.

Immediate family member means a parent, spouse, child, sibling, or registered domestic partner.

Lobbying or lobbying activities mean communication by any means from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority which the communication seeks to influence convince or persuade the covered individual to support or oppose. It does not include communications at a duly noticed public meeting or attorney to attorney representing the city regarding a pending or imminent judicial or adversarial administrative proceeding against the city.

Lobbyist means a person retained with or without compensation for the purpose of lobbying or a person employed by another person or entity on a full or part-time basis principally to lobby on behalf of that other person or entity. It does not include elected official, employee, or appointee of Broward County or any municipality communicating in his official capacity; an individual who communicates on his or her own behalf or on behalf of a person or entity employing the individual on a full or part-time basis unless the person is employed to lobby. It excludes any employee officer or board member of a homeowners' association condo or neighborhood

233 Association addressing an issue impacting the Condo Association. It also does not include the
234 employer officer of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU)
235 addressing an issue impacting the entity.

236 *Municipal official* means individual serving as a member of the governing body of the
237 municipality.

238 *Vendor* means actual or potential supplier of goods or services to the city.

239 Words or terms not defined shall in order of priority be defined as provided in Part III of F.S. ch.
240 112, the Broward County Code of Ordinances, and the Broward Administrative Code. The term
241 "relative" shall be as defined in F.S. § 112.3135.

242 (2) No lobbyist shall engage in any lobbying activity of a covered individual of the city prior to
243 registering as a lobbyist with the city pursuant to the city registration system for lobbyists. The
244 lobbyist registration and contact log shall be in a form prescribed by the city clerk and be in
245 conformity with section 1-19 of the Code of Broward County. Said system shall be available for
246 registration through the city clerk's office.

247 (3) Fee. There shall be an annual fee, based upon the city's fiscal year, of one hundred dollars
248 (\$100.00) for the registration of each lobbyist.

249 (4) Definitions provided for in this section shall be determined to be amended to conform with the
250 ordinances of Broward County pursuant to section 11.01 C. of the Charter of Broward County.

251 (Ord. No. 2012-1, § 1, 2-15-2012)

252 ~~Sec. 2-20. Prohibition on use of city logo and slogan.~~

253 ~~No person or entity may use or display the city's logo or slogan except the city and businesses directly~~
254 ~~affiliated with the city, such as the community redevelopment agency and the Northwest Focal Point~~
255 ~~Center, as well as those entities having a sponsorship relationship with the city, such as city sponsored~~
256 ~~sports leagues. This section shall be effective and apply retroactively, and therefore, any person or entity~~
257 ~~currently using the city's logo or slogan must immediately cease such use.~~

258 ~~A violation of this section shall be punishable as provided in sections 1-8, 1-8.1 and 1-8.2 of the Code.~~

259 ([Ord. No. 2016-14, § 1, 11-16-2016](#))

260 Secs. 2-21, 2-22. - Reserved.

261 ARTICLE II. - FINANCES^[2]

262 Footnotes:

263 --- (2) ---

264 **Charter reference**— Financial procedures, § 5.01 et seq.

265 Sec. 2-23. - Purpose and intent.

266 (a) *General*. The section applies to all purchases of materials, supplies, services, equipment, construction
267 and projects by the city except as provided herein. In the event of a conflict between the provisions of
268 this section and any applicable state or federal law, the most stringent shall prevail.

269 (b) *Purpose and intent*. The purpose and intent of this article shall be to generally prescribe the manner
270 in which the city shall control the purchase of materials, supplies, services, equipment and certain

contractual services. This article shall be construed and applied to promote its underlying purposes. The underlying purposes are:

- (1) To obtain the materials, supplies, services, equipment, construction and projects required by city departments in order for those departments, in a cost effective and responsive manner, to better serve the city's residents and businesses;
- (2) To uphold the highest standards and best practices through the adoption and adherence with public procurement profession values and guiding principles of accountability, ethics, impartiality, professionalism, service and transparency;
- (3) To provide fair and equitable treatment of all persons who transact business with the city;
- (4) To maximize the purchasing value of public funds in the procurement of goods and services;
- (5) To provide safeguards for the quality and integrity of the city's procurements;
- (6) To maintain a high ethical standard for all officers and employees of the city in connection therewith; and
- (7) To require all parties involved in the negotiation, performance, or administration of city contracts to act in good faith.

(c) *Contracts to which this article is applicable.* This article applies only to contracts solicited or entered into after the effective date of this article. Nothing in this article shall be construed to prohibit the city from complying with the terms of a grant, gift, or cooperative agreement.

(d) *Supplementary general principles of law applicable.* Unless displaced by the particular provisions of this Code, the principles of law and equity, including the Uniform Commercial Code of the State of Florida, shall supplement the provisions of this article.

(e) *Severability.* If any provision of this Code or any application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this Code which can be given effect without the invalid provision or application, and to this end the provisions of this Code are declared to be severable.

(f) *Determinations.* Written determinations required by this Code shall be retained in the appropriate official contract file of the purchasing division or the using department.

(g) *Public access to procurement information.* Procurement information shall be a public record to the extent permitted by Florida Statutes, and shall be available to the public as provided in such statutes.

(h) *Authorization for the use of electronic transmissions.* The use of electronic media, including acceptance of electronic signatures, is authorized consistent with State of Florida applicable statutory, regulatory or other guidance for use of such media, as long as such guidance provides for:

- (1) Appropriate security to prevent unauthorized access to the bidding, approval, and award processes; and
- (2) Accurate retrieval or conversion of electronic forms of such information into a medium that permits inspection and copying.

(i) *Nonapplicability to cooperative bidding or direct purchase from other governmental agencies or educational institutions.* The requirements herein shall not be applicable for any supplies, materials, equipment, projects, construction, public works projects, improvements, or services that are purchased under a cooperative bidding procedure, in conjunction with or directly from any other governmental agency or educational institution where the supplies, materials, equipment, projects, public works projects, services, or improvements are purchased pursuant to the official procedures of the other governmental agency, or to the extent permitted by Florida Statutes.

(j) *Procurement of goods and services using federal grant funds.* When procuring goods and services using federal grant funds, and a cooperative bidding procedure is utilized, the city shall comply with all federal procurement regulations.

317 ([Ord. No. 2017-12, § 1, 7-5-2017](#))

318 Sec. 2-24. - Definitions.

319 The words defined in this section shall have the meanings set forth below whenever they appear in this
320 Code, unless:

321 (1) The context in which they are used clearly requires a different meaning; or

322 (2) A different definition is prescribed for a particular article or provision.

323 *Addendum/addenda* means a formal written notification to prospective bidders or proponents which
324 provides clarification of the requirements for a solicitation. Addenda are also used to summarize
325 clarifications made during a pre-bid or pre- solicitation conference. Whenever a potential
326 bidder/proponent requests information or a clarification regarding information that is not clearly referenced
327 in a solicitation document, it is necessary to provide all bidders and proponents with the information in
328 writing, using the addendum document.

329 *Administrative policy* means a formal written policy or procedural guideline governing the operational
330 process for carrying out various fiduciary functions of government on a city-wide basis. Administrative
331 policies are approved and issued by the city manager.

332 *Advertisement* means a formal announcement of an invitation for a solicitation, usually placed in a
333 newspaper of general circulation or on an Internet website.

334 *Best and final offer (BAFO)*: In a competitive negotiation, the final proposal submitted after negotiations
335 are completed that contains the proposer's most favorable terms for price, services and products to be
336 delivered. Sometimes referred to as BAFO and utilized during the request for proposal method of
337 procurement.

338 *Best value* means the highest overall value to the city based on relevant factors that may include, but are
339 not limited to, price, quality, design and workmanship.

340 *Bid bond* means a bid security in the form of a bid surety, certified check, cashier's check, in the amount
341 of five (5) percent or cash that ensures that the bidder will be capable of entering into a contract and
342 subsequently provide the required performance and payment bonds within a specified period of time.

343 *Business* means any corporation, partnership, individual, sole proprietorship, joint stock company, joint
344 venture, or any other legal entity.

345 *Business day* means any day that City Hall is open for business, Monday through ~~Thursday-Friday, 8:00~~
346 ~~a.m. to 6:00 p.m.~~, excluding any day that is a city observed holiday.

347 *Calendar day* or "*day*" means a consecutive twenty-four-hour period running from 12:01 a.m. to midnight.

348 *Change order* means any written alteration or modification to a contract executed by the city in
349 accordance with the terms of the contract, directing the contractor to make changes due to unanticipated
350 conditions or developments which do not substantially alter the scope of the work contracted for, and
351 which do not vary so substantially from the original specifications as to constitute a new undertaking.

352 *Construction* means the process of building, altering, repairing, improving, or demolishing any public
353 facility, including any public improvements of any kind to real property, including roadways, utilities,
354 infrastructure, and facility site work. Construction does not include the routine operation, routine repair, or
355 routine maintenance of any existing public infrastructure facility, including structures, buildings or real
356 property.

357 *Construction manager at risk* means a construction delivery method allowing the project owner to choose
358 a construction manager who assumes the risk of construction, rehabilitation, or repair of a public facility at
359 the contracted price as a general contractor and provides consultation to the city regarding construction
360 during and after the design.

361 *Consultants' Competitive Negotiations Act (CCNA)* (or *Simplified Acquisition Threshold for federal grant*
 362 *purposes*) means F.S. 287.055, governing the procurement of architectural, engineering, land surveyor
 363 and mapping or landscape architect services.

364 *Contingent or contingency contract* means an agreement by which the contractor's revenue is generated
 365 from a commission, percentage or other fee that is conditioned upon the success that a person has in
 366 securing a contract, or based on performance of a contract.

367 *Continuing services agreement or contract* means a contract for professional services entered into in
 368 accordance with F.S. 287.055, in which a firm provides professional services for projects in which
 369 construction costs, and costs for a study activity do not exceed the ~~ten (10)~~ five (5) current thresholds
 370 outlined in F.S. 287.055, or for work of a specified nature as outlined in the contract required by the city;
 371 providing for a termination clause.

372 *Contract* means all types of city agreements, regardless of what they may be called, for the procurement
 373 or disposal of supplies, services, or construction between parties with binding legal and moral force,
 374 usually exchanging goods or services for money or other consideration. Any modification requires an
 375 analysis of reasonableness and price.

376 *Contract modification* means written alteration in specifications, delivery point, rate of delivery, period of
 377 performance, price, quantity, or other provisions of any contract accomplished by mutual action of the
 378 parties to the contract.

379 *Contractor* means any person or business having a contract with a governmental body or that contracts to
 380 perform work or services, or provides goods or supplies to the city.

381 *Contractual services* means, without limitation, the purchase of insurance, printing, gas, electricity, fuel,
 382 cleaning services; the purchase, installation, rental repair and maintenance of equipment and machinery,
 383 and other personal property; lease of real property and office space, and all other contractual supplies,
 384 materials and equipment and services not specifically excluded from the requirements of this article.

385 *Cost analysis* means a method to determine if the proposed procurement provides a reasonable cost for
 386 goods and services offered. This analysis is only required when the procurement involves federal funds,
 387 and exceeds the simplified acquisition threshold. Additionally, a cost or price analysis is required for
 388 contract modifications, inadequate price competition, or for sole source procurements. For federally
 389 funded projects, the city must make independent estimates before receiving bids.

390 *Data* means recorded information, regardless of form or characteristic.

391 *Debarment* means the disqualification of a person to receive solicitations or the award of contracts by the
 392 city for a specified period of time, commensurate with the gravity of the offense or the failure or
 393 inadequacy of performance. Additionally, any federal or state debarment list shall be utilized as a
 394 consideration. For purposes of federal grants consulting sam.gov for federal debarment lists is required.

395 *Design-bid-build* means a construction project delivery method in which the city sequentially awards
 396 separate contracts, the first for architectural and engineering services to design the project, and the
 397 second for construction of the project according to the design.

398 *Design-build* means a construction project delivery method in which the city enters into a single contract
 399 for design and construction of an infrastructure facility as defined in F.S. 287.055. For purposes of federal
 400 grants, design-build contracts shall not include a cost plus or similar provision.

401 *Designee* means a person who is chosen to represent or given the authority to act on behalf of another
 402 person of authority.

403 *Electronic* means electrical, digital, magnetic, optical, electromagnetic, or any other similar technology.

404 *Employee* means an individual drawing a salary from a governmental body, whether elected or not.

405 *Emergency purchase* means a purchase needed as a result of an accident, disaster or other
 406 circumstances creating a public emergency, because using ordinary procurement regulations would result
 407 in delays that may threaten life or an improved property.

408 *Excess supplies* (see also "surplus property") means any tangible personal property having a remaining
409 useful life but that is no longer required by the city department in possession of the property.

410 *Governmental body* means any unit or association of units of federal, state or local government, any
411 public authority which has the power to tax, any other public entity created by statute and any other entity
412 that expends public funds for the procurement of supplies, services or construction.

413 *Grant* means a contribution, gift, or subsidy made for specific purposes, frequently made conditional upon
414 specific performance by the grantee.

415 *Gratuity* means a gift, payment, loan, subscription, advance, deposit of money, services or anything of
416 more than nominal value (as that term is used in the Broward County Code of Ethics), presented or
417 promised, unless consideration of substantially equal or greater value is received.

418 *Immediate family member* means a parent, spouse, child, sibling, or registered domestic partner.

419 *Invitation for bids* means a written solicitation for competitive sealed bids with the title, date and hour of
420 the public bid opening designated and specifically defining the commodity, group of commodities, or
421 services, specifications and all contractual terms and conditions for bids that are sought. Unless
422 specifically authorized by this Code, no negotiation is permitted, and the contract award is granted to the
423 lowest priced responsive and responsible bid that conforms to the requirements set forth in the bid
424 document.

425 *Invitation to negotiate* means a written solicitation for competitive sealed replies to one (1) or more
426 vendors with which to negotiate for the procurement of commodities or services.

427 *Job order contracting* means a construction delivery method in which the city awards a term contract
428 agreement providing for unit pricing for individual tasks of a project for construction services based on
429 individual quotations prepared on a project- by-project basis. Unit pricing is normally predicated on the
430 compilation of a task guide reflecting local construction market conditions where contractors bid a general
431 discount or add-on factor.

432 *Performance bond* means a contract of guarantee, executed subsequent to award by a successful bidder,
433 to protect the city from loss due to the bidder's inability to complete the contract as agreed. The bond
434 ensures that the project will be able to be completed in the event that the bonded contractor defaults on
435 its contract.

436 *Person* means any business, individual, committee, club, other organization, or group of individuals.

437 *Procurement or purchase* means buying, purchasing, renting, leasing, or otherwise acquiring any
438 supplies, services, materials, equipment, construction, projects or any other purchase, including, but not
439 limited to, all functions that pertain to the obtaining of any supply, service, or construction, including a
440 description of the requirements, selection and solicitation of sources, preparation and award of contract,
441 and all phases of contract administration.

442 *Procurement officer* means the purchasing manager who serves as head of the purchasing division,
443 which is established as the central procurement office of the City of Margate.

444 *Professional services* means services within the scope of a particular area of practice, such as the
445 practice of architecture, landscape architecture, land surveying and professional engineering which are
446 governed by CCNA, auditing services, which are governed by F.S. 218.391, and other professional
447 services, including, but not limited to, law, management consulting, medicine, real estate appraising, or
448 other area of expertise.

449 *Public notice* means the distribution or dissemination of information to interested parties using methods
450 that are reasonably available. Such methods will often include publication in newspapers of general
451 circulation, posting on a bulletin board, electronic or paper mailing lists, and website(s) designated by the
452 city and maintained for that purpose.

453 *Purchase request* means a document in which a city department requests that a contract be entered into
454 for a specified need, and may include, but is not limited to, the technical description of the requested item,
455 delivery schedule, transportation, criteria for evaluation, suggested sources of supply, and information
456 supplied for the making of any written determination required by this Code.

457 *Request for proposals (or competitive sealed proposals)* means a written solicitation for competitive
458 sealed proposals with the title, date and hour of deadline for submittal. The request for proposals is used
459 when it is impractical for the agency to define a detailed scope of work. The request for proposal
460 document is used to solicit proposals from potential providers of goods and services (offerors). Requests
461 for proposals are evaluated using various criteria that may or may not include price. When used as an
462 evaluation factor, price may not be the primary evaluation factor, but the proposal document shall state
463 the relative importance of price as well as any other evaluation criteria. A request for proposal provides
464 for the negotiation of all terms, including price, prior to contract award, and may include a provision for the
465 negotiation of a BAFO. Requests for proposal may be a single step or a multi-step process.

466 *Request for qualifications* means a written solicitation that is issued to obtain statements of the
467 qualifications, competence and availability of potential responders (typically professional architectural,
468 engineering, surveying, mapping, and/or other related design and consulting services) for a particular
469 project or continuing professional service. Proposals for the compensation to be paid under any resulting
470 contract are considered only during competitive negotiations with the most qualified, short-listed firm(s).

471 *Responsible bidder or offeror* means a person, business or contractor who has the capability in all
472 respects to fully perform the contract requirements and the experience, capacity, facilities, equipment,
473 credit, sufficient qualified personnel, and record of timely and acceptable past performance that will
474 assure good faith performance for a city project or purchase.

475 *Responsive bidder or offeror* means a person, business or contractor whose response to a bid or
476 proposal substantially conforms in all material respects to the requirements and criteria set forth in the
477 invitation or solicitation. This includes such aspects as following bid instructions for proper submittal,
478 completing all necessary forms included with the solicitation, providing information required by the
479 solicitation, and complying with all terms, conditions and specification requirements enumerated in the
480 solicitation.

481 *Services* means the furnishing of labor, time, or effort by a contractor in which the anticipated cost of
482 materials does not exceed fifty (50) percent of the anticipated total purchase price.

483 *Signature* means a manual or electronic identifier, or the electronic result of an authentication technique
484 attached to or logically associated with a record that is intended by the person using it to have the same
485 force and effect as a manual signature.

486 *Single source* refers to a supply source for goods or services to which purchases are directed because of
487 issues related to standardization, warranty, consistency with existing service providers, or other factors,
488 even though other competitive sources may be available.

489 *Sole source* refers to a situation created due to the inability to obtain competition. This situation may
490 result because only one (1) vendor or supplier possesses the unique ability or capability to meet the
491 particular requirements of the user, or situations where only one (1) economically viable source is capable
492 of providing the service or item that the city seeks to purchase. Sole sources may be characterized by a
493 marketplace where there is only one (1) vendor because items are patented or geographically franchised.

494 *Specification*, also known as *purchasing description*, means a precise description of the physical or
495 functional characteristics of a product, good or construction item, a description of goods and/or services,
496 or a description of what the purchaser seeks to buy and what a bidder must be responsive to in order to
497 be considered for award of a contract. Specifications generally fall under the following categories: design,
498 performance, combination (design and performance), brand name or approved equal, qualified products
499 list and samples.

500 *Supplies* means all tangible property, including, but not limited to, equipment, materials, and commodities
501 required for ongoing operational city requirements, excluding land or permanent interest in land.

502 *Surplus property* means any tangible personal property or real property no longer having use to the city.
503 Surplus property includes obsolete supplies, scrap materials, and non-expendable supplies that have
504 completed their useful life cycle.

505 *Term contract or agreement* means a contract in which a source or sources of supply are established to
506 provide for needs for a specified period of time for specified services or supplies at an agreed upon unit
507 price(s).

508 *Urgent purchase* means a purchase, whether or not previously budgeted, needed for a time-sensitive
509 infrastructure repair or to meet health or life safety needs, or as determined by the city manager. Under
510 such circumstances, using ordinary procurement regulations would result in delays that may threaten life
511 or an improved property.

512 *Using agency/department* means any department, division, activity, agency, board, commission, or other
513 unit in city government that procures commodities, construction, or services that derive their support
514 wholly or in part from city funds as provided in this article.

515 *Vendor* means a supplier/seller of goods and services or a reference to a provider of products or services.

516 *Written or in writing* means the product of any method of forming characters on paper, other materials, or
517 viewable screens, which can be read, retrieved, and reproduced, including information that is
518 electronically transmitted and stored.

519 ([Ord. No. 2017-12, § 2, 7-5-2017](#))

520 Sec. 2-25. - Purchasing procedures.

- 521 (a) *Procedure generally.* Where bids, requests for proposals, and letters of interest are required under the
522 applicable subsections of sections 2-26 and 2-27 of this Code and the applicable procedure has not
523 been dispensed with pursuant to any provision of the above sections of the Code or where bids,
524 requests for proposals, and letters of interest are requested at the discretion of the city commission or
525 city administration, all projects, franchises, services, supplies, materials or equipment shall be
526 requested as follows:
- 527 (1) All bids, requests for proposals, and letters of interest for projects, services, supplies, materials
528 or equipment, and cooperative agreements shall be approved by the city manager. Each member
529 of the city commission shall be notified in advance of any bidding or the approval of said bids,
530 requests for proposals, cooperative agreements and letters of interest upon anticipation that
531 purchase of said project, service, supply, material or equipment shall reasonably exceed fifty
532 thousand dollars (\$50,000.00).
- 533 (2) All bids, requests for proposals, and letters of interest for franchises shall be approved by the city
534 commission.
- 535 (3) All responses to solicitations received by the city for city projects, franchises, services, supplies,
536 materials or equipment, shall be received by the purchasing manager or his/her designee at a
537 designated time and place.
- 538 (4) All awards for city projects, franchises, supplies or equipment that cost over fifty thousand dollars
539 (\$50,000.00) shall be authorized by the city commission.
- 540 (5) In implementation of this section, all articles, services, supplies, projects, materials, or equipment
541 which can be reasonably construed as one (1) project shall be considered as one (1) project for
542 purposes of determining the amount of the bid, request for proposals or letters of interest to be
543 made.
- 544 (6) Any purchase of services up to fifteen thousand dollars (\$15,000.00) shall be made by the
545 department director or designee without further action. .
- 546 (7) All services that cost greater than fifteen thousand dollars (\$15,000.00) shall be authorized by the
547 city manager.
- 548 (8) All services that cost greater than fifty thousand dollars (\$50,000.00) shall be authorized by the
549 city manager with notification to the city commission.

(b) ~~{Processing division.}~~ All purchases of goods and services shall be processed through the purchasing division. The purchasing manager shall act as the principal public purchasing officer for the city, is responsible for the procurement of materials, services, supplies, equipment, construction and projects in accordance with this article, as well as the disposal of surplus equipment or supplies, and is authorized to promulgate procedures for the requisitioning of materials, services, supplies, equipment, construction and projects.

(c) *Surplus.* Disposal of surplus or obsolete personal property in excess of twenty-five thousand dollars (\$25,000.00) per item shall be made only after approval by the city commission. The value of the item shall be the original cost less accumulated depreciation. The city manager shall approve the surplus list prior to disposal.

The city manager shall determine the best method of disposal of surplus equipment or supplies, including, but not limited to, auction, on-line auction, trade-in, donation, sale or scrapping of items.

(d) *Insurance requirements.* The risk manager, with the concurrence of the city attorney and purchasing manager, may establish guidelines for determining the type and minimum limits of liability, workers' compensation and other forms of insurance coverage, including endorsements, that may be required for each type of contract. The City of Margate shall be named as an additional insured for any required general liability coverage and all required endorsements shall be provided by the contractor or consultant. From time to time, the city may require a contractor or consultant to provide the city with professional liability errors and omissions coverage. Firms unable to comply with the requirements of this section may be considered to be non-responsive vendors and precluded from doing business with the city.

Sec. 2-26. - Purchasing restrictions; when bids, requests for proposals or letters of interest required.

(a) Employees and their immediate family members shall not participate or submit a bid on any city solicitation.

(b) All references herein authorizing the city manager or administration to purchase without further authority of the city commission shall be construed to limit such purchases to those items or projects previously budgeted or otherwise authorized by the city commission.

(c) Responsibilities and authority.

(1) Any purchase of supplies, materials or equipment not exceeding the sum of three thousand five hundred dollars (\$3,500.00) shall be made by the using department director or designee, utilizing a variety of sources whenever possible, without further action.

(2) Any purchase of supplies, materials, or equipment over the sum of three thousand five hundred dollars (\$3,500.00) and not exceeding the sum of ten thousand dollars (\$10,000.00) for budgeted items shall be by informal quote (phone or facsimile). Any purchase of supplies, materials, equipment, or projects over the sum of ten thousand dollars (\$10,000.00) and not exceeding the sum of twenty-five thousand dollars (\$25,000.00) shall be by formal written quotation. The purchasing division shall endeavor to obtain a minimum of three (3) quotations unless the purchasing division can demonstrate that only one (1) source is available.

(3) Where said purchases are in excess of twenty-five thousand dollars (\$25,000.00) for budgeted items, invitations for written sealed bids or request for proposals shall be ~~publically~~ publicly noticed at least once.

(4) For procurements that are a combination of services and supplies or materials, procurement requirements shall be based upon the anticipated value of the supplies and materials. If the anticipated value of the services exceeds fifty (50) percent of the contract, then procurement requirements shall be based upon the anticipated total value of services, supplies, and materials, but the services thresholds shall be utilized.

597 (5) For all purchases, the finance department shall verify that the purchase request has sufficient
598 unencumbered funds to cover the purchase, or that a budget amendment (which are performed
599 annually) or transfer is in process for approval by the city manager or designee or city commission.

Up to \$3,500.00 Approved by department director or designee

Over \$3,500.00 up to \$10,000.00 Three informal quotes

Over \$10,000.00 up to \$25,000.00 Three formal quotes

Over \$25,000.00 Written sealed bids or request for proposals or other solicitations

600 Summary of thresholds (excluding services):

601 (d) *Exclusions*. This article shall not apply to:

602 (1) The procurement of dues and memberships in trade or professional organizations; registration
603 fees for trade and career fairs; subscriptions for periodicals and newspapers; advertisements;
604 postage; expert witness; legal and mediation services; lobbying services; abstracts of title for real
605 property; title searches and certificates; title insurance for real property; real estate appraisal
606 services; water, sewer, telecommunications and electric utility services; copyrighted materials or
607 patented materials including, but not limited to, technical pamphlets, published books, maps,
608 testing or instructional materials; fees and costs of job-related seminars and training; regulatory
609 licenses and permit fees;

610 (2) Items purchased for resale to the general public; for example, supplies for a city-owned
611 concession area;

612 (3) Purchase of groceries;

613 (4) Artistic services or works of art;

614 (5) Travel expenses, hotel accommodations and hotel services;

615 (6) City-sponsored events held at venues not owned by the city;

616 (7) Entertainment and entertainment-related services for city-sponsored events;

617 (8) Purchase of motor vehicle license plates from a governmental agency;

618 (9) Persons or entities retained as "expert consultants" to assist the city in litigation, or in threatened
619 or anticipated litigation;

620 (10) Educational or academic programs;

621 (11) Health services involving examination, diagnosis, treatment, prevention, medical consultation, or
622 administration;

623 (12) Auditing services that are not subject to the requirements of F.S. Ch. 218, part III;

624 (13) The purchase of items critical to the security of city facilities and security technology; and

625 (14) Any services identified in F.S. 287.057, as being exempt from competitive bid/request for proposal
626 requirements.

627 (e) *Public notice*. Adequate public notice of a formal procurement for bids shall be given not less than ten
628 (10) calendar days prior to the date set forth for the opening of bids, except as provided for in F.S.
629 255.0525(2), or in accordance with procedures as may be promulgated by the purchasing manager.
630 The purchasing manager shall designate a means of distribution or dissemination of information to
631 interested parties using methods that are reasonably available. The notice shall state the place, date
632 and time of the bid opening. When the projected cost of a city construction project exceeds the bid

threshold set forth in F.S. 255.0525(2), or the simplified acquisition threshold for federal grant purposes, bids for that project shall be advertised in accordance with procedures outlined in the statute, or in accordance with 2CFR Chapter 2, Part 200 guidelines, respectively.

(f) ~~{Waiving of requirements.}~~ The requirements of subsection (c)(3) as to bids, request for proposals, or letters of interest and advertising may be waived by appropriate resolution of the city commission.

(g) ~~{Emergency or urgent purchase exception.}~~ Where in the opinion of the city manager there is deemed to be a situation requiring an emergency or urgent purchase, the city manager and the purchasing manager may jointly approve a purchase as an exception to the purchasing requirements of this article in order to obviate, prevent or otherwise cure or avoid any damage or injury which may be caused or prevented by such purchase. A report of any such purchases made and the reasons therefor shall forthwith be made to the city commission.

(h) *Addenda.* After an invitation for bids is issued and before the submission deadline, the purchasing division may issue one (1) or more written addenda for the purpose of clarifying specifications or other matters relating to the bid. The purchasing manager or designee may establish a deadline for written questions concerning the bid, after which time, no additional questions will be accepted.

(i) *Bid opening.* The following procedures shall apply to all bid openings:

(1) *Sealed.* Bids shall be submitted sealed to the purchasing division and shall be clearly identified in accordance with the terms of the invitation for bids, as bids on the exterior of the envelope or other casing or wrapping sealing the contents of the bid from view.

(2) *Copies.* The appropriate number of copies of the bid as required by the invitation for bids shall be required to be submitted prior to bid opening.

(3) *Opening.* Bids shall be opened publicly in the presence of one (1) or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as the purchasing manager deems appropriate, together with the name of each bidder shall be documented in accordance with or exempted by Florida Public Records law.

(4) *Tabulation.* A tabulation of all bids, and each bid shall be open for public inspection in accordance with the Florida Public Records law.

(5) *Late receipt.* No late bids shall be accepted or opened; if received after the date and time called for in the bid notice, late bids shall be returned unopened to the bidder.

(j) *Bid acceptance.* Bids shall be unconditionally accepted without alteration or correction except as authorized in this Code.

(k) *Correction or withdrawal of bids; cancellation of awards.* Correction or withdrawal of inadvertently erroneous bids shall be permitted up to the time of bid opening. Mistakes discovered before bid opening may be withdrawn by written notice received in the office designated in the invitation for bids prior to the time set for bid opening. Any modification prior to the bid opening must be submitted in a sealed envelope prior to the scheduled opening of the bid in the same manner as the original submittal.

After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interests of the city or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake may be permitted to withdraw its bid if:

(1) The mistake is clearly evident on the face of the bid document, but the intended correct bid is not similarly evident; or

(2) The bidder submits evidence that clearly and convincingly demonstrates that a mistake was made.

All decisions to permit the correction or withdrawal of bids after bid opening, based on bid mistakes, shall be supported by a written determination made by the purchasing manager.

(l) *Bid evaluation.* Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be

681 considered in evaluation for award shall be objectively measurable, such as discounts, transportation
682 costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be
683 used, including past performance. No criteria may be used in bid evaluation that is not set forth in the
684 invitation for bids.

685 (m) *Award.* Award of a bid/contract, if it be awarded, will be made to the bid that is deemed to be in the
686 best interest of the City of Margate as determined in the sole discretion of the city. In the event that all
687 the bids for a project exceed available funds, the purchasing manager is authorized, when time or
688 economic considerations preclude re-solicitation, to negotiate a reduced scope of work and an
689 appropriate adjustment of the bid price, including changes in the bid requirements, with the
690 recommended bidder, in order to bring the bid within the amount of available funds. The city may reject
691 any and all bids as it deems appropriate and in its best interest as determined in the sole discretion of
692 the city.

693 (n) *Tie bids.*

694 (1) If all responsive bids received are for the same total amount or unit price, quality and service
695 being equal, the tie bid may be resolved by lottery. Such lottery shall be conducted by the city
696 manager or designee, and shall be open to the public.

697 (2) The city may split the award of a contract when it is to the city's advantage.

698 (o) *No bids received.* If no bids for goods or services are received, the purchasing manager shall have the
699 authority to negotiate terms and pricing with firms that provide the goods or services sought; providing
700 for reasonable cost analysis.

701 (Ord. No. 77-17, § B, 8-24-1977; Ord. No. 78-16, § 1, 7-5-1978; Ord. No. 79-19, § 2, 4-4-1979; Ord. No.
702 95-16, § 2, 7-5-1995; Ord. No. 2017-12, § 4, 7-5-2017)

703 Sec. 2-27. - Contracts for construction of public works and improvements; procedure for letting.

704 (a) Advertisement for written, sealed bids or proposals shall be given in the same manner as provided in
705 subsection 2-26(e), public notice.

706 (b) All sealed bids for public improvements and public works shall be accompanied by a certified check in
707 the amount of five (5) percent or in the sum set forth in the specifications; this check shall be a
708 guarantee that the bidder will, if deemed necessary by the purchasing manager, properly execute a
709 satisfactory contract and furnish good and sufficient bonds. As soon as a satisfactory contract has
710 been executed and the bonds furnished and accepted, a reimbursement check will be provided to the
711 bidder. The certified checks of the unsuccessful bidders shall be returned to them upon the acceptance
712 of the bid of the successful bidder. Provided, that if the successful bidder shall not enter into, execute
713 and deliver a contract and furnish the required bonds within ten (10) days of receiving notice to do so,
714 the check and the proceeds thereof shall immediately become the property of the city as liquidated
715 damages. In lieu of a certified check, a bidder may provide a bid bond to accompany his bid which
716 shall be for a like sum, and shall be executed by a qualified corporate surety, and shall conform to the
717 terms as required above for certified checks. Said bid bond shall be approved by the city attorney.

718 (c) The successful bidder, along with an executed contract to be approved by the city attorney, shall
719 furnish a performance bond in a sum equal to the total amount payable by the terms of the contract,
720 executed by a qualified corporate surety, conditioned for the due and faithful performance of work and
721 providing in addition to all other conditions that if the contractor or his/her or its subcontractor or
722 subcontractors fails to duly pay for any labor, materials, team, hire, sustenance, provisions, or other
723 supplies used or consumed by such contractor, or his/her or its subcontractor or subcontractors, in
724 performance of the work to be done, the surety will pay the same, in the amount not exceeding the
725 sum provided in such bond, and that the successful bidder shall indemnify and save harmless the City
726 of Margate to the extent of any and all payments in connection with the carrying out of the contract
727 which the city may be required to make under the law.

728 For projects under fifty thousand dollars (\$50,000.00), performance and/or bid bonds may be waived at
729 the discretion of the city manager. For any projects where bonds are waived, payments shall be made to
730 the contractor upon satisfactory completion of a portion of the work, as determined by the using
731 department director, and then final payment shall be released upon final completion.

732 (Ord. No. 77-17, § B, 8-24-1977; Ord. No. 82-43, § 1, 12-15-1982; Ord. No. 95-16, § 3, 7-5-1995; Ord.
733 No. 2017-12, § 5, 7-5-2017.)

734 Sec. 2-28. - Award of bids, requests for proposals, letters of interest, and other solicitations.

735 (a) All awards for bids, requests for proposals, letters of interest, and other solicitations of fifty thousand
736 dollars (\$50,000.00) or less as required in sections 2-26 and 2-27 of the City Code shall be authorized
737 by the city manager.

738 (b) All awards for bids, requests for proposals, letters of interest, and other solicitations in excess of fifty
739 thousand dollars (\$50,000.00) as required in sections 2-26 and 2-27 of the City Code shall be
740 authorized by the city commission.

741 (c) All awards for bids, requests for proposals, letters of interest, and other solicitations as required in
742 sections 2-26 and 2-27 of the City Code shall be made in the best interest of the city as determined at
743 the sole discretion of either the city manager or the city commission as above provided.

744 (d) The city reserves the right to reject any and all bids, request for proposals, letters of interest, and other
745 solicitations, or any part thereof, or waive any informality in any bid, request for proposal, letter of
746 interest or other solicitation, in its sole and absolute discretion.

747 (Ord. No. 77-17, § B, 8-24-1977; Ord. No. 95-16, § 3, 7-5-1995; Ord. No. 2017-12, § 6, 7-5-2017.)

748 Sec. 2-29. - Method of making local municipal improvements; state law adopted.

749 Chapter 170, Fla. Stat., is adopted and incorporated into the city ordinances of the City of Margate as the
750 City of Margate's method of making local municipal improvements, providing for assessments and
751 collection thereof, and providing for the issuance of bonds to pay for the costs of such assessments.

752 (Ord. No. 77-17, § B, 8-24-1977; Ord. No. 2017-12, § 7, 7-5-2017.)

753 **Editor's note—** Ord. No. 77-17, § B, adopted Aug. 24, 1977, amended the Code by adding provisions
754 designated as § 2-35; for purposes of preserving Code format, said provisions have been redesignated
755 as § 2-29.

756 Sec. 2-30. - Professional consulting and design services.

757 Contracts for professional consulting and design services, including professional engineering,
758 landscaping, architectural or surveying services must be procured in accordance with CCNA. Pursuant to
759 CCNA, the City of Margate promulgates the following regulations regarding the acquisition of professional
760 engineering, landscaping, architectural or surveying services:

761 (1) *Approval of project requirements.* The using department director shall submit to the city manager
762 written project requirements indicating the nature and scope of the professional services needed,
763 and shall also include, but not be limited to, the following:

764 (a) The general purpose of the service or study;

765 (b) The objectives of the service or study;

766 (c) The estimated period of time needed for the service or study;

767 (d) Whether the proposed service or study would or would not duplicate any prior or existing
768 service or study;

769 (e) List all current contracts or prior services or studies which are related to the proposed service
770 or study.

771 (2) *Distribution of project requirements.* The purchasing division will be responsible for distributing
772 the scope of the project or study to prospective applicants and will provide for public notice.

773 (3) *Quotation of fees.* Administration shall require interested persons to submit a quotation of their
774 proposed fees for the performance of the professional services unless prohibited by recognized
775 professional codes of ethics or law.

776 (4) *Selection and evaluation committee (SEC).* In selecting professional services pursuant to this
777 section, the SEC shall be comprised of five (5) members as follows:

778 City manager or designee—One (1) member;

779 Purchasing division—One (1) member;

780 Finance department—One (1) member;

781 Department of environmental and engineering services—One (1) member;

782 Department involved—One (1) member.

783 The city manager shall have the right to add additional members to the SEC as deemed
784 appropriate, and determine if the members are to be voting or non-voting members. The
785 number of voting members shall always be an odd number.

786 (5) *Selection procedures.*

787 (a) The SEC shall evaluate the statements of qualifications submitted by all proposers, shall
788 conduct discussions with and may require presentations by no fewer than three (3) firms
789 regarding their qualifications, approach to the project, and ability to furnish the required
790 services; however, if less than three (3) proposals are received, the SEC may interview those
791 firms submitting responses. All expenses, including travel expenses for interview incurred in
792 the preparation of the proposal shall be borne by the proposer. After presentations and
793 interviews have been completed, the SEC shall rank all responses and determine the
794 response that is most advantageous to the city.

795 (b) The ranking of firms shall be based on the SEC's ability to differentiate qualifications
796 applicable to the scope and nature of the request for proposals. Such determination shall be
797 based on but not necessarily be limited to:

798 1. The proposer's demonstrated understanding of the city's requirements and plans for
799 meeting those requirements;

800 2. The professional qualifications, related experience and adequacy of the personnel
801 assigned to the project;

802 3. The prior experience and references of the proposer;

803 4. The prior experience, if any, that the proposer has had with the City of Margate;

804 5. All other statutory requirements of the CCNA as applicable to the specific procurement,
805 including whether the firm is a certified minority business enterprise as ~~used~~ defined in
806 F.S. 287.055 288.703.

807 (c) Upon reaching commission consensus on the recommendation by the SEC, the city shall
808 negotiate with the number one (1) ranked firm, and upon completion of negotiations, shall
809 make a recommendation to the city commission for contract award. If negotiations are not
810 successful with the number one (1) ranked firm, the city shall terminate negotiations with the

811 number one ranked firm and negotiate with the next highest ranked firm and so on until a
812 negotiated agreement is reached.

813 (6) *Conducting of competitive negotiations.* Competitive negotiations shall be conducted by staff as
814 approved by the city commission.

815 (7) *Meetings of SEC.* All meetings of the SEC shall be subject to and held in conformity with the
816 requirements of the Florida Sunshine Law.

817 (Ord. No. 82-42, § 1, 12-15-1982; Ord. No. 95-17, § 1, 7-5-1995; Ord. No. 2017-12, § 8, 7-5-2017)

818 Sec. 2-31. - Design-build contracts.

819 (a) Applicability. Where the city manager determines to utilize a design-build concept for any city project,
820 as provided by F.S. 287.055(10) (9), this section shall be applicable.

821 (b) For each design-build project, the city shall provide, or have prepared for it, a design criteria package
822 as defined in F.S. 287.055.

823 (c) For each design-build project, proposals shall be requested as follows:

824 (1) The city shall solicit competitive proposals pursuant to the design criteria package from qualified
825 design-build firms and shall evaluate responses submitted by said firms based upon the
826 evaluation criteria provided in the solicitation documentation.

827 (2) There shall be consultation with the individual who has sealed the design criteria package for the
828 city in the selection of the design-build firm for compliance with the project construction and for
829 other advice.

830 (3) There shall be the qualification and selection of no fewer than three (3) design-build firms that are
831 deemed to be the most qualified, based upon the qualifications, availability and past work of the
832 firms, including the partners or members thereof.

833 (4) Each proposal shall be evaluated or considered on the basis of price, technical and design
834 aspects of the public improvement project as weighted for each project. For federal grants, cost
835 plus and percentage of cost must not be utilized.

836 (5) Selection of a proposal for recommendation to the city commission for award shall be by a
837 committee as provided for in section ~~2-28~~ 2-30.

838 (Ord. No. 95-17, § 2, 7-5-1995; Ord. No. 2017-12, § 9, 7-5-2017)

839 **Editor's note—** Ord. No. 95-17, adopted July 5, 1995, contained provisions renumbering § 2-31 as § 2-
840 38, and created a new § 2-31 to read as herein set out.

841 Sec. 2-32. - Appeals and remedies.

842 (a) *Applicability.* This section shall apply to protests relative to formal competitive solicitations.

843 (1) *Protests; right to protest.* Any actual or prospective bidder, offeror, or contractor who is aggrieved
844 in connection with the solicitation or award of a contract may protest to the purchasing manager.
845 The protest shall be submitted in writing within five (5) business days after such aggrieved person
846 knows or should have known of the facts giving rise thereto or the posting of a notice of award,
847 whichever is earlier.

848 (2) *Timely submittal of protest or appeal required.* Failure of a party to timely submit a written protest
849 to the purchasing manager within the time provided in this section shall constitute a waiver of
850 such party's right to protest pursuant to this section.

- 851 (3) *Contract claims.* All claims by a contractor against the city relating to a contract shall be submitted
852 in writing to the purchasing manager. The contractor may request a conference with the
853 purchasing manager on a submitted claim. Claims include, without limitation, disputes arising
854 under a contract and those based upon breach of contract, mistake, misrepresentation, or other
855 cause for contract modification or rescission.
- 856 (4) *Service of a protest.* Service of a protest by mail or courier shall not expand the time period
857 allowed for delivery of a protest.
- 858 (b) *Authority to resolve protests and contract claims.*
- 859 (1) *Protests.* The purchasing manager, after consulting with the city attorney, shall have the authority
860 consistent with this Code to settle and resolve a protest of an aggrieved bidder, offeror, or
861 contractor, actual or prospective, concerning the solicitation or award of a contract.
- 862 (2) *Contract claims.* The purchasing manager, after consulting with the city attorney, shall have the
863 authority to resolve contract claims, subject to the approval of the city manager or city
864 commission, as applicable, regarding any settlement that will result in a change order or contract
865 modification.
- 866 (c) *Decision.* If a protest brought pursuant to subsection (a) of this section is not resolved by mutual
867 agreement, the purchasing manager shall promptly issue a decision in writing to the protesting party
868 upholding or denying the protest or staying the award process for further investigation. A copy of the
869 decision shall be mailed or otherwise furnished to the protestant or claimant and any other party
870 intervening. The decision shall state the reasons for the action taken.
- 871 (d) *Finality of decision.* A decision under subsection (c) of this section shall be final unless within three (3)
872 business days from the date of receipt of the decision, the protestant or claimant files a written appeal
873 with the city manager.
- 874 (e) *Authority of the city manager.* The city manager shall have jurisdiction to review and determine any
875 appeal by an aggrieved party from a determination by the purchasing manager regarding a protest or
876 contract claim. Such decision shall be final and conclusive.
- 877 (f) *Protest limitations.* A written protest may not challenge the relative weight of evaluation criteria or a
878 formula for assigning points.
- 879 (g) *Protest fee required.* Upon the filing of a formal written protest, the contractor or vendor shall submit
880 payment to the City of Margate of an amount equal to the greater of five (5) percent of the total bid or
881 estimated contract amount, or five thousand dollars (\$5,000.00).
- 882 (h) *Consideration of timely protests.* The city's consideration of a timely written protest shall not
883 necessarily stay the award process, as may be in the best interest of the city. The purchasing manager,
884 through the city manager, may recommend to the city commission to render moot any written protest
885 that would substantially impede the city's ability to act in its own best interest, in which case the city
886 commission may abate or dismiss such protest.
- 887 (i) *Costs.* Any and all costs incurred by a protesting party in connection with a protest pursuant to this
888 section shall be the sole responsibility of the protesting party.
- 889 (j) ~~*Forfeiture of fee.*~~ If the protest fails or is not sustained, the protest fee shall be forfeited to the city. If
890 the protest is successful or is sustained, the protest fee shall be returned to the protesting party within
891 ten (10) business days of the decision.

892 (Ord. No. 2017-12, § 10, 7-5-2017)

893 Sec. 2-33. - Authority to debar or suspend.

- 894 (a) *Authority.* The city manager or designee, after reasonable notice to the person involved and
895 reasonable opportunity for that person or firm to be heard, is authorized to debar a vendor or bidder

for cause from consideration for award of contracts. Debarment shall not be for a period of more than three (3) years.

(b) *Causes for debarment or suspension.* The causes for debarment or suspension include the following:

(1) Conviction for the commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(2) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a contractor;

(3) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals or contracts;

(4) Inclusion on any federal debarment list;

(5) Violation of contract provisions, as set forth below, of a character which is regarded by the city manager or designee to be so serious as to justify debarment action:

a. Deliberate failure without good cause to perform in accordance with the contract documents or within the time limit provided in the contract; or

b. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one (1) or more contracts, provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment; or

c. Refusal to perform a contract after the contract is accepted by the city and awarded to the vendor; or

d. Any other cause the purchasing manager determines to be so serious and compelling as to affect the responsibility as a contractor, including, but not limited to, debarment by another governmental entity for any cause; or

e. Violation of the city's ethical standards.

(c) *Decision.* The purchasing manager shall issue a written decision to debar or suspend. The decision shall state the reasons for the action taken.

(d) *Notice of decision.* A copy of the decision shall be mailed or otherwise furnished immediately to the debarred or suspended person and any other party intervening.

(e) *Appeal.* The decision shall be final unless within ten (10) calendar days from the date of receipt of the decision, the protestant or claimant files a written appeal with the city manager.

(f) *Authority of the city manager.* The city manager shall have jurisdiction to review the purchasing manager's decision regarding suspension or debarment and decide whether or the extent to which the debarment or suspension was in accordance with this section, was in the best interest of the city, and was fair. Such decision by the city manager shall be final and conclusive, and shall be rendered within ten (10) business days of receipt of the written appeal to the city manager.

(Ord. No. 2017-12, § 11, 7-5-2017)

Secs. 2-34—2-37. - Reserved.

Sec. 2-38. - Self-insurance.

(a) The city is hereby authorized and empowered to be a self-insurer as to the following types of claims against the City of Margate.

- 939 (1) All claims for workers compensation pursuant to the Florida Workers Compensation Law.
- 940 (2) Tort or liability claims for all risks for which commercial insurance coverage has not been
- 941 purchased.
- 942 (b) The city manager shall appoint an insurance administrator who shall establish administrative
- 943 procedures for the processing, adjustment, and settlement of tort and workers compensation claims
- 944 against the city subject to the following:
- 945 (1) The insurance administrator shall have overall responsibility for the processing, adjustment and
- 946 in concert with the city manager and city attorney, subject to the limitations expressed in this
- 947 section, the settlement of claims.
- 948 (2) Independent claims adjustment or administration services may be utilized. Each independent
- 949 claims adjustment or administration service shall be assigned the duties and responsibilities, not
- 950 inconsistent with this ordinance, as may be deemed by the insurance administrator to be in the
- 951 best interest of the city in establishing the most expeditious method of processing claims.
- 952 (3) Upon the concurrence of the insurance administrator, city manager and the city attorney in a
- 953 recommendation that a claim be settled, issuance of checks in settlement of claims may be
- 954 authorized as follows: For settlement in an amount not more than twenty-five thousand dollars
- 955 (\$25,000.00), the insurance administrator may direct the issuance of checks in the amount of the
- 956 settlement. No claim may be settled in an amount exceeding twenty-five thousand dollars
- 957 (\$25,000.00) until the city commission approves and authorizes the settlement.
- 958 (c) All tort and liability claims resulting in litigation shall be referred to the city attorney immediately upon
- 959 service of the summons and complaint. Based upon the nature of the liability, the complexity of the
- 960 litigation, and other factors that said attorney may deem it necessary to consider, said attorney shall
- 961 make a determination either to represent the city in said litigation, or to refer same to counsel other
- 962 than said city attorney. Compensation for litigation of any claim shall be in accordance with a fee
- 963 schedule approved by the city administration.
- 964 (d) Whenever a workers' compensation claim requires representation of the city, by legal counsel, the
- 965 insurance administrator shall refer the matter to an attorney who specializes in the defense of workers
- 966 compensation claims. Selection of an attorney shall be made from a list of specialists compiled by the
- 967 insurance administrator and approved by the city manager and the city attorney. Compensation for
- 968 representation shall be in accordance with a fee schedule approved by the city administration.

969 (Ord. No. 87-28, § 1, 11-12-1987)

970 **Editor's note—** Ord. No. 87-28, § 1, adopted Nov. 12, 1987, amended the Code by adding provisions

971 designated as § 2-35. In order to maintain Code format, these provisions had been originally codified as §

972 2-31. Ord. No. 95-17, adopted July 5, 1995, contained provisions renumbering this section as § 2-38, and

973 created a new § 2-31.

974 Sec. 2-39. - Grants.

- 975 (a) *Election to utilize 2 CFR Chapter 2, Part 200 grace period.* The city elects to utilize the grace period
- 976 established in the Office of Management and Budget Uniform Administrative Requirements, Cost
- 977 Principles and Audit Requirements for Federal Awards; Final Rule - 2 Code of Federal Regulations
- 978 (CFR), Chapter II, Part 200, et al.
- 979 (b) *State, county, and private grants.* The city shall utilize the city's purchasing procedures in all instances
- 980 wherein a grant does not provide specific purchasing procedures. If a grant specifies purchasing
- 981 procedures, the stricter procedures shall prevail.
- 982 (c) *{Expiration of section.}* This section shall no longer be in effect after December 26, 2017, unless an
- 983 additional extension or amendment is provided for in 2 CFR Chapter 2, Part 200.

984 ([Ord. No. 2016-17, § 1, 12-14-2016](#); [Ord. No. 2017-12, § 12, 7-5-2017](#))

985 Sec. 2-40. - Reserved.

986 ARTICLE III. - CITY OFFICERS AND EMPLOYEES^[3]

987 Footnotes:

988 --- (3) ---

989 **Editor's note**— Prior to Ord. No. 77-17, adopted Aug. 24, 1977, which ordinance substantially revised
990 Ch. 2, Art. III herein was designated as Art. IV.

991 **Cross reference**— City attorney, § 2-61 et seq.; prosecutor, § 2-62 et seq.; city manager, § 2-70.1 et
992 seq.; pensions, Ch. 29; civil service, § 30-21 et seq.

993 DIVISION 1. - GENERALLY

994 Sec. 2-41. - Travel allowances.

995 .

996 Whenever it is deemed necessary for the city commission and employees of the City of Margate or other
997 authorized persons to travel on city business and such travel is approved either by the city commission or
998 by the city manager, allowances for transportation and subsistence shall be regulated in the following
999 manner:

1000 (a) *Rates of per diem and subsistence allowance.*

1001 (1) Travelers may be allowed subsistence, when on official business, for meals in an amount
1002 reasonable and prudent.

1003 In order to claim breakfast, travel must begin before 6:00 a.m. and extend beyond 8:00
1004 a.m.; in order to claim lunch, travel must begin before 12:00 noon and extend beyond 2:00
1005 p.m.; in order to claim dinner, travel must begin before 6:00 p.m. and extend beyond 8:00
1006 p.m.

1007 (2) For overnight travel, travelers may be allowed up to the amount permitted in subsection (1)
1008 of this subsection for meals, plus actual expenses for lodging at a single-occupancy rate,
1009 travel and incidentals.

1010 (b) *Transportation.*

1011 (1) Transportation may be accomplished by either common carrier, private carrier, or city carrier; and
1012 in no instance shall allowance for such travel exceed the cost of the common carrier.

1013 (2) The use of privately owned vehicles for official travel in lieu of city-owned vehicles or common
1014 carrier may be authorized by the department head if a city-owned vehicle is not available.
1015 Whenever travel is by privately owned vehicle, the traveler shall be entitled to a mileage allowance
1016 as provided by resolution adopted by the city commission.

1017 (3) No traveler shall be allowed either mileage or transportation expense when he is gratuitously
1018 transported by another person, or when he is transported by another traveler who is entitled to
1019 mileage or transportation expense.

1020 (c) *Travel expense voucher; advancements.*

1021 (1) The finance director shall furnish a uniform travel expense voucher form which shall be used by
1022 all travelers when submitting travel expense statements for approval and payment. No traveling
1023 expense statement shall be approved for payment by the finance director unless made on the
1024 form prescribed and furnished by him. All travel expense vouchers shall be submitted within ten

1025 (10) days after the travel has been completed. The voucher shall be accompanied by paid receipts
1026 for all items where applicable.

1027 (2) Notwithstanding any of the foregoing restrictions and limitations, the finance director may make,
1028 or authorize the making of, advances to cover anticipated costs of travel to travelers.

1029 (Ord. No. 77-26, § 1, 10-19-1977; Ord. No. 80-15, § 1, 2-20-1980; Ord. No. 82-37, § 1, 10-20-1982; Ord.
1030 No. 2006-10, § 1, 8-30-2006)

1031 Sec. 2-42. - Use of city credit card or city purchasing card.

1032 (a) It shall be a violation of this Code for any elected officer of the city to utilize a credit card issued by the
1033 city for other than official city business.

1034 (b) A violation of this section shall be grounds for forfeiture of office as provided in subsection 3.11(2)(b)
1035 of the City Charter.

1036 (Ord. No. 2012-8, § 1, 4-18-2012)

1037 Secs. 2-43—2-60. - Reserved.

1038 DIVISION 2. - CITY ATTORNEY^[4]

1039 Footnotes:

1040 --- (4) ---

1041 **Charter reference**— Legal officer, § 3.13.

1042 **Cross reference**— City officers and employees, § 2-41 et seq.

1043 Sec. 2-61. - Office generally.

1044 (a) *Established; compensation; appointment.* There is hereby established the position of city attorney. The
1045 city attorney shall be paid in accordance with the appointment resolution and as may be otherwise
1046 established by resolution of the city commission. The city commission shall have the sole power of
1047 appointment and removal of the city attorney.

1048 (b) *Right of commission to retain other counsel.* The city commission hereby reserves unto itself the right
1049 to hire and appoint such other attorneys for the city as it may deem necessary from time to time or to
1050 retain such other attorneys as it may in its sole discretion deem necessary.

1051 (c) *Authority of commission to appoint assistants.* The city commission further reserves to itself the right
1052 to appoint such assistant city attorneys as it may deem necessary from time to time on such terms and
1053 conditions as it may deem necessary.

1054 (Ord. No. 79-33, § 1, 8-29-1979; Ord. No. 81-52, § 1, 11-4-1981)

1055 DIVISION 3. - CITY PROSECUTOR^[5]

1056 Footnotes:

1057 --- (5) ---

1058 **Cross reference**— City officers and employees, § 2-41 et seq.

1059 Sec. 2-62. - Office generally.

1060 (a) *Created; duties.* The office of the city prosecutor is hereby created, and said city prosecutor shall have
1061 the following duties: The city prosecutor shall represent the city in the county court, shall present the
1062 witnesses and the evidence on behalf of the city in said court, and shall have the powers necessary
1063 and incidental to the prosecution of criminal cases in said court.

1064 (b) *Appointment.* The office of city prosecutor shall be filled by resolution of the city commission, upon the
1065 recommendation of the city manager; provided, however, that the city prosecutor shall be a member
1066 of the Florida Bar and admitted to practice before the courts of the State of Florida.

1067 (Ord. No. 79-33, § 1, 8-29-1979)

1068 Secs. 2-63—2-70. - Reserved.

1069 DIVISION 4. - CITY MANAGER^[6]

1070 Footnotes:

1071 --- (6) ---

1072 **Editor's note—** Ord. No. 77-12, §§ A, B, adopted July 20, 1977, amended the Code by adding provisions
1073 designated as Art. III of Ch. 2. Inasmuch as the Code already contained an Art. III of Ch. 2, pertaining to
1074 different subject matter, said provisions have been redesignated at the editor's discretion as Div. 4 of Art.
1075 IV of Ch. 2, §§ 2-70.1—2-70.15; the order of sections has been changed for purposes of classification
1076 and to facilitate inclusion of future material in the Code. See also editor's footnote to Art. III of this chapter.

1077 **Charter reference—** § 4.01 et seq.

1078 **Cross reference—** City officers and employees, § 2-41 et seq.

1079 Sec. 2-70.1. - Creation of office.

1080 The office of city manager is hereby created.

1081 (Ord. No. 77-12, § B, 7-20-1977)

1082 **Editor's note—** The city manager form of government was approved and created by the adoption of
1083 charter amendment at a referendum election held March 9, 1976.

1084 Sec. 2-70.2. - Function.

1085 The city manager shall be the administrative and executive head of the City of Margate.

1086 (Ord. No. 77-12, § B, 7-20-1977)

1087 Sec. 2-70.3. - Appointment.

1088 The city manager shall be appointed by an affirmative vote of three (3) members of the city commission
1089 for an indefinite term. He shall be chosen by the commission solely on the basis of his executive and
1090 administrative qualifications with special reference to his actual experience in or his knowledge of
1091 accepted practice in respect to the duties of the office hereinafter set forth. At the time of his appointment,
1092 he need not be a resident of the City of Margate or the State of Florida, but within ninety (90) days after
1093 appointment he shall reside within Broward County. No commissioner shall receive such appointment
1094 during the term for which he shall have been elected nor within one (1) year after the expiration of his
1095 term.

1096 (Ord. No. 77-12, § B, 7-20-1977; Ord. No. 80-42, § 1, 6-4-1980)

1097 Sec. 2-70.4. - Compensation.

1098 The city manager shall receive such compensation as the commission shall fix from time to time by
1099 ordinance or resolution.

1100 (Ord. No. 77-12, § B, 7-20-1977)

1101 Sec. 2-70.5. - Bond required.

1102 The city manager shall be furnished a surety bond, to be provided for in the employment contract
1103 approved by the commission, said bond to be conditioned on the faithful performance of his duties. The
1104 premium of the bond shall be paid by the city.

1105 (Ord. No. 77-12, § B, 7-20-1977)

1106 Sec. 2-70.6. - Removal or discharge.

1107 The city manager may be removed or discharged by resolution of a three-fifths (3/5) vote by the city
1108 commission at any time. In such resolution the commission shall designate an acting city manager to
1109 serve in the place of the removed city manager, and the removed city manager shall vacate the office
1110 upon adoption of the resolution. Within five (5) days after the adoption of the resolution removing or
1111 discharging the city manager, such removed city manager shall have the right to have served upon him a
1112 written statement of specific reasons for his discharge, if he so desires, by filing a demand for the same
1113 with the city clerk and leaving sufficient copies with the city clerk for service upon members of the city
1114 commission. Such written statement of specific reasons, signed by a majority of the city commissioners,
1115 shall be delivered to such removed officer within five (5) days after service of such demand as aforesaid
1116 and a definite time and date fixed in such written statement for a public hearing before the commission
1117 within not less than five (5) days and not more than ten (10) days after the service of such written
1118 statement. At the time and place specified, the city commission shall convene as a body at a special
1119 meeting for the purpose of conducting a public hearing upon such charges. The removed city manager
1120 shall have the right to appear at such hearing to answer and rebut such charges or reasons, and he shall
1121 have the right to be represented by his own private counsel. At the conclusion of such hearing the
1122 commission shall adopt a resolution confirming such a removal or reinstating such removed city manager.
1123 This resolution must be approved by three (3) affirmative votes of the city commission. A reinstating
1124 resolution must be approved by three (3) affirmative votes. If removed, he shall be entitled to severance
1125 compensation of at least four (4) months' pay of his monthly salary, except as is hereafter specified.

1126 In the event that the city manager is terminated because of his conviction of any illegal act or after his
1127 entry of a plea of guilty to a charge of committing an illegal act, then and in that event the city shall have
1128 no obligation to pay any severance pay. If reinstated, he shall receive full pay for the period intervening
1129 between his removal and his reinstatement.

1130 (Ord. No. 77-12, § B, 7-20-1977; Ord. No. 80-42, § 1, 6-4-1980)

1131 Sec. 2-70.7. - Reserved.

1132 **Editor's note—** Ordinance No. 2014-2, adopted May 21, 2014, and passed at an election held on Nov. 4,
1133 2014, amended the Charter by adding provisions pertaining to the acting city manager. Inasmuch as that
1134 created duplicated provisions, the city attorney has approved deleting § 2-70.7, which pertained to the
1135 acting city manager, which derived from Ord. No. 77-12, adopted July 20, 1977; and Ord. No. 80-41,
1136 adopted June 4, 1980.

1137 Sec. 2-70.8. - Vacancy in office.

1138 Any vacancy in the office of city manager shall be filled within ninety (90) days after the effective date of
1139 such vacancy.

1140 (Ord. No. 77-12, § B, 7-20-1977)

1141 Sec. 2-70.9. - Powers and duties generally.

1142 The city manager shall perform all duties consistent with his office and as may be imposed by the city
1143 commission. He may make recommendations from time to time to the city commission for the enactment
1144 of such laws or the adoption of such rules and regulations for the government of the various city
1145 departments as will in his judgment best promote the interests of the city, and shall do and perform all
1146 duties imposed upon him by ordinances and resolutions of the city and by the Charter.

1147 (Ord. No. 77-12, § B, 7-20-1977)

1148 Sec. 2-70.10. - Specific powers and duties.

1149 The city manager shall be the chief administrative and executive officer of the city. He may head one or
1150 more departments and shall be responsible to the city commission for the proper administration of all
1151 affairs of the city. To that end he shall have the power and shall be required to:

1152 (a) Appoint and, when necessary for the good of the city, suspend or remove all employees of the
1153 city, including department directors, except as otherwise provided by the City Charter or law and
1154 except as he may authorize the head of a department or office to suspend or remove subordinates
1155 in such department or office.

1156 ~~This power of appointment, suspension and removal shall include the power to appoint and~~
1157 ~~suspend or remove all department heads of the city, except that the city commission reserves to~~
1158 ~~itself the power of appointment, suspension and removal of the attorneys for the city.~~

1159 (b) Prepare the budget annually and submit it to the commission for approval, together with a
1160 message describing the important features, and be responsible for administration after adoption
1161 by the commission. As part of the budget process, the City Manager shall report to the City
1162 Commission on the finances and administrative activities of the city for the preceding year.

1163 (e) ~~Prepare and submit to the commission at the end of the fiscal year a complete report on the~~
1164 ~~finances and administrative activities of the city for the preceding year.~~

1165 (cd) Keep the commission advised of the financial condition and future needs of the city, on a monthly
1166 basis, and make such recommendations as he may deem desirable.

1167 (de) Recommend to the governing body a standard schedule of pay for each appointive office and
1168 position in the city service, including minimum, intermediate and maximum rates.

1169 (ef) Recommend to the governing body, from time to time, the adoption of such measures as he may
1170 deem necessary or expedient for the health, safety or welfare of the community or for the
1171 improvement of administrative services.

1172 (fg) Consolidate or combine offices, positions, departments or units under his jurisdiction, with prior
1173 approval of the city commission.

1174 (gh) Attend all meetings of the city commission, unless excused therefrom, and take part in the
1175 discussion of all matters coming before the commission, but he shall not vote. He shall be entitled
1176 to notice of all regular and special meetings of the commission, and shall have the power to call
1177 special meetings of the city commission.

1178 (hi) Ensure that ~~investigate and determine whether~~ purchases of current supplies and contractual
1179 services are made in accordance with regulations prescribed by charter and ordinance and
1180 whether competitive conditions are maintained in a fair and impartial manner.

1181 (ij) See that all laws and ordinances are duly enforced.

1182 (jk) Investigate the affairs of the city or any department or division thereof; investigate all complaints
 1183 in relation to matters concerning the administration of the government of the city and in regard to
 1184 service maintained by the public utilities in the city, and see that all franchises, permits and
 1185 privileges granted by the city are faithfully observed and, upon knowledge of any violation thereof,
 1186 to call the same to the attention of the city attorney and the city commission.

1187 (kl) Devote his ~~entire~~ all the time necessary to provide for the discharge of his official duties.

1188 (lm) Perform such other duties as may be required by the commission, not inconsistent with the City
 1189 Charter, law or ordinances.

1190 (mn) Be responsible for ~~supervising the~~ to provide for application, administration, and
 1191 supervision acquisition of all available grants.

1192 (n) Pursuant to any declared emergency or at anytime during the duration of such emergency, the
 1193 city manager shall have the power to impose by declaration any and all of the following
 1194 regulations which are necessary to preserve or restore the peace and order of this city:

1195 (1) Curfew: Impose a curfew upon all or any portion of the city, thereby requiring all persons in
 1196 such designated curfew areas, except those whose presence is authorized by law enforcement
 1197 officials, to remove themselves forthwith from the public streets, alleys, parks or other public
 1198 places;

1199 Contents of declaration; curfew.

1200 Such declaration by the city manager of the existence of the emergencies shall:

1201 (a) Specify the emergency or the basis thereof;

1202 (b) Designate by appropriate boundaries the area or areas affected;

1203 (c) Prescribe the hours during which no person, other than as hereafter excepted, shall be
 1204 upon the public streets, alleys, ways, sidewalks or other public places within the designated
 1205 area or areas;

1206 (d) Designate the type of business establishments that are to be closed and the area or
 1207 areas affected;

1208 (e) Prescribe the period during which such emergency and curfew shall remain in effect;

1209 (f) Recite such additional matter as is deemed necessary to effectuate the emergency
 1210 powers prescribed herein.

1211

1212 (2) Closing of business establishments: Order the closing of any business establishments
 1213 anywhere within the city for the period of the emergency, such businesses to include, but not be
 1214 limited to, those selling intoxicating liquors, beer, or gasoline.

1215 (3) Closing of streets, etc.: Authorize the chief of police to designate any public street, alley,
 1216 sidewalk, or other public place, thoroughfare or vehicle parking areas closed to motor vehicles
 1217 and pedestrian traffic; and

1218 (4) Declaration of emergency during public disturbance: Whenever there shall occur within the
 1219 city any civil disorder or disturbance and whenever there shall occur any event, occurrence or
 1220 overt act by reason of which any civil disorder or disturbance is present, the city manager is
 1221 hereby empowered and authorized to declare that an emergency exists.

1222 (5) Other orders: Issue such other orders as are required under the circumstances for
 1223 maintenance of peace and order and are necessary for the protection of life or property.

1224

1225 (Ord. No. 77-12, § B, 7-20-1977)

1226 Sec. 2-70.11. - Commission not to interfere with appointments or removals by city administration.

1227 Neither the commission nor any of its members shall direct or request the appointment of any person to
 1228 or his removal from office by the city manager or any of his subordinates or in any manner take part in
 1229 the appointment or removal of department heads and employees in the administrative services of the city.
 1230 Except for the purpose of inquiry, the commission and its members shall deal with the administrative
 1231 service solely through the city manager, and neither the commission nor any member thereof shall give
 1232 orders to any subordinates of the city manager, either publicly or privately.

1233 (Ord. No. 77-12, § B, 7-20-1977)

1234 Sec. 2-70.12. - Emergency powers.

1235 In case of accident, disaster or other circumstances creating a public emergency, the city manager may
 1236 award contracts and make purchases for the purpose of meeting said emergency; but he shall file within
 1237 a twenty-four-hour period, with the commission, a certificate showing such emergency and the necessity
 1238 for such action, together with an itemized account of all expenditures.

1239 (Ord. No. 77-12, § B, 7-20-1977)

1240 Sec. 2-70.13. - Bond signing responsibility.

1241 The city manager and the mayor or vice-mayor shall sign all bonds of the city.

1242 (Ord. No. 77-12, § B, 7-20-1977)

1243 ~~Sec. 2-70.14. - Active participation in political campaigns limited.~~

1244 ~~The city manager of the City of Margate shall take no active part in the campaign or candidacy of any~~
 1245 ~~person who is a candidate for the office of city commissioner or in any recall election, upon penalty of~~
 1246 ~~immediate suspension from office or dismissal from employment.~~

1247 (Ord. No. 77-12, § B, 7-20-1977)

1248 Sec. 2-70.15. - Savings clause.

1249 If any section, subsection or sentence, clause or phrase of this division is for any reason held invalid,
 1250 such decision or decisions shall not affect the validity of the remaining portions of this division. All
 1251 ordinances of the city prescribing the duties of heads of departments shall remain in full force and effect,
 1252 except insofar as they conflict with the provisions of this division, in which case the provisions of this
 1253 division shall govern.

1254 (Ord. No. 77-12, § B, 7-20-1977)

1255 Sec. 2-70.16. - Offices of city clerk and city attorney.

1256 (a) Sections 3.12, 3.13 and the second paragraph of section 4.08 of the City Charter is hereby deemed
 1257 to be interpreted to require the independence of not only the individual officers who are the city clerk
 1258 and city attorney, but also their respective charter offices.

1259 (b) No employees that are budgeted by the city commission for the offices of city clerk or city attorney
1260 shall be hired, disciplined, terminated, or directed without the concurrence of the Charter officers who
1261 are the heads of their respective offices.

1262 (Ord. No. 91-13, § 2, 5-15-1991)

1263 ARTICLE IV. - BOARDS, COMMITTEES, ETC.^[7]

1264 Footnotes:

1265 --- (7) ---

1266 **Editor's note—** For purposes of classification and facilitating future amendment of the Code, the editor
1267 has redesignated former Arts. IV—VII of the Code as Divs. 2—5 of a new Art. IV relative to boards,
1268 committees, etc., and has redesignated former Art. VIII as Art. V.

1269 DIVISION 1. - GENERALLY

1270 Secs. 2-71, 2-72. - Reserved.

1271 ~~Sec. 2-73. Appointment and application procedures for boards and committees.~~

1272 ~~A. Appointment procedures.~~

1273 ~~(1) All boards and committees of the city shall be appointed by majority vote of the city commission~~
1274 ~~utilizing the procedure provided in subsection B. below.~~

1275 ~~(2) Simultaneous with the second commission meeting in March 2013, the term of each individual~~
1276 ~~sitting on any board or committee of the city shall be deemed to have expired.~~

1277 ~~(3) At the second city commission meeting in March 2013, and every year thereafter the city~~
1278 ~~commission shall appoint five (5) members of each city board for a term of one (1) year.~~

1279 ~~(4) Upon a vacancy of any board or committee, prior to the full term of any board member or committee~~
1280 ~~member, a vacancy shall be filled as provided in subsection B.~~

1281 ~~(5) Exempted from the above shall be any board or committee appointed by the administration or~~
1282 ~~composed solely of city employed staff, or any board or committee appointed or elected as~~
1283 ~~provided for by federal law, state statute or the City Charter; the community redevelopment~~
1284 ~~agency board of the city; the board of the Northwest Focal Point Senior Center District; or the~~
1285 ~~recreation foundation.~~

1286 ~~(6) Temporary boards or committees that are formed by resolution of the city commission shall also~~
1287 ~~be exempt from this section.~~

1288 ~~B. Application procedures.~~

1289 ~~(1) Individuals wishing to be considered for any vacancy on any board or committee, shall submit an~~
1290 ~~application to the office of the city clerk not later than fourteen (14) days prior to the meeting in~~
1291 ~~which the city commission shall fill said vacancy. The application shall include a request for~~
1292 ~~qualification specific to the board or committee to which the individual is applying.~~

1293 ~~(2) Incumbents who wish to be considered for reappointment to a particular board must comply with~~
1294 ~~the preceding subsection.~~

1295 ~~(3) Applications shall not be considered for any applicant to any board or committee who was~~
1296 ~~submitted more than two (2) years prior to the date which an applicant could be appointed.~~

1297

1298 (Ord. No. 2011-11, § 1, 8-31-2011; Ord. No. 2013-2, § 1, 3-6-2013)

1299 **Editor's note—** Ord. No. 2013-2, § 1, adopted March 6, 2013, changed the title of section 2-73 from
1300 "Appointment procedures for boards and committees" to "Appointment and application procedures for
1301 boards and committees." The historical notation has been preserved for reference purposes.

1302 ~~Sec. 2-74. Absences from board or committees of the City of Margate.~~

1303 ~~If any member of any city board or committee of the City of Margate fails to attend three (3) regular board~~
1304 ~~or committee meetings during any one (1) calendar year, said member shall automatically be deemed to~~
1305 ~~have resigned from said board or committee and a new member shall be appointed by the city~~
1306 ~~commission for the remainder of the term of said member. This shall not preclude the city commission~~
1307 ~~from reappointing the same member to the same board or committee for the remainder of the unexpired~~
1308 ~~term.~~

1309 (Ord. No. 2008-05, § 1, 6-4-008)

1310 ~~Sec. 2-75. Restriction of appointment/election to boards or committees of the City of Margate.~~

1311 ~~(a) No person shall be appointed nor elected to more than one (1) permanently established board or~~
1312 ~~committee of the City of Margate.~~

1313 ~~(b) Any person who is serving on a permanently established board or committee shall submit with an~~
1314 ~~application for a position on another board or committee a signed resignation from the permanently~~
1315 ~~established board(s) or committee(s) on which the person is serving at the time of application to the~~
1316 ~~city commission of the City of Margate. Said resignation shall be regularly put on the agenda for~~
1317 ~~acceptance at a commission meeting of the City of Margate. Should an individual not be appointed to~~
1318 ~~the board or committee for which application was made, the resignation from the first board or~~
1319 ~~committee shall not be effective.~~

1320 ~~(c) Every person appointed to a board or committee of the City of Margate shall be a resident of the City~~
1321 ~~of Margate for six (6) months immediately preceding their appointment.~~

1322 ~~(d) Subsection (c) shall not apply if the statute, ordinance or resolution creating the applicable board or~~
1323 ~~committee requires or permits nonresidents to be appointed to said board. However, where a statute,~~
1324 ~~ordinance or resolution which requires that a board member be either an owner or operator or be~~
1325 ~~employed by a business within the City of Margate, said board member shall hold such status for six~~
1326 ~~(6) months immediately preceding their appointment, unless there is a contrary intent by the approved~~
1327 ~~statute, ordinance or resolution.~~

1328 (Ord. No. 82-8, § 1, 2-17-1982; Ord. No. 84-5, § 1, 1-18-1984; Ord. No. 2004-07, § 1, 7-7-2004)

1329 ~~DIVISION 2. BOARD OF ADJUSTMENT⁽⁸⁾~~

1330 ~~Footnotes:~~

1331 ~~—(8)—~~

1332 **Editor's note—** Ord. No. 80-40, § 1, adopted June 4, 1980, amended Div. 2 in its entirety by adding
1333 provisions designated §§ 2-76—2-81. The provisions of former Div. 2, §§ 2-76—2-81, which contained
1334 similar legislation, were derived from Ord. No. 77-17, § 6, adopted Aug. 24, 1977; Ord. No. 78-30, § 1,
1335 adopted Aug. 30, 1978; and Ord. No. 78-48, § 1, adopted Dec. 20, 1978. See also the editor's footnote to
1336 Art. IV of this chapter.

1337 ~~Sec. 2-76. Created; appointment; terms; officers; advisors.~~

1338 ~~A board of adjustment for the city is hereby created and established consisting of five (5) members. The~~
1339 ~~board members shall be appointed by the city commission and shall serve without compensation and at~~
1340 ~~the pleasure of said city commission. All appointments shall be for a one-year period. The members of said~~

1341 ~~board shall elect a chairperson, a vice chairperson, and a secretary from its membership. The city manager,~~
1342 ~~city building inspector, city attorney and such other officers and officials of the city as the board may require~~
1343 ~~shall be considered as advisors to the city board of adjustment and may be called upon from time to time~~
1344 ~~to meet with said board.~~

1345 ~~(Ord. No. 80-40, § 1, 6-4-1980; Ord. No. 91-7, § 1, 5-1-1991; Ord. No. 98-3, § 1, 1-21-1998; Ord. No.~~
1346 ~~2017-17, § 1, 10-4-2017.)~~

1347 ~~Sec. 2-76.1. Substitute members.~~

1348 ~~In case of the temporary absence or disqualification of any member of the board of adjustment, the~~
1349 ~~chairperson of the board shall have the right and authority to designate any member of the city planning~~
1350 ~~and zoning board to serve as a substitute on the board of adjustment during the continuance of such~~
1351 ~~absence or disqualification; but no substitute shall serve in such capacity for a longer period than three~~
1352 ~~(3) months, nor shall more than one (1) substitute member serve on the board of adjustment at any one~~
1353 ~~time. The chairperson shall seek a temporary board member substitute from the planning and zoning~~
1354 ~~board in the following hierarchical order: Chairperson; vice chairperson; secretary; and then a standard~~
1355 ~~board member. In cases where substitutes are designated to serve for such limited periods, such fact~~
1356 ~~shall be recorded in the official minutes of the board of adjustment before such substitute shall act in any~~
1357 ~~matter presented to the board; and while serving, substitutes shall have the same powers as regular~~
1358 ~~members.~~

1359 ~~(Ord. No. 80-40, § 1, 6-4-1980; Ord. No. 91-7, § 3, 5-1-1991; Ord. No. 2017-15, § 1, 9-6-2017.)~~

1360 ~~Sec. 2-76.2. Rules of procedure; meetings to be public; minutes.~~

1361 ~~The city commission may by ordinance fix and determine procedure before the board of adjustment, and~~
1362 ~~such board shall adopt reasonable rules and regulations consistent with the provisions of such ordinance~~
1363 ~~for the presentation of matters before such board, for notifying interested parties, for charging and collecting~~
1364 ~~an application fee, for conducting and holding hearings, and for calling in advisors or assistants from time~~
1365 ~~to time. All meetings of the board shall be open to the public, and the board shall keep minutes of its~~
1366 ~~proceedings showing the vote of each member upon each question submitted to it; or if a member is absent~~
1367 ~~or fails to vote, such fact shall appear upon its minutes. Copies of its minutes shall be immediately filed with~~
1368 ~~the city clerk and shall become a public record.~~

1369 ~~(Ord. No. 80-40, § 1, 6-4-1980)~~

1370 ~~Sec. 2-77. When meetings to be held.~~

1371 ~~Meetings of the board of adjustment may be held once per month unless canceled by the chair for lack of~~
1372 ~~agenda items. Meetings of the board of adjustment may be held at the call of the chair and at such other~~
1373 ~~times as the board may determine. The board may, by the adoption of its own rules and regulations~~
1374 ~~consistent with the provisions of this division, establish a regular meeting night and rules for the calling of~~
1375 ~~regular and special meetings of the board. Meetings shall be held in the commission chambers of the city~~
1376 ~~hall of the City of Margate unless said chambers are unavailable.~~

1377 ~~(Ord. No. 80-40, § 1, 6-4-1980; Ord. No. 2017-20, § 1, 10-18-2017.)~~

1378 ~~Sec. 2-78. Powers and duties.~~

1379 ~~a) The board shall have the following powers:~~

1380 ~~(1) To hear and determine appeals where it is alleged there is error in any order, requirement,~~
1381 ~~decision or determination made by an administrative official in the enforcement of the zoning~~
1382 ~~regulations of the city.~~

1383 ~~(2) To hear and grant or deny such variances from the terms of any zoning ordinances of the city. To~~
1384 ~~hear or deny such variances from the Code of the city as will not be contrary to the public interest~~
1385 ~~or the general purposes sought to be accomplished by the zoning ordinances and where, owing~~
1386 ~~to special conditions, a literal enforcement of the provisions of the zoning ordinances will result in~~
1387 ~~unnecessary hardship in the use of the property involved.~~

1388 ~~(b) In exercising said powers and duties, they shall not grant a variance unless:~~

1389 ~~(1) It shall be demonstrated that special conditions and circumstances exist which, if there is a literal~~
1390 ~~and strict enforcement of the provisions of a zoning ordinance, would constitute a hardship or~~
1391 ~~practical difficulty in the use of the property involved.~~

1392 ~~(2) The board shall find that the granting of the variance will not be contrary to the public interest or~~
1393 ~~the general purpose sought to be accomplished by the zoning ordinances~~

1394 ~~(3) In granting any variance, the board shall record in its minutes the circumstances and conditions~~
1395 ~~constituting the hardship or practical difficulties upon which the variance is based.~~

1396 ~~(c) The board shall not have jurisdiction to consider any variance allowing any use of buildings or lands~~
1397 ~~not permitted within any designated zoning classification.~~

1398 ~~(Ord. No. 80-40, § 1, 6-4-1980; Ord. No. 82-22, § 1, 5-19-1982; Ord. No. 84-3, § 1, 1-18-1984; Ord. No.~~
1399 ~~84-14, § 1, 4-18-1984; Ord. No. 85-4, § 1, 2-6-1985; Ord. No. 87-26, § 1, 10-7-1987; Ord. No. 89-15, § 1,~~
1400 ~~8-30-1989; Ord. No. 2003-01, § 1, 3-5-2003; Ord. No. 2017-14, § 19, 8-23-2017 ; Ord. No. 2019-~~
1401 ~~1500.649, § 1, 12-11-2019)~~

1402 ~~Sec. 2-79. Applications for variances and other appeals; fees.~~

1403 ~~Applications to the board of adjustment for variance or other appeals shall be filed with the development~~
1404 ~~services department on forms furnished by that department. The application or appeal shall be~~
1405 ~~accompanied by the following fee:~~

1406 ~~(1) For variances and appeals of the zoning administrator's decisions, etc.: Two hundred dollars~~
1407 ~~(\$200.00).~~

1408 ~~(2) For appeals from the board of adjustment to the city commission: The fee called for in the~~
1409 ~~appropriate case shall accompany the application or notice of appeal, and if the fees are paid in~~
1410 ~~the form of a check, the check shall be made payable to the City of Margate. Said sums shall be~~
1411 ~~immediately forwarded to the finance director to be placed in the appropriate account. Failure to~~
1412 ~~file such sums as costs shall render the applicant's request or appeal void.~~

1413 ~~(Ord. No. 80-40, § 1, 6-4-1980; Ord. No. 83-22, § 1, 6-15-1983; Ord. No. 2017-14, § 19, 8-23-2017 ; Ord.~~
1414 ~~No. 2018-1, § 1, 3-7-2018)~~

1415 ~~Sec. 2-80. Proceedings on applications for variances or other appeals.~~

1416 ~~Upon the filing of an application for a variance or other appeal in proper form and the payment of the~~
1417 ~~appropriate costs to the City of Margate the procedure to be followed shall be in accordance with the~~
1418 ~~following appropriate regulations:~~

1419 ~~(a) If the appeal is from a decision of an administrative officer in the enforcement of zoning~~
1420 ~~regulations, said appeal shall be filed within thirty (30) days of the administrative officer's decision.~~
1421 ~~A copy of the appeal shall be furnished to the administrative officer who shall within two (2) 14~~
1422 ~~days prepare a statement in writing of points involved and his interpretation of the ordinances or~~
1423 ~~regulations governing same and his ruling thereof and shall furnish copies of such statement to~~
1424 ~~the board of adjustment and to the manager of the city.~~

1425 ~~(b) In the event the appeal or application is filed for the purpose of seeking a variance to the terms of~~
1426 ~~any zoning ordinance, all public notice requirements of shall comply with Chapter 31, Section 31-~~
1427 ~~55 of this Code shall be complied with.~~

1428 ~~(c) Where an appeal or application is filed for the purpose of seeking a variance, and in addition to~~
1429 ~~the foregoing, the date and time of the hearing shall be published at least ten (10) days prior to~~
1430 ~~such hearing in a daily newspaper of general circulation in the municipality.~~

1431 ~~(d) Reserved.~~

1432 (Ord. No. 80-40, § 1, 6-4-1980; Ord. No. 81-47, § 1, 8-26-1981; Ord. No. 2008-07, § 1, 6-4-2008; Ord.
1433 No. 2017-14, § 20, 8-23-2017.)

1434 ~~Sec. 2-81. Decisions of the board.~~

1435 ~~(a) The concurring vote of a majority of the members of the board present shall be necessary to reverse~~
1436 ~~any order, requirement, decision or determination of any officer or official upon zoning matters, or to~~
1437 ~~grant a variance to the provisions of an existing zoning regulation.~~

1438 ~~(b) Orders and decisions of the board shall be in writing, one (1) copy of which shall be kept by the board,~~
1439 ~~one (1) copy shall be forwarded to the city clerk and shall become a public record, and one (1) copy~~
1440 ~~shall be given to the applicant or appellant.~~

1441 ~~(c) A decision of the board wherein a variance to a zoning regulation is granted or denied or a ruling of the~~
1442 ~~administrative official charged with the enforcement of the zoning regulations is confirmed or overruled~~
1443 ~~shall be final and binding unless an appeal is taken to the city commission.~~

1444 ~~Any aggrieved person or entity may appeal a variance or appeal a ruling of an administrative official if a~~
1445 ~~request for an appeal is made with the city clerk's office within seven (7) days after the written decision of~~
1446 ~~the board of adjustment is transmitted to the city clerk. After action of the city commission, the decision of~~
1447 ~~the board of adjustment shall be deemed either confirmed or, depending on the motion reversed. The~~
1448 ~~affirmative vote of three (3) members of the city commission shall be necessary in order to reverse the~~
1449 ~~recommendation on the board of adjustment.~~

1450 ~~No person or entity aggrieved by the grant or denial of any variance, appeal of the ruling of any~~
1451 ~~administrative official, or any other quasi-judicial determination made by the board of adjustment may~~
1452 ~~apply to the court for relief unless he/she has first exhausted the remedies provided for herein and taken~~
1453 ~~all available steps provided for in this section.~~

1454 (Ord. No. 80-40, § 1, 6-4-1980; Ord. No. 81-8, § 1, 2-18-1981; Ord. No. 86-7, § 1, 4-2-1986; Ord. No. 91-
1455 7, § 4, 5-1-1991; Ord. No. 93-2, § 1, 1-20-1993; Ord. No. 97-10, § 1, 4-16-1997; Ord. No. 98-1, § 1, 1-7-
1456 1998; Ord. No. 2017-14, § 21, 8-23-2017.)

1457 ~~Sec. 2-82. Meetings of the planning and zoning board.~~

1458 ~~Meetings of the planning and zoning board shall be held once per month unless canceled by the chair and~~
1459 ~~meetings of the planning and zoning board may be held at the call of the chair and and at such other times~~
1460 ~~as the board may determine. Meetings shall be held in the commission chambers of the city hall of the City~~
1461 ~~of Margate unless said chambers are unavailable. The board may, by the adoption of its own rules and~~
1462 ~~regulations consistent with the provisions of this division, establish a regular meeting night and rules for the~~
1463 ~~calling of regular and special meetings of the board.~~

1464

1465 (Ord. No. 2008-02, § 2, 5-7-2008; Ord. No. 2017-20, § 2, 10-18-2017.)

1466 ~~Secs. 2-83—2-85. - Reserved.~~

1467 ~~DIVISION 3.— PLANNING AND ZONING BOARD^[9]~~

1468 Footnotes:

1469 --- (9) ---

1470 **Note—** See editor's footnote, Art. IV of this chapter.

1471 ~~Sec. 2-86.— Creation; appointment; terms; officers; advisors.~~

1472 ~~A city planning and zoning board for the City of Margate is hereby created and established, consisting of~~
1473 ~~five (5) members. The board members shall be appointed by the city commissioners, and shall serve~~
1474 ~~without compensation and at the pleasure of said city commission.~~

1475 ~~All appointments shall be for a one-year period.~~

1476 ~~The members of the said board shall elect a chairman, a vice chairman, and a secretary from its~~
1477 ~~membership.~~

1478 ~~The city manager, city building inspector, city attorney, and such other officers and officials of the city as~~
1479 ~~the board may require, shall be considered as advisors to the city planning and zoning board and may be~~
1480 ~~called upon from time to time to meet with said board.~~

1481 ~~(Ord. No. 77-17, § D, 8-24-1977; Ord. No. 91-8, § 1, 5-1-1991; Ord. No. 93-24, § 1, 8-25-1993; Ord. No.~~
1482 ~~2017-17, § 2, 10-4-2017.)~~

1483 ~~Sec. 2-87.— Rules of procedure.~~

1484 ~~The city commission may fix establish and determine procedure before the city planning and zoning~~
1485 ~~board, and such board shall adopt reasonable rules and regulations consistent with the provisions of such~~
1486 ~~ordinance for presentation of matters before such board, for notifying interested parties, for charging and~~
1487 ~~collecting an application fee, for conducting and holding hearings, and for calling advisers and assistants~~
1488 ~~from time to time.~~

1489 ~~(Ord. No. 77-17, § D, 8-24-1977)~~

1490 ~~Sec. 2-88.— Duties generally.~~

1491 ~~The duties of the planning and zoning board shall be as follows:~~

- 1492 ~~1) To act in an advisory capacity to the city commission on questions relating to zoning, and conduct~~
1493 ~~investigations and hold public hearings on all matters or proposals to change zoning regulations~~
1494 ~~and report its findings and recommendations on such matters and proposals to the city commission.~~
1495 ~~2) To study proposed city plans, with a view to improving same so as to provide for the development,~~
1496 ~~general improvement and probable future growth of the city and, from time to time, make~~
1497 ~~recommendations to the city commission relating to a city plan and new developments or for the~~
1498 ~~adoption of a city plan.~~
1499 ~~3) To investigate and recommend approval or disapproval of all new plats to be presented to the city~~
1500 ~~commission.~~
1501 ~~4) To act in an advisory capacity on all matters on proposals or applications to change zoning on real~~
1502 ~~property located in the city.~~
1503 ~~5) To perform such other duties as may from time to time be assigned to such board by the city~~
1504 ~~commission.~~

1505

1506 (Ord. No. 2008-02, § 2, 5-7-2008; Ord. No. 2017-15, § 2, 9-6-2017)

1507

1508 ~~DIVISION 4.—LOCAL PLANNING AGENCY~~^{H01}

1509 Footnotes:

1510 ~~—(10)—~~

1511 **Editor's note**—~~Ord. No. 78-3, § 1, adopted Jan. 25, 1978, amended the Code by adding a new chapter~~
1512 ~~containing §§ 2—5 of said ordinance; said provisions, at the discretion of the editor, have been included~~
1513 ~~herein as a new Art. VI of Ch. 2, §§ 2-101—2-104.~~

1514 **Note**—~~See the editor's footnote, Art. IV of this chapter.~~

1515 ~~Sec. 2-101.—Authority; designation.~~

1516 Pursuant to and in accordance with Section 163.3174, Florida Statutes (The Local Government
1517 Comprehensive Planning Act of 1975), the members of the local planning agency for the City of Margate
1518 shall be the planning and zoning board.

1519 (~~Ord. No. 78-3, § 2, 1-25-1978~~)

1520 ~~Sec. 2-102.—Administrative head.~~

1521 ~~The city planner shall be designated as administrative head of the local planning agency and perform all~~
1522 ~~duties as required by this designation. The administrative head shall stand in an advisory capacity to the~~
1523 ~~local planning agency, the city commission and the city manager.~~

1524 (~~Ord. No. 78-3, § 3, 1-25-1978~~)

1525 ~~Sec. 2-103.—Duties and responsibilities.~~

1526 ~~The duties and responsibilities of the local planning agency, in accordance with The Local Government~~
1527 ~~Comprehensive Planning Act of 1975, Section 163.3161—163.3211~~ 3174, Florida Statutes, shall be to:

1528 (1) ~~Conduct the comprehensive planning program and prepare the comprehensive plan or elements~~
1529 ~~or portions thereof for the City of Margate;~~

1530 (2) ~~Coordinate said comprehensive plan or elements or portions thereof with the comprehensive~~
1531 ~~plans of other appropriate local governments and the State of Florida;~~

1532 (3) ~~Recommend said comprehensive plan or elements or portions thereof to the city commission and~~
1533 ~~city manager for adoption; and~~

1534 (4) ~~Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to~~
1535 ~~the city commission and city manager such changes in the comprehensive plan as may be~~
1536 ~~required from time to time.~~

1537 (~~Ord. No. 78-3, § 4, 1-25-1978~~)

1538 ~~Sec. 2-104.—Funding.~~

1539 ~~The city commission and city manager shall appropriate funds at their discretion to the local planning~~
1540 ~~agency for expenses necessary in the conduct of its work. The local planning agency may, in order to~~
1541 ~~accomplish the purpose and activities required by The Local Government Comprehensive Planning Act of~~

1542 ~~1975, expend all sums so appropriated and other sums made available for use from fees, gifts, states or~~
1543 ~~federal grants, and other sources, provided acceptance of the loan or grants is approved by the city~~
1544 ~~commission or city manager.~~

1545 (Ord. No. 78-3, § 5, 1-25-1978)

1546 ~~Sec. 2-105. Substitute members.~~

1547 ~~In case of the temporary absence or disqualification of any member of the planning and zoning board, the~~
1548 ~~chairperson of the planning and zoning board shall have the right and authority to designate any member~~
1549 ~~of the city board of adjustment to serve as a substitute on the planning and zoning board during the~~
1550 ~~continuance of such absence or disqualification; but no substitute shall serve in such capacity for a longer~~
1551 ~~period than three (3) months, nor shall more than one (1) substitute members serve on the planning and~~
1552 ~~zoning board at any one time. The chairperson shall seek a temporary board member substitute from the~~
1553 ~~board of adjustment in the following hierarchical order: Chairperson; vice chairperson; secretary; and then~~
1554 ~~a standard board member. In cases where substitutes are designated to serve for such limited periods,~~
1555 ~~such fact shall be recorded in the official minutes of the planning and zoning board before such substitute~~
1556 ~~shall act in any matter presented to the board; and while serving, substitutes shall have the same powers~~
1557 ~~as regular members.~~

1558 (Ord. No. 2008-02, § 2, 5-7-2008; [Ord. No. 2017-15, § 2, 9-6-2017](#))

1559 DIVISION 5. - COMMUNITY REDEVELOPMENT AGENCY^[11]

1560 Footnotes:

1561 --- (11) ---

1562 **Editor's note—** Ord. No. 96-15, § 1, adopted Oct. 2, 1996, added a new section to the Code, designated
1563 as § 2-147, community redevelopment agency. Such section has been redesignated as Div. 5, §§ 2-
1564 106—2-108, by the editor for purposes of classification.

1565 Sec. 2-106. - Creation.

1566 (a) Intent. There is hereby established the City of Margate Community Redevelopment Agency, a public
1567 body corporate and politic, having all the powers necessary or convenient to carry out and effectuate
1568 the purposes and provisions of Part III, Chapter 163, Florida Statutes, and this division, subject to all
1569 limitations set out therein. The City of Margate Community Redevelopment Agency shall be referred
1570 to hereinafter as "the agency".

1571 (b) Organization of the community redevelopment agency. The agency shall be governed by a board of
1572 commissioners consisting of five (5) persons appointed by the city commission. The terms of office of
1573 the commissioners shall be for four (4) years, except that three (3) of the members first appointed shall
1574 be designated to serve terms of one (1), two (2) and three (3) years respectively, from the date of their
1575 appointments. A vacancy occurring during a term shall be filled for the unexpired term by appointment
1576 by the city commission. Commissioners who continue to be eligible for appointment may be
1577 reappointed.

1578 (c) Any person may be appointed as a commissioner if he or she resides or is engaged in business within
1579 the city. "Engaged in business" shall mean owning a business, practicing a profession, performing a
1580 service for compensation, or serving as an officer or director of a corporation or other business entity
1581 so engaged within the city.

1582 (d) A majority of the commissioners shall constitute a quorum for the purpose of conducting business and
1583 exercising the powers of the agency and for all other purposes. Action may be taken by the agency

1584 upon a vote of the majority of the commissioners present, unless in any case the bylaws shall require
1585 a larger number.

1586 (e) A commissioner shall receive no compensation for his/her services but shall be entitled to the
1587 necessary expenses, including traveling expenses, incurred in the discharge of his/her business.

1588 (f) Pursuant to this division, a separate resolution shall be adopted naming the individuals who shall
1589 constitute commissioners of the Margate Community Redevelopment Agency, and same shall hold
1590 their authority pursuant to this division.

1591 (g) The city commission shall designate a chair and vice-chair, who shall serve until the end of their terms,
1592 or unless a chair or vice-chair is otherwise designated by resolution of the city commission.

1593 (Ord. No. 96-15, § 2, 10-2-1996)

1594 Sec. 2-107. - Community redevelopment plan.

1595 The agency shall prepare or cause to be prepared a community redevelopment plan as described in F. S.
1596 § 163.360 for any area that the city commission has, by resolution, determined to be a slum area, a
1597 blighted area or an area in which there is a shortage of housing affordable to residents of low or moderate
1598 income, including the elderly, or a combination thereof.

1599 (Ord. No. 96-15, § 2, 10-2-1996)

1600 Sec. 2-108. - Delegation of power.

1601 The city commission hereby delegates to the City of Margate Community Redevelopment Agency each of
1602 the powers set forth in section 163.370 (excluding however those powers enumerated in F.S. 163.358).
1603 Provided, however, that the city retains the right to exercise any of the powers delegated herein to the
1604 City of Margate Community Redevelopment Agency, and such powers shall not be deemed to be vested
1605 exclusively in the agency.

1606 (Ord. No. 96-15, § 2, 10-2-1996)

1607 Sec. 2-109. - Procedures for requests for exemptions from obligation to appropriate annual increment
1608 payment.

1609 Florida Statutes, § 163.387(2)(d)1. as amended by Chapter 2002-294, Laws of Florida, allows a local
1610 governing body that creates a community redevelopment agency under F.S. § 163.356, to exempt a
1611 special district that levies ad valorem taxes within that community redevelopment area from the annual
1612 obligation under F.S. § 163.387(1), to appropriate and deposit to the community redevelopment trust fund
1613 the amount of the increment revenues (the "payment obligation"). The city commission, as the local
1614 governing body that created the Margate Community Redevelopment Agency, may grant the exemption
1615 either in its sole discretion or in response to the request of the special district.

1616 (1) The special district seeking an exemption from the payment obligation shall submit a written
1617 request for such exemption, which shall be in writing addressed to and delivered to the city
1618 manager no later than sixty (60) days prior to the start of the initial fiscal year of the period for
1619 which he special district is seeking to be exempted. The application shall be accompanied by a
1620 check payable to the city in the amount of five hundred dollars (\$500.00), plus the cost of any
1621 advertisement(s) required under this subsection, which shall be used by the city to pay expenses
1622 it incurs in reviewing the application. The application shall address the considerations by the city
1623 commission set forth below in deciding whether to grant the exemption.

1624 (2) In deciding whether to deny or grant a special district's request for exemption from the payment
1625 obligation, the city commission shall consider:

- 1626 a. Any additional revenue sources of the community redevelopment agency which could be used
1627 in lieu of the special district's tax increment.
- 1628 b. The fiscal and operational impact on the community redevelopment agency.
- 1629 c. The fiscal and operational impact on the special district.
- 1630 d. The benefit to the specific purpose for which the special district was created. The benefit to
1631 the special district must be based on specific projects contained in the approved community
1632 redevelopment plan for the community redevelopment area.
- 1633 e. The impact of the exemption on incurred debt and whether such exemption will impair any
1634 outstanding bonds that have pledged tax increment revenues to the repayment of the bonds.
- 1635 f. The benefit of the activities of the special district to the approved community redevelopment
1636 plan.
- 1637 g. The benefit of the activities of the special district to the area of operation of the city commission.
- 1638 (3) The city commission shall hold a public hearing on a special district's request for exemption after
1639 public notice of the hearing is published in a newspaper having a general circulation in the city.
1640 The notice shall describe the time, date, place, and purpose of the hearing and must identify
1641 generally the community redevelopment area covered by the plan and the impact of the plan on
1642 the special district that requested the exemption.
- 1643 (4) If the city commission grants an exemption to a special district, the city and the special district
1644 shall promptly enter into an interlocal agreement that establishes the conditions of the exemption,
1645 including, but not limited to, the period of time for which the exemption is granted.
- 1646 (5) If the city commission denies a request for exemption by a special district, the city commission
1647 shall provide to the special district a written analysis specifying the rationale for such denial. This
1648 written analysis must include, but is not limited to, the following information:
- 1649 a. A separate, detailed examination of each consideration listed in subsection (2).
- 1650 b. Specific examples of how the approved community redevelopment plan will benefit, and has
1651 already benefited the purpose for which the special district was created.
- 1652 (6) The decision to either deny or grant an exemption must be made by the city commission within
1653 one hundred twenty (120) days after the date the request for exemption by the special district was
1654 filed with the city.

1655 (Ord. No. 2003-02, § 1, 3-5-2003)

1656 Sec. 2-110. - Reserved.

1657 DIVISION 6. - CIVIL SERVICE BOARD

1658 Sec. 2-111. - Creation of board.

1659 A civil service board for the City of Margate is hereby created. This board shall be composed of five (5)
1660 members who shall take office as follows:

1661 Two (2) members shall be appointed by the city commission;

1662 One (1) member shall be elected by the employees of the City of Margate;

1663 One (1) member shall be elected by the employees of the City of Margate and shall be an
1664 employee of the City of Margate;

1665 One (1) member shall be appointed by the four (4) previously appointed and elected members.

1666 Each member shall be appointed or elected for a term of two (2) years.

1667 Additional information regarding this board can be found in Chapter 30 of the city code.

1668

1669 (Ord. No. 93-16, § 2, 7-14-1993; Res. No. 7531, § 3, 3-10-1994; Ord. No. 2014-3, § 13, 5-21-2014)

1670 ~~DIVISION 7. — MARGATE ADVISORY COMMITTEE FOR THE DISABLED~~

1671 ~~Sec. 2-112. — Establishment.~~

1672 ~~(a) *Creation.* There is hereby created the Margate Advisory Committee for the Disabled.~~

1673 ~~(b) *Composition.* The Margate Advisory Committee for the Disabled shall be composed of the same~~
1674 ~~members that sit on the development review committee of the city.~~

1675 ~~(c) *Duties.* The duties of the Margate Advisory Committee for the Disabled shall consist of the following:~~

1676 ~~(1) To act in an advisory capacity to the city commission on all matters relating to removing~~
1677 ~~impediments and providing a better standard of living for all individuals with a recognized~~
1678 ~~disability;~~

1679 ~~(2) To initiate and formulate proposals, designs, laws and regulations benefitting the disabled within~~
1680 ~~the city;~~

1681 ~~(3) To review proposed city legislation which will affect the disabled;~~

1682 ~~(4) To coordinate and act as a liaison between the disabled people of the city and the administration~~
1683 ~~of the city;~~

1684 ~~(5) To monitor and oversee the effectiveness of the present ordinances, rules and regulations of the~~
1685 ~~city regarding disabled individuals, and make known to the administration of the city the status of~~
1686 ~~same.~~

1687 ~~(d) *Conduct of meetings.* The Margate Advisory Committee for the Disabled shall have the right to adopt~~
1688 ~~such reasonable rules governing the conduct of its meetings as are agreed upon by a majority of the~~
1689 ~~committee.~~

1690 ~~(Ord. No. 79-21, §§ 1—3, 5-2-1979; Ord. No. 81-26, § 1, 5-6-1981; Ord. No. 98-2, § 3, 1-21-1998; Ord.~~
1691 ~~No. 2008-04, § 1, 6-4-2008)~~

1692 ~~DIVISION 8. - RESERVED~~

1693 ~~Secs. 2-113—2-117. - Reserved.~~

1694 **Editor's note—** Ord. No. 2002-15, § 1, adopted Nov. 20, 2002, repealed § 2-113, which established and
1695 provided for the operation of the Margate Library Board. Such section, being the sole substantive section
1696 of Div. 8, was derived from Ord. No. 80-25, § 1, adopted Apr. 9, 1980; and Ord. No. 82-24, § 1, adopted
1697 June 2, 1982. Sec. 2 of Ord. No. 2002-15 provided that the Margate Library Board may be re-established
1698 pursuant to subsequent resolution of the city commission.

1699 ~~DIVISION 9. - MARGATE HOUSING ASSISTANCE PROGRAM~~^[12]

1700 Footnotes:

1701 --- (12) ---

1702 **Editor's note—** Ord. No. 97-24, § 3, adopted Nov. 5, 1997, amended § 2-118 to read as herein set out.
1703 Formerly, such section pertained to the establishment and operation of the Margate Housing Review
1704 Board.

1705 Sec. 2-118. - Established; operation.

1706 (a) *Definitions.* For the purpose of the section, the definitions contained in chapter 420, part VII of the
1707 Florida Statutes (Act), and chapter ~~91-37~~ 67-37, Florida Administrative Code, as they may be amended
1708 from time to time, are adopted herein by reference.

1709 (b) *Legislative intent.* The purpose of this section is to implement the act, including, without limitation, the
1710 following:

1711 (1) To increase the availability of affordable housing by combining local resources and cost saving
1712 measures using a local housing partnership(s), as applicable, and by using private and public
1713 funds to reduce the cost of housing;

1714 (2) To promote more compact urban development and to assist in achieving the growth management
1715 goals contained in the adopted local comprehensive plan by allowing more efficient use of land
1716 so as to provide housing units that are more affordable;

1717 (3) To establish a strong sense of community through increased social and economic integration;

1718 (4) To build the organizational and technical capacity of community-based organizations in the
1719 production of affordable housing;

1720 (5) To promote innovative design of eligible housing, and its supporting infrastructure, to provide for
1721 cost savings in the provision of such housing;

1722 (6) To promote expedited permit processing systems for affordable housing; and

1723 (7) To promote review procedure for plan provision that impacts affordable housing.

1724 (c) *Establishment of program.*

1725 (1) There is hereby created and established the Margate Housing Assistance Program ("program")
1726 by the city, to be implemented and administered by the city.

1727 (2) The city shall implement the program, within the city, consistently with the requirements of the
1728 act. The strategies of the program will be outlined in the city's SHIP housing assistance plan.

1729 (d) *Establishment of fund.*

1730 (1) Pursuant to the requirements of the act, the city agrees to establish an affordable housing
1731 assistance trust fund ("fund") within the official and fiscal accounting records of the city. All monies
1732 deposited in the fund shall be subject to the requirements of the act, and this section establishing
1733 the fund.

1734 (2) The city shall cause the fund to be audited, and shall report the results of such audit as required
1735 by the Act.

1736 (e) *Establishment of affordable housing advisory committee.* There is hereby created and established an
1737 affordable housing advisory committee ("committee"). Composition of the committee shall be as
1738 required by the Act. Members of the committee shall be appointed by resolution pursuant to the
1739 requirements of the Act within thirty (30) days of the effective date of Ordinance No. 97-24.

1740 (f) *Review and approval of the plan.*

1741 (1) Upon adoption of the housing assistance plan, the city shall forward, or cause to be forwarded, a
1742 copy of the adopted housing assistance plan to the appropriate agencies pursuant to the
1743 requirements of the Act; and

1744 (2) Within twelve (12) months after the original adoption of the housing assistance plan, amend the
1745 plan to include local housing incentive strategies as defined in section 420.9071 (16).

1746 (Ord. No. 80-13, § 1, 2-20-1980; Ord. No. 80-34, § 1, 4-23-1980; Ord. No. 80-49, § 1, 7-9-1980; Ord. No.
1747 84-12, §§ 1, 2, 4-18-1984; Ord. No. 97-24, § 3, 11-5-1997; Ord. No. 98-5, § 1, 4-20-1998)

1748 ~~DIVISION 10. MARGATE CODE REVIEW COMMITTEE~~^{H31}

1749 Footnotes:

1750 ~~—(13)—~~

1751 **Editor's note**—Ord. No. 2004-04, § 1, added Div. 9, Margate Code Review Committee, consisting of §§
1752 2-119.01 through 2-119.05 to Ch. 2, Art. IV. Inasmuch as Div. 9 already existed and to preserve the
1753 numeric continuity of the Code, said provisions have been redesignated as Div. 10, consisting of §§ 2-119
1754 through 2-123 at the discretion of the editor.

1755 ~~Sec. 2-119. Creation.~~

1756 ~~There is hereby created the Margate Code Review Committee.~~

1757 ~~(Ord. No. 2004-04, § 1, 6-2-2004)~~

1758 ~~Sec. 2-120. Composition and appointment of members and chairperson.~~

1759 ~~The Margate Code Review Committee shall be composed of seven (7) members who shall be~~
1760 ~~appointed by the city commission as follows:~~

1761 ~~(a) Six (6) members will be residents of the City of Margate. No member of the committee may be~~
1762 ~~appointed who resides within the same code enforcement zone as any other member; however,~~
1763 ~~if the city does not receive an application from a resident of any other city code enforcement zone,~~
1764 ~~a member of another zone may be appointed to fill a vacancy in said zone.~~

1765 ~~(b) One (1) member shall either own, operate or be employed by a business within the City of Margate.~~
1766 ~~There shall be no restriction for the residence of this member.~~

1767 ~~(Ord. No. 2004-04, § 1, 6-2-2004)~~

1768 ~~Sec. 2-121. Chair/rules.~~

1769 ~~The seven (7) members appointed by the city commission shall choose among themselves a chair~~
1770 ~~who shall be the presiding officer of the Margate Code Review Committee, and a vice chair, who may~~
1771 ~~chair meetings in the absence of the chairperson.~~

1772 ~~(1) Both the city attorney and a representative of the code enforcement division of the police~~
1773 ~~department shall attend all meetings unless excused by the chair.~~

1774 ~~(2) Committee members may be removed by the commission at will.~~

1775 ~~(3) The committee shall be governed by Roberts Rules of Order except for rules or procedure~~
1776 ~~otherwise adopted by the committee.~~

1777 ~~(4) Meetings shall be monthly except for recesses during July and August if determined by a majority~~
1778 ~~of the committee.~~

1779 ~~(Ord. No. 2004-04, § 1, 6-2-2004)~~

1780 ~~Sec. 2-122. Duties of the Margate Code Review Committee.~~

1781 ~~(1) The Margate Code Review Committee shall review and make recommendations to the City Commission~~
1782 ~~of the City of Margate as to Margate codes which directly regulate the residences and businesses of~~
1783 ~~the city.~~

1784 ~~(2) Recommendations transmitted to the city commission shall be transmitted by not less than a majority~~
1785 ~~of the vote of the full committee.~~

1786 ~~(3) The City Commission of the City of Margate may direct the committee to review certain sections and~~
1787 ~~chapters of the Code of Ordinances of the City of Margate, and when so directed, the committee shall~~
1788 ~~make recommendation on said chapters and sections of Margate codes before considering additional~~
1789 ~~chapters and sections of the codes of the City of Margate.~~

1790 ~~(Ord. No. 2004-04, § 1, 6-2-2004)~~

1791 ~~Sec. 2-123. Duration of the committee.~~

1792 ~~(1) All recommendations of the City of Margate Code Review Committee shall be transmitted to the city~~
1793 ~~commission not later than June 1, 2006.~~

1794 ~~(2) The City of Margate Code Review Committee shall cease to operate on June 1, 2006, unless otherwise~~
1795 ~~extended by ordinance of the City of Margate.~~

1796 ~~(Ord. No. 2004-04, § 1, 6-2-2004)~~

1797 ~~Secs. 2-124—2-140. Reserved.~~

1798 ARTICLE V. - CITY DEPARTMENTS^[14]

1799 Footnotes:

1800 --- (14) ---

1801 **Editor's note—** Ord. No. 78-17, § 1, adopted July 19, 1978, amended the Code by adding to Ch. 2 a new
1802 Art. VIII, concerning city departments, to consist of a § 2-117 pertaining to the building and engineering
1803 departments. Sections 2 and 3 of Ord. No. 78-17 were formerly codified as § 2-117 at the discretion of the
1804 editor. For purposes of classification, these provisions have been redesignated as Art. V; and in order to
1805 facilitate future amendment to Art. IV, § 2-117 has been redesignated as § 2-141 and appropriate
1806 reserved sections created in Art. IV. See also the editor's footnote to Art. IV of this chapter.

1807 Sec. 2-141. - Building and code services department.

1808 (a) There shall be a building department of the City of Margate.

1809 (b) The building and code services department shall be charged with enforcing the building codes of the
1810 City of Margate, and such other responsibilities as determined by the city commission and the
1811 administration of the City of Margate.

1812 (Ord. No. 78-17, §§ 2, 3, 7-19-1978; Ord. No. 88-24, § 1, 8-31-1988)

1813 Sec. 2-142. - Finance, utility-finance departments.

1814 There should be the following departments of the city:

1815 (a) *Finance department.* The finance department shall be responsible for all financial operations of
1816 the city, excluding those as to the water and sewer system of the city.

1817 (b) *Utility-finance department.* The utility-finance department shall be responsible for the financial
1818 operations of the water and sewer system of the city.

1819 (c) The above department may be separate or combined by the city manager as confirmed by the
1820 city commission by resolution.

1821 (Ord. No. 80-24, §§ 2, 3, 3-19-1980; Ord. No. 88-15, § 1, 5-18-1988)

1822 **Editor's note—** Ord. No. 80-24, §§ 2, 3, adopted March 19, 1980, amended the Code by adding a new §
 1823 2-118. For purposes of classification, these provisions have been redesignated as § 2-142. See also the
 1824 editor's footnote to Art. V of this chapter.

1825 Sec. 2-143. - Department of environmental and engineering service.

1826 (a) The utility department of the city and the engineering department of the city shall be abolished and
 1827 shall be merged into the department of environmental and engineering service of the city.

1828 ~~(b) The department of environmental and engineering services shall perform such functions as had been~~
 1829 ~~previously performed by the utility department of the city and the engineering department of the city.~~

1830 (b) The Department of Environmental and Engineering Services (DEES) is responsible for the day-to-day
 1831 operations of the City's utilities division (water and wastewater systems), engineering division, and the
 1832 solid waste and recycling program.

1833 (Ord. No. 88-24, § 2, 8-31-1988)

1834 Sec. 2-144. - Reserved.

1835 **Editor's note—** Former § 2-144 which pertained to the department of support services, was repealed by
 1836 § 1 of Ord. No. 90-9, adopted Sept. 17, 1990, and originated from Ord. No. 88-23, adopted Aug. 31,
 1837 1988.

1838 ~~Sec. 2-145. - Department of records management systems.~~

1839 ~~(a) There is hereby established the department of records management systems.~~

1840 ~~(b) The department of records management systems shall have a department head who shall be~~
 1841 ~~responsible for the day to day operation of the department who is answerable to the city manager.~~

1842 ~~(c) The department of records management systems shall be responsible for the management and~~
 1843 ~~maintenance of all public records of the city excluding the official originals of all ordinances, resolutions~~
 1844 ~~and minutes of the city commission and the backup materials for same; and all other subordinate~~
 1845 ~~boards and committees of the city.~~

1846 ~~(d) For the records contained in subsection (c) above, the director of records management systems shall~~
 1847 ~~advise and coordinate the management and maintenance of said records with the office of the city~~
 1848 ~~clerk.~~

1849 ~~(e) The department of records management systems shall be responsible for the disposal of all public~~
 1850 ~~records within the city in accordance with public records retention requirements of the State of Florida.~~

1851 (Ord. No. 2004-14, § 1, 10-20-2004)

1852 Sec. 2-146. - Development services department.

1853 (a) There is hereby established the development services department.

1854 (b) The development services department shall have a department head who shall be responsible for the
 1855 day-to-day operations of the department and who is accountable to the city manager.

1856 (c) The development services department shall be primarily responsible for stimulating the economic
 1857 development of the city by attracting, retaining and expanding targeted industries, including a special
 1858 focus on small business growth, expanding the local tax base, and promoting job opportunities for
 1859 residents.

1860 (d) The development services department shall include all planning and zoning functions, ~~federal grant~~
1861 ~~compliance~~ local business tax receipts, and business development citywide.

1862 (e) All employees of the city whose primary job responsibilities include the functions provided in
1863 subsection (d) above, shall be a part of the development services department and shall be under the
1864 direction of the director of the development services department.

1865 (Ord. No. 2012-9, § 1, 5-16-2012; Ord. No. 2018-1, § 1, 3-7-2018.)

1866 **Editor's note—** Prior to the reenactment of section 2-146 by Ord. No. 2012-9, § 1, adopted May 16,
1867 2012, Ord. No. 91-14, § 1, adopted June 5, 1991, amended the Code by repealing § 2-146, which
1868 pertained to the directorate of safety and derived from Ord. No. 88-23, § 1, adopted August 31, 1988, and
1869 Ord. No. 90-9, § 1, adopted September 17, 1990.

1870 Chapter 11 - DRAINAGE AND WATERWAY STRUCTURES^[1]

1871

1872 Footnotes:

1873 --- (1) ---

1874 **Cross reference—** Aquatic weed control, Ch. 7; land clearance, Ch. 22; platting, subdivision and other
1875 land use regulations, Ch. 31; streets and sidewalks, Ch. 35; water and sewers, Ch. 39.

1876 Sec. 11-1. – Purpose and Applicability.

1877 (a) The purpose of this chapter is to promote public health, safety and general welfare of the residents of
1878 the City of Margate and to minimize public and private losses due to flood conditions in flood hazard areas
1879 by provisions designed to:

1880 (1) Require that buildings vulnerable to floods, including facilities which serve such buildings, be
1881 protected against flood damages at the time of construction or substantial improvement.

1882 (2) Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may
1883 increase flood hazards to other lands.

1884 (3) Control filling or grading which may increase erosion or flood damage.

1885 (b) This Chapter applies to the City of Margate, those areas within the City that fall within the Cocomar
1886 Water Control District shall adhere to the regulations applicable to the Cocomar Water Control should there
1887 be any conflict with this Chapter.

1888 (c) Areas within the City that fall within the C-14 Canal which is maintained by the South Florida Water
1889 Management District shall adhere to the regulations applicable should there be any conflict within this
1890 Chapter.

1891 (Ord. No. 5000.00, § 1, 11-29-1967; Ord. No. 86-1, § 1, 1-8-1986)

1892 Sec. 11-2. - Definitions.

1893 The following definitions shall apply to this chapter:

1894 (a) *Mean sea level.* Mean sea level shall be the average high tide plus the average low tide divided
1895 by two (2) and as determined by the United States Coast and Geodetic Survey (USCGS).

1896 (b) *Design water surface.* The design water surface shall be equal in elevation to the design water
1897 surface level as established for the C-14 (Cypress Creek) Canal by the South Florida Water
1898 Management District (SFWMD).

1899 (c) *Mean sea level in Margate.* The mean sea level in the City of Margate shall be determined by
1900 reference to National Geodetic Survey (NGS) ~~USCGS~~ datum.

1901 (d) *Single-family home.* Single-family home shall mean any detached residential structure
1902 constructed with the intention that said structure be occupied by one family as a separate
1903 housekeeping unit.

1904 (e) *Habitable floor.* The term "habitable floor" means any floor usable for living purposes, which
1905 includes working, sleeping, eating, cooking or recreation or combinations thereof.

1906 (f) *Flood insurance rate map.* The term "flood insurance rate map" shall mean the map of the City of
1907 Margate, Florida, on which the Federal Insurance Administration has delineated both the areas
1908 as a special flood hazard and the risk premium zones applicable to the areas within the City of
1909 Margate, Florida.

1910 (g) City engineer. The Director, Department of Engineering and Environmental Services (DEES)city
1911 engineer of the City of Margate, Florida.

1912 (h) Cocomar Water Control District. A special water control district that falls within the City of Margate
1913 that was created to adequately provide for drainage and reclamation, protection against flood
1914 damage, water supply and irrigation, prevention of salt water intrusion, water pollution abatement,
1915 and other allied functions.

1916 (i) South Florida Water Management District (SFWMD). A regional governmental agency
1917 that manages the water resources in the southern half of the state, SFWMD is responsible for
1918 managing and protecting water resources of South Florida by balancing and improving flood
1919 control, water supply, water quality and natural systems.

1920 (j) Canal retaining wall. Structure constructed along the banks of a canal or waterway to retain the
1921 soil and prevent erosion while providing stability to the canal banks.

1922

1923 (Ord. No. 5000.00, § 2, 11-29-1967; Ord. No. 86-1, § 1, 1-8-1986)

1924 Sec. 11-3. - Minimum elevations.

1925 The basic requirements for minimum elevations in the City of Margate are hereby established in Sec. 17-
1926 10. - Flood-resistant development within Chapter 17 Floodplain Management. as follows:

1927 (1) ~~Single family and duplex residential structures must be constructed so that the lowest habitable~~
1928 ~~floor is located no lower than the minimum finished floor elevation permitted by the South Florida~~
1929 ~~Water Management District (SFWMD) and at least eighteen (18) inches above the crown of the~~
1930 ~~street or road abutting the structure. (Florida Building code?) Whichever measurement results in~~
1931 ~~a higher elevation shall be applicable.~~

1932 (2) ~~For any structures other than single family and duplex residential, where the crown of the abutting~~
1933 ~~road is at or above the minimum finished floor elevation permitted by the SFWMD, the lowest~~
1934 ~~habitable floor shall be no lower than the SFWMD permitted elevation, (Florida Building code?)~~
1935 ~~provided a positive drainage system shall be constructed meeting the approval of the city~~
1936 ~~engineer.~~

1937 ~~For any structures other than single family and duplex residential, where the crown of the abutting~~
1938 ~~road is below the minimum finished floor elevation permitted by the SFWMD, the lowest habitable~~
1939 ~~floor shall be no lower than the SFWMD permitted elevation and at least six (6) inches above the~~
1940 ~~crown of the abutting road (Florida Building code?). Whichever measurement results in a higher~~
1941 ~~finished floor elevation shall be applicable.~~

1942 (3) ~~Elevation of the minimum finished floor permitted by the SFWMD (Florida Building code?) shall~~
1943 ~~be furnished with each application for approval of any subdivision plat and site development plans~~
1944 ~~reviewed by the development review committee.~~

1945 (Ord. No. 5000.00, § 3, 11-29-1967; Ord. No. 86-1, § 1, 1-8-1986)

1946 Sec. 11-4. - Adoption by reference.

1947 (a) The current editions of the South Florida Water Management District's SWERP: Environmental
1948 Resource Permitting Manual, the Applicant's Handbook I and Applicant's Handbook II ~~Groundwater~~
1949 ~~Rule to Stormwater Discharges~~, including the basis of review for surface water management permit
1950 applications, is are hereby adopted as the minimum requirements for the City of Margate and said
1951 publications is are made a part hereof as if set out herein verbatim.

1952 (b) The flood insurance rate map, for Community Number 120047, Panel Numbers 0115F and 0205F,
 1953 prepared by the Federal Emergency Management Agency, dated August 18, 1992, 2014, or as may
 1954 be amended and updated, is hereby adopted by reference.

1955 (c) The Cocomar Water Control District that partially falls within the City of Margate that is authorized
 1956 under Broward County Ordinances 80-23, 109-80 and 80-17 and Florida Statute Chapter 36.

1957

1958 (Ord. No. 5000.00, § 4, 11-29-1967; Ord. No. 86-1, § 1, 1-8-1986; Ord. No. 94-7, § 1, 5-4-1994)

1959 Sec. 11-5. - Building permits; street requirements prior to issuance.

1960 No building permits will be issued by the Margate Building Department, except in areas where standard
 1961 paved streets are installed in accordance with recorded plats, unless and until complete engineering
 1962 drawings pertaining to undeveloped properties are furnished as required in section 11-3; provided, these
 1963 requirements may be waived when complete engineering data have previously been furnished in
 1964 accordance with section 11-3 and such data are available in the files of the Margate Building Department.

1965 (Ord. No. 5000.00, §§ 5, 6, 11-29-1967; Ord. No. 86-1, § 1, 1-8-1986)

1966 **Cross reference—** Streets and sidewalks, Ch. 35.

1967 Sec. 11-6. - Design criteria.

1968 (a) Designs shall provide drainage and flood protection of roads and parking lots in accordance with the
 1969 latest City of Margate Comprehensive Plan or published South Florida Water Management District
 1970 criteria, whichever is more restrictive., or as follows:

1971 Frequency = five-year storm

1972 Duration = one day (road centerlines); one hour (parking lots served by exfiltration systems)

1973 (b) Building floors shall be ~~above the 100-year flood elevations, as determined by the South Florida~~
 1974 ~~Water Management and the federal flood insurance rate map. The 100-year three-day storm event~~
 1975 ~~shall be considered in determining elevations.~~ consistent with the flood resistant development
 1976 requirements of Section 17-10 of this code.

1977 (Ord. No. 5000.00, § 7, 11-29-1967; Ord. No. 86-1, § 1, 1-8-1986)

1978 Sec. 11-7. - One-Mile Canal; specifications.

1979 (a) The One-Mile Canal shall have a total right-of-way width of not less than one hundred (100) feet and
 1980 shall in general conform to the section line one mile west of the present eastern boundary of the City
 1981 of Margate. Necessary slight adjustments in curvature will be permitted in the general north-south
 1982 direction of the One-Mile Canal.

1983 (b) Minimum depth of the One-Mile Canal shall be not less than twelve (12) feet below the design water
 1984 surface.

1985 (c) Channel sections of the One-Mile Canal shall be not less than five hundred (500) square feet below
 1986 the design water surface.

1987 (d) ~~Lateral drainage canals constructed to the One-Mile Canal shall have a minimum depth of not less~~
 1988 ~~than twelve (12) feet below the design water surface after completion of excavation~~ Hydraulic and
 1989 hydrologic analysis shall be submitted for new lateral drainage canals constructed to the One-Mile
 1990 Canal.

1991 (e) The crown elevation of outfall pipes at the headwall shall be not more than one foot higher than the
1992 design water surface.

1993 (Ord. No. 5000.00, § 8, 11-29-1967)

1994 **Cross reference** — For further sewer regulations, see Ch. 39.

1995 Sec. 11-8. - Bridges spanning canals and other waterways.

1996 (a) It is hereby required in all cases where it is necessary for a canal or other waterway to be spanned by
1997 some type of construction in order to allow foot or vehicular traffic to cross a canal that such be done
1998 by the building of a bridge ~~and in no instances will or culverts be hereafter permitted to be constructed~~
1999 ~~or built~~ within the city limits of the City of Margate.

2000 I. All bridge structures shall conform to the following minimum requirements:

2001 (1) *Loading.* H-15-44, except when the department of transportation or Broward County
2002 requirements dictate a higher loading.

2003 (2) *Span.* Total overall length of any bridge shall ~~not~~ be such that the water surface width is
2004 not reduced at the structure. This width, at normal water elevation, shall not be less than
2005 the width of the water surface in the typical canal section adjacent to the bridge.

2006 (43) *Horizontal clearance.* At least one (1) span of any bridge shall have a minimum horizontal
2007 clearance of twenty (20) feet.

2008 (34) *Vertical clearance.* The low member of the center span of any bridge shall be not less
2009 than six (6) feet above the normal water elevation in the canal. The normal water elevation
2010 of canals in Margate is assumed to be +7.5 mean sea level unless controlled by a
2011 structure other than CSFFCD S37B.

2012 (5) *Roadway width.* The clear roadway between curbs shall have a width of not less than
2013 four (4) feet greater than the approach pavement.

2014 (6) ~~*Sidewalks.* Sidewalks having a clear unobstructed width of not less than four (4) feet shall~~
2015 ~~be constructed at each side of the roadway.~~

2016 (76) *Handrails.* Handrails shall be constructed at each side of the bridge and shall ~~be of~~
2017 ~~reinforced concrete, stainless steel or structural aluminum. Masonry handrails shall not~~
2018 ~~be permitted. and shall comply with Florida Building Code.~~

2019 (87) *Approach slabs.* Reinforced concrete approach slabs with a minimum centerline length
2020 of fifteen (15) feet shall be incorporated in each bridge design.

2021 II. All culvert structures shall conform to the following minimum requirements:

2022 (1) Minimum size of 24-inches unless approved by the Director of DEES.

2023 (2) Pipe material shall not be corrugated metal pipe.

2024 (3) Minimum clearances from utilities shall follow City of Margate standards.

2025 (4) Culverts shapes can be circular, elliptical, rectangular or square.

2026 In all instances the guidelines for the construction of bridges and/or culverts pursuant to this section
2027 shall be in accordance with the above minimum standards and good engineering practices with regard
2028 to the general policy established by the minimum standards set forth in this section.

2029

2030 (b) It shall be unlawful for any person, organization, firm or corporation to construct any bridge within the
2031 City of Margate without first submitting to the city, plans and specifications in accordance with the
2032 specifications required in this section and otherwise in accordance with good engineering practices,

2033 showing the work to be done and receiving a permit from the city prior to the commencement of any
 2034 work in connection with the construction of a bridge or bridges.

2035 In all instances, construction of bridges and permit applicants for construction of bridges shall be
 2036 restricted to be performed and issued only to licensed Florida engineering contractors and only
 2037 licensed Florida engineering contractors shall be issued permits for the construction of bridges.

2038 (c) It shall be the duty of the city engineer and the Building Department to review said plans and
 2039 specifications ~~so~~ submitted prior to the issuance of a building or engineering permit, and if the plans
 2040 and specifications meet the minimum requirements set forth in this section and are in accordance with
 2041 good engineering practices in the city engineer's sole discretion and opinion and after consultation
 2042 with the engineers for the applicant or builder then the city engineer shall approve said plans,
 2043 whereupon the City of Margate, through its city engineer shall issue a building engineering permit from
 2044 the Department of Engineering and Environmental Services.

2045 The city engineer, Building Official, or their designee, shall periodically inspect the construction of the
 2046 bridge to assure that the bridge or bridges are constructed in accordance with the approved plans and
 2047 specifications. In the event that the city ~~engineer's~~ inspection reveals that the construction is not in
 2048 accordance with the plans and specifications then the city ~~engineer~~ shall notify the party to whom the
 2049 permits ~~is~~ are issued of such violation, and in the event such violation is not cured immediately, then
 2050 the city shall order that all work on the bridge cease until such arrangements satisfactory to the city
 2051 ~~engineer~~ are made to correct said violation. The City Building Department shall review, issue and
 2052 inspect the City Building permit.

2053 (d) There is hereby established in the City of Margate, a permit and inspection fees for the construction of
 2054 bridges. The fees are specified in the fee schedule as adopted by resolution by the City Commission,
 2055 as may be amended. ~~which The fees shall be payable to the city prior to the permit being issued in~~
 2056 ~~the amount of two and one half (2½) per cent of the estimated construction cost.~~

2057 The engineering contractor applying for the permit for the construction of a bridge pursuant to this
 2058 section may provide a detailed construction cost estimate which may be used by the city engineer or
 2059 consulting engineer in determining the amount of the permit and inspection fees; ~~unless a detailed~~
 2060 ~~construction cost estimate is furnished as aforesaid by the permit applicant the fee shall be based on~~
 2061 ~~an estimated unit cost of twenty five dollars (\$25.00) per square foot of bridge deck as shown by the~~
 2062 ~~plans and specifications submitted.~~

2063 (Ord. No. 5000.02, §§ 1—4, 2-9-1972; Ord. No. 75-21, § 1, 10-1-1975)

2064 **Editor's note—** Ord. No. 5000.02, §§ 1—4, did not expressly amend this Code, hence codification as
 2065 superseding former provisions of § 11-8 was at the discretion of the editors. Former § 11-8, pertaining to
 2066 bridge specifications, was derived from: Ord. No. 5000.00, § 9, 11-29-1967.

2067 Sec. 11-8.1. - Damming up canals and waterways; permit required.

2068 (a) It shall be unlawful for any person, firm, corporation, builder, contractor, developer or other individual
 2069 to in any way dam up or build any dam or bulkhead which dams up any canal or waterway within the
 2070 city limits of the City of Margate without first submitting specifications for said dam or bulkhead and
 2071 receiving a permit therefor from ~~the building department~~ DEES of the city or any other regulatory
 2072 agency.

2073 ~~(b) As part of the specifications there shall be at least one (1) culvert pipe of a diameter of at least forty-~~
 2074 ~~eight (48) inches permitting free flow of water through said bulkhead or dam.~~

2075 (c) Violation of or failure to comply with any provision of this section shall constitute an offense against
 2076 the City of Margate and subject the offender to a fine ~~of not to exceed five hundred dollars (\$500.00)~~
 2077 or imprisonment for a period not to exceed ninety (90) days or by both such fine and imprisonment.

2078 (Ord. No. 72-10, §§ 1—3, 4-26-1972)

2079 **Editor's note—** Ord. No. 72-10, § 1, added § 6-41, redesignated as § 11-8.1(a) at the discretion of the
 2080 editors. Ord. No. 72-9, § 2, did not expressly amend this Code, hence codification as § 11-8.1(b) was at the
 2081 discretion of the editors. Sec. 3 of said Ord. No. 72-9 added § 6-42, redesignated as § 11-8.1(c) by the
 2082 editors.

2083 Sec. 11-9. - Bulkheads.

2084 All bulkheads or headwalls of bridges shall be evaluated to determine whether protected by wingwalls on
 2085 both the upstream and downstream sides shall be required.

2086 (Ord. No. 5000.00, § 10, 11-29-1967)

2087 **Cross reference—** Streets and sidewalks, Ch. 35.

2088 Sec. 11-10. - Reserved.

2089 **Editor's note—** Sec. 22 of Ord. No. 2017-14, adopted Aug. 23, 2017, repealed § 11-10, which pertained
 2090 to special exemptions; application; deposit; hearing, and derived from Ord. No. 5000.00, adopted Nov. 29,
 2091 1967.

2092 Sec. 11-11. - Duty of design engineer.

2093 The design engineer for the developer shall furnish to the city a certificate stating that he has inspected the
 2094 development during construction and after completion of the work and certifying that the complete work is
 2095 in ~~substantial~~ conformance with the approved plat, engineering plans and construction drawings.

2096 (Ord. No. 5000.00, § 12, 11-29-1967)

2097 Sec. 11-12. - Permit required for Construction or Realignment of Canals.

2098 (a) It shall be unlawful for any person, organization, firm or corporation to construct or realign any
 2099 canals within the City of Margate without first submitting to the city plans and specifications, and
 2100 hydraulic/hydrologic analysis in conformity with the ~~city zoning ordinances~~ Code of Ordinances of
 2101 the City of Margate and the requirements of the building department and the Department of
 2102 Environmental and Engineering Services, showing the work to be done and receiving a permit from
 2103 the ~~city DEES~~ prior to the commencement of any work in connection with the construction of canals.

2104 (b) The applicant shall also provide copies of all issued Federal, State and/or County permits also
 2105 required for the project, prior to issuance of the City Engineering permit from DEES.

2106 (Ord. No. 5000.01, § 1, 6-24-1970)

2107 **Cross reference—** Buildings, Ch. 9.

2108 Sec. 11-13. - Review of plans by city engineer; periodic inspection; violations; procedure.

2109 It shall be the duty of the city engineer, in conformity with the ~~zoning ordinance~~ Code of the City of Margate,
 2110 to review said plans and specifications so submitted prior to the issuance of ~~an a building permit engineering~~
 2111 permit, and if the plans and specifications meet the minimum requirements set forth in this chapter and the
 2112 city zoning ordinance and are in accordance with the overall drainage requirements of the city, he shall
 2113 approve said plans, whereupon the city through its proper authority shall issue said permit. The city
 2114 engineer, or designees, shall periodically inspect the construction of the canals to assure that the canals
 2115 are constructed in accordance with the plans and specifications. In the event that the city engineer's
 2116 inspection reveals that the construction is not in accordance with the plans and specifications and

2117 requirements of this chapter and the city zoning ordinance, then the city engineer shall notify the party to
2118 whom the permit is issued of such violation, and in the event such violation is not cured immediately, then
2119 he shall order that all work on the canals cease until such arrangements satisfactory to the city are made
2120 to correct said violation.

2121 (Ord. No. 5000.01, § 2, 6-24-1970)

2122 Sec. 11-14. - Canals, ditches and swales; minimum standards.

2123 All canal construction in the City of Margate shall conform to the minimum standards and requirements as
2124 follows:

2125 (1) *Definitions:*

2126 (a) Canals. Any open channel, the bottom of which is below elevation minus 2.0 mean sea level
2127 datum plane.

2128 (b) Ditch or swale. Any open channel for the collection and/or flow of surface water, the bottom
2129 of which is at or above elevation minus 2.0 mean sea level datum plane.

2130 (2) *Design standards—Canals:*

2131 (a) Right-of-way. Where canals are to be dedicated to the public, right-of-way width shall be
2132 sufficient for the designed canal width, but no canal shall be less than fifty (50) feet in width.

2133 (b) Maintenance easements. There shall be an easement twenty (20) feet in width for
2134 maintenance purposes provided along one (1) side of all canals sixty (60) feet and less in
2135 width. Where the canal section exceeds sixty (60) feet, there shall be fifteen (15) feet
2136 maintenance easements on both sides of the canal dedication.

2137 (c) Width. The minimum acceptable canal section shall be such, that the width at +9.0 mean
2138 sea level is not less than fifty (50) feet.

2139 (d) Side slopes. The side slopes of the canal above elevation 9.0 mean sea level shall be no
2140 steeper than four (4) horizontal to one (1) vertical, and below this elevation shall be no
2141 steeper than two (2) horizontal to one (1) vertical, unless rock is encountered, in which case
2142 the city engineer may authorize the use of steeper slopes. All banks shall be left in a true,
2143 straight line.

2144 (e) Grassing. The banks of the canal above elevation 4.0 mean sea level shall be stabilized with
2145 a stand of perennial grass. No paving and drainage construction shall be considered final
2146 until the stand of grass has become permanently established.

2147 (3) *Design standards—Ditches and swales:*

2148 (a) Ditches and swales as defined in subsection (1)(b) will not be approved for new development
2149 unless approved by the DEES Director, except for road side swales where the requirements
2150 for curb and gutter has been expressly omitted by the city council.

2151 Final acceptance. All canals shall be kept clean and free of debris and aquatic growth until final inspection
2152 and approval by the city engineer.

2153 No final inspection will be made until "as-built" cross sections prepared by the designing engineer are
2154 submitted to the city engineer.

2155 (Ord. No. 5000.01, § 3, 6-24-1970; Ord. No. 73-18, § 1, 7-11-1973)

2156 Sec. 11-15. - Permit and inspection fees for Construction or Realignment of Canals.

2157 (a) There is hereby established in the City of Margate a permit fee for the construction of canals. The fee
2158 is specified in the fee schedule as adopted by Resolution by the City Commission, as may be

2159 ~~amended. of two dollars and fifty cents (\$2.50) per one hundred (100) feet of canal up to one thousand~~
2160 ~~(1,000) feet. Thereafter, the charge shall be one dollar and fifty cents (\$1.50) per one hundred (100)~~
2161 ~~feet.~~

2162 (b) There is hereby established in the City of Margate an inspection fee . The fee is specified in the fee
2163 schedule as adopted by Resolution by the City Commission, as may be amended. of five and one-half
2164 (5.5) per cent of the estimated construction cost.

2165 (Ord. No. 5000.01, § 4, 6-24-1970; Ord. No. 75-21, § 1, 10-1-1975)

2166 Sec. 11-16. - Certificate of occupancy.

2167 Before issuance of a certificate of occupancy on property bordering on any canal, all such canals shall have
2168 received the final inspection as provided for in section 11-14.

2169 (Ord. No. 5000.01, § 5, 6-24-1970)

2170 Sec. 11-17. - Canal retaining walls.

2171 The minimum specifications for canal retaining walls as set forth in this section be and the same hereby
2172 are adopted:

2173 A. *Scope:*

2174 (1) No canal retaining wall, ~~bulkhead~~, or other structure, the purpose of which is to produce a
2175 vertical drop in elevation at the edge of a canal, shall be constructed within the city limits of
2176 Margate, Florida, without a permit for said construction being first obtained from the city.

2177 (2) The necessity for obtaining a permit prior to construction shall apply to all privately and
2178 governmentally owned, as well as publicly dedicated, canals situate in, or adjacent to, the
2179 city limits of Margate, Florida.

2180 (3) Any owner, or a licensed, qualified Contractor ~~developer, contractor, engineer, architect or~~
2181 ~~other authorized person, firm or corporation~~ may apply for and obtain a construction permit
2182 provided all regulations herein set forth are complied with.

2183 (4) It is understood that the specifications set forth below are "minimum" specifications, and that
2184 special conditions may warrant special design and construction procedures and techniques.
2185 It is further understood that the design engineer and the contractor, individually and
2186 collectively, will be held accountable for any degree of structural or functional failure;
2187 however, the city does not assume any responsibility for either correcting or forcing the
2188 correction of any structural or functional failures; nor does the city, by issuing a construction
2189 permit, inspecting the construction or other act, assume any obligation or responsibility for
2190 the structural or functional adequacy of the structure.

2191 B. *Permit:*

2192 (1) The applicant for permit shall furnish ~~four (4) prints eight and one-half (8½) inches by~~
2193 ~~fourteen (14) inches (or multiples thereof)~~ copies of the construction plans showing all
2194 details and dimensions necessary for the proper execution of the work, said plans to also
2195 show the following:

2196 (a) A location sketch of sufficient scope to accurately and quickly locate the site of the work.

2197 (b) Accurate ties to land lines or existing platted property lines.

2198 (c) The total length of the construction in feet.

- 2199 (d) The mean low water elevation, the mean high water elevation, and the elevation of the
2200 top of the cap, all referenced to National Geodetic Survey (NGS) USC & GS mean sea
2201 level datum plane reported in NAVD88, or as may be amended.
- 2202 (e) The seal and signature of a professional civil engineer registered to practice in the State
2203 of Florida.
- 2204 (f) The applicant shall identify the current owner of the structure during construction and
2205 shall identify the future owner who will own the structure upon completion of the project,
2206 and who will maintain the structure once completed.
- 2207 (2) In issuing the permit the city does not assume any responsibility for the accuracy or reliability
2208 of the information shown by the construction plans or their conformity with the minimum
2209 specifications set forth below.
- 2210 (3) The applicant shall obtain a permit before completing any construction work. All work to be
2211 performed under the permit shall be in compliance with all rules and regulations of all
2212 governing agencies having jurisdiction.
- 2213 C. *Minimum specifications:*
- 2214 (1) Construction permits will be issued only for the following types of canal retaining walls:
2215 (a) Precast reinforced concrete. (T-pile and slab.)
2216 (b) Aluminum and asbestos cement.
- 2217 (2) Minimum specifications for all approved canal retaining walls:
2218 (a) Minimum elevation at top of cap; two (2) feet above normal water elevation or as
2219 determined by the engineering department.
2220 (b) Construct minimum one (1) foot wide berm in front of canal retaining wall placed no
2221 higher than mean low water mark and construct a swale landward of the berm.
- 2222 ~~(c) Minimum material specifications: Kaiser aluminum or approved equal. GAF asbestos~~
2223 ~~cement or approved equal.~~
- 2224 D. *Minimum design criteria:*
- 2225 (1) Canal retaining walls shall be designed to resist pressures of the retained material, including
2226 both dead and live load surcharge to which they may be subjected.
- 2227 (2) Canal retaining walls shall be designed for stability against overturning, sliding, maximum
2228 soil pressure, as well as for moment, shear, bond, and maximum pressure at sections of the
2229 wall at regular intervals of height.
- 2230 (3) For stability against sliding, resistance shall be provided for at least twice the computed
2231 active horizontal thrust on the wall.
- 2232 (4) The city may, at its discretion, require the design engineer to submit additional drawings,
2233 calculations, test results or other data considered necessary to properly evaluate the
2234 proposed work.
- 2235 (5) Specific minimum specifications for precast reinforced concrete (T-pile and slab) and
2236 reinforced concrete sheet piling walls:
2237 (a) Slab thickness—Five (5) inches.
2238 (b) Cap width—Sixteen (16) inches.
2239 (c) Slab penetration—Three (3) feet below berm elevation.
2240 (d) Pile penetration (T-pile and slab)—As required for bearing, but not less than ten (10)
2241 feet below berm elevation, except that piling may be terminated at point of refusal.

2242 (e) Concrete sheet piling penetration—As required for bearing, but not less than five (5)
2243 feet below berm elevation, except that sheeting may terminate at point of refusal.

2244 (Ord. No. 73-18, § 2, 7-11-1973)

2245 **Editor's note—** Ord. No. 73-18, § 2, amended this Code by adding provisions designated §§ 7-17—7-20.
2246 The editor, in his discretion, has renumbered § 7-18 as § 11-20 and §§ 7-19 and 7-20 as § 11-18 and 11-
2247 19 for better continuity.

2248 Sec. 11-18. - Same—Permit required, fee; inspection fee.

2249 (a) *Permit fee.* It shall be necessary for any person desiring to erect, repair or conduct maintenance on a
2250 canal retaining wall within the municipal limits of the city to apply to the City of Margate Department of
2251 Engineering and Environmental Services Department and the Building Department for the issuance of
2252 a permit prior to commencing construction of said retaining wall, and it is further provided that the
2253 permit fees for the construction of any canal retaining wall in the city shall be established. The fees
2254 are specified in the fee schedule as adopted by Resolution by the City Commission, as may be
2255 amended.

2256 0 to 60 lineal feet inclusive (minimum fee) \$35.00

2257 plus, for each additional 10 lineal feet or fraction thereof over 60 3.50

2258 (b) *Seawall inspection fee.* There is hereby established seawall inspection fees in accordance with the
2259 fee schedule as adopted by Resolution by the City Commission, as may be amended, following
2260 formula, which inspection fees shall be placed and paid to the City of Margate at the time of application
2261 for permit for installation of seawalls:

2262 Per 100 lineal feet \$25.00

2263 (Ord. No. 73-18, § 2, 7-11-1973; Ord. No. 75-21, § 1, 10-1-1975; Ord. No. 78-4, § 2, 2-1-1978)

2264 **Cross reference—** ~~Retaining wall and seawall permit fees, § 9-21(17).~~

2265 Sec. 11-19. - Reserved.

2266 **Editor's note—** Former § 7-19 contained provisions prohibiting speeding of boats upon canals or
2267 waterways within the city, which provisions were derived from Ord. No. 73-18, § 2, adopted July 11, 1973.
2268 Said provisions have been deleted by the editor as being superseded by the provisions of Ord. No. 77-19,
2269 § C, adopted Sept. 7, 1977, which specifically amended the Code by adding provisions designated as §
2270 17-3, likewise pertaining to operation of boats.

2271 Sec. 11-19.1. - Retaining wall ladders.

2272 (a) *Purpose.* The purpose of this section is to provide a reasonable and effective means of escape from
2273 any canal, either in an emergency situation or as a means of normal egress from any canal or boat.

2274 Any person, firm or corporation desiring to replace, conduct substantial improvements on, or erect a
2275 new canal retaining wall shall construct retaining wall ladders, according to the provisions and
2276 specifications hereof.

2277 (b) *Location and spacing.* Every retaining wall ladder shall be attached parallel to the canal retaining wall
2278 with a minimum of seven (7) inches between the headwall and the ladder. Such ladders shall be
2279 spaced every one hundred (100) feet, as measured from the centerline of the ladder. The spacing for
2280 retaining wall ladders shall be staggered on opposite sides of the canal, so as to provide one ladder
2281 for every fifty (50) feet of canal space. For those parcels with less than one hundred (100) feet of length,

2282 a retaining wall ladder shall be installed with any new, replaced or substantially improved wall, a ladder
2283 shall be required on every parcel with any new, replaced or substantially improved wall regardless of
2284 lot length.

2285 (c) *Materials.* Retaining wall ladders and appurtenant hardware shall be constructed from material
2286 resistant to rot, rust, and/or erosion. (Examples: stainless steel, aluminum, galvanized carbon steel,
2287 fiberglass, etc.) The design for same shall conform as closely as possible to the attached diagram.

2288 **Editor's note—** This diagram is not included herein but is on file in the office of the city clerk.

2289 (d) *Minimal Dimensions Required. (nominal).*

2290 (1) Side rails: Side rails shall be not less than a three-fourths ($\frac{3}{4}$) square inch cross section. If angle
2291 side rails are constructed, they shall be equivalent in strength and durability to a three-eighths ($\frac{3}{8}$)
2292 inch by two (2) inch steel bar. If pipe is used, the minimum diameter shall be one and one-
2293 half ($1\frac{1}{2}$) inch standard pipe, Schedule 40.

2294 (2) Rungs: Pipe, flats, or rounds rungs shall not be less than three-fourths ($\frac{3}{4}$) inch diameter and
2295 secured so as to prevent turning and twisting, and shall be spaced twelve (12) inches apart.

2296 (3) Rail spacing: The spacing between rails shall be a minimum of eighteen (18) inches.

2297 (4) Position: The position shall in all instances be vertical.

2298 (5) The bottom of the ladder shall extend at a minimum at least thirty (30) inches below the mean low
2299 water level.

2300 (e) *Fastenings.* Fastenings shall be equivalent to rail strength. They shall be attached to permanent
2301 structure by welding, building in or through bolts, grouted and leaded. Fastenings shall be not more
2302 than six (6) feet apart. The side rails shall extend at least thirty (30) inches above the cap of the
2303 retaining wall, and extend at least two (2) rungs into the water, where possible. Each ladder shall be
2304 attached to the retaining wall in at least four (4) places. The two (2) top attachments shall be into the
2305 cap of the wall and the two (2) lower attachments shall be as close to the low water line as possible.

2306 (f) *Permit and approval.* It shall be necessary for any person, firm or corporation erecting a canal retaining
2307 wall ladder within the municipal limits of the City of Margate to apply to the City of Margate Engineering
2308 Department for the issuance of a permit prior to commencing construction of said retaining wall ladder.
2309 Upon completion of construction, a representative of the engineering department will make an
2310 inspection to determine if the installation is in compliance with the provisions of this section.

2311 (g) *Permit fee cost.* The cost of a Engineering permit and Building permit for the installation of a retaining
2312 wall ladder shall be ~~five dollars (\$5.00)~~, payable to the City of Margate. The fees are specified in the
2313 fee schedule as adopted by Resolution by the City Commission, as may be amended.

2314

2315 (Ord. No. 73-29, §§ 1—7, 11-14-1973; Ord. No. 75-21, § 10-1-1975)

2316 **Editor's note—** Ord. No. 73-29, §§ 1—7, adopted Nov. 14, 1973, amended Ch. 7 by adding provisions
2317 which the editors have included herein as § 11-19.1(a)—(g).

2318 Sec. 11-20. – Construction In and Upon Waterways and Use of Property Abutting Waterways .

2319

2320 (a) *Intent.* The intent of this section is to permit construction in and upon the public canals, lakes and
2321 waterways of docks, boat ramps, or seawalls, which do not interfere with the free use of the canals,
2322 lakes and waterways, endanger life or property, or deny the public reasonable viable access to public
2323 waterways. Structures not similar in nature to those listed herein shall be prohibited. Buildings are not
2324 allowed.

2325 All improvements such as docks, seawalls, or boat ramps and the like which are made or placed upon
2326 or abut such public property or public waterways by a private person or entity shall be constructed and
2327 all maintenance and repairs shall be performed according to city engineering standards and in
2328 compliance with permits obtained from the city engineer.

2329 The holder of the permit shall be responsible for maintaining improvements to the area and for
2330 beautifying a reasonable area in and around the dock location to be specified, and failure to do so
2331 shall be grounds for revocation of permission.

2332 The holder of such permits shall not charge or collect any rent or fees from anyone using such dock
2333 constructed on or abutting public property or public waterways.

2334 A permit to a private individual or entity to construct a dock, boat ramp or seawall upon or abutting
2335 public property or public waterways and the acceptance and use of same by such private person shall
2336 constitute a guarantee from such private person to the city to indemnify and hold the city harmless for
2337 any damage or injury to any person using such facilities.

2338 Fencing within the lands abutting the waterway shall not extended over open water. A gate shall be
2339 installed in any fencing installed in a right-of-way or easement.

2340 (b) Permit required.

2341 (1) It shall be unlawful for any person to construct or erect docks, boat ramps, seawalls, or any other
2342 structure on or in canals, waterways, lakes or basins without first obtaining a permit from the city
2343 engineer and building Department. The property owner or his agent shall be required to seek
2344 necessary approvals and/or permits from other governmental agencies as applicable to certain
2345 navigable waterways.

2346 (2) The application shall be accompanied by detailed plans and specifications for the structure at the
2347 proposed site, together with a plot plan or survey showing the location of the proposed structure
2348 in conjunction with adjoining lands, waters and lakes. Said plan shall provide for all proposed
2349 landscaping and the name of the person or entity maintaining same. The above shall be prepared
2350 by a professional engineer registered in the state. As-built drawings and final certification of
2351 completion and compliance to that engineer's design shall be submitted to the city prior to the
2352 city's certificate of occupancy completion being issued.

2353 (3) Before the issuance of the permit, the owner of the abutting private property shall execute an
2354 agreement that he/she shall indemnify or hold the city harmless for any claim or suit arising out
2355 of the operation of maintenance of the structure to be constructed extending into or abutting a
2356 public waterway and that same shall be binding on the heirs, assigns and successors of the owner
2357 of record. Said document shall be recorded in the public records of Broward County.

2358 (4) The Building Department and Engineering fee for a permit shall be specified in the fee scheduled
2359 as adopted by the City Commission, as may be amended. The engineering fee for a permit shall
2360 be five and one-half (5½) per cent of the cost of the proposed work with a minimum fee of one
2361 hundred dollars (\$100.00).

2362 (c) Minimum requirements.

2363 (1) No dock, pier or piling on any canal, lake or waterway within the city shall extend from the seawall
2364 more than ten (10) percent of the width of the canal adjacent to the property. When there is no
2365 seawall, the distance shall be measured from the property line unless same is not submerged, in
2366 which case the measurement shall be from the average high-water line. In no case shall a dock,
2367 pier or piling be constructed or installed in such a manner that it would impede the free use of the
2368 canal, lake or waterways for public recreational purposes, navigation, or free flow of water for
2369 drainage purposes as determined by the city. Reflectors shall also be required for this
2370 construction.

2371 (2) The dock shall not extend closer than ten (10) feet to the property line of the adjacent property.

2372 (3) Neither finger piers nor floating docks shall be permitted within the city.

2373 (4) No dock or pier shall be constructed to a height greater than the height of a seawall. In the event
2374 a seawall is not constructed, a dock or pier shall be limited in height to four (4) feet, six (6) inches
2375 above mean high water level.

2376 (5) Any structure erected pursuant to this section shall be kept in good repair by the owner thereof
2377 and shall be subject to removal by the city in the event that it is unsafe or creates a hazard as
2378 determined by the city engineer, the cost thereof to be assessed against the owner.

2379 (6) Any new, replacement or substantially improved dock constructed on an existing seawall shall
2380 provide an Engineers certification of the capacity and integrity of the existing seawall.

2381 (Ord. No. 95-27, § 1, 12-20-1995; Ord. No. 2000-18, § 1, 8-30-2000; Ord. No. 2007-16, § 1, 8-29-2007)

2382 Sec. 11-201. - Penalty for violations.

2383 Any person, firm or corporation violating any of the provisions of this chapter, including the minimum
2384 specifications, shall be guilty of a misdemeanor and shall, upon conviction, be punished as provided by
2385 law.

2386 (Ord. No. 73-18, § 2, 7-11-1973)

2387 **Note—** See editor's note to § 11-17.

2388 ...

~~Chapter 31— PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS⁽¹⁾~~

~~Footnotes:~~

~~—(1)—~~

~~**Cross reference**— Buildings, Ch. 9; drainage and waterway structures, Ch. 11; fire protection and prevention, Ch. 15; fire hydrants, Ch. 14; floodplain management, Ch. 17; landscaping, Ch. 23; streets, sidewalks, etc., Ch. 35; water and sewers, etc., Ch. 39; zoning, App. A; Margate Master Plan, App. B.~~

~~ARTICLE I.— IN GENERAL~~

~~Sec. 31-1. Requirements generally.~~

~~(a) No structure, except as provided by section 31-15(b) below, shall hereafter be erected within the city limits without its being erected upon a lot shown on a plat which has been duly accepted and approved by the city commission and duly recorded in the public records of Broward County, Florida.~~

~~(b) All plats shall conform with and be processed in accordance with the requirements of "City of Margate Platting Regulations" attached hereto and specifically made a part of this section.~~

~~(c) All public improvements within subdivisions, including, but not limited to, street pavement, curbs, gutters, sidewalks, storm drainage, canals, bridges, bulkheads, sanitary sewers and water distribution systems shall be provided for all platted areas in accordance with the requirements of "City of Margate Subdivision Improvement Regulations" as per article II.~~

~~When in the judgement of the city engineer, it is determined that curbs and gutters are not required in certain subdivisions, he shall submit such recommendation in writing to the city commission for their approval.~~

~~This section does not require any additional developer's performance bonds or inspection fees not otherwise provided for by city ordinance.~~

~~(d) Notwithstanding the provisions of this section, structures may be constructed on unplatted property which structures are to be used exclusively and temporarily as models for sales purposes, provided that the "models" meet all other requirements of the building code and that the developer has received prior approval of the planning and zoning board of the city for such structure or model.~~

~~(e) Provided, however, that no part of the deeded or dedicated area required by this platting ordinance shall be part of or in any way encumbered by or located in any easement or right-of-way.~~

~~(Ord. No. 300-18, §§ 1-4, 12-15-1971; Ord. No. 72-9, § 1, 4-26-1972; Ord. No. 77-21, § 1, 10-5-1977; Ord. No. 80-52, § 1, 7-16-1980)~~

~~**Editor's note**— Ord. No. 300-18, §§ 1-4, did not expressly amend this Code; hence, codification as § 31-1(a)-(d) was at the discretion of the editors. See Art. II for platting regulations. Ord. No. 72-9, § 1, added a new paragraph designated as subsection (e) by the editors.~~

~~**Cross reference**— Performance bonds and inspection fees for paving and other subdivision improvements, App. A, § 34.3(C), (D).~~

~~Sec. 31-2. Underground wiring required.~~

~~(a) Definitions:~~

~~(1) *Utilities*. "Utilities" shall mean all utilities and similar facilities, including, but not limited to, gas, telephone, cable, fiber, internet, broadband, telecommunications, and other communications and electrical distribution and transmission facilities.~~

~~(2) *Substantially redevelop or reconstruct*. "Substantially redevelop or reconstruct" shall mean the cost of rebuilding, repair or reconstruction will be fifty (50) percent of the replacement cost of the building or structure.~~

~~(b) Easements shall be provided for the installation of underground utilities or relocating existing facilities in conformance with such size and location of easements as may be determined by the city's engineer~~

2434 ~~to be compatible with the requirements of all utility companies involved with respect to a particular~~
2435 ~~utility service.~~

2436 (c) ~~The subdivider or developer shall submit written evidence of a satisfactory arrangement with each of~~
2437 ~~the persons, firms or corporations furnishing utility services involved with respect to a particular~~
2438 ~~development before the final plat of the subdivision is submitted to the city commission for its approval.~~

2439 (d) ~~Underground placement of existing utilities:~~

2440 (1) ~~Applicability:~~

2441 a. ~~For any new commercial, industrial, retail development, mixed use application or any other~~
2442 ~~development application other than a residential development application approved after the~~
2443 ~~effective date of this ordinance, all utilities to be located within or in the public rights-of-way~~
2444 ~~adjacent to the development and within that development even if not in the public rights-of-~~
2445 ~~way shall be installed underground at the developer's and/or owner's cost. Existing overhead~~
2446 ~~utilities on public rights-of-way adjacent to the new development and within that~~
2447 ~~development, even if not in the public rights-of-way, shall be converted to underground~~
2448 ~~utilities at the developer's and/or owner's cost, provided that, where applicable, such cost is~~
2449 ~~determined pursuant to a utility's tariffs, such as those of Florida Power and Light Company,~~
2450 ~~that are approved and enforceable by the Florida Public Service Commission. Where the~~
2451 ~~costs are not subject to tariffs enforceable by the Florida Public Service Commission, it is~~
2452 ~~the intent of this section that the city will not be responsible for any such costs, and that the~~
2453 ~~apportionment of such costs between the developer, owner, and any utility shall be pursuant~~
2454 ~~to a written agreement between the involved parties. For a project parcel located at a~~
2455 ~~roadway intersection, the developer and/or owner shall be responsible to continue the~~
2456 ~~underground conversion across the intersection to the nearest point/points of connection at~~
2457 ~~no cost to the city. No overhead poles shall be allowed to stay adjacent to any parcel that is~~
2458 ~~required to have underground utilities pursuant to this section of the City Code.~~

2459 b. ~~If any application is submitted after the effective date hereof for a permit to substantially~~
2460 ~~redevelop or reconstruct an existing commercial, industrial, retail, mixed use or any project~~
2461 ~~other than a residential development that occupies one (1) acre or more or that requires site~~
2462 ~~plan approval, all utilities located within or in the public rights-of-way adjacent to that~~
2463 ~~development and within that development, even if not in the public rights-of-way, shall be~~
2464 ~~installed underground at the developer's and/or owner's cost. Existing overhead utilities shall~~
2465 ~~be converted to underground utilities at the developer's and/or owner's cost. For a project~~
2466 ~~parcel located at a roadway intersection, the developer and/or owner shall be responsible to~~
2467 ~~continue the underground conversion across the intersection to the nearest point/points of~~
2468 ~~connection at no cost to the city. No overhead poles shall be allowed to stay adjacent to any~~
2469 ~~parcel that is required to have underground utilities pursuant to this section of the City Code.~~

2470 c. ~~1. For any redevelopment or reconstruction of a residential project of five (5) acres or more~~
2471 ~~or any new development or reconstruction of a residential project of five (5) units or~~
2472 ~~more approved after the effective date hereof, all utilities located within or in the public~~
2473 ~~rights-of-way adjacent to that development and all utilities located within the project site~~
2474 ~~shall be installed underground at the developer's and/or owner's cost. All existing~~
2475 ~~overhead utilities, including "service laterals" and "service drops" that serve individual~~
2476 ~~residences, units, or commercial establishments in the public rights-of-way and in the~~
2477 ~~project area, regardless whether such utility facilities are located in the rights-of-way or~~
2478 ~~on private property, shall be converted to underground utilities at the developer's and/or~~
2479 ~~owner's cost. When an area is converted to underground service for a project in which~~
2480 ~~the city participates and front ends the costs to obtain benefits available from any utility~~
2481 ~~(including, without limitation, the reduced cost available from Florida Power and Light~~
2482 ~~Company through that company's governmental adjustment factor waiver tariffs), each~~
2483 ~~property owner in the affected area shall complete the conversion of his or her services,~~
2484 ~~including service laterals or service drops, within ninety (90) days after the new~~
2485 ~~underground facilities have been energized. For a project parcel located at a roadway~~
2486 ~~intersection, the developer and/or owner shall be responsible to continue the~~

2487 ~~underground conversion across the intersection to the nearest point/points of~~
2488 ~~connection at no cost to the city. No overhead poles shall be allowed to stay adjacent~~
2489 ~~to any parcel that is required to have underground utilities pursuant to this section of~~
2490 ~~the City Code.~~

2491 2. ~~This section shall not be applicable to the remodeling or reconstruction of an individual~~
2492 ~~single family home, situated alone with no other residences on the same parcel, on any~~
2493 ~~sized parcel of property existing on the property as of the effective date of this section.~~
2494 ~~The intent of this subsection is to allow remodeling of an existing single family home~~
2495 ~~anywhere in the city that was constructed before the effective date of this section.~~

2496 (2) ~~Exception. Electrical transmission or distribution lines with a rated load of more than twenty-~~
2497 ~~seven (27) kV (twenty seven thousand (27,000) volts) shall be exempt from the requirements of~~
2498 ~~this section. All electrical transmission or distribution lines with a rated load of twenty seven (27)~~
2499 ~~kV (twenty seven thousand (27,000) volts) or less shall not be exempted from the requirements~~
2500 ~~of this section.~~

2501 (3) ~~City participation. Upon application and execution of an agreement by a developer or property~~
2502 ~~owner consistent with this section, the city may participate as an applicant or co-applicant for~~
2503 ~~undergrounding projects in order to take advantage of benefits that may be available from the~~
2504 ~~utility to local government applicants. The developer or property owner shall agree to reimburse~~
2505 ~~the city for the city's costs, including without limitation attorney's costs, incurred in the city's~~
2506 ~~participation in the project as contemplated by this section. In certain areas or projects where the~~
2507 ~~city participates to underground utilities and pays all costs up front to obtain benefits available~~
2508 ~~from any utility, including without limitation from Florida Power and Light Company, AT&T,~~
2509 ~~Comcast, etc., each owner and/or developer who benefits from this conversion or undergrounding~~
2510 ~~shall pay the city all expenses related to the conversion or undergrounding, including, but not~~
2511 ~~limited to, design construction and/or any fees in a pro-rated manner as determined by the city~~
2512 ~~commission.~~

2513 (4) ~~Process timing and waiver.~~

2514 a. ~~The developer and/or owner shall evidence compliance with the requirements in this division~~
2515 ~~by providing to the city a signed agreement between the developer and/or the owner and~~
2516 ~~each relevant utility showing that the utility has agreed, at the developer or owner's cost, to~~
2517 ~~place or convert the relevant utilities underground, or the developer and/or owner has~~
2518 ~~established an agreement with the city indicating their intent to comply with the~~
2519 ~~undergrounding requirements of subsection (1)c.1., above. This evidence or application for~~
2520 ~~waiver shall be submitted with the development application; if not thus submitted, then the~~
2521 ~~development application shall be deemed incomplete. The city shall require this evidence or~~
2522 ~~an application for waiver, as described in subsection b., below, to accompany the review of~~
2523 ~~the development application by the development review committee. The city commission~~
2524 ~~shall be the final authority to grant or deny said waiver application.~~

2525 b. ~~Any developer or owner subject to the requirements of this section may apply to the city, in~~
2526 ~~a form specified by the city and accompanied by the payment of a waiver application fee~~
2527 ~~seeking to be relieved of the requirements of this division. This waiver application must be~~
2528 ~~submitted to the city prior to the time specified in subsection a., above. If the developer or~~
2529 ~~owner claims that technical reasons are the basis for the waiver application, the application~~
2530 ~~shall contain a detailed statement by a state licensed professional engineer, qualified with~~
2531 ~~respect to utility issues, explaining why, in the engineer's professional opinion, it is technically~~
2532 ~~infeasible to locate such utilities underground. The director of environmental and engineering~~
2533 ~~services and the development services director shall review such application and shall make~~
2534 ~~a recommendation to the city commission. The city commission shall have the authority to~~
2535 ~~grant or deny a waiver. The city may grant a waiver if the application is supported by~~
2536 ~~information detailing justifiable reasons for not pursuing the subject undergrounding,~~
2537 ~~including, by way of example and not limitation, technical infeasibility or impracticability,~~
2538 ~~practical infeasibility or impracticability, or costs outweigh perceived benefits, as determined~~
2539 ~~by the city.~~

2540 e. ~~If a waiver is granted, a dollar amount equal to the cost of placing the utilities underground,~~
2541 ~~as determined by an estimate established by the relevant utilities and as agreed upon by the~~
2542 ~~city, shall be required to be paid into the city's underground utility trust fund prior to the~~
2543 ~~development permits being issued.~~

2544 (~~Ord. No. 75-24, § 1, 6, 10-1-1975; Ord. No. 83-12, § 1, 5-4-1983; [Ord. No. 2017-21, § 1, 11-1-2017](#);~~
2545 ~~[Ord. No. 2018-1, § 1, 3-7-2018](#).~~)

2546 **Editor's note**—~~The Code was not specifically amended by Ord. No. 75-24, §§ 1—6; therefore,~~
2547 ~~codification herein as § 31-2 was at the discretion of the editor.~~

2548 ~~Sec. 31-3. Underground utility trust fund—Established.~~

2549 ~~There is hereby established an underground utility trust fund. Contributions generated from the~~
2550 ~~waiver provision of section 31-2 of this Code, entitled "Underground utilities; required", shall be deposited~~
2551 ~~into the underground utility trust fund. The city commission may, by resolution, designate other additional~~
2552 ~~funds to be deposited into the underground utility trust fund as deemed to be in the best interest of the~~
2553 ~~city.~~

2554 ~~(a) Restriction on expending funds.~~

2555 ~~(1) Funds deposited into the underground utility trust fund shall be restricted and shall be~~
2556 ~~expended solely for projects that place existing or future utility lines underground as may be~~
2557 ~~approved by the city commission from time to time. Projects that are eligible for the~~
2558 ~~expenditure of such funds include, but are not limited to:~~

2559 ~~a. The underground placement of all utilities lines and appurtenances, including, but not~~
2560 ~~limited to, gas, telephone, cable, fiber, communications and electrical distribution and~~
2561 ~~transmission facilities on public rights-of-way.~~

2562 ~~b. Public property beautification projects, including, but not limited to, median~~
2563 ~~improvements, which are occasioned by the placement of utility lines underground.~~

2564 ~~c. Payment for any loan, bond, or other debt incurred for any project authorized by this~~
2565 ~~section, including debt service, if any.~~

2566 ~~(2) Funds deposited into the underground utility trust fund are intended to be used for projects~~
2567 ~~with a rational nexus to the project or projects contributing the funds into the trust, where~~
2568 ~~feasible or practicable. The rational nexus may be based on location, system integrity or~~
2569 ~~other matters as determined in the discretion of the city commission.~~

2570 ~~(b) Prohibition against expending funds.~~

2571 ~~(1) Funds deposited into the underground utility trust fund shall not be used as a source of~~
2572 ~~revenue to meet operating needs of the City of Margate.~~

2573 ~~(2) Funds deposited into the underground utility trust fund shall not be commingled with general~~
2574 ~~fund revenue, and shall not be used to supplement the general fund budget.~~

2575 ~~(3) All interest earnings resulting from funds deposited into the underground utility trust fund~~
2576 ~~shall be transferred back into the underground utility fund on an annual basis on or by~~
2577 ~~September 30 of every year.~~

2578 ~~(c) Authority to expend funds. Any project which meets the criteria for funding from the underground~~
2579 ~~utility trust fund as set forth in subsection (a) above, shall be approved by a separate, specific~~
2580 ~~resolution of the city commission for that project. Said resolution shall be separate and apart from~~
2581 ~~the annual budget process.~~

2582 ~~(d) Amendments to or rescission of underground utility trust fund.~~

2583 ~~(1) The city commission may, by ordinance, temporarily cease depositing contributions from~~
2584 ~~the waiver provisions of section 31-2 of this Code into the underground utility trust fund. Any~~

2585 ordinance that approves the temporary cessation of said contributions to the underground
 2586 utility trust fund shall be effective for a period that shall not exceed one (1) year.

2587 (2) ~~The city commission may, by ordinance, amend or rescind the underground utility trust fund.~~

2588 (3) ~~In the event the underground utility trust fund is rescinded by subsequent ordinance, it is~~
 2589 ~~the intention of this subsection that all existing underground utility trust fund funds be used~~
 2590 ~~for the purposes contained in subsection (a) above.~~

2591 (~~Ord. No. 2017-21, § 2, 11-1-2017~~)

2592 ~~Secs. 31-4—31-14. Reserved.~~

2593 ARTICLE II. ~~PLATTING REGULATIONS~~^[2]

2594

2595 Footnotes:

2596 ~~—(2)—~~

2597 ~~Editor's note—~~ Platting regulations have been included herein as Art. II, §§ 31-16—31-19, at the
 2598 ~~discretion of the editors.~~

2599 ~~Cross reference—~~ Installation of water mains, § 39-1 et seq.; installation of sewers, § 39-39 et seq.

2600 ~~Sec. 31-15. Platting required.~~

2601 (a) ~~No application for construction of a principal building on a parcel of land shall be granted unless a plat~~
 2602 ~~including the parcel or parcels of land have been approved by the city commission of the City of~~
 2603 ~~Margate and the county commission and recorded in the official records of Broward County~~
 2604 ~~subsequent to May 30, 1955.~~

2605 (b) ~~This provision will not apply to applications for a building permit for the construction of a building or~~
 2606 ~~structure on any specifically delineated single-family lot or parcel or on any specifically delineated~~
 2607 ~~multifamily or nonresidential lot or parcel less than five (5) acres in size which has been platted,~~
 2608 ~~provided that the city commission determines that the following conditions have been met:~~

2609 (1) ~~A property development plan containing all of the applicable information requirements of section~~
 2610 ~~31-18 of this chapter shall be prepared by a registered engineer or surveyor.~~

2611 (2) ~~Any land within the lot or parcel which is necessary to comply with the Broward County and/or~~
 2612 ~~Margate trafficways plan and needed for the realization of any improvements proposed within~~
 2613 ~~which has been conveyed to the public by fee simple deed or grant of easement.~~

2614 (~~Ord. No. 1500-116, § 7, 7-21-1976; Ord. No. 80-52, § 2, 7-16-1980; Ord. No. 82-36, § 1, 10-6-1982~~)

2615 ~~Sec. 31-16. Purpose of platting regulations.~~

2616 (1) ~~To assure that orderly and efficient development of the City of Margate.~~

2617 (2) ~~To establish uniform standards for the preparation of subdivision plats.~~

2618 (3) ~~To assure consistent and equitable treatment for engineers, surveyors and subdividers in the review~~
 2619 ~~and processing of their plats.~~

2620 (4) ~~To coordinate the zoning and subdivision improvement regulations of the City of Margate.~~

2621 ~~Sec. 31-17. Definitions.~~

2622 (1) ~~Definitions. As used in these regulations, words in the singular include the plural and those in the~~
 2623 ~~plural include the singular. The word "person" includes a corporation, unincorporated association and~~
 2624 ~~a partnership, as well as an individual. The word "building" includes structure and shall be construed~~
 2625 ~~as if followed by the phrase "or part thereof". The word "street" includes avenue, boulevard, parkway,~~
 2626 ~~court, highway, lane, road, terrace, causeway, way and expressway. The word "watercourse" includes~~
 2627 ~~channel, creek, ditch, drain, dry run, spring, stream and canal, but does not include a lake, pond or~~

2628 pool without outlet. The word "may" is permissive; the words "shall" and "will" are mandatory and not
 2629 merely directory.

2630 ~~(2) Definitions of terms.~~

2631 ~~*Alley.* A minor right-of-way providing secondary vehicular access to the side or rear of properties~~
 2632 ~~otherwise abutting on a street.~~

2633 ~~*Approval, tentative.* The official action taken on a proposed plat, subdivision or dedication by the~~
 2634 ~~board, generally on a preliminary plat, committing the board to final approval on a final plat incorporating~~
 2635 ~~the design arrangements and provisions which are the basis for tentative approval.~~

2636 ~~*Approval, final.* The official action of the board on a final plat which incorporates all features and~~
 2637 ~~provisions of a plat which has previously been given tentative approval.~~

2638 ~~*Board.* Shall mean the city planning and zoning board.~~

2639 ~~*Council.* Shall mean the city council.~~

2640 ~~*Cul-de-sac.* A minor street intersecting another street at one end and terminated at the other end by~~
 2641 ~~vehicular turnaround.~~

2642 ~~*Developer.* A person or his agent, who undertakes the activities covered by these regulations,~~
 2643 ~~particularly the preparation and presentation of a subdivision plat showing the layout of the land and the~~
 2644 ~~public improvements involved therein. Inasmuch as the subdivision plat is merely a necessary means to~~
 2645 ~~the end of assuring a satisfactory development, the term "developer" is intended to include the term~~
 2646 ~~"subdivider", even though the persons involved in successive stages of the project may vary.~~

2647 ~~*Easement.* A right of way acquired by public authority to use or control property for a designated~~
 2648 ~~purpose.~~

2649 ~~*Half or partial street.* A street, generally parallel and adjacent to the boundary line of a tract, having a~~
 2650 ~~lesser right of way width than that required for full development of the type of street involved.~~

2651 ~~*P.C.P.* Shall mean permanent control point, each of which shall consist of a nail in a disc stamped~~
 2652 ~~with surveyor's registration number or brass marker, marked PCP, and shall be located as required by~~
 2653 ~~Broward County.~~

2654 ~~*Improvement, public.* Any of the following: street pavement, with or without curbs and gutters;~~
 2655 ~~sidewalks, alley pavement; walkway pavements; water mains; sanitary sewers; storm drains; street name~~
 2656 ~~signs, street trees; permanent reference monuments (PRM); permanent control points (PCP).~~

2657 ~~*Lot.* A tract or parcel of land identified as a single unit in a subdivision, and intended for transfer of~~
 2658 ~~ownership, use or improvement.~~

2659 ~~*Lot depth.* The mean horizontal distance between the front and rear lines of a lot.~~

2660 ~~*Lot width.* The horizontal distance between the side lines of a lot at the front yard line or at the front~~
 2661 ~~lot line where no front setback is required.~~

2662 ~~*Multiple dwelling.* A building which provides separate living quarters for two (2) or more families.~~

2663 ~~*Over-all plan.* A plan depicting a general layout of streets, blocks, lots, waterways, etc., for the future~~
 2664 ~~subdividing of an area, which may be platted in sections for each of which a preliminary plat will be filed.~~

2665 ~~*Permanent reference monuments (PRM).* Monuments as defined by Chapter 177, Florida Statutes.~~

2666 ~~*Plat, final.* A complete and exact subdivision plan, prepared for official recording as required by~~
 2667 ~~statute, to identify and define property rights, dedications and public improvements, and incorporating all~~
 2668 ~~corrections required by the city planning and zoning board and city engineer upon review of the~~
 2669 ~~preliminary plat.~~

2670 ~~*Plat, preliminary.* A tentative subdivision plan, in the same detail as final plat, and showing proposed~~
 2671 ~~street and lot layout as a basis for consideration prior to submission of the original tracing of a final plat.~~
 2672 ~~This could also be called a "Preliminary Final Plat".~~

2673 ~~*Plat, sketch.* An informal plan, not necessarily to scale, indicating salient existing features of a tract~~
2674 ~~and its surroundings and the general layout of the proposed subdivision.~~

2675 ~~*Reverse frontage lot.* A lot extending between and having frontage on a trafficway and a minor street~~
2676 ~~and with no vehicular access from the trafficway.~~

2677 ~~*Right of way.* Land reserved, used or to be used for a street, alley, walkway, drainage facility or other~~
2678 ~~public purpose.~~

2679 ~~*Setback or base building line.* The line within a property defining the required minimum distance~~
2680 ~~between any enclosed structure and the adjacent right-of-way.~~

2681 ~~*Sight distance.* The minimum extent of unobstructed vision (in a horizontal or vertical plan) along a~~
2682 ~~street from a vehicle located at any given point on the street.~~

2683 ~~*Street.* A public thoroughfare which normally affords principal means of access to abutting property.~~

2684 ~~*Street, minor.* A street used primarily for access to abutting property.~~

2685 ~~*Street, collector.* A street which, in addition to giving access to abutting properties, carries traffic from~~
2686 ~~minor streets to the major system of arterial streets and highways, including the principal entrance street~~
2687 ~~of a residential development and streets for circulation within such a development.~~

2688 ~~*Street, marginal access.* A minor street parallel to and adjacent to a traffic way, and which provides~~
2689 ~~access to abutting property and protection from through traffic.~~

2690 ~~*Subdivider.* See "Developer".~~

2691 ~~*Subdivision.* The division of land into two (2) or more lots or parcels for purpose of transfer of~~
2692 ~~ownership or development, or if a new street is involved, any division of a parcel of land.~~

2693 ~~*Trafficway.* A street other than minor or collector streets, which is intended primarily for through~~
2694 ~~travel by all types of traffic for considerable distances, including freeways, expressways, primary arterial~~
2695 ~~highways, major thoroughfares and secondary thoroughfares, or as identified on a trafficway plan.~~

2696 ~~*Trafficway, freeway.* Freeways are fully controlled access highways whose function is to carry high-~~
2697 ~~speed, high volume, continuous through traffic for trips of appreciable length. These highways shall be~~
2698 ~~free of conflicting traffic, give no service to adjacent property and have no provisions for pedestrians or~~
2699 ~~parking. Frontage or service roads may be included for access to abutting property.~~

2700 ~~*Trafficway, expressway.* Expressways are limited access highways whose function is to carry high-~~
2701 ~~speed, medium high volume, through traffic. Expressways may have some at grade signalized~~
2702 ~~intersections, but will give no service to adjacent property. Frontage or service roads may be included for~~
2703 ~~access to abutting property.~~

2704 ~~*Trafficway, primary, arterial highway.* Primary arterial highways are highways whose principal~~
2705 ~~function is to carry through traffic over considerable distances. The secondary function of these highways~~
2706 ~~is to give service to adjacent property. Points of intersection and crossing of other streets should be~~
2707 ~~limited so that major function, carrying through traffic, will not be unduly impaired.~~

2708 ~~*Traffic, major thoroughfare.* Major thoroughfares are highways whose primary function is carrying~~
2709 ~~through traffic but in lesser volumes and over shorter distances than a primary arterial. These highways~~
2710 ~~also provide, as a secondary function, access to adjacent property.~~

2711 ~~*Trafficway, secondary thoroughfare.* Secondary thoroughfares are highways carrying through traffic~~
2712 ~~over relatively short distances. These highways usually connect with primary arterials or major~~
2713 ~~thoroughfares and provide service to adjacent property.~~

2714 ~~*Walkway.* A right-of-way intended primarily for pedestrians, excluding self-propelled vehicles, which~~
2715 ~~cuts across a block to improve circulation and access to adjacent street, services or properties.~~

2716 ~~Sec. 31-18. Procedure for preparation and filing of plats.~~
2717 ~~(A) — *Sketch plat.*~~

2718 ~~(1) — *Submission.*~~

2719 ~~(a) A sketch plat may be submitted by a subdivider for review by the board with nine (9) prints~~
 2720 ~~being supplied to the board at least seven (7) calendar days prior to their meeting.~~

2721 ~~(b) With the initial filing of the sketch or preliminary plat as called for herein the subdivider shall~~
 2722 ~~include the sum of one hundred dollars (\$100.00) to defray all costs of the city and the board~~
 2723 ~~in reviewing the plat. This fee is not refundable in the event the plat is withdrawn or otherwise~~
 2724 ~~not followed through to completion by the subdivider.~~

2725 ~~(2) Processing.~~

2726 ~~(a) Such sketch plats will be considered as submitted for informal discussion between the~~
 2727 ~~subdivider and/or his engineer and the board. Submission of a subdivision sketch plat shall~~
 2728 ~~not constitute formal filing of a plat.~~

2729 ~~(b) As far as may be practicable on the basis of a sketch plat, the board will informally advise~~
 2730 ~~the subdivider as promptly as possible of the sketch plat's compliance with pertinent~~
 2731 ~~regulations and will discuss possible modifications necessary to secure conformance with~~
 2732 ~~said regulations.~~

2733 ~~(3) Requirements.~~

2734 ~~(a) Data furnished on a sketch plat shall include, but not be limited to, the following:~~

2735 ~~(1) Tract boundaries, clearly identified on all sides;~~

2736 ~~(2) Location with respect to one (1) or more land lines, identifying the section lines or other~~
 2737 ~~land lines shown;~~

2738 ~~(3) Streets on or adjacent to the tract including street layout;~~

2739 ~~(4) Lots and blocks of adjacent recorded plats, giving plat book and page number along~~
 2740 ~~with names of such plats;~~

2741 ~~(5) Significant physical features such as canals, lakes, etc.~~

2742 ~~(6) Proposed general lot layout with typical lot sizes;~~

2743 ~~(7) All existing easements including Florida Power and Light Company; gas, water, or~~
 2744 ~~other pipe line easements or other utility easements;~~

2745 ~~(8) Any proposed canals, lakes and/or rock pits;~~

2746 ~~(9) A location sketch as required on the final plat;~~

2747 ~~(10) The approximate legal description of the property being platted.~~

2748 ~~(b) A sketch plat should be closely approximate scale, but precise dimensions are not required.~~

2749 ~~(B) Over-all plan.~~

2750 ~~(1) Submission.~~

2751 ~~(a) An over-all plan for any proposed subdivision which is to be recorded in sections shall be~~
 2752 ~~filed with the board for review in advance of preliminary plats or with the first sketch plat for~~
 2753 ~~a part of the area.~~

2754 ~~(b) The plan will then be considered by the board at its next regular meeting.~~

2755 ~~(c) Approval of over-all plan. Where an over-all plan is submitted for approval and provided that~~
 2756 ~~the plan meets all of the requirements of the city ordinances, such approval shall be given~~
 2757 ~~tentatively by the planning and zoning board. All plats submitted following such over-all plan~~
 2758 ~~approved shall meet all of the requirements of the city ordinances and shall be in substantial~~
 2759 ~~conformity with the over-all plan. Such over-all plan approval shall be valid for no longer than~~
 2760 ~~one hundred eighty (180) days following approval. However, the subdivider or developer~~
 2761 ~~may apply for and receive an extension of the tentative approval upon showing that the over-~~
 2762 ~~all plan is in conformity with all city ordinances and that he intends to make any necessary~~

2763 changes to assure that any and all future developments within the pervue of the over-all plan
2764 shall be in accordance with all city ordinances in existence at the time the extension of the
2765 tentative approval is requested.

2766 ~~(2) — Processing.~~

2767 ~~(a) — A subdivider seeking approval of an over-all plan shall submit nine (9) copies of the plan to~~
2768 ~~the board. Copies of the plat shall be referred to the city engineer, the utility department, any~~
2769 ~~drainage district in which the plan may lie, and any municipality adjacent to the proposed~~
2770 ~~plan. The agencies involved shall report their comments and recommendations to the board~~
2771 ~~at its next regular meeting.~~

2772 ~~(1) — The city engineer shall check the plan for general engineering and drainage~~
2773 ~~requirements, and conformity with the over-all city trafficways plan.~~

2774 ~~(2) — The city utility department shall determine any utility easements that may be required.~~

2775 ~~(3) — The planning and zoning board shall check the plat for general conformance to the~~
2776 ~~zoning requirements and assign correct street names to the plan.~~

2777 ~~(3) — Requirements for over-all plan if one is prepared.~~

2778 ~~(a) — The over-all plan shall be of a scale of not more than two hundred (200) feet to the inch~~
2779 ~~except that a scale of three hundred (300) feet to the inch may be used for very large areas.~~

2780 ~~(b) — The over-all plan shall show or be accompanied by the following information:~~

2781 ~~(1) — Proposed subdivision name.~~

2782 ~~(2) — North arrow, scale, and date.~~

2783 ~~(3) — Name of registered engineer or surveyor responsible for the plan.~~

2784 ~~(4) — Subdivision boundaries.~~

2785 ~~(5) — All existing watercourses, canals, bodies of water and major drainage districts.~~

2786 ~~(6) — All existing streets and alleys on, or adjacent to, the tract.~~

2787 ~~(7) — All existing property lines, easements and rights-of-way.~~

2788 ~~(8) — Location and width of all proposed streets, alleys, rights-of-way and proposed lot lines,~~
2789 ~~playgrounds, public areas and parcels of land reserved for public use.~~

2790 ~~(9) — A location sketch for easy identification of the area covered.~~

2791 ~~(10) — Relationship to section corners, section lines, or any other major land line(s) including~~
2792 ~~approximate distances from such known points or lines.~~

2793 ~~(C) — Preliminary plats.~~

2794 ~~(1) — Submission.~~

2795 ~~(a) — Preliminary plats for all proposed subdivisions of land lying within the City of Margate, shall~~
2796 ~~be filed with the board for review.~~

2797 ~~(b) — Plats will be considered by the board at the next regular meeting occurring at least seven~~
2798 ~~(7) calendar days subsequent to filing.~~

2799 ~~(2) — Processing.~~

2800 ~~(a) — A subdivider seeking approval of a subdivision plat shall transmit nine (9) copies of the~~
2801 ~~preliminary plat to the board. Copies of the plat shall then be referred by the board, to the~~
2802 ~~city engineer, utility department and any drainage district in which the plat may lie and the~~
2803 ~~area planning board and any municipality adjacent to the proposed plat.~~

2804 ~~(1) — The city engineer shall examine and check the preliminary plat for general engineering~~
2805 ~~and drainage requirements, and conformity to the over-all city trafficways plan.~~

- 2806 ~~(2) The utility department shall check against known utility facilities and easements, or~~
2807 ~~such new ones as may be required.~~
- 2808 ~~(3) The drainage district shall check to make sure all drainage needs are fulfilled, and that~~
2809 ~~no trafficway proposed on the plat interferes with present drainage facilities, or those~~
2810 ~~planned for the future.~~
- 2811 ~~(4) The Broward County planning and zoning board shall assign correct street numbers to~~
2812 ~~the preliminary plat.~~
- 2813 ~~(5) The city planning and zoning board shall check lot sizes to assure conformity with~~
2814 ~~minimum standards set forth by the zoning requirements, and shall coordinate the~~
2815 ~~recommendations of the several agencies above mentioned.~~
- 2816 ~~(6) The area planning board of the county shall submit a certificate with its approval or~~
2817 ~~disapproval with appropriate comments and recommendations.~~
- 2818 ~~(7) The city building department shall assign street addresses to the lots.~~
- 2819 ~~(3) Requirements.~~
- 2820 ~~(a) The preliminary plat shall be at a scale of not more than one hundred (100) feet to the inch,~~
2821 ~~provided that a scale of two hundred (200) feet to the inch may be used for large areas.~~
- 2822 ~~(b) The preliminary plat shall show or be accompanied by the following information:~~
- 2823 ~~(1) Proposed subdivision name or identifying title which shall not duplicate nor closely~~
2824 ~~approximate the name of any other subdivision in the county except in cases where the~~
2825 ~~subdivision is an added section to a former subdivision or where it is a re-plat of a~~
2826 ~~portion or all of a former subdivision.~~
- 2827 ~~(2) Location sketch with section.~~
- 2828 ~~(3) North arrow, scale and date.~~
- 2829 ~~(4) Name of the owner of the property or his authorized agent.~~
- 2830 ~~(5) Name of the registered engineer or surveyor responsible for the plat.~~
- 2831 ~~(6) Locations and names of adjacent subdivisions.~~
- 2832 ~~(7) Subdivision boundaries with angles and distances. Boundaries must be clearly marked~~
2833 ~~with heavy line.~~
- 2834 ~~(8) All existing watercourses, canals, and bodies of water.~~
- 2835 ~~(9) All existing streets and alleys on or adjacent to the tract, including name and right-of-~~
2836 ~~way width.~~
- 2837 ~~(10) All existing property lines, easements and rights of way and the purpose for which~~
2838 ~~the easements or rights of way have been established, where known to the engineer~~
2839 ~~or surveyor.~~
- 2840 ~~(11) Location and width of all proposed streets, alleys, right-of-way easements; proposed~~
2841 ~~lot lines with dimensions, playgrounds, public areas, and parcels of land proposed or~~
2842 ~~reserved for public use.~~
- 2843 ~~(4) Limitations on plat approval.~~
- 2844 ~~(a) The following limitations and conditions are placed on the preliminary plat approvals given~~
2845 ~~by the board:~~
- 2846 ~~(1) The approval of the board shall have full force and effect for a period of six months~~
2847 ~~from the date of approval.~~
- 2848 ~~(2) If no final plat has been filed for the area covered by the preliminary plat before the~~
2849 ~~approval period has elapsed, the approval shall become suspended. If final plats are~~

2850 ~~filed for only a portion of the preliminary plat, the approval on the remaining portions~~
2851 ~~shall become suspended.~~

2852 ~~(D) — Final plats.~~

2853 ~~(1) — Submission. The original of the final plat, together with six (6) prints shall be submitted to the~~
2854 ~~board for review at least seven (7) days prior to board meeting. The final plat shall be~~
2855 ~~accompanied by the following:~~

2856 ~~(a) — Pavement and drainage plan approval.~~

2857 ~~(b) — Utility plan approval (water and sewer).~~

2858 ~~(c) — Drainage district approval, as applicable.~~

2859 ~~(d) — Certificate of title.~~

2860 ~~(2) — Processing.~~

2861 ~~(a) — The city engineer shall check all final plats to verify conformity with the preliminary plat as~~
2862 ~~approved by the board.~~

2863 ~~(b) — Upon consideration by the board, the final plat shall be transmitted by the board to the city~~
2864 ~~commission, for final approval.~~

2865 ~~(c) — Within thirty (30) days after formal approval by the commission, the subdivider shall submit~~
2866 ~~to the city clerk:~~

2867 ~~(1) — Subdivider's performance bond for subdivision improvements, as otherwise required~~
2868 ~~in the ordinances of the City of Margate.~~

2869 ~~(2) — Subdivision improvement inspection fees.~~

2870 **Cross reference** — ~~Improvements performance bonds, inspection fees, App. A, § 34.3.~~

2871 ~~(d) — Upon approval by the commission and affixing the corporate seal of the City of Margate and~~
2872 ~~the signature of the mayor and city clerk, said plat shall be forwarded to the city engineer for~~
2873 ~~his signature. The city engineer in turn shall forward said plat to the Broward County~~
2874 ~~engineering department for further processing.~~

2875 ~~(3) — Requirements.~~

2876 ~~(a) — The final plat tracing, in the form of linen or dimensionally stable plastic film, shall be~~
2877 ~~prepared in accordance with the state plat law, Chapter 177, Florida Statutes, and with these~~
2878 ~~regulations. The over-all size shall be twenty-four inches by thirty-six inches (24" x 36") with~~
2879 ~~borders as required by Broward County.~~

2880 ~~(b) — The following features shall be incorporated in a prominent location on the plat. (If more~~
2881 ~~than one (1) sheet is required, these items shall be placed on the first sheet or page.)~~

2882 ~~(1) — Plat title (all lettering same type and size).~~

2883 ~~(2) — Section, township and range.~~

2884 ~~(3) — City of Margate, Broward County, Florida.~~

2885 ~~(4) — Graphic scale.~~

2886 ~~(5) — Legal description.~~

2887 ~~(6) — Location sketch.~~

2888 ~~(c) — The final plat shall exhibit the below listed certificates, signatures, and approvals in the~~
2889 ~~currently accepted format:~~

2890 ~~(1) Dedication by owner(s) witnessed (if by corporation, two (2) designated officers'~~
2891 ~~signatures and corporate seal).~~

2892 ~~(2) Acknowledgment of dedication by notary public.~~

2893 ~~(3) Surveyor's certificate, signature and seal.~~

2894 ~~(4) City commission's approval.~~

2895 ~~(5) City engineer's approval.~~

2896 ~~(6) County engineer's approval.~~

2897 ~~(7) Area planning board's approval.~~

2898 ~~(8) Mortgagee approval(s).~~

2899 ~~(9) Certificate of the clerk of the circuit court.~~

2900 ~~(d) The delineation of the plat at a scale no smaller than 1"=100 feet shall show the following~~
2901 ~~information and features:~~

2902 ~~(1) Plat boundary with all courses and dimensions with ties to two (2) or more land corners,~~
2903 ~~to a recorded subdivision corner and one (1) land corner.~~

2904 ~~(2) North arrow.~~

2905 ~~(3) Width of all streets, alleys, rights-of-way and easements.~~

2906 ~~(4) Street names.~~

2907 ~~(5) Lot and block numbers or designations.~~

2908 ~~(6) Permanent reference monuments.~~

2909 ~~(7) Horizontal control points.~~

2910 ~~(8) Block corner radii.~~

2911 ~~(9) Lot dimensions to the nearest hundredth of a foot, except where riparian boundaries~~
2912 ~~are involved.~~

2913 ~~(10) Arc length and central angles on all curvilinear lot dimensions.~~

2914 ~~(11) Angles or bearings indicating the direction of all lines.~~

2915 ~~(12) Centerline dimensions of all streets including arc lengths, central angles, radii and~~
2916 ~~tangents of all curves.~~

2917 ~~(Ord. No. 75-26, § 1, 11-12-1975; Ord. No. 83-13, §§ 2, 3, 5-4-1983)~~

2918 ~~Sec. 31-19. Design standards for subdivisions.~~

2919 ~~(A) Streets and alleys.~~

2920 ~~(1) Conformity to trafficways plan. The location, direction and width of all highways shall conform to~~
2921 ~~the official trafficways plan of the City of Margate.~~

2922 ~~(2) Relation to existing street system. The arrangement of streets in new subdivisions shall make~~
2923 ~~provisions for proper extension of existing dedicated streets in existing subdivisions where such~~
2924 ~~extension is appropriate.~~

2925 ~~(3) Provision for platting adjoining unplatted areas. The arrangement of streets in new subdivision~~
2926 ~~shall be such as to facilitate, and coordinate with the desirable future platting of adjoining~~
2927 ~~unplatted property of a similar character, and to provide for local circulation and convenient~~
2928 ~~access to neighborhood facilities.~~

- 2929 ~~(4) *Protection from through traffic.* Minor and collector residential streets shall be laid out and~~
 2930 ~~arranged so as to discourage their use by through traffic. Residential streets shall not connect~~
 2931 ~~with industrial areas unless unavoidable.~~
- 2932 ~~(5) *Trafficway frontage.* Where a residential subdivision or residential property abuts on existing or~~
 2933 ~~proposed trafficway, the board may require marginal access streets, reverse frontage with screen~~
 2934 ~~planting contained in a non-access strip along the rear property line, deep lots with or without rear~~
 2935 ~~service alleys, or such other treatment as may be necessary for adequate protection of residential~~
 2936 ~~properties and to minimize conflict of through and local traffic.~~
- 2937 ~~(6) *Plats adjacent to railroad or expressway right of way.* Where a subdivision borders on or contains~~
 2938 ~~a right of way for a railroad, expressway, drainage canal or waterway, the board may require a~~
 2939 ~~street approximately parallel to and on each side of such right of way, at a distance suitable for~~
 2940 ~~the appropriate use of the intervening land. Such distances shall also be determined with due~~
 2941 ~~regard for the requirements of approach grades for future grade separations.~~
- 2942 ~~(7) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except where their~~
 2943 ~~control is definitely placed under conditions approved by the board.~~
- 2944 ~~(8) *Private streets.* There shall be no private streets platted in a subdivision. Every subdivided lot or~~
 2945 ~~parcel shall be served from a publicly dedicated street. This requirement may be waived by the~~
 2946 ~~board in special situations where the board finds public safety, convenience and welfare can be~~
 2947 ~~adequately served by other means.~~
- 2948 ~~(9) *Half streets.* New half or partial streets shall not be permitted except where essential to~~
 2949 ~~reasonable subdivision of a tract in conformance with these regulations or where satisfactory~~
 2950 ~~assurance for dedication of the remaining part of the street is provided. Whenever a tract to be~~
 2951 ~~subdivided borders on an existing half or partial street the other part of the street shall be~~
 2952 ~~dedicated within such tract.~~
- 2953 ~~(10) *Future resubdivision.* If lots resulting from original subdivision are large enough to permit or~~
 2954 ~~require resubdivision, or if a portion of the tract is not subdivided, adequate street right-of-way to~~
 2955 ~~permit future subdivision shall be provided as necessary.~~
- 2956 ~~(11) *Dead-end streets.* Dead-end streets shall be prohibited, except where appropriate as stubs to~~
 2957 ~~permit future street extension into adjoining unsubdivided tracts, or when designed as cul-de-~~
 2958 ~~sacs.~~
- 2959 ~~(12) *Cul-de-sacs.*~~
- 2960 ~~(a) Cul-de-sacs, permanently designed as such shall not exceed four hundred (400) feet in~~
 2961 ~~length, except in special circumstances warranting extra length.~~
- 2962 ~~(b) Cul-de-sacs shall be provided at the closed end with a circular dedicated area not less than~~
 2963 ~~seventy (70) feet in diameter for turnaround purposes. Turnarounds in business, commercial~~
 2964 ~~and industrial areas shall be one hundred (100) feet in diameter.~~
- 2965 ~~(13) *Street rights-of-way.*~~
- 2966 ~~(a) Unless otherwise indicated or required by the trafficways plan, or specifically accepted by~~
 2967 ~~the planning and zoning board, street rights-of-way shall not be less than the following:~~

Street type	Rights of way Feet
Freeway	300
Expressway	200
Primary arterial highway	120
Major thoroughfare	106*
Secondary thoroughfare	80

Collector	-60
Minor, for multiple residential, business, or industrial areas	-50
Minor, for single or duplex dwelling areas	-30
Marginal access	-20

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2969 ~~*(Except trafficway previously established at one hundred (100) feet width of right-of-~~
2970 ~~way as shown in the Zoning Regulations of the City of Margate).~~

2971 ~~(b) Additional right of way width may be required to promote public safety and convenience, or~~
2972 ~~to assure adequate access, circulation and parking in high density residential areas,~~
2973 ~~commercial areas and industrial areas.~~

2974 ~~(c) Where a subdivision abuts or contains an existing street of inadequate right-of-way width,~~
2975 ~~additional right-of-way in conformance with the above standards may be required.~~

2976 ~~(14) Alleys.~~

2977 ~~(a) Alleys should be provided to serve multiple dwellings, business, commercial and industrial~~
2978 ~~areas, except that the board may waive this requirement where other definite and assured~~
2979 ~~provision is made for service access, off street loading, unloading and parking consistent~~
2980 ~~with and adequate for the uses permissible on the property involved.~~

2981 ~~(b) The width of an alley shall be at least twenty (20) feet.~~

2982 ~~(c) Changes in alignment or intersections of alleys shall be made on a center line radius of not~~
2983 ~~less than thirty-five (35) feet minimum.~~

2984 ~~(d) Dead end alleys shall be avoided where possible, but if unavoidable, shall be provided with~~
2985 ~~adequate turnaround facilities for service trucks at dead end, with a minimum external~~
2986 ~~diameter of one hundred (100) feet, or as determined to be adequate by the board.~~

2987 ~~(e) Block corners adjacent to alleys shall have a minimum radius of fifteen (15) feet in residential~~
2988 ~~areas and twenty-five (25) feet in business, commercial and industrial areas.~~

2989 ~~(15) Easements.~~

2990 ~~(a) Easement shall be provided for public utilities where necessary and as required by the~~
2991 ~~utilities involved and shall be at least six (6) feet in total width.~~

2992 ~~(b) Where a subdivision is traversed by a watercourse, drainage way, canal, or stream, there~~
2993 ~~shall be provided a drainage easement or right-of-way conforming substantially with the lines~~
2994 ~~of such watercourses. Parallel streets or maintenance easements may be required where~~
2995 ~~necessary for service or maintenance.~~

2996 ~~(c) Easements may be required for drainage purposes of such size and location as may be~~
2997 ~~determined by the city engineer, or by a drainage district if the plat lies within its jurisdiction.~~

2998 ~~(16) Street alignment.~~

2999 ~~(a) Curvilinear streets are recommended for residential minor and collector streets in order to~~
3000 ~~discourage excessive vehicular speeds and to provide attractive vistas.~~

3001 ~~(b) Whenever a street changes direction, or connecting street lines deflect from each other, by~~
3002 ~~more than ten (10) degrees, there shall be a horizontal curve.~~

3003 ~~(c) To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be~~
3004 ~~as follows:~~

Major thoroughfare	750 feet
Secondary thoroughfare	500 feet
Collector streets	300 feet
Minor streets	150 feet

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3006 (d) ~~A tangent of at least one hundred (100) feet shall be inserted between horizontal curves in~~
3007 ~~opposite directions on collector streets. On secondary thoroughfares this tangent shall be~~
3008 ~~one hundred fifty (150) feet. Said tangent distances on major thoroughfares will be evaluated~~
3009 ~~considering the over all plat layout, intersections, etc.~~

3010 (17) ~~Street intersections.~~

3011 (a) ~~Streets shall be laid out to intersect as nearly as possible at right angles. No street shall~~
3012 ~~intersect another at an angle of less than sixty (60) degrees, except at a "Y" intersection of~~
3013 ~~two (2) minor streets.~~

3014 (b) ~~Multiple intersections involving junction of more than two (2) streets shall be prohibited~~
3015 ~~except where found to be unavoidable by the board.~~

3016 (c) ~~"T" intersections of minor and collector streets are to be encouraged.~~

3017 (d) ~~As far as possible, intersections with trafficways other than secondary thoroughfares shall~~
3018 ~~be located not less than eight hundred (800) feet apart, measured from centerline to~~
3019 ~~centerline.~~

3020 (e) ~~Street intersections shall be a minimum of one hundred twenty five (125) feet apart, except~~
3021 ~~where both centerlines are continuous through the intersection.~~

3022 (f) ~~Property line corners at intersections shall have a minimum radii of twenty five (25) feet.~~
3023 ~~Where the angle of intersection is less than sixty (60) degrees, a greater radius may be~~
3024 ~~required by the board.~~

3025 (18) ~~Excessive street widths.~~ Streets shall not be platted to a width of more than two hundred (200)
3026 ~~per cent of the minimum width specified in these regulations for the type of street involved. No~~
3027 ~~street shall be platted for center island development except where such center islands may be~~
3028 ~~desirable or necessary for traffic separation and safety, as determined by the board.~~

3029 (19) ~~Connection to public streets.~~ The street system of any area to be platted shall have a direct
3030 ~~connection, over public rights of way, to streets or trafficways.~~

3031 (B) ~~Blocks.~~

3032 (1) ~~The length, width and shape of blocks shall be determined with due regard to:~~

3033 (a) ~~Provision of building sites adequate for the contemplated use.~~

3034 (b) ~~Zoning requirements.~~

3035 (c) ~~Need for convenient and safe access, circulation, control of pedestrian and vehicular traffic.~~

3036 (d) ~~Limitations and opportunities of topographic features.~~

3037 (2) ~~Block length shall not exceed one thousand three hundred twenty (1,320) feet nor be less than~~
3038 ~~five hundred (500) feet, unless found unavoidable by the board.~~

3039 (3) ~~Where found necessary by the board, pedestrian crosswalks, not less than ten (10) feet in width,~~
3040 ~~may be required in blocks over one thousand (1,000) feet in length to provide safe and convenient~~
3041 ~~access to schools, playgrounds, shopping centers, transportation or other community facilities.~~

- 3042 ~~(C) — Lots.~~
- 3043 ~~(1) — The lot arrangement and design shall be such that all lots will provide satisfactory and desirable~~
3044 ~~building sites, properly related to topography and to the character of the surrounding~~
3045 ~~development.~~
- 3046 ~~(2) — Lot dimensions and areas shall not be less than specified by applicable provisions of the zoning~~
3047 ~~regulations.~~
- 3048 ~~(3) — Corner lots shall be a minimum of five (5) feet wider than the minimum width required by the~~
3049 ~~zoning regulations for interior lots.~~
- 3050 ~~(4) — Side lot lines shall be substantially at right angles or radial to street lines.~~
- 3051 ~~(5) — Double frontage and reverse lots for residential use shall be avoided, except where essential to~~
3052 ~~provide separation of residential development from trafficways or to overcome specific handicaps~~
3053 ~~of topography and orientation. A planting screen strip of at least five (5) feet, and across which~~
3054 ~~there shall be no right of vehicular movement or use, shall be provided along the property line of~~
3055 ~~lots abutting such trafficway or other disadvantageous situation.~~
- 3056 ~~(6) — Every lot shall abut upon and have permanent access to a public street and residential lots shall~~
3057 ~~have a street frontage of not less than twenty (20) feet.~~
- 3058 ~~(7) — Lot arrangement and design shall be properly related to topography, to nature of contiguous~~
3059 ~~property and to the character of surrounding development.~~

3060 ~~(D) — Canals and water areas.~~

- 3061 ~~(1) — Canals or water areas connecting to navigable waterways accessible to the public shall not be~~
3062 ~~dedicated to the public unless a maintenance easement of twenty (20) feet is provided along each~~
3063 ~~side of the canal dedication. The minimum width of canal dedication shall be sixty (60) feet.~~
- 3064 ~~(2) — A continuous canal retaining wall shall be constructed along both sides of the canal concurrently~~
3065 ~~with the excavation of the canal in accordance with the specifications of section 11-17.~~

3066 ~~(E) — Parks and recreational areas. Any plat shall contain a park or recreational area deeded or dedicated~~
3067 ~~to the City of Margate consisting of such quantity of land as represents a minimum of five (5) per cent~~
3068 ~~of the residential area to be platted, except that where there is an overall subdivision to be developed~~
3069 ~~consisting of several individually smaller platted areas, then the deeded or dedicated area shall be five~~
3070 ~~(5) per cent of the entire subdivision and need not be five (5) per cent of the individual plats filed. This~~
3071 ~~paragraph shall be construed with preference to the five (5) per cent of the overall subdivision as~~
3072 ~~deeded or dedicated property rather than five (5) per cent of an individual plat. Where the area to be~~
3073 ~~platted is less than sixty (60) acres, the developer shall place a sum equal to five (5) per cent of the~~
3074 ~~value of the land in the city's parks and recreation fund to be held in escrow and used by the city for~~
3075 ~~the purposes mentioned in subsection (4) below. Said five (5) per cent of the value of the land may be~~
3076 ~~paid into the recreation trust fund at the time of plat approval or incrementally as approved by the city~~
3077 ~~manager at the time building permits are issued for the construction of the units within the approved~~
3078 ~~plat. The aforementioned value shall be the current appraised value of the land subdivided without~~
3079 ~~improvements and shall be determined jointly by the city commission and the subdivider. If the city~~
3080 ~~commission and the subdivider cannot agree on a land value, then the land value shall be established~~
3081 ~~by appraisal. The city commission shall appoint a professional land appraiser, the subdivider shall~~
3082 ~~appoint a professional land appraiser and these two (2) shall appoint a third. The three (3) appraisers~~
3083 ~~shall then determine the value of the property for the purposes of these provisions. The fees for the~~
3084 ~~appraiser shall be divided equally between the city and the developer or subdivider.~~

3085 ~~It shall be discretionary with the city commission whether or not to accept a dedication of land~~
3086 ~~pursuant to this subsection where said land is encumbered by utility easements of any type.~~

- 3087 ~~(1) — In lieu of the dedication of land area as described in paragraph (E) above, the city commission~~
3088 ~~may, in its discretion, accept a cash donation to the parks and recreation fund of the city to be~~
3089 ~~used only for parks and recreational purposes an amount equal to the five (5) per cent figure~~
3090 ~~referred to in paragraph (E); in the event the city commission and the subdivider cannot agree on~~

3091 ~~the land value then the donation amount shall be determined as hereinabove provided for by~~
3092 ~~arbitration.~~

3093 ~~(2) All real property donated shall be utilized for parks and recreation sites or facilities unless the~~
3094 ~~following is found:~~

3095 ~~(a) The real property donated is found to be unsuitable for a park or recreation site; or~~

3096 ~~(b) A present park or recreation facility capable of being expanded for utilization by the citizens~~
3097 ~~of a new development, subdivision or project is in such close proximity to the real property~~
3098 ~~that it would provide a duplication of services.~~

3099 ~~(3) In the event that either (a) or (b) [of paragraph (E)(2)] is met, the city shall have the right to sell~~
3100 ~~to the highest bidder the real property donated pursuant to the recreation donation, and all monies~~
3101 ~~received by the city for said sale shall be deposited in the City of Margate Parks and Recreation~~
3102 ~~Trust Fund.~~

3103 ~~(4) All monies utilized in the parks and recreation trust fund shall be utilized only for the acquisition~~
3104 ~~and development of new parks and recreation facilities or the expansion and addition to older~~
3105 ~~parks and recreation facilities so as to allow their utilization for new residents of the city. In addition~~
3106 ~~to the foregoing, money received from all telecommunication tower rentals may be utilized for~~
3107 ~~improvements, enhancements or other necessary expenses for parks and recreation purposes.~~

3108 ~~(Ord. No. 72-17, § 1, 9-13-1972; Ord. No. 72-20, § 1, 10-11-1972; Ord. No. 73-21, § 1, 8-1-1973; Ord.~~
3109 ~~No. 78-29, § 1, 8-30-1978; Ord. No. 83-35, § 1, 11-2-1983; Ord. No. 84-18, § 1, 6-6-1984; [Ord. No. 2016-](#)~~
3110 ~~[12, § 1, 11-2-2016](#).)~~

3111 **Editor's note**—~~Ord. No. 78-29, § 2, adopted Aug. 30, 1978, provides as follows:~~

3112 **Section 2.** ~~This ordinance [paragraphs (E)(1)–(4)] shall be applied retrospectively to all real property or~~
3113 ~~monies received pursuant to the Code of Ordinances of the City of Margate, Florida, Article II, Section~~
3114 ~~16½-19(E) [current 31-19(E)].~~

3115 ~~Sec. 31-20. Reserved.~~

3116 **Editor's note**—~~Ord. No. 91-37, § 1, adopted Dec. 18, 1991, repealed [the former] § 16½-20, [currently §~~
3117 ~~31-20,] which pertained to development review committee fees and derived from Ord. No. 80-67, § 1,~~
3118 ~~adopted Oct. 1, 1980. Similar provisions are set out in § 31-39.~~

3119 ~~Secs. 31-21–31-30. Reserved.~~

3120 ~~ARTICLE III. DEVELOPMENT REVIEW⁽³⁾~~

3121

3122 **Footnotes:**

3123 ~~—(3)—~~

3124 **Editor's note**—~~Section 1 of Ord. No. 85-44, adopted Nov. 20, 1985, amended Art. III of [former] Ch. 16½~~
3125 ~~in its entirety to read as herein set out [as Art. III of Ch. 31]. The provisions of Art. III were derived from~~
3126 ~~Ord. No. 79-31, §§ 1(1)–(10), adopted July 18, 1979.~~

3127 ~~Sec. 31-31. Purpose.~~

3128 ~~The purpose of this article is to implement development review requirements of the city's~~
3129 ~~comprehensive plan and the Broward County Land Use Plan; discourage haphazard land development;~~
3130 ~~ensure that urban delivery services are not unduly overburdened by premature development; coordinate~~
3131 ~~departmental review; and protect the health, safety and general welfare of the residents of the city.~~

3132 ~~(Ord. No. 85-44, § 1, 11-20-1985)~~

3133 ~~Sec. 31-32. Applicability of article.~~
 3134 ~~The provisions of this article shall apply to all applications for development permits within the city,~~
 3135 ~~and no development permit shall be issued except in compliance with this article.~~

3136 ~~(Ord. No. 85-44, § 1, 11-20-1985)~~

3137 ~~Sec. 31-33. Definitions.~~
 3138 ~~As used in this article:~~
 3139 ~~*Building permit* means:~~
 3140 ~~(1) Any permit for the erection or construction of a new building required by the South Florida~~
 3141 ~~Building Code, or other building code in force and effect at the time.~~
 3142 ~~(2) Any permit for an existing building which would:~~
 3143 ~~a. Create one or more additional dwelling units;~~
 3144 ~~b. Involve a change in the occupancy group of a building as described in the Florida Building~~
 3145 ~~Code, or other building code in force and effect at the time.~~
 3146 ~~(3) Any application for an occupational license at an existing development which would involve a~~
 3147 ~~separate permitted use, e.g., truck rentals at an existing filling station or gasoline pumps at an~~
 3148 ~~existing convenience store.~~

3149 ~~City Code means the Code of the City of Margate, Florida, as adopted on February 9, 1972, and~~
 3150 ~~amended from time to time.~~

3151 ~~City commission means the city commission of the City of Margate, Florida.~~

3152 ~~County commission means the board of county commissioners of Broward County, Florida.~~

3153 ~~Development permit means any building permit, as defined herein, subdivision resurvey or plat~~
 3154 ~~approval, rezoning, special exception, or other official action of the city having the effect of permitting the~~
 3155 ~~development or redevelopment of land.~~

3156 ~~This does not include any variance or other official action necessary solely for the purpose of issuing~~
 3157 ~~a permit, other than a building permit, pursuant to the South Florida Building Code, or other building code~~
 3158 ~~in force and effect at the time.~~

3159 ~~Local street means any publicly dedicated street used primarily for access to abutting property. This~~
 3160 ~~definition also includes collector streets which carry traffic from local streets to regional arterial roads.~~

3161 ~~Margate Comprehensive Plan means the comprehensive plan of the City of Margate prepared and~~
 3162 ~~adopted in conformity with Florida Statutes, Section 163.~~

3163 ~~Plat shall mean a map or delineated representation of a tract or parcel of land showing the~~
 3164 ~~designation of such land as lot(s), block(s), parcel(s), tract(s) or other portions thereof, however the same~~
 3165 ~~may be designated, and which, if approved, will be submitted for recording in the plat book of the Public~~
 3166 ~~Records of Broward County, Florida.~~

3167 ~~Regional transportation network means those trafficways designated on the Broward County~~
 3168 ~~Trafficways Plan.~~

3169 ~~Single-family home shall mean any detached residential structure constructed with the intention that~~
 3170 ~~said structure be occupied by one (1) family as a separate housekeeping unit.~~

3171 ~~(Ord. No. 85-44, § 1, 11-20-1985; Ord. No. 2007-03, § 1, 4-18-2007; [Ord. No. 2017-1500.631, § 9, 5-17-](#)~~
 3172 ~~[2017](#).)~~

3173 ~~Sec. 31-34. Development review committee.~~

(a) ~~Establishment.~~ There is hereby established a development review committee comprised of representatives of city departments having a direct interest in new development. Membership of the development review committee shall include the director of development services, the director of environmental and engineering services, a representative from the fire department, the building official, the director of public works, a representative from the police department, and a representative from the community redevelopment agency or any designees of the aforesaid. The director of development services shall serve as chairman of the committee.

The development review committee shall have the right to make such rules as are necessary for the orderly conduct of its meetings.

(b) ~~Role in review of development proposals.~~ The development review committee shall meet on a regular basis for the purpose of reviewing and submitting to the planning and zoning board a report on all applications for any proposed plats, subdivision resurveys, land use plan amendments, or rezonings. The development review committee shall review all site plans other than those for a single family or two family home on a platted lot. Proposals to the development review committee shall be submitted at least thirty (30) days prior to the committee meeting considering same.

The development review committee, as to all proposed plats, subdivision resurveys, land use plan amendments, and rezonings, shall make a statement to the planning and zoning board assessing the adequacy of the proposal as to all city ordinances. The statements assessing the adequacy of any proposed subdivision or rezoning shall be considered by both the planning and zoning board and the city commission.

The development review committee, as to all proposed site plans submitted in conjunction with proposed plats and rezonings or submitted not in conjunction with proposed plats and rezonings, shall have the following power: Each member of the committee shall have the responsibility to approve or disapprove the submitted development based upon compliance with all applicable laws and regulations, including section 31-35, which come under his/her department's jurisdiction. The approval of all committee members shall constitute a demonstration of compliance.

(Ord. No. 85-44, § 1, 11-20-1985; Ord. No. 2009-09, § 1, 8-19-2009; Ord. No. 2012-3, § 1, 4-4-2012; [Ord. No. 2017-1500.630, § 1, 3-15-2017](#); [Ord. No. 2018-1, § 1, 3-7-2018](#).)

~~Sec. 31-35.~~ Determinations required prior to approval of a development permit.

A determination that adequate services will be available to serve the needs of the proposed development shall be made when the following conditions are met:

(1) ~~Director of development services.~~ The director of development services determines:

a. That the proposed development is consistent with the Margate Comprehensive Plan.

b. That the proposed development is in conformity with the Margate Zoning Code.

c. In the case of site plans, that the proposed development is in conformity with the provisions of chapter 23 of this Code.

(2) ~~Director of environmental and engineering services.~~ The director of the department environmental and engineering services determines:

a. That potable water service is available to serve the needs of the proposed development. A determination that potable water service is available shall be based upon one of the following two (2) criteria:

1. The water treatment plant has sufficient capacity to provide the potable water needs of the proposed development, other developments in the service area which are occupied, available for occupancy, for which building permits are in effect, or for which potable water treatment capacity has been reserved; or

2. The water treatment plant lacks sufficient capacity to provide the potable water needs specified in subsection (a.1. above), but such capacity can feasibly and will be made

3221 available. A finding may also be made with an express condition as to potable water
3222 service when it is determined that potable water service is not available but will be made
3223 available. A finding that potable water service will be made available shall be based
3224 upon a demonstration that there is an economically and fiscally feasible plan to
3225 construct or expand a water treatment facility which will have sufficient capacity to
3226 provide for the potable water needs of the development proposed by the application
3227 and for other developments in the service area which are occupied, available for
3228 occupancy, for which building permits are in effect, or for which potable water treatment
3229 capacity has been reserved.

3230 The determination that potable water service is available shall not be construed as a
3231 reservation of capacity for the development submitted unless a developer's agreement
3232 is executed with the city specifically reserving water capacity.

3233 b. That wastewater treatment and disposal service is available to serve the needs of the
3234 proposed development. A determination that wastewater treatment and disposal service is
3235 available shall be based upon one of the two (2) following criteria:

3236 1. The wastewater treatment plant has sufficient capacity to provide for the wastewater
3237 treatment and disposal needs of the proposed development, other developments in the
3238 service area which are occupied, available for occupancy, for which building permits
3239 are in effect, or for which wastewater treatment and disposal capacity has been
3240 reserved; or

3241 2. The wastewater treatment plant lacks sufficient capacity to provide the wastewater
3242 treatment and disposal needs specified in subsection b.1. above, but such capacity can
3243 feasibly and will be made available. A finding may also be made with an express
3244 condition as to wastewater treatment and disposal services when it is determined that
3245 wastewater treatment and disposal services are not available but will be made
3246 available. A finding that wastewater and disposal services will be made available shall
3247 be based upon a demonstration that there is an economically and fiscally feasible plan
3248 to construct or expand a wastewater treatment and disposal facility which will have
3249 sufficient capacity to provide for the treatment and disposal needs of the development
3250 proposed by the application and for other developments in the service area which are
3251 occupied, available for occupancy, for which building permits are in effect or for which
3252 wastewater treatment or disposal capacity has been reserved.

3253 The determination that wastewater treatment and disposal service is available shall
3254 not be construed as a reservation of capacity for the development submitted unless a
3255 developer's agreement is executed with the city specifically reserving wastewater
3256 treatment and disposal capacity.

3257 c. That the traffic generated by the proposed development will be safely and efficiently handled
3258 by the regional transportation network and local streets. Roadway improvements including,
3259 but not limited to, additional turning lanes, median openings and/or closing, and traffic control
3260 devices may be required. An applicant for a development permit which will generate in
3261 excess of five hundred (500) trips per day according to the trip rates of the "Traffic Review
3262 & Impact Planning System," Broward County Office of Planning, 1983, shall be required to
3263 submit to the city a traffic impact statement. Any such statement shall be prepared by a
3264 professional engineer registered by the state and shall assess the impact of the proposed
3265 development on all public streets and intersections within a one-mile radius of the perimeter
3266 of that development.

3267 The director of environmental and engineering services shall use as the basis for review
3268 the standards set forth in the current editions of the following: Manual of Uniform Minimum
3269 Standards for Design, Construction, and Maintenance for Streets and Highways, Florida
3270 Department of Transportation; Manual on Uniform Traffic Control Devices for Streets and
3271 Highways, Federal Highway Administration; chapter 31 of this Code; Section 3.01(e) and

3272 (f) of the "Future Land Use Plan" of the Margate Comprehensive Plan; and the "Traffic
3273 Circulation Element" of the Margate Comprehensive Plan.

3274 d. ~~That adequate rights of way and easements for a surface water management system are~~
3275 ~~provided pursuant to chapters 11 and 31 of this Code, and the "Eastern Tier Roadway and~~
3276 ~~Drainage Plan," prepared by Mid-South Engineering Company. In the case of site plans, that~~
3277 ~~the approved minimum design criteria of the above as well as the "Basis of Review for~~
3278 ~~Surface Water Management," South Florida Water Management District are met or~~
3279 ~~exceeded.~~

3280 e. ~~That the engineering design for streets, sidewalks and other public places meet or exceed~~
3281 ~~the minimum standards set forth in chapters 31 and 35 of this Code.~~

3282 f. ~~That the engineering design of a water distribution and wastewater collection system meets~~
3283 ~~or exceeds the applicable minimum standards and requirements of the following: chapter 39~~
3284 ~~of this Code; "AWWA Standards," American Water Works Association; Broward County~~
3285 ~~Environmental Quality Control Board; and the state division of health and rehabilitative~~
3286 ~~services.~~

3287 (3) ~~Representative from the fire department.~~ The representative from the fire department
3288 ~~determines:~~

3289 a. ~~That the proposed development will comply with hydrant locations and a water distribution~~
3290 ~~system pursuant to chapter 14 of this Code.~~

3291 b. ~~That the proposed development provides adequate driving lanes, turning radii, vertical~~
3292 ~~clearance, and fire lanes to provide access for emergency vehicles.~~

3293 c. ~~That the proposed development will meet NFPA codes and standards.~~

3294 d. ~~That state statutes pertaining to trafficways are complied with.~~

3295 e. ~~That the fire department will be able to protect life and property within the proposed~~
3296 ~~development.~~

3297 (4) ~~Building official.~~ The building official determines:

3298 a. ~~In the case of site plans that the location of structures on the plot, the type of construction,~~
3299 ~~and the use and occupancy of all structures on the site is in conformity with the building code~~
3300 ~~in force and effect.~~

3301 b. ~~In the case of site plans, that the proposed finished floor elevation is at or above the minimum~~
3302 ~~prescribed by this Code and the National Flood Insurance Program.~~

3303 (5) ~~Director of public works.~~ The director of public works considers the potential impacts of the
3304 ~~proposed development to existing infrastructure; specifically:~~

3305 a. ~~Roadways and sidewalks.~~

3306 b. ~~Storm water utilities, including the city's canal system.~~

3307 (6) ~~Representative from the police department.~~ The representative from the police department
3308 ~~considers possible public safety issues presented in proposed developments.~~

3309 (7) ~~Representative from the Margate Community Redevelopment Agency.~~ The representative from
3310 ~~the community redevelopment agency determines that any proposed development within the~~
3311 ~~CRA boundary is consistent with the Margate Community Redevelopment Plan.~~

3312 (Ord. No. 85-44, § 1, 11-20-1985; Ord. No. 2009-09, § 2, 8-19-2009; Ord. No. 2012-3, § 2, 4-4-2012; [Ord.](#)
3313 [No. 2018-1, § 1, 3-7-2018](#).)

3314 Sec. 31-36. ~~Determinations required prior to a change in zoning.~~

3315 ~~(a) *Unplatted land.* A change in zoning on unplatted land shall be made with the express condition that~~
3316 ~~upon platting of the property, the plat shall be subject to development review procedures outlined in~~
3317 ~~this article and that the city, at the time of the rezoning, makes no explicit or implied guarantees that~~
3318 ~~services or facilities are available to serve the proposed development at the time of rezoning.~~

3319 ~~(b) *Platted land:*~~

3320 ~~(1) A change in zoning on any platted land which according to Section 2.08 of the Margate Land~~
3321 ~~Use Plan, or Section 3.11 of the zoning code must be replatted or resurveyed prior to issuance~~
3322 ~~of a building permit may be approved in the same manner as a change in zoning on unplatted~~
3323 ~~land.~~

3324 ~~(2) A change in zoning on platted land which need not be replatted prior to issuance of a building~~
3325 ~~permit shall be permitted after a determination has been made by the city commission that~~
3326 ~~services are available to serve the development permitted in the zoning district which is being~~
3327 ~~petitioned. A determination that services are available shall be made when the city commission~~
3328 ~~approves a report submitted by the development review committee which indicates the conditions~~
3329 ~~contained in section 31-35 of this article have been met.~~

3330 ~~(Ord. No. 85-44, § 1, 11-20-1985)~~

3331 ~~Sec. 31-37. Development presumed to have maximum impact permitted; use of site plan to assess~~
3332 ~~maximum impact.~~

3333 ~~(a) For the purpose of implementing sections 31-34, 31-35, and 31-36, a proposed development shall be~~
3334 ~~presumed to have the maximum impact permitted under applicable land development regulations such~~
3335 ~~as zoning regulations and the land use element of the Margate Comprehensive Plan.~~

3336 ~~(b) If a site plan is presented when a proposed plat, subdivision resurvey or rezoning application is~~
3337 ~~submitted, it may be used as the basis to assess the maximum impact of the development. In the event~~
3338 ~~that an application for a building permit is submitted which, in the opinion of the building official,~~
3339 ~~provides more intensive uses than those indicated on the site plan or substantially deviates from the~~
3340 ~~approved site plan, the application shall be referred to the development review committee for~~
3341 ~~assessment.~~

3342 ~~(Ord. No. 85-44, § 1, 11-20-1985)~~

3343 ~~Sec. 31-38. Issuance of building permits.~~

3344 ~~(a) *Generally.* The department of environmental and engineering services, and the building department,~~
3345 ~~may issue permits when all of the requirements in subsection (b) have been met and the applicant has~~
3346 ~~further met all other applicable laws and regulations of the city, county, and state. Conditions of~~
3347 ~~approval by the development review committee and statements made by a developer or his/her~~
3348 ~~representative shall be reduced to writing, approved by signature of the developer, incorporated into~~
3349 ~~the site plan by the committee, and shall be binding on the developer during the permitting process.~~

3350 ~~It shall be a violation of the Code of the City of Margate for the use of property contrary to that~~
3351 ~~provided in any site plan.~~

3352 ~~(b) *Prerequisites:*~~

3353 ~~(1) Buildings other than single family or two family homes: Prior to issuance of a building permit, a~~
3354 ~~site plan shall be approved for any building or buildings other than a single family or two family~~
3355 ~~home on a platted lot.~~

3356 ~~(2) Single family or two family homes: The director of the building department or his designee shall~~
3357 ~~not approve any building permit for a single family or two family home unless he/she has~~
3358 ~~determined that adequate services, as set out by the standards of section 31-35 of this article,~~
3359 ~~are available.~~

3360 ~~(3) Accessory structures: Structures that are accessory to the main premises of a developed site~~
3361 ~~and which require a permit pursuant to the South Florida Building Code but which do not meet~~
3362 ~~the definition of a building permit set forth in section 31-33 shall not require a review pursuant to~~
3363 ~~section 31-34. However, if the director of building and zoning determines that any such proposal~~
3364 ~~does not meet the criteria of section 31-35 then he/she shall require a formal review of said~~
3365 ~~proposal by the committee for approval.~~

3366 ~~(c) Time limitation on approvals. Any recommendation of the development review committee as to a~~
3367 ~~proposed plat, subdivision resurvey, or rezoning shall be reevaluated after a period of one (1) year if~~
3368 ~~final action by the city commission has not taken place on that recommendation. An approval of a site~~
3369 ~~plan shall be valid for one (1) year from the date of approval by the committee. The date of site plan~~
3370 ~~approval shall be the date when the site plan was reviewed at an official development review~~
3371 ~~committee meeting. If a building permit has not been issued within one (1) year from the date of site~~
3372 ~~plan approval then another site plan review pursuant to section 31-35 shall be required.~~

3373 ~~In the case of a site plan containing multiple buildings, whether phased or otherwise, the site plan~~
3374 ~~approval shall become null and void when one (1) year elapses from the date of the last certificate of~~
3375 ~~occupancy and no building permit is active for a principal structure within the site.~~

3376 ~~If a building permit has not been issued within one (1) year of site plan approval, an extension of the~~
3377 ~~one-year time limit for site plan approval may be issued by administrative approval by the chairman of the~~
3378 ~~development review committee, subject to the following conditions:~~

3379 ~~(1) The land use or zoning designation of the subject parcel has not changed.~~

3380 ~~(2) The governing regulations of the subject parcel have not been significantly changed since the~~
3381 ~~site plan was reviewed by the development review committee.~~

3382 ~~(3) There have been no developments on adjacent or nearby properties that would create a conflict~~
3383 ~~with the current zoning regulations.~~

3384 ~~(4) The proposed development is consistent with the Margate Redevelopment Plan.~~

3385 ~~(5) The time limit extension for site plan approval shall not exceed an additional one (1) year.~~

3386 ~~(Ord. No. 85-44, § 1, 11-20-1985; Ord. No. 88-14, § 1, 5-18-1988; Ord. No. 2000-9, § 1, 3-22-2000; Ord.~~
3387 ~~No. 2009-03, § 1, 2-18-2009)~~

3388 ~~Sec. 31-39. Development review committee fees.~~

3389 ~~The following fees shall apply for submittal to the development review committee and shall be~~
3390 ~~payable to the city:~~

3391 ~~Plat, nonresidential\$ 1,000.00~~
3392 ~~+ \$50.00 per acre~~

3393 ~~Plat, residential750.00~~
3394 ~~+ \$5.00 per dwelling unit~~

3395 ~~Plat amendment500.00~~

3396 ~~Rezoning1,500.00~~

3397 ~~Land use plan amendment3,500.00~~

3398 ~~Special exception use500.00~~

3399 ~~Change of occupancy250.00~~

3400 ~~Site plan, nonresidential500.00~~
3401 ~~+ \$1.00 per 25 square feet of new construction~~

3402 ~~Site plan, residential500.00~~
3403 ~~+ \$5.00 per unit~~

3404 Amended site plan250.00
3405 Resubmittal (other)250.00
3406 Telecommunications site development4,000.00

3407 (~~Ord. No. 91-37, § 2, 12-18-1991; Ord. No. 2009-09, § 3, 8-19-2009; Ord. No. 2017-1500.630, § 2, 3-15-~~
3408 ~~[2017](#)~~)

3409 ~~ARTICLE IV. — CONCURRENCY MANAGEMENT SYSTEM~~

3410 ~~Sec. 31-40. — Purpose.~~

3411 ~~The purpose of this article is to assure that all development activity in the City of Margate is~~
3412 ~~concurrent, consistent and in substantial conformity with the City of Margate and the Broward County~~
3413 ~~Comprehensive Plans; and to assure that no new development be approved unless there is sufficient~~
3414 ~~capacity available at the prescribed levels of service established in the City of Margate Comprehensive~~
3415 ~~Plan.~~

3416 (~~Ord. No. 94-19, § 1, 9-28-1994~~)

3417 ~~Sec. 31-41. — Definitions.~~

3418 ~~*Building.* Any permanent structure having a roof and used or built for the shelter or enclosure of~~
3419 ~~persons, animals, chattels or property of any kind.~~

3420 ~~*Building permit.*~~

3421 ~~(1) — Any permit for the erection or construction of a new building required by Section 310.1 of the~~
3422 ~~South Florida Building Code, 1984, Broward Edition, as amended.~~

3423 ~~(2) — Any permit for an addition to an existing building which would: create one (1) or more additional~~
3424 ~~dwelling units; or be required for the nonresidential operations included in Section 301.1(a), South~~
3425 ~~Florida Building Code, 1984, Broward Edition, as amended.~~

3426 ~~(3) — Any permit involving a change in the occupancy of a building as described in Section 104.7 of~~
3427 ~~the South Florida Building Code, 1984, Broward Edition, as amended.~~

3428 ~~*Certified land use plan.* The City of Margate Land Use Plan which has been certified by the Broward~~
3429 ~~County Planning Council as being in substantial conformity with the county land use plan and which has~~
3430 ~~been adopted by the city commission in compliance with the Comprehensive Planning Act of 1975,~~
3431 ~~Section 163.3161, et seq., Florida Statutes.~~

3432 ~~*Committed trip.* A trip generated with the TRIPS model from an approved but not yet built~~
3433 ~~development.~~

3434 ~~*Compact deferral area.* The geographic area which is "a two (2) mile band having a centerline which~~
3435 ~~is coincident with the centerline of the congested link, extending parallel to the congested link for a~~
3436 ~~distance of one half (½) mile beyond each end point of the congested link."~~

3437 ~~*Concurrency.* A provision that public facilities and services needed to support development shall be~~
3438 ~~available at the same time or coincidental with the impacts of such development.~~

3439 ~~*Concurrency management system.* The provisions in the City of Margate Comprehensive Plan~~
3440 ~~including implementation regulations, encompassing the restrictions, methods, resources, timing and~~
3441 ~~solutions intended to be compatible with and further compliance with the statutory requirement to provide~~
3442 ~~public facilities and services needed to support development concurrent with the impacts of such~~
3443 ~~development.~~

3444 ~~*Constrained facility.* A road segment which is not planned for a capacity improvement in the adopted~~
3445 ~~2010 Highway Network Plan of Broward County.~~

3446 ~~*Development.* The meaning given in Section 380.04, Florida Statutes.~~

3447 ~~*Development order.* An order authorizing the granting, denying or granting with conditions of an~~
3448 ~~application for a development permit.~~

3449 ~~*Development permit.* Any building permit, zoning permit, subdivision or plat approval or site plan~~
3450 ~~approval, including amendment to the notation on the face of a plat, special exception, variance or other~~
3451 ~~official action of the City of Margate, but does not include any variance or other official action necessary~~
3452 ~~solely for the purpose of issuing a permit, other than a building permit, pursuant to the South Florida~~
3453 ~~Building Code, 1984, Broward Edition, as amended.~~

3454 ~~*Drainage facilities.* A system of man-made structures designed to collect, convey, hold, divert or~~
3455 ~~discharge stormwater, including stormwater sewers, canals, detention structures and retention structures.~~

3456 ~~*Duplex.* Two (2) attached dwelling units in one (1) building.~~

3457 ~~*Dwelling unit.* A house, apartment or condominium unit, trailer, group of rooms or a single room~~
3458 ~~intended for occupancy as a separate living quarter with direct access from the outside of the building or~~
3459 ~~through a common hall and with complete kitchen facilities for the exclusive use of the structure or~~
3460 ~~complex which are licensed by the state department of business regulation, division of hotels and~~
3461 ~~restaurants, as "apartments", "rental condominiums" and "retirement housing."~~

3462 ~~*Infrastructure.* Those man-made structures which serve the common needs of the population, such~~
3463 ~~as: sewage disposal systems; potable water systems; solid waste disposal sites or retention areas;~~
3464 ~~stormwater systems; utilities; docks; breakwaters; bulkheads; seawalls; causeways; bridges; and~~
3465 ~~roadways.~~

3466 ~~*Land development regulations.* Ordinances enacted by governing bodies for the regulation of any~~
3467 ~~aspect of development including: zoning, rezoning, subdivision, building construction, sign regulations or~~
3468 ~~any other regulations controlling the development of land.~~

3469 ~~*Level of service.* An indicator of the extent or degree of service provided by, or proposed to be~~
3470 ~~provided by, a facility based on and regulated to the operational characteristics of the facility. Level of~~
3471 ~~service shall indicate the capacity per unit of demand for each public facility. Level of service may also be~~
3472 ~~referred to as "LOS."~~

3473 ~~*Net traffic impact of development.* The total trips to be generated by a proposed development, as~~
3474 ~~measured by the TRIPS model, less the trips, if any, estimated to be generated by the existing~~
3475 ~~development to be replaced or generated by a previously approved plat.~~

3476 ~~*Parcel.* Any quantity of land capable of being described with such definiteness that its location and~~
3477 ~~boundaries may be established, which is designated by its owner or developer as a unit or which has~~
3478 ~~been used or developed as a unit.~~

3479 ~~*Planned improvement facility.* A road segment for which a capacity improvement is planned in the~~
3480 ~~adopted 2010 Highway Network Plan of Broward County.~~

3481 ~~*Platted land.* Any land which can be referenced to an official plat book and page number.~~

3482 ~~*Potable water.* Water which is satisfactory for drinking, culinary and domestic purposes and which~~
3483 ~~meets the quality standards of the Florida Department of Environmental Protection, Chapter 17-22,~~
3484 ~~Florida Administrative Code.~~

3485 ~~*Potable water facilities.* A system of structures designed to collect, treat or distribute potable water,~~
3486 ~~including water wells, treatment plants, reservoirs and distribution mains.~~

3487 ~~*Principal building.* A building which is occupied by, or devoted to, a principal use or an addition to an~~
3488 ~~existing principal building which is larger than the original existing building. In determining whether a~~
3489 ~~building is of primary importance, the use of the entire parcel shall be considered. There may be more~~
3490 ~~than one principal building on a parcel.~~

3491 ~~*Principal use.* The primary use of a parcel of land as distinguished from secondary or accessory~~
3492 ~~uses. There may be more than one principal or main use on a parcel of land.~~

3493 ~~*Public facilities.* Major capital improvements including, but not limited to, transportation, sanitary~~
3494 ~~sewer, solid waste, drainage, potable water, educational facilities, park and recreational facilities and~~
3495 ~~health systems.~~

3496 ~~*Public utility.* Any public or private utility such as, but not limited to, storm drainage, sanitary sewers,~~
3497 ~~electrical power, water service, gas service or telephone lines, whether underground or overhead.~~

3498 ~~*Regional transportation network.* Those roadways shown on the Broward County Trafficways Plan~~
3499 ~~promulgated by the Broward County Planning Council, or on the Broward County 2010 Plan promulgated~~
3500 ~~by the Broward County Metropolitan Planning Organization, or for which right of way has been delineated~~
3501 ~~by the board of county commissioners.~~

3502 ~~*Reserve strip.* A piece of land or line on one (1) side of a street in the control of the owner of the land~~
3503 ~~on the opposite side of the street which prevents access to the street by development immediately~~
3504 ~~beyond the piece of land or line.~~

3505 ~~*Sanitary sewer facilities.* Structures or systems designed for the collection, transmission, treatment~~
3506 ~~or disposal of sewage, including trunk mains, interceptors, treatment plants and disposal systems.~~

3507 ~~*Solid waste.* Sludge from a wastewater treatment plant, water supply treatment plant or air pollution~~
3508 ~~control facility or garbage, rubbish, refuse or other discarded material including solid, liquefied, semi-solid~~
3509 ~~or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or~~
3510 ~~governmental operations.~~

3511 ~~*Solid waste facilities.* Structures or systems designed for the collection, processing or disposal of~~
3512 ~~solid wastes including hazardous wastes, and also including transfer stations, processing plants,~~
3513 ~~recycling plants and disposal systems.~~

3514 ~~*Structure.* Anything constructed, installed or portable, the use of which requires a location on a~~
3515 ~~parcel of land, such as buildings, trailers, fences, billboards, swimming pools, poles, pipelines,~~
3516 ~~transmission lines, tracks and advertising signs.~~

3517 ~~*Surface water management.* The collection of devices, improvements or natural systems whereby~~
3518 ~~surface waters are controlled, impounded or obstructed. The term includes dams, impoundments,~~
3519 ~~reservoirs and appurtenant works as defined in Subsections 373.403 (1—4), Florida Statutes, as well as~~
3520 ~~all artificial structures including, but not limited to, ditches, canals, conduits, channels, culverts, pipes and~~
3521 ~~all other construction that conveys, impounds or controls surface water.~~

3522 ~~(Ord. No. 94-19, § 1, 9-28-1994)~~

3523 ~~Sec. 31-42. Development subject to adequacy determination.~~

3524 ~~(a) For plats or replats, or for site plans or building permits where the property is unplatted or was platted,~~
3525 ~~with plat approval received before March 20, 1979, all development of previously vacant land except~~
3526 ~~that specified in subsection (c) below, shall be subject to an adequacy determination unless a site plan~~
3527 ~~has been approved prior to December 1, 1989 and development activity has occurred within the plat~~
3528 ~~or replat area.~~

3529 ~~(b) All development of previously improved lands shall be subject to an adequacy determination for the~~
3530 ~~additional trips that equal the difference between the trips to be generated by the development~~
3531 ~~specified in the proposed note on the plat and one hundred ten (110) per cent of the trips generated~~
3532 ~~by any existing development. Existing development shall be construed to include previous~~
3533 ~~development demolished no earlier than eighteen (18) months previous to the date the final plat~~
3534 ~~application is submitted, or the application for a site plan or building permit approval is submitted.~~

3535 ~~(c) For a replat, or an amendment to a note on a plat, or a requirement to place a note on a plat, where~~
3536 ~~property was platted after March 20, 1979, an adequacy determination shall be required for those~~
3537 ~~additional trips that equal the difference between the previous plat and the replat; or the previous note~~
3538 ~~and the proposed amendment to the note; or the development approved by the county commission at~~
3539 ~~the time of plat approval and the proposed note to be placed on the plat.~~

3540 ~~(d) Except as exempted above, all plats approved after October 1, 1989 by the Broward County~~
3541 ~~Commission and all development permits approved after December 1, 1989 by the City of Margate~~
3542 ~~must undergo adequacy determinations to meet concurrency.~~

3543 ~~(e) Land suitable for residential development pursuant to applicable land development regulations shall~~
3544 ~~be designed to provide for the educational needs of the future residents of the developed area and~~
3545 ~~shall be in compliance with subsection 5-182(m) of the Broward County Land Development Code.~~

3546 ~~(Ord. No. 94-19, § 1, 9-28-1994; Ord. No. 2009-04, § 1, 2-18-2009)~~

3547 ~~Sec. 31-43. Vested rights.~~

3548 ~~The City of Margate recognizes that certain property owners or developers may have a claim to a~~
3549 ~~vested right to complete a development notwithstanding that such development would otherwise be~~
3550 ~~required to undergo an adequacy determination pursuant to section 31-42 above. If a property owner or~~
3551 ~~developer makes such a claim of vested rights to the city, the following procedure shall apply:~~

3552 ~~(1) The property owner's or the developer's request for a vested rights determination shall be~~
3553 ~~submitted to the development review committee. Such request shall be accompanied by a~~
3554 ~~description of the parcel of land for which the vested rights determination is sought and an~~
3555 ~~explanation of the basis for the vested rights claim.~~

3556 ~~(2) The request for a vested rights determination shall be forwarded to the office of the city attorney~~
3557 ~~and city manager for review. The city attorney and city manager shall review the vested rights~~
3558 ~~claim and make a written recommendation to the city commission as to whether the vested rights~~
3559 ~~claim should be granted, denied or granted with conditions.~~

3560 ~~(3) Following issuance of the city attorney's written recommendation, the city commission shall~~
3561 ~~schedule the vested rights claim on its agenda for consideration. The city commission shall take~~
3562 ~~action on the vested rights claim to grant the claim, deny the claim or grant the claim with~~
3563 ~~conditions. Such action shall be in the form of a resolution.~~

3564 ~~(Ord. No. 94-19, § 1, 9-28-1994)~~

3565 ~~Sec. 31-44. Action plans.~~

3566 ~~(a) An action plan is a program of transportation improvements designed at a minimum to accommodate~~
3567 ~~the net traffic impact of the development to the extent that the regional road network lacks available~~
3568 ~~capacity to provide for the net traffic impact of development. The action plan shall provide~~
3569 ~~substantiation in the form of engineering studies or other data acceptable to the city to demonstrate~~
3570 ~~the anticipated effect of the proposed program of improvements and/or innovations; shall provide for~~
3571 ~~a source of funding for the improvements and/or innovations; and shall provide for monitoring of the~~
3572 ~~program to ensure implementation of the program or improvements as necessary at or before the time~~
3573 ~~the impacts of development occur.~~

3574 ~~(b) An action plan review committee is hereby established consisting of the members of the development~~
3575 ~~review committee.~~

3576 ~~(c) The action plan review committee shall make a recommendation to the city commission regarding~~
3577 ~~approval of the action plan. The recommendation shall give the reasons for the approval or disapproval~~
3578 ~~of the action plan, which may include, but are not limited to, determinations regarding the trips created~~
3579 ~~by the proposed development; the feasibility of the proposed facility or program; the adequacy of the~~
3580 ~~data to demonstrate the ability of the action plan to accommodate the net impact of development; the~~
3581 ~~city's ability to ensure that the program or facility is maintained; the date by which the facility or program~~
3582 ~~will be implemented and the plan for funding the improvement or facility.~~

3583 ~~(d) Guidelines for the development of action plans and procedures for the preparation of action plans for~~
3584 ~~pre-1979 municipality plats, as prepared and amended from time to time by the Broward County~~
3585 ~~Department of Strategic Planning and Growth Management, may be used in the preparation of the~~
3586 ~~required action plans.~~

3587 (~~Ord. No. 94-19, § 1, 9-28-1994~~)

3588 ~~Sec. 31-45. Measurement of capacities.~~

3589 ~~(a) Trafficways. The procedure for the initial measuring of highway capacities is the Florida Department~~
3590 ~~of Transportation Table of Generalized Daily Level of Service Maximum Volumes. The measurement~~
3591 ~~of capacity may also be determined by substantiation in the form of engineering studies or other data.~~
3592 ~~Traffic analysis techniques must be technically sound and justifiable as determined by the Broward~~
3593 ~~County Department of Strategic Planning and Growth Management and the city department of~~
3594 ~~environmental and engineering services. Alterations to capacity on the state highway network shall~~
3595 ~~require the opportunity for FDOT review. Measurement of county and state roads shall be in~~
3596 ~~accordance with the development review requirements of the Broward County Land Development~~
3597 ~~Code, Section 5-198. Before a development permit is approved, the following findings shall be made:~~

3598 ~~(1) A determination shall be required that the proposed development is not within the compact~~
3599 ~~deferral area for a road segment operating below the adopted level of service, or that subsection~~
3600 ~~(3) below is met. Traffic studies submitted by an applicant shall be considered in reaching this~~
3601 ~~determination.~~

3602 ~~(2) A determination shall be required that the proposed development would not create a compact~~
3603 ~~deferral area, including the development, or that subsection (3) below is met.~~

3604 ~~(3) If the proposed development is within a compact deferral area, or will be within a compact deferral~~
3605 ~~area if the development is approved, one (1) of the following conditions applies:~~

3606 ~~a. The proposed development does not place any trips on the over capacity link; or~~

3607 ~~b. There is an approved action plan to accommodate the traffic impact of the development; or~~

3608 ~~c. The necessary improvements to provide a level of service as provided for in section 31-48(c)~~
3609 ~~are under construction at the time the permit is issued; or~~

3610 ~~d. The necessary improvements to provide a level of service as provided for in section 31-48(c)~~
3611 ~~are the subject of an executed contract with a road contractor for the immediate construction~~
3612 ~~of the facilities; or~~

3613 ~~e. The necessary improvements for a level of service as provided for in section 31-48 have~~
3614 ~~been included in the first two (2) years of the adopted state, county or local five year schedule~~
3615 ~~of transportation improvements at the time a development permit is issued and although the~~
3616 ~~facilities are not yet the subject of a binding contract for construction, the board of county~~
3617 ~~commissioners and the city commissioners makes a good faith determination that a binding~~
3618 ~~contractor construction of the improvement will be executed no later than the final day of the~~
3619 ~~second fiscal year of the original schedule; or~~

3620 ~~f. The necessary improvements for the applicable level of service are provided for in an~~
3621 ~~enforceable development agreement and will be available prior to certificates of occupancy~~
3622 ~~that require those facilities. These may include, but not be limited to, development~~
3623 ~~agreements pursuant to Section 163.3220, Florida Statutes, provided that road~~
3624 ~~improvements required by an agreement shall not be considered for concurrency for property~~
3625 ~~outside the boundaries of the property subject to a development agreement unless~~
3626 ~~provisions b. e. above are met; or~~

3627 ~~g. The development is authorized by an approved development of regional impact (DRI); or~~

3628 ~~h. The proposed development is a single family unit or a duplex dwelling unit on a lot or parcel~~
3629 ~~of record prior to May 30, 1990; provided that the traffic generated by the proposed~~
3630 ~~development on the over capacity link does not exceed one-tenth (0.1) of one per cent of~~
3631 ~~the capacity of the over capacity link at its assigned LOS. The cumulative impact of such~~
3632 ~~exemptions shall not exceed one (1) per cent of the capacity of any over capacity link during~~
3633 ~~one (1) calendar year or a cumulative total cap of three (3) per cent of the capacity of any~~
3634 ~~over capacity link; or~~

- 3635 i. ~~The proposed development is found to have vested rights with regard to any affected road~~
3636 ~~segments. The proposed development must meet concurrency for any road segment for~~
3637 ~~which a vested rights determination has not been made; or~~
- 3638 j. ~~The proposed development is within an area designated on the Broward County Land Use~~
3639 ~~Plan for urban infill, urban redevelopment or downtown revitalization; or~~
- 3640 k. ~~De minimus exception: The proposed development meets all of the following criteria:~~
- 3641 1. ~~For the proposed development on vacant land the residential density shall not exceed~~
3642 ~~an average of four (4) dwelling units per gross acre and the non-residential floor area~~
3643 ~~shall not exceed ten (10) per cent of the gross land area.~~
- 3644 2. ~~For the proposed redevelopment of developed property, the number of proposed~~
3645 ~~dwelling units shall not exceed twice the number of existing dwelling units, and the~~
3646 ~~proposed gross floor areas for non-residential use shall not exceed twice the existing~~
3647 ~~floor area. Conversions between residential and non-residential uses shall not exceed~~
3648 ~~twice the floor area of the original use.~~
- 3649 3. ~~The traffic generated on the proposed development on the over-capacity link does not~~
3650 ~~exceed one-tenth (0.1) of one per cent of the capacity of that link at the adopted level~~
3651 ~~of service.~~
- 3652 4. ~~The cumulative impact of such exemptions shall not exceed three (3) per cent of the~~
3653 ~~capacity of any over-capacity link at its adopted level of service.~~
- 3654 5. ~~The total traffic generated by the proposed development shall not exceed five hundred~~
3655 ~~(500) trips per day. If this provision is applied more than once on a parcel of land, then~~
3656 ~~the cumulative total traffic generated by all such applications shall not exceed five~~
3657 ~~hundred (500) trips per day, per plat, or per parcel of land for unplatted property which~~
3658 ~~was a parcel of record as of March 20, 1979.~~
- 3659 6. ~~A notation is placed on the face of the plat, or is recorded against the property via~~
3660 ~~separate document if the application is not for a plat, stating that if a building permit for~~
3661 ~~a principal building is not issued on the subject property within three (3) years of the~~
3662 ~~issuance of the development permit, that any finding of adequacy of the regional road~~
3663 ~~network has expired, and that no additional building permits shall be issued unless the~~
3664 ~~board of county commissioners and the city commission makes a new finding that the~~
3665 ~~application satisfies the adequacy requirements of the regional road network.~~
- 3666 7. ~~If development is approved pursuant to this provision, in order to retain its de minimus~~
3667 ~~exception designation, the use for which such development is approved may only be~~
3668 ~~amended provided such development continues to be consistent with the criteria~~
3669 ~~contained within this subsection.~~
- 3670 l. ~~Transfer of committed trips:~~
- 3671 1. ~~Committed trips may be transferred between two (2) contiguous parcels (i.e., a "donor~~
3672 ~~parcel" and a "receiving parcel,") based on the following criteria:~~
- 3673 (a) ~~The donor parcel must be a recorded plat, with plat approval received on or after~~
3674 ~~March 20, 1979. At the time of the approval of the transfer of the committed trips,~~
3675 ~~the receiving parcel must have a pending or approved final application for a~~
3676 ~~development permit filed with the county or the city (e.g., plat, site plan, rezoning,~~
3677 ~~note amendment);~~
- 3678 (b) ~~The number of committed trips available for transfer on the donor parcel shall be~~
3679 ~~the currently approved trip generation rate applied to the use approved for the~~
3680 ~~parcel by the board of county commissioners, less any development which has~~
3681 ~~been constructed, or for which building permits have been approved, within the~~
3682 ~~donor parcel. In no case shall a transfer of trips result in no development being~~
3683 ~~permitted on the donor plat;~~

- (c) ~~Simultaneously with the approval of the transfer of committed trips by the board of county commissioners, a notation shall be placed on the face of the plat of the parcels of record involved indicating the change in development levels associated with the transfer of such committed trips. Impact fees shall be recalculated based on the transfer of committed trips for both the donor and receiving parcels so that such impact fees are consistent with the modifications to development levels. All other provisions of the land development code which are applicable to note amendments and the placement of notes shall be enforced; and~~
- (d) ~~As a condition of the approval of a transfer of committed trips, an agreement shall be recorded in the public records against the receiving parcel stating that, if a building permit for a principal building representing some or all of the donated trips is not issued on the subject property within three (3) years of the approval of the transfer of committed trips, the county's finding of adequacy of the regional road network relative to the donated trips shall expire and no building permits for the donated trips shall be issued until such time as the board of county commissioners makes a subsequent finding that the application satisfies the adequacy requirements of the regional road network. The City of Margate shall also be a party to such agreement.~~
2. ~~The receiving parcel shall not be a donor parcel in a subsequent transfer of trips.~~
3. ~~The donor parcel shall not be entitled to apply for an amendment to the note on the face of the plat to increase the number of trips for a period of three (3) years from the date of approval of a transfer of committed trips.~~
4. ~~For the purpose of this provision, a parcel of land separated by a right of way for a highway, road or utility, or a waterbody or watercourse which does not exceed three hundred (300) feet in width, shall be deemed contiguous.~~
5. ~~Parcels of land within a DRI shall not donate trips to parcels of land outside the particular DRI.~~
6. ~~Parcels of land within a concurrency exception area shall not be eligible to participate in a transfer of trips.~~
7. ~~Transfers are limited to trips approved or vested prior to February 1994.~~
- (4) ~~Determination of concurrency for transportation:~~
- a. ~~The determination of concurrency with the regional transportation network shall be made by Broward County when a development is subject to concurrency review under the Broward County Land Development Code. However, when Broward County approves an action plan, the city commission shall also review and approve that action plan before recordation of that plat.~~
- b. ~~The determination of concurrency with the regional transportation network for developments which are not reviewed under the Broward County Land Development Code shall be made by the city through the required traffic analysis. If a development lies within a compact deferral area or its impacts would create a compact deferral area, it shall not be approved for concurrency purposes unless an action plan, as provided for in this article, is submitted and approved by the city commission.~~
- c. ~~The determination of concurrency for impacts on local collector roads will be made by the city either at the time of platting for areas subject to the Broward County Land Development Code or at the time of site plan review for developments not subject to the Broward County Land Development Code through the required traffic analysis. Developments subject to concurrency shall design all local streets for level of service "C."~~
- (b) ~~Potable water and wastewater. Measurement of potable water and wastewater facilities shall be based on design capacities and service flows. Usage and discharge will be based on adopted level of~~

3733 ~~service standards. These levels may be amended after consideration and substantiation of~~
3734 ~~engineering studies and/or an amendment to the City of Margate Comprehensive Plan.~~

3735 ~~(c) Drainage.~~

3736 ~~(1) Measurement of drainage facilities shall be based on the water management district basin design~~
3737 ~~standards. Variations may exist for specific parcels but the overall effect of an area's drainage~~
3738 ~~system must meet established water management practices criteria.~~

3739 ~~(2) Where the City of Margate is not the service provider, the city shall rely on documentation~~
3740 ~~provided by the applicable water control/improvement district. However, determination of~~
3741 ~~concurrency for drainage capacity for building pads, streets and parking lots shall be the~~
3742 ~~responsibility of the department of environmental and engineering services. The documentation~~
3743 ~~shall identify:~~

3744 ~~a. That the water control/improvement district will accept stormwater runoff from the proposed~~
3745 ~~development;~~

3746 ~~b. That the district has the capacity to satisfy drainage of the proposed development at the~~
3747 ~~required level of service;~~

3748 ~~c. That the district has improvements that will provide capacity at the required level of service;~~

3749 ~~d. Conditions or phasing exist that the city should incorporate in its approval to ensure adequate~~
3750 ~~capacity.~~

3751 ~~(d) Solid waste. Measurement of solid waste shall be based on assumed generation rates and the design~~
3752 ~~capacity of the landfill and the solid waste energy recovery facilities developed by the county. The city~~
3753 ~~shall rely on the obligations established in the city's franchise agreement for solid waste collection and~~
3754 ~~disposal services to provide the required level of service.~~

3755 ~~(e) Recreation. Measurement of recreation and open space shall be based on the requirement of three~~
3756 ~~(3) acres per one thousand (1,000) residents.~~

3757 ~~(Ord. No. 94-19, § 1, 9-28-1994)~~

3758 ~~Sec. 31-46. Level of service standards.~~

3759 ~~(a) No development activity may be approved unless it meets the following requirements designed to~~
3760 ~~ensure that certain public services are available at prescribed levels of service concurrent with the~~
3761 ~~impacts of development.~~

3762 ~~(b) Notwithstanding the foregoing, the prescribed levels of service may be degraded during construction~~
3763 ~~of new facilities in a specific area if upon completion of the new facilities the prescribed levels of service~~
3764 ~~will be met.~~

3765 ~~(c) For the purposes of these regulations the available capacity of a facility shall be determined by:~~

3766 ~~(1) Adding together:~~

3767 ~~a. The total design capacity of existing facilities operating at the required level of service; and~~

3768 ~~b. The total design capacity of new facilities that will come available concurrent with the impact~~
3769 ~~of the development. The capacity of new facilities may be counted only if it meets the criteria~~
3770 ~~of section 31-45(a)(3) above.~~

3771 ~~(2) Subtracting from that number the sum of:~~

3772 ~~a. The design demand for the service created by existing development; and~~

3773 ~~b. The new design demand for the service (by phase or otherwise) that will be created~~
3774 ~~concurrent with the impacts of the proposed development by the anticipated completion of~~
3775 ~~other presently approved developments.~~

3776 ~~(d) The burden of showing compliance with these levels of service requirements shall be upon the~~
3777 ~~developer. Applications for development approval shall provide sufficient and verifiable information~~
3778 ~~showing compliance with these standards.~~

3779 ~~(Ord. No. 94-19, § 1, 9-28-1994)~~

3780 ~~Sec. 31-47. Concurrency monitoring system.~~

3781 ~~(a) The director of environmental and engineering services, through his duties and authority of chairman~~
3782 ~~of the development review committee, shall be responsible for monitoring development activity to~~
3783 ~~ensure the development is consistent with the City of Margate Comprehensive Plan.~~

3784 ~~(b) Applications for all development permits shall be submitted to the development review committee.~~
3785 ~~Processing shall be in accordance with regularly scheduled meetings of the development review~~
3786 ~~committee, planning and zoning board and city commission.~~

3787 ~~(c) Compliance will be calculated and capacity reserved at time of final action of an approved site plan or~~
3788 ~~enforceable developer's agreement for these concurrency matters within the authority of the City of~~
3789 ~~Margate. Applications for development approval shall be chronologically logged to determine rights to~~
3790 ~~available capacity.~~

3791 ~~(d) The effective time limit for site plans shall be one (1) year. An extension of one (1) year may be issued~~
3792 ~~by administrative approval. At each annual renewal of public performance bonds, the City of Margate~~
3793 ~~shall make a determination if the bonds shall be drawn upon for construction. Building and engineering~~
3794 ~~permits shall have a concurrency time limit of one hundred eighty (180) days as long as construction~~
3795 ~~and inspections continue.~~

3796 ~~(e) Development permits shall be processed to the fullest degree possible. If adequacy determinations~~
3797 ~~of a project show unacceptable levels of service in any one (1) of the necessary public facility or service~~
3798 ~~standards, the project shall be tabled during final action of the development permit approval. If capacity~~
3799 ~~conditions change at some time in the future, concurrency shall be rechecked to verify compliance~~
3800 ~~with adopted levels of service. If compliance is found the development shall be rescheduled for final~~
3801 ~~action.~~

3802 ~~(Ord. No. 94-19, § 1, 9-28-1994)~~

3803 ~~Sec. 31-48. Levels of service.~~

3804 ~~(a) *Potable water.* New development shall not be approved unless there is sufficient available design~~
3805 ~~capacity to sustain the following levels of service for potable water as established in the potable water~~
3806 ~~subelement of the City of Margate Comprehensive Plan. The level of service standards for the city's~~
3807 ~~potable water facilities is three hundred thirty five (335) gallons per day (gpd) per equivalent residential~~
3808 ~~connection (ERC) for capacity and three thousand (3,000) gallons per minute (gpm) with a residual~~
3809 ~~pressure of twenty (20) pounds per square inch (psi) for storage and distribution. All other levels of~~
3810 ~~service standards are as follows:~~

Type of Use	Use in Gallons
Residential:	
Per capita per day	400
Per single family unit	350
Office per square foot	0.2
Retail per square foot	0.1
Other non-residential	

per capita	20
-----------------------	----

3811 -

3812 ~~(b) Wastewater. New development shall not be approved unless there is sufficient available design~~
3813 ~~capacity to sustain the following levels of service for wastewater treatment as established in the~~
3814 ~~sanitary sewer subelement of the City of Margate Comprehensive Plan. The level of service standard~~
3815 ~~for the city's sanitary facilities is three hundred thirty-five (335) gallons per day (gpd) per equivalent~~
3816 ~~residential connection (ERC). All other levels of service standards are as follows:~~

Type of Structure	Design Flow per Unit (gpd)
Assembly halls per seat	2
Bar and cocktail lounge(no food service)	20
Beauty parlors (per 100 sq. ft. of work space)	30
Bowling alleys per lane (including bar & food svc.)	200
Churches, per sanctuary seat	7
Dance halls, per person	2
Factories, per person per shift	15
Hospitals and nursing homes	
(per bed space)	200
(each resident staff)	100
Institutions (per person, including resident staff)	100
Laundries, per machine	400
Office buildings, per employee	
(allow 100 sq. ft. net per employee)	20
Public parks (with toilets, per person)	10
Recreation buildings (per person)	2
Residences	
Single family, detached	350 each unit
Multi-family	250 per bedroom
Hotel/motel	150 per bedroom
Bedroom additions to SFR	150 per bedroom
Mobile homes	100 each
Restaurants	
24-hour runoff, per seat (including bar)	50

Less than 24-hour per seat (including bar)	30
Drive-ins, per space	15
Carry-out facilities (per 100 sq. ft.)	50 plus 10 per employee (in addition to seat and drive-in charges)
Schools	Elementary — High
Each pupil per day	10 — 15
Add for shower/pupil	— 5 — 5
Add for cafeteria/pupil	— 5 — 5
Boarding each pupil	100 — 100
Service stations (Full)	750
First two bays	300
Each additional bay	300
Per fuel pump	100
Service stations (Self)	
Per fuel pump	50
Shopping centers	
Per sq. ft. of floor space	
(no food service or laundry)	0.1
Theatres	
Indoor, per seat	5
Outdoor, per speaker	10
Warehouses (per sq. ft. of	
storage space)	0.1

3817 -

3818 (c) ~~Transportation.~~ New development shall not be approved unless there is sufficient available design
3819 capacity to sustain the following levels of service for transportation systems as established in the
3820 Traffic Circulation Element of the City of Margate Comprehensive Plan.

Type of Facility	Peak Hour Level of Service
Principal Arterial	D
Collector Street	D
Local Road	C

3821 -

3822 ~~(1) The area of impact of the development (a traffic shed) shall be determined. The limits of the~~
3823 ~~affected traffic shed shall be determined in accordance with the Broward County Land~~
3824 ~~Development Code Trafficways Plan criteria. The traffic shed shall be that area where the primary~~
3825 ~~impact of traffic to and from the site occurs. If the city/county has designated sectors of the city~~
3826 ~~for determining development impacts and planning capital improvements, such sectors or~~
3827 ~~planning areas may be used. If the application is for a building permit for a single family or duplex~~
3828 ~~development, the impact shall be presumed to be limited to the collector or arterial serving the~~
3829 ~~local street giving access to the lot, or to the collector or arterial giving direct access to the lot.~~

3830 ~~(2) The projected level of service for arterials and collectors within the traffic shed shall be calculated~~
3831 ~~based upon estimated trips to be generated by the project, or where applicable, the first phase of~~
3832 ~~the project, and taking into consideration the impact of other approved but not yet completed~~
3833 ~~developments within the traffic shed. Information on committed development within the traffic~~
3834 ~~shed shall be provided by Broward County.~~

3835 ~~(d) *Drainage.* New development shall not be approved unless there is sufficient available design capacity~~
3836 ~~to sustain the following levels of service for the drainage system as established in the drainage~~
3837 ~~subelement of the City of Margate Comprehensive Plan.~~

3838 ~~Subject/level of service.~~

3839 ~~*Road protection.* Residential streets not greater than fifty (50) feet to have crown elevations no~~
3840 ~~lower than the elevation for the respected area depicted on the ten (10) year "Flood Criteria~~
3841 ~~Map." Rights of way greater than fifty (50) feet to have an ultimate edge of pavement no lower~~
3842 ~~than the elevation for the respective area depicted on the ten (10) year "Flood Criteria Map."~~

3843 ~~*Buildings.* To have the lowest floor elevation no lower than the elevation for the respective area~~
3844 ~~depicted on the "100-Year Flood Elevation Map."~~

3845 ~~*Off-site discharge.* Not to exceed the inflow limit of SFWMD primary receiving canal or the local~~
3846 ~~conveyance system, whichever is less.~~

3847 ~~*Storm sewers.* Design frequency minimum to be three-year rainfall intensity off the State DOT Zone~~
3848 ~~10 Rainfall curves.~~

3849 ~~*Floodplain routing.* Calculated flood elevations based on the ten-year and 100-year return frequency~~
3850 ~~rainfall of three-day duration shall not exceed the corresponding elevations of the ten-year "Flood Criteria~~
3851 ~~Map" and the "100-Year Flood Elevation Map."~~

3852 ~~*Antecedent water level.* The higher elevation of either the control elevation or the elevation depicted~~
3853 ~~on the map "Average Wet Season Water Levels."~~

3854 ~~*On-site storage.* Minimum capacity above antecedent water level and below floodplain routing~~
3855 ~~elevations to be design rainfall volumes minus off-site discharge occurring during design rainfall.~~

3856 ~~*Best management practices (BMP).* Prior to discharge to surface or ground water, BMPs will be used~~
3857 ~~to reduce pollutant discharge.~~

3858 ~~(e) *Solid waste.* New development shall not be approved unless there is sufficient available design~~
3859 ~~capacity to sustain the following levels of service for solid waste as established in the solid waste~~
3860 ~~subelement of the City of Margate Comprehensive Plan.~~

Type of Use	Level of Service
Residential	8.9 lbs. per unit/day
Office	1.0 lbs. per 100 sq. ft./day
Factory/warehouse	2.0 lbs. per 100 sq. ft./day
Supermarket	9.0 lbs. per 100 sq. ft./day

Department store	4.0 lbs. per 100 sq. ft./day
Restaurant	2.0 lbs. per meal/day
Grade school	10.0 lbs. per room and 1/4 lbs. per pupil per day
Middle/high school	8.0 lbs. per room and 1/4 lbs. per student per day
Nurse or intern home	3.0 lbs. per person/day
Hospital	8.0 lbs. per bed/day
Home for aged	3.0 lbs. per person/day
Rest home	3.0 lbs. per person/day

3861 -

3862 (f) ~~Recreation.~~ New development shall not be approved unless there is sufficient available capacity to
3863 sustain the following levels of service for the recreational facilities in the recreation and open space
3864 element of the City of Margate Comprehensive Plan.

Type of Facility	Level of Service
Local parks	3 acres per 1,000 residents

3865 -

3866 (Ord. No. 94-19, § 1, 9-28-1994)

3867 Sec. 31-49. ~~Application requirements for concurrency determination.~~

3868 An application for a development permit that is subject to concurrency review shall be accompanied
3869 by the following information in addition to any other requirements contained within the city Code.

3870 (1) ~~Project description:~~ Applicant, location, land use and zoning, density or intensity, project phasing
3871 and other pertinent information as determined by the applicant needed to properly review the
3872 application.

3873 (2) ~~Transportation system:~~ An analysis performed by Broward County or prepared in accordance
3874 with the Broward County TRIPS model, as amended from time to time.

3875 (3) ~~Drainage, solid waste, water and wastewater:~~ Documentation from the appropriate service
3876 provider regarding provision of services.

3877 (Ord. No. 94-19, § 1, 9-28-1994)

3878 Sec. 31-50. ~~Development permit approval.~~

3879 The City of Margate shall make determinations that there are adequate facilities to service the
3880 proposed development and that the proposed development will not degrade those facilities below the
3881 minimum level of service established herein. Development permits will be processed to the fullest degree
3882 possible. The city will make a concurrency determination for: (a) approval, (b) approval with conditions
3883 including phasing, (c) approval subject to further review of a subsequent development permit as allowed
3884 elsewhere in this article, or (d) denial with notice of the reasons for same. Approval of a development for
3885 concurrency does not remove any obligation a property owner or successor may have to satisfy other
3886 requirements contained within the city Code.

3887 (Ord. No. 94-19, § 1, 9-28-1994)

3888 ARTICLE V. ~~GREEN BUILDING POLICY~~

3889 Sec. 31-51. ~~General.~~

3890 (a) ~~Definitions.~~ The following words, terms and phrases, when used in this chapter [article], shall have
3891 the meaning ascribed to them in this section, except where the context clearly indicates a different
3892 meaning.

3893 ~~GBI means the Green Building Initiative.~~

3894 ~~Green building means generally the resource efficient design, construction, and operation of~~
3895 ~~buildings deemed to be employing environmentally sensible construction practices, systems and~~
3896 ~~materials.~~

3897 ~~Green Globes means the current version of the green building rating system administered by GBI.~~

3898 ~~LEED means the current version of the USGBC's leadership in energy and environmental design~~
3899 ~~rating system in effect at the time a project is registered with the USGBC.~~

3900 ~~Project means construction associated with the creation, development, major renovation, or erection~~
3901 ~~of any building deemed to be eligible for an approved green building certification program.~~

3902 ~~USGBC means the United States Green Building Council.~~

3903 (b) ~~Purpose.~~ The purpose of the city's green building policy is to provide the city with a certified-based
3904 green building program. This program will provide sustainable and environmentally friendly practices
3905 of construction and design. It shall be the policy of the city to achieve at least the minimum certification
3906 level of the USGBC LEED, GBI Green Globes green building certification programs or other equivalent
3907 certification program as determined by the city for all new city owned and operated building
3908 construction. All renovation projects to city owned and operated buildings including major renovation
3909 involving elements of HVAC renovation, significant envelope modifications and major interior
3910 rehabilitation, which meets the USGBC or GBI definition for major renovation, shall be brought up to
3911 "certified" status. In order to ensure that city construction projects meet the green building standards,
3912 all city construction projects deemed to be eligible for the program shall be registered with the
3913 appropriate green building program and the project team, including, but not limited to, the architect,
3914 engineer, general contractor, and city agencies responsible for the projects, shall seek certification of
3915 registered projects. Design submittals for all such projects shall be reviewed and marked as "credit
3916 anticipated" prior to the submission of a petition to the development review committee.

3917 (~~Ord. No. 2009-15, § 1, 11-18-2009; [Ord. No. 2017-19, § 1, 10-4-2017](#)~~)

3918 Sec. 31-52. ~~Reserved.~~

3919 **Editor's note**— Sec. 2 of [Ord. No. 2017-19](#), adopted Oct. 4, 2017, deleted § 31-52, which pertained to
3920 environmental categories, and derived from Ord. No. 2009-15, adopted Nov. 18, 2009.

3921 Sec. 31-53. ~~Green building rating policy.~~

3922 The LEED and Green Globes rating systems are certification tools. Points shall be awarded to
3923 building projects that incorporate the design and construction practices and technologies listed in the
3924 appropriate rating system. The project shall be subject to certification by a qualified city staff member or
3925 third party who has been trained and certified as a LEED accredited professional (LEED AP) or Green
3926 Globes professional (GGP). For purposes of the program, "third party" means any person or entity
3927 authorized by USGBC or GBI to verify that a project has satisfied any or all of the requirements
3928 associated with LEED or GBI standard designated for a particular project.

3929 (~~Ord. No. 2009-15, § 1, 11-18-2009; [Ord. No. 2017-19, § 3, 10-4-2017](#)~~)

3930 ARTICLE VI. ~~QUASI JUDICIAL PROCEEDINGS~~

3931 Sec. 31-54. ~~Special exceptions.~~

- 3932 (a) ~~Purpose.~~ Special exceptions are generally compatible with other land uses permitted in a zoning
3933 district but, due to their unique characteristics or potential impacts on the surrounding neighborhood
3934 and the city as a whole, require individual review as to location, design, configuration, and/or operation
3935 for the particular use at the particular location proposed, as well as the imposition of individualized
3936 conditions in order to ensure that the use is compatible with the surrounding neighborhoods and
3937 appropriate at a particular location.
- 3938 (b) ~~Application requirements.~~ No use designated as a special exception shall be established until after
3939 such use has received approval under the provisions of this section and has received all permits
3940 required by this Code of Ordinances and the Florida Building Code. An application for special
3941 exception approval shall be filed with the development services department on forms provided. The
3942 application shall include:
- 3943 (1) ~~A preliminary site plan, meeting the technical requirements for a final site plan and containing all~~
3944 ~~relevant information necessary for review, including, but not be limited to, the following:~~
- 3945 a. ~~A survey meeting the technical standards of the Florida Department of Professional~~
3946 ~~Regulation, Board of Land Surveyors.~~
- 3947 b. ~~An accurate tree location plan, superimposed over the basic site plan, showing the species~~
3948 ~~and size of all trees of three (3) inches or greater caliper, d.b.h.~~
- 3949 c. ~~Site data, including floor areas, aggregate building coverage, green space, vehicular use~~
3950 ~~areas, retention areas and parking ratio.~~
- 3951 d. ~~Each site plan presented herewith shall be drawn to a scale of no less than one (1) inch~~
3952 ~~equals fifty (50) feet, and shall include the complete dimensioning and location of:~~
- 3953 1. ~~Plot lines.~~
- 3954 2. ~~Existing and proposed buildings and all other proposed improvements.~~
- 3955 3. ~~Off street parking, curbing, wheel stops and interior landscape area.~~
- 3956 4. ~~Street paving, drainage structures, sidewalks, driveways, intersections, medians,~~
3957 ~~existing and proposed deceleration and turning lanes.~~
- 3958 5. ~~Setbacks.~~
- 3959 6. ~~Floor plans, and exterior sales, storage or service areas.~~
- 3960 7. ~~Internal walks and pedestrian ways.~~
- 3961 8. ~~Typical building exterior elevation view.~~
- 3962 9. ~~Signs and exterior lighting.~~
- 3963 10. ~~Water mains and fire hydrants; sewer laterals.~~
- 3964 11. ~~Buffering and fencing or decorative masonry walls.~~
- 3965 12. ~~Solid waste disposal containers and enclosures.~~
- 3966 13. ~~Proposed finished floor and pavement elevations.~~
- 3967 14. ~~Landscaping plan.~~
- 3968 15. ~~Any other architectural, engineering or other data as may be required to permit the~~
3969 ~~necessary findings.~~
- 3970 (2) ~~The required application fee, as provided in section 31-39 of this Code.~~
- 3971 (3) ~~A written and graphic summary of the proposed project and its relationship to the general~~
3972 ~~standards of review in section 31-54(c) of this Code.~~
- 3973 (4) ~~Ownership affidavit and owner's sworn to consent, if applicable.~~

3974 ~~(c) *General standards of review.* In addition to the standards set forth in this Code of Ordinances for the~~
3975 ~~particular use, all proposed special exceptions shall meet each of the following standards:~~

3976 ~~(1) The special exception shall be consistent with the purposes, goals, objectives and policies of the~~
3977 ~~Margate Comprehensive Plan and the Margate Code of Ordinances.~~

3978 ~~(2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or~~
3979 ~~endanger the public health, safety, or general welfare.~~

3980 ~~(3) The establishment, maintenance or operation of the proposed use shall only be approved if in~~
3981 ~~the best interest of the city. It shall be determined that a genuine need for the use is present in~~
3982 ~~the city to support and justify the approval order to avoid creating an excessive proliferation of~~
3983 ~~said special exception use.~~

3984 ~~(4) The proposed use shall be compatible with the existing natural environment and community~~
3985 ~~character of the properties within the immediate neighborhood.~~

3986 ~~(5) Utilities, roadway capacity, drainage, and other necessary public facilities, including police, fire~~
3987 ~~and emergency services, shall exist at the city's adopted levels of service, or will be available~~
3988 ~~concurrent with demand as provided for in the requirements of this Code of Ordinances.~~

3989 ~~(6) Adequate measures exist or shall be taken to provide ingress and egress to the proposed use,~~
3990 ~~for both vehicles and pedestrians, in a manner that minimizes traffic congestion on public streets,~~
3991 ~~and the use may not result in a significantly greater amount of traffic on local streets than would~~
3992 ~~result from a development permitted by right.~~

3993 ~~(7) There shall be adequate parking areas and off street truck loading spaces (if applicable)~~
3994 ~~consistent with the parking requirements of the Code, and the layout of the parking and vehicular~~
3995 ~~use areas shall be convenient and conducive to safe operation consistent with city standards to~~
3996 ~~the greatest extent possible.~~

3997 ~~(8) The establishment of the special exception shall not impede the development of surrounding~~
3998 ~~properties for uses permitted in the zoning district nor have a negative impact on the value of~~
3999 ~~those properties;~~

4000 ~~(9) The design of the proposed use shall minimize adverse effects, including visual impacts, of the~~
4001 ~~proposed use on adjacent property through the use of building orientation, setbacks, buffers,~~
4002 ~~landscaping and other design criteria.~~

4003 ~~(10) The city commission finds that the granting of the application will be in the best interest of the~~
4004 ~~city.~~

4005 ~~(d) *Review by development review committee (DRC).* A complete application which is submitted pursuant~~
4006 ~~to a schedule prepared by the development services department shall be reviewed at the next~~
4007 ~~available DRC meeting. The DRC shall review the proposed use based on the general standards of~~
4008 ~~review, use regulations, development standards of this Code, and all other applicable development~~
4009 ~~regulations. The DRC chairman shall submit a written report, incorporating the findings and~~
4010 ~~recommendation of the DRC, to the planning and zoning board and city manager.~~

4011 ~~(e) *Meeting of the planning and zoning board.* The planning and zoning board shall conduct a public~~
4012 ~~hearing in which they discuss the DRC report and the project proposal, prior to making a~~
4013 ~~recommendation concerning the project to the city commission. If the planning and zoning board~~
4014 ~~determines that the proposed use is in compliance with general standards of review, use regulations,~~
4015 ~~and development standards of this Code, then they shall recommend approval of the special exception~~
4016 ~~to the city commission, with or without conditions, as determined appropriate. If the planning and~~
4017 ~~zoning board finds that the proposed special exception is not in compliance, they shall recommend~~
4018 ~~denial of the application. The planning and zoning board may continue the matter until any additional~~
4019 ~~information or studies requested have been completed and offered in testimony.~~

4020 ~~(f) *Review by city commission.* The city commission shall review all special exception applications. The~~
4021 ~~director of development services shall transmit to the city manager a copy of the complete application~~
4022 ~~and a written staff report summarizing the facts of the case including all relevant documents and the~~

4023 recommendations of the planning and zoning board, if applicable. The city manager shall schedule the
4024 proposed special exception application for the next available city commission meeting providing the
4025 required notice procedures are met.

4026 (1) ~~Public hearing.~~ The city commission shall hold one (1) public hearing on the proposed special
4027 exception.

4028 (2) ~~Action by city commission.~~ In considering a special exception request, the city commission shall
4029 review the proposed special exception, based on the general purpose and standards of review
4030 set forth in this section, the report of the administration and recommendation(s) of the planning
4031 and zoning board, and any oral and written comments received before or at the public hearing.
4032 Based upon the record developed at the public hearings, the city commission may:

4033 a. ~~Adopt the proposed special exception by resolution, with or without conditions;~~

4034 b. ~~Deny the proposed special exception by resolution; or~~

4035 c. ~~Refer the matter to the planning and zoning board or administration for further consideration.~~

4036 (g) ~~Conditions.~~ The city commission may attach such conditions to the approval as it deems necessary
4037 to ensure the proposed use conforms to the standards set forth in section 31-54(c) general standards
4038 of review and to prevent or minimize adverse effects on other property in the neighborhood, including,
4039 but not limited to: architectural design guidelines; limitations on size, bulk and location; duration of
4040 construction period; requirements for landscaping, signage, outdoor lighting, and the provision or
4041 limitation of ingress and egress; duration of the approval; hours of operation; and the mitigation of
4042 environmental impacts.

4043 (h) ~~Effect of approval or denial.~~

4044 (1) ~~Eligibility to apply for building permit, etc.~~ Approval of the application for special exception by the
4045 city commission authorizes the applicant to proceed with any necessary applications for final site
4046 plan approval, building permits, certificates of level of service, and other permits, which the city
4047 may require for the proposed development. No permit shall be issued for work, which does not
4048 comply with the terms of the special exception approval.

4049 (2) ~~Expiration of special exception approval.~~ Unless otherwise provided in the approval, the approval
4050 of a special exception application shall be void if a building permit or engineering permit has not
4051 been issued for the proposed development within twelve (12) months after the date of the special
4052 exception approval. An applicant who has obtained special exception approval may request an
4053 extension of this time period by submitting within the twelve month period a letter stating the
4054 reasons for the request. The city commission may, at a regular meeting, grant an extension of up
4055 to twelve (12) months, per chapter 31, section 31-38(c) of the Code of Ordinances.

4056 (3) ~~Rescission of approval by abandonment of use.~~ Any discontinuation of an approved special
4057 exception for a period of one hundred eighty (180) consecutive days shall constitute
4058 abandonment and shall rescind the approval of the special exception. The abandonment period
4059 shall be presumed to have commenced upon the termination of electrical or water service for the
4060 user, whichever occurs first.

4061 (i) ~~Amendments and alterations to approved special exceptions.~~

4062 (1) ~~Except as provided under section 31-54(i)(2), any expansion to an approved special exception~~
4063 ~~and any addition to or expansion of an existing special exception shall require the same~~
4064 ~~application, review and approval as required under this section for the original approval of the~~
4065 ~~special exception.~~

4066 (2) ~~Minor changes in the site plan or design details of an approved special exception which are~~
4067 ~~consistent with the standards and conditions applying to the special exception and which do not~~
4068 ~~result in additional external impacts, such as a minor shift in the location of a building or structure,~~
4069 ~~the realignment of parking spaces and aisles, the relocation of a driveway, etc. may be approved~~
4070 ~~by the DRC administratively without obtaining additional approvals. No increase in the intensity~~
4071 ~~or change in use shall be considered a minor change for the purposes of this section.~~

4072 (~~Ord. No. 2017-14, § 1, 8-23-2017; Ord. No. 2018-1, § 1, 3-7-2018.~~)

4073 ~~Sec. 31-55. — Public notice.~~

4074 ~~(a) Mailings. When an application for special exception, conditional use, variance, administrative appeal,~~
4075 ~~plat or plat amendment, rezoning, land use map amendment, or any other quasi-judicial land use~~
4076 ~~determination is filed with the city, the applicant shall be responsible for mailing public notice to the~~
4077 ~~owners of all real property lying within one thousand five hundred (1,500) feet of the subject property~~
4078 ~~for which said application was filed. The mailing radius shall be measured from the property lines of~~
4079 ~~the subject property.~~

4080 ~~(1) Content. The mailed notification shall state "PUBLIC HEARING NOTIFICATION" in bold print at~~
4081 ~~the top of the notice and include the following information:~~

4082 ~~a. The applicant's name.~~

4083 ~~b. The address of the subject property of the application.~~

4084 ~~c. The type of application that was filed with the city.~~

4085 ~~d. A description of the proposed project, including the proposed use, hours of operations,~~
4086 ~~acreage of parcel, square footage of structure(s), and/or number and type of residential units.~~

4087 ~~e. The name of the board(s) to hear the application.~~

4088 ~~f. The scheduled date(s) and time(s) of hearing(s).~~

4089 ~~g. The address of where the hearing (s) is/are to take place.~~

4090 ~~h. Municipal contact information for the department processing the application, to include the~~
4091 ~~department name, phone number and address.~~

4092 ~~(2) Procedure. Within seven (7) days of receiving an application, as described in section 31-55(a),~~
4093 ~~the city shall furnish the applicant with a list of all real property owners within a one thousand five~~
4094 ~~hundred-foot radius of the subject property of said application. Ownership of surrounding real~~
4095 ~~property shall be determined by the most recent tax records available from the Broward County~~
4096 ~~Property Appraiser. The applicant shall send public notice described above via United States~~
4097 ~~Postal Service mail to each required real property owner at least fourteen (14) days prior to the~~
4098 ~~scheduled hearing(s).~~

4099 ~~a. For applications that require sequential reviews by multiple boards of the city, the notice shall~~
4100 ~~include the scheduled dates, times, board names, and locations for all required hearings.~~
4101 ~~For the purpose of this section, required hearings refer to those held by the city commission,~~
4102 ~~the planning and zoning board, the board of adjustment, and any other board whose~~
4103 ~~members are appointed by the city commission.~~

4104 ~~1. In the event an application is tabled at a properly noticed hearing, no further mailings~~
4105 ~~shall be required for the application to appear before that particular body that tabled the~~
4106 ~~application. However, if the tabling action causes hearings by other boards of the city~~
4107 ~~in a sequential review of an application to be rescheduled to dates other than those~~
4108 ~~provided in the mailed public notice, then the applicant shall mail a revised notice as~~
4109 ~~provided in this section at least fourteen (14) days prior to the rescheduled hearing(s).~~

4110 ~~2. In the event that an application is delayed between hearings of a sequential review for~~
4111 ~~any reason other than being tabled, as described above, then the applicant shall mail a~~
4112 ~~revised notice as provided in this section at least fourteen (14) days prior to the~~
4113 ~~rescheduled hearing.~~

4114 ~~3. In the event that an applicant appeals a board decision to a higher body of the city, or~~
4115 ~~that the city commission refers a special exception application back to the planning and~~
4116 ~~zoning board as described in section 31-54(f)(2)c., the applicant shall mail a revised~~
4117 ~~notice as provided in this section at least fourteen (14) days prior to the rescheduled~~
4118 ~~hearing.~~

b. Upon mailing the required public notice, the applicant shall submit proof of said mailing to include a sample letter, postage receipt, and a sworn affidavit affirming that the public notice requirements of this section have been executed as described in this section. Said proof of mailing shall be provided to the city at least ten (10) days prior to the first scheduled hearing.

c. In the event that the applicant fails to satisfy all of the requirements of this section, the application shall not be scheduled for the planning and zoning board, board of adjustment, GRA board, or city commission, until the above requirements have been met.

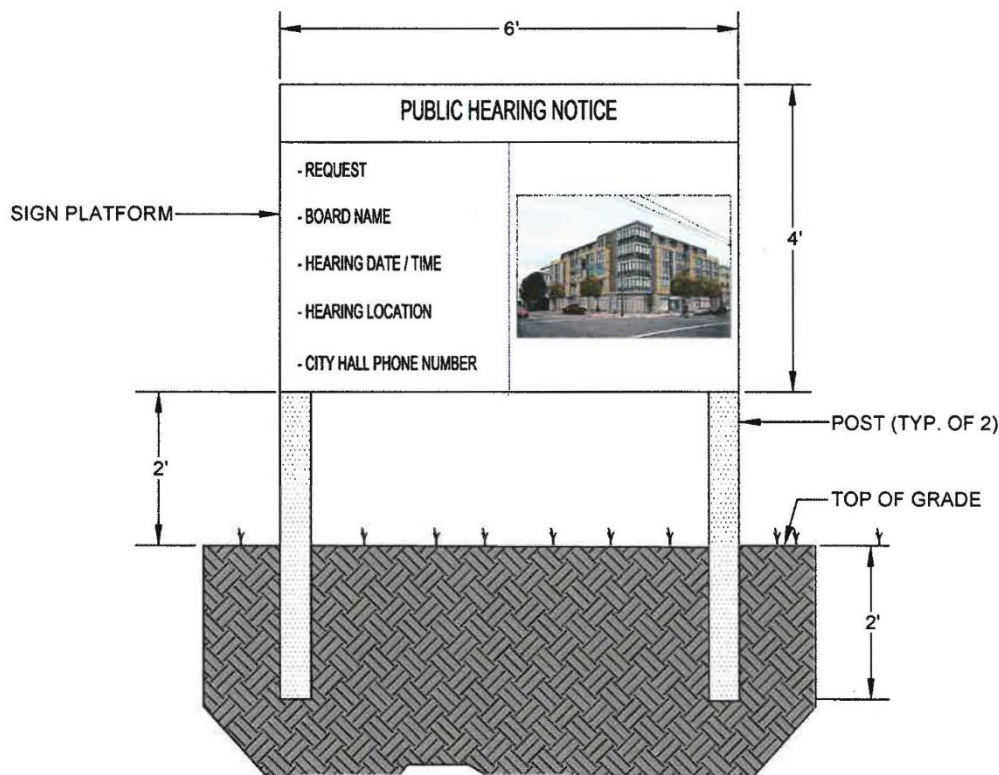
(b) ~~Signs.~~ When an application for special exception, conditional use, variance, administrative appeal, plat or plat amendment, rezoning, land use map amendment, or any other quasi-judicial land use determination is filed with the city, the applicant shall be responsible for posting public hearing notice on the subject property of the application at least fourteen (14) days prior to the scheduled public hearing.

(1) ~~New construction.~~ Applications for quasi-judicial land use determinations consisting of new development, redevelopment, major renovation of an existing structure, facade change, change of use, special exception, conditional use, or any other new construction of a building or structure other than that on an individual single family home shall post signs meeting the following criteria:

a. Freestanding, single faced sign, posted to a height of six (6) feet above grade.

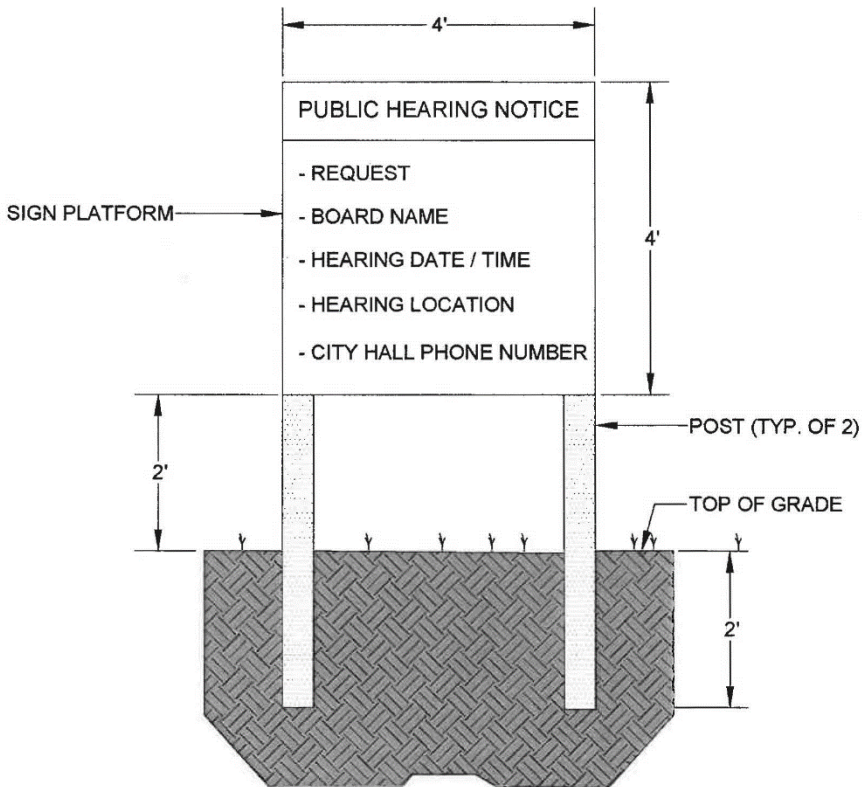
b. The sign face shall be twenty four (24) square feet in area, such that it is six (6) feet wide by four (4) feet high.

c. The sign face shall be laterally divided into two (2) sides. The right side of the sign shall display a colored rendering of the proposed project. The left side shall provide the information described in section 31-55(b)(4), below.



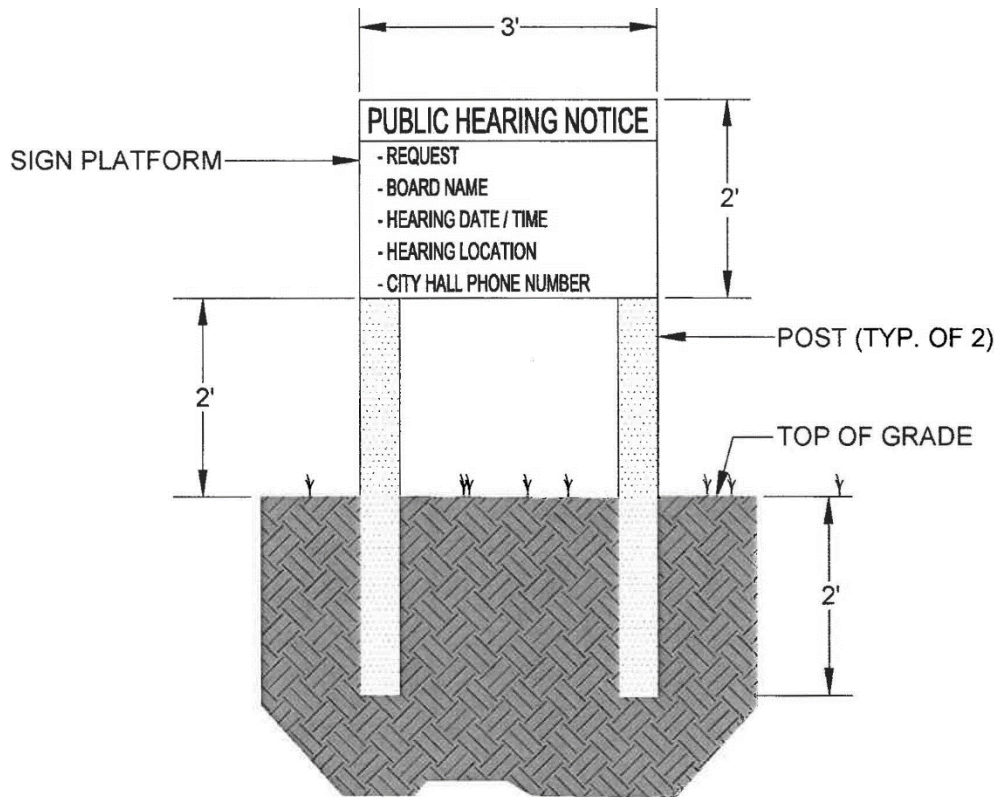
(2) ~~Existing structures.~~ Applications consisting of a variance, administrative appeal, plat or plat amendment, rezoning, Land Use Map Amendment, minor modification to an existing structure or other quasi-judicial land use determinations shall post signs meeting the following criteria:

- a. ~~Freestanding, single-faced sign, posted to a height of six (6) feet above grade.~~
- b. ~~The sign face shall be at least sixteen (16) square feet, such it that is at least four (4) feet wide by four (4) feet high.~~
- c. ~~The sign(s) shall conform to section 31-55(b)(4), below.~~



(3) ~~Single-family homes.~~ Applications consisting of a variance, administrative appeal, or other quasi-judicial land use determinations on an individual single-family home shall post signs meeting the following criteria:

- a. ~~Freestanding, single-faced sign, posted to a height of four (4) feet above grade.~~
- b. ~~The sign face shall be at least six (6) square feet, such it that is at least three (3) feet wide by two (2) feet high.~~
- c. ~~The sign(s) shall conform to section 31-55(b)(4), below.~~



(4) ~~Criteria.~~ The posted notification shall satisfy the following criteria:

a. ~~Content.~~ The sign face shall state "PUBLIC HEARING NOTIFICATION" in bold print at the top of the notice and include the following information in line item bullet format:

1. ~~The type of hearing request, and brief description of the application, for example, "SPECIAL EXCEPTION FOR GASOLINE STATION."~~
2. ~~The board scheduled to hear the application, for example, "CITY COMMISSION."~~
3. ~~The hearing date and time.~~
4. ~~The hearing location.~~
5. ~~The phone number for City Hall.~~

b. ~~Posting.~~ Public hearing signs shall be posted in the following manner:

1. ~~One (1) public hearing sign shall be posted by the applicant facing each adjacent public right of way of the subject property. If the subject property does not have an adjacent right of way, the sign(s) shall be installed on the subject property in a manner to provide the highest level of visibility to the public, as determined by city staff. Signs must be posted on the subject property, setback five (5) feet. The intent of this section is to provide highly visible notice to the public, as such, if visual obstructions exist on the subject property such as landscaping or manmade structure(s), the height and setback may be adjusted to provide the best visibility possible, as determined by city staff.~~
2. ~~In the event that an application is tabled, or where sequential hearings are required, the petitioner shall update the sign(s) within seventy two (72) hours of the most recent hearing date. The sign must be updated at least fourteen (14) days prior to the next scheduled hearing in order to be heard.~~

4180 e. ~~Construction.~~ Public hearing sign faces shall be made of a durable, rigid material. Paper,
4181 cardboard, fabric or vinyl banners shall not be used in the construction of a public hearing
4182 sign. Signs must be freestanding unless otherwise authorized by staff. Signs shall feature
4183 black lettering on a white background. Lettering shall be displayed in a bold, highly visible
4184 font.

4185 d. ~~Bond.~~ Petitioner shall execute a public hearing sign bond agreement with the city
4186 acknowledging that the above sign(s) shall be removed within two (2) business days
4187 following a final determination on the matter. If said sign(s) is/are not removed in two (2)
4188 business days, the petitioner, on behalf of the owners of the property, authorize the
4189 administration of the City of Margate to remove said sign(s), forfeiting the bond fee.

4190 (~~Ord. No. 2017-14, § 1, 8-23-2017~~)

4191 ...

4192

Chapter 35 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES^[1]

ARTICLE I. - IN GENERAL

Sec. 35-0.1 Definitions.

The following definitions shall apply to this chapter:

~~(a) — Bodies of water — All nonnavigable bodies of water owned in either fee simple or by perpetual easement by the city in trust by the public.~~

~~(b) — Driveway connection — shall be defined as any paved area connecting a privately owned driveway, parking lot, or street with a public thoroughfare or street. A driveway connection shall include any paved portion as defined above from the street or public thoroughfare to the abutting private property line. It shall specifically include paved portions as define above which traverse sidewalks and swales.~~

~~(c) Nonnavigable" — For this section only, bodies of water not recognized by the federal government as a part of the navigable water system of the United States.~~

~~(d) Relicted property — Dry land created by either the following methods:~~

~~1. — Where lands have emerged and are no longer covered by water by the lowering of the water level of a body of water as above defined.~~

~~2. — Where bodies of water have been improperly designated in any deed, plat or other conveyance to the city so as to show a body of water where dry land now exists.~~

~~(e) — Swale area — shall be defined as the unpaved portion of the public right-of-way between the paved portion of the public right-of-way and the boundary of the adjacent property owner or owners.~~

Sec. 35-0.42. - Abandonment of city property rights-of-way, petition fee.

An affected person (or persons), natural or corporate, who is the owner of a property, or who owns abutting property, may petition the city for abandonment of any city-owned right-of-way within said property or abutting property. The petition shall be filed with the department of environmental and engineering services (DEES) for approval of the city commission.

Public notice for a proposal to abandon a right-of-way shall be provided as follows:

~~(a) Public hearing before the planning and zoning board.~~

~~(1) Fourteen (14) days prior to the public hearing the city shall provide first class mail notice of the proposed abandonment of right-of-way to all property owners within four hundred (400) feet of the subject property.~~

~~(2) Seven (7) days prior to the public hearing the city shall provide a legal newspaper advertisement of the abandonment of right-of-way as provided for herein.~~

~~(b) (a) Public hearing before city commission.~~

~~(1) Fourteen (14) days prior to the public hearing the city shall provide first class mail, notification of the proposed abandonment of right-of-way to all property owners within four hundred (400) feet of the subject property.~~

~~(2) Seven (7) days prior to the public hearing the city shall provide a legal newspaper advertisement of the proposed abandonment of right-of-way as provided for herein.~~

There is hereby established aA fee to be paid by petitioners requesting that the city vacate or otherwise abandon property, whether said property be roadways, rights-of-way, easements, or other [property subject to] petitions for abandonment. Said fee shall be in the amount of one hundred dollars (\$100.00)

per petition established by resolution of the city commission. Once approved, the resolution shall be certified by the city and forwarded to the city attorney for processing at the county, after which the vacation shall be recorded in the public records of Broward County, Florida. A certified copy of the recorded documents shall be provided to the city clerk and the department of environmental and engineering services (DEES). All fees and costs associated with processing the application, including recording costs, must be paid in full by the applicant prior to recording.

Sec. 35-0.23. - Maintenance of driveway ~~connections~~ approaches.

(a) *Definition.* A "driveway ~~connection~~ approach" shall be defined as any paved area connecting a privately owned driveway, parking lot, or street with a public thoroughfare or street. A driveway ~~connection~~ approach shall include any paved portion as defined above from the street or public thoroughfare or edge of pavement to the abutting private property line. It shall specifically include any paved portions as define above and which may traverse or lead onto existing sidewalks and or swales including but not limited to curb and gutters, concrete header curb, or any other impervious surface. ~~sidewalks and swales.~~

~~(b)(a)~~ *Persons responsible.* All driveway ~~connections~~ approaches shall be maintained by the owner or owners of the property which said driveway ~~connections~~ approach serves. ~~serve.~~

~~(c)(b)~~ *Standards.* The above owner or owners of property served by any driveway ~~connection~~ approach in the city shall keep said driveway ~~connection~~ approach in a safe and suitable condition for all individuals, including motorists and pedestrians who may traverse same. Said owners shall keep said driveway ~~connection~~ approach free of potholes and such other defects which may reasonably pose a danger to the public or said owner or guests or business invitees.

All driveway approaches shall be constructed in accordance with the standards and requirements of the city code and other such requirements that may be established by the city to administer the requirements of this section. The dimensions of each driveway approach, the materials to be used in its construction, the grade thereof, and the method and manner of constructing, reconstructing and repairing the same shall be as prescribed and approved by the city through the issuing of an engineering permit.

~~(d) (e)~~ *Temporary repair by city.* Should the owners of property served by any driveway ~~connection~~ approach within the city allow said driveway connection to deteriorate to such a condition that it poses a danger to the public and/or guests or business invitees to the property served by the driveway ~~connection~~ approach, the department of public works shall be authorized, in the discretion of the city manager, director of public works or the police chief, to repair said driveway ~~connection~~ approach on an emergency basis and make said driveway ~~connection~~ approach temporarily safe. Said repair shall be made only after reasonable notice to the owner of the property served by a deteriorating driveway ~~connection~~ approach, or without notice if an urgent situation exists.

~~(e) (d)~~ *Reimbursement of expense of temporary repairs; enforcement by lien.* Should it be necessary for the department of public works to repair and driveway connection within the city as described in subsection (d), the city shall be entitled to full reimbursement of all funds expended for material and labor in repairing same. The city clerk is hereby authorized to file a lien upon any property served by a repaired, deteriorated driveway connection.

~~(f) (e)~~ *Injunction; other legal action.* The city attorney is hereby authorized to enjoin violations of this section and to take whatever legal action is necessary to obtain compliance with same.

4292

4293 Sec. 35-0.4 – Maintenance of sidewalks and other paved surfaces

4294 (a) *Definition.* Sidewalk shall be that portion of property lying adjacent to or within the public right-of-way,

4295 paved and used for pedestrian travel.

4296 (b) *Standards of construction and repair.* All sidewalks shall be constructed in accordance with the

4297 standards and requirements of the city code and other such requirements that may be established by

4298 the city to administer the requirements of this section. The width of each sidewalk, the material to be

4299 used in its construction, the grade thereof, and the method and manner of constructing,

4300 reconstructing and repairing the same shall be in accordance with the City of Margate Engineering

4301 Design and Construction Standards and as prescribed and approved by DEES as prescribed and

4302 approved by the city.

4303 (c) *Notice to property owner.* Upon the determination that a sidewalk shall be constructed, repaired or

4304 replaced, the city shall mail to the owner of the abutting property notice that the required construction,

4305 repair and replacement must be completed within sixty (60) days of the receipt of the notice. The city

4306 may grant a thirty (30) day extension upon a demonstration that a good faith effort is being made to

4307 comply with the requirements of this section.

4308 (d) *Duty of owner of abutting property.* ~~It shall be the duty of the owners of real estate within the city, at~~

4309 ~~such owner's cost and expense to repair all sidewalks abutting said owner's property and to replace~~

4310 ~~any such sidewalks which cannot be repaired.~~ It shall be the duty of each owner of property within the

4311 city to notify the city when sidewalk abutting each parcel of his/her property is in need of repair.

4312 (1) The extent of repair needs and responsibility will be determined by the city following a site

4313 inspection.

4314 (2) It shall be the duty of each owner of abutting property to construct or reconstruct, maintain,

4315 and keep in good repair uniform and substantial sidewalks in front of or abutting upon each

4316 parcel of his property within the city when so directed by the city manager or his designee

4317 when:

4318 i. It is determined by city inspection that damage is due to trees found growing in the

4319 adjacent swale or on the adjacent owner's property.

4320 ii. It is determined by city inspection that heavy equipment used by the property owner

4321 has damaged the sidewalk.

4322 iii. It is determined by city inspection that the damage was otherwise caused by actions of

4323 the abutting property owner.

4324 iv. It is determined by city inspection and/or permit application that concrete sidewalk was

4325 changed to paver bricks, stamped concrete or stamped asphalt during driveway or

4326 sidewalk re-construction.

4327 (e) It shall be unlawful for the owner or occupant of any lot or part thereof to permit any sidewalk in front

4328 of such lot or part thereof to remain in such a condition as to prevent the convenient and safe use

4329 thereof by the public.

4330 (f) Sidewalks shall be required in connection with the development of vacant property, redevelopment of

4331 developed property or construction of improvements on developed property to the extent of twenty-

4332 five (25) percent or more of the replacement value of existing improvements. They shall be

4333 constructed on all public streets abutting the plot, except as hereinafter provided. Such sidewalks

4334 shall be constructed to standards established by the city and located as determined by the city,

4335 generally at the edge of the right-of-way. However, no person shall be required to construct such

4336 sidewalks when one (1) or more of the following conditions are found to exist:

4337 (1) The city manager or his designee has made a determination that sidewalks are not

4338 desirable;

- 4339 (2) The engineering division has determined that a drainage problem exists or will be created
4340 by such construction;
4341 (3) Adjacent properties have not been improved with sidewalks;
4342 (4) No sidewalks were constructed in the original subdivision development; or
4343 ~~(5) The adjacent right-of-way is less than fifty (50) feet in width.~~
4344 (g) The conditions set forth in paragraphs (f) (4) and (5) of this section shall not operate to relieve an
4345 owner from such construction requirement if the majority of properties within two hundred fifty (250)
4346 feet of the subject property have been improved with sidewalks.

4347 Sec. 35-0.5 - Work done by city; costs.

- 4348 (a) In the event the abutting property owner fails or refuses to perform the construction, reconstruction or
4349 repair work on any sidewalk or proposed sidewalk within the time prescribed in the notice, under the
4350 provisions set forth, then and in that event, the city manager or designee shall make or cause such
4351 work to be done and make the cost thereof a charge and lien against such property of the same
4352 extent and character as the lien now granted or which may hereafter be granted to the city by law for
4353 special assessments for the cost of local improvements.
4354 (b) Those property owners' homes will be subject to a "voluntary lien," which must be paid in full prior to
4355 transfer or sale of property to another owner. An owner who elects to finance the sidewalk repair
4356 pursuant to this section shall be required to execute a promissory note secured by a lien on the
4357 property prior to the sidewalk repairs being made.

4358 Sec. 35-0.6. - Maintenance of swale areas.

- 4359 (a) *Definition.* The "swale" area shall be defined as the ~~unpaved~~ portion of the public right-of-way
4360 between the ~~paved portion~~ edge of pavement of the public right-of-way and the boundary of the
4361 adjacent property owner or owners.
4362 (b) *Person responsible.* The owner or owners of the property which abuts a swale area shall be
4363 responsible for the maintenance of the slope, function, and safety of said swale area. Drainage and/or
4364 utility infrastructure within the swale area shall be maintained by the City.
4365 (c) *Standard.* The above owner or owners of the property abutting any swale area shall keep said swale
4366 area in a safe and suitable condition for all individuals, including motorists and pedestrians. Further,
4367 abutting owner or owners shall be required to maintain swale areas such that they do not violate the
4368 appearance standards as provided in chapters 22 and 23 of this Code, and specifically section 23-
4369 5(a)(5).
4370 (d) *Trees and shrubs.* Property owners shall be required to maintain all trees and shrubs in swale areas
4371 such as not to impede pedestrian or vehicular traffic, or any other essential service or activity.
4372 a. Shrubs shall be maintained to a maximum height of twenty-four (24) inches, and shall be
4373 pruned to prevent encroachment upon adjacent sidewalks and streets or obstruction of the
4374 view from any intersection. Trees shall be pruned to provide a minimum of eight (8) feet of
4375 vertical clearance over sidewalks, and a minimum of fourteen (14) feet of vertical clearance
4376 over roadways.
4377 b. Trees or shrubs shall not obstruct the light from any streetlamp or obstruct the view from any
4378 intersection. All dead, diseased or dangerous trees or broken limbs which constitute a
4379 menace to the safety of the public shall be removed. The city shall have the right to prune
4380 any tree or shrub on private property when it interferes with the proper spread of light along
4381 the street from a streetlight, interferes with visibility of any traffic control device or sign, or
4382 interferes with sight distance relative to vehicles.
4383 c. New trees and shrubs shall not be planted in swales where water mains are located.
4384 Property owners shall obtain a permit from the department of environmental and engineering
4385 services (DEES) to plant trees and shrubs in the swales where there are no water mains.

- d. Any new tree shall not be planted within four (4) feet of a sidewalk or curb.
- (e) *Prohibited parking of vehicles.* Parking of any vehicles, boats or trailers shall not be permitted in any public rights-of-way (owned by the City of Margate) ~~in any commercially or industrially zoned district,~~ except for non-commercial registered automobiles within residential districts, or where it is specifically posted permitting same. All parking of any vehicle in public rights-of-way is subject to posted city parking regulations.

Sec. 35-0.7. - Possession and responsibility of relicted property where the City of Margate owns lakes, ponds or other nonnavigable bodies of water.

(a) *Definitions.*

- (1) "Bodies of water"—All nonnavigable bodies of water owned in either fee simple or by perpetual easement by the city in trust by the public.
 - (2) "Nonnavigable"—For this section only, bodies of water not recognized by the federal government as a part of the navigable water system of the United States.
 - (3) "Relicted property"—Dry land created by either the following methods:
 - a. Where lands have emerged and are no longer covered by water by the lowering of the water level of a body of water as above defined.
 - b. Where bodies of water have been improperly designated in any deed, plat or other conveyance to the city so as to show a body of water where dry land now exists.
- (b) Rights of property owners. Where a property owner owns property abutting an area designated as a body of water as above defined within the city and where there is relicted property between the property line of said property owner and the actual water line of the body of water, said property owner shall:
- (1) Have the right to use said relicted property as if owned by said owner subject to the following:
 - a. Any and all easements, rights-of-way or licenses validly recorded.
 - b. The right of ingress and egress as determined by the city to maintain the body of water to which the property owner is adjacent.
 - c. All zoning and building codes and any ordinances promulgated by the city.
 - d. The prohibition of the use of the relicted property for the construction of any structure, fence, or barrier and the use of said relicted property in the measurement for plot size or distance requirements, etc. for the construction of any structure, fence or barrier.
 - (2) Be responsible for the maintenance and safety of said property.
 - a. Property owners shall be responsible for the upkeep, maintenance, and repair of walls along canal banks and lake boundaries or shorelines. These walls prevent property erosion and act as retaining walls.
- (c) Reversion of properties. Should the relicted property become submerged and covered by water up to the description in the plat, deed, or other conveyance granted to the city or to the public, all rights provided by this section shall terminate.

Sec. 35-0.85. - Lighting of new developments.

- (a) No new subdivision, new development or phase thereof shall be lit by public street lighting by the City of Margate unless there is fifty (50) percent occupancy based upon the total number of proposed units within said new development, subdivision or phase thereof, if same can be logically isolated from a planning standpoint.

- (b) The City of Margate shall, however, light and provide for the payment of the public street lighting for the total area of a new subdivision, development or phase thereof with less than fifty (50) percent occupancy as described in paragraph (a) above, upon the following:
- (1) A request by any developer or builder within any new subdivision, development or phase thereof;
 - (2) A signed agreement with the City of Margate by said builder or developer that he will reimburse the city for the total costs monthly of public street lighting of the total area of the new development, new subdivision or phase thereof until such time as fifty (50) ~~per cent~~ percent of said new development, new subdivision or phase thereof is occupied as described in paragraph (a) above.

Section 35-0.6 9 – Construction hours of operation in right-of-way.

- (a) It shall be unlawful to conduct construction in the city right-of-way between the hours of 7:00 p.m. and 7:00 a.m. the following day and on Sundays or federal holidays. Further, it shall be unlawful to conduct construction in school zones during operating hours, determined by Florida Statute 316.1895(5) as thirty (30) minutes before, during and thirty (30) minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast project or a regularly scheduled school session and leaving a regularly scheduled school session.
- (b) Further limitations on construction hours of operation in city right-of-way for high volume traffic hours, emergency conditions, and other conditions affecting the health, safety, and welfare of the public, shall be at the discretion of the director of environmental and engineering services unless otherwise provided for as part of an emergency declaration pursuant to section 33-7 of the city Code.
- (c) Any person desiring to engage in construction in city rights-of-way during the limitations aforementioned, based upon cases of necessity or the interest of public health, safety and convenience, may apply to the director of environmental and engineering services for a special permit allowing same. Such permits, if granted, shall be limited to a period of up to thirty (30) day's duration, but may be renewed for additional periods of up to thirty (30) days if the emergency or need therefor continues. In the issuance of such permits, the director shall weigh all facts and circumstances and shall determine whether the reasons given for the necessity are valid and reasonable, whether the public health, safety and convenience will be protected or better served by granting the permit requested, and whether the manner and amount of loss or inconvenience to the party in interest imposes a significant hardship upon said party.

ARTICLE II. - CONSTRUCTION STANDARDS FOR ~~SIDEWALKS~~, STREETS, AND CURBS

Sec. 35-1. - Permits; plans and specifications required for streets.

No construction of streets and/or curbs shall be commenced without obtaining a an engineering permit, issued by ~~the general building inspector~~ the department of environmental and engineering services (DEES). Before issuance of the permit, the person seeking to make such improvements shall file plans and specifications of the proposed improvements in accordance with this code and DEES standards.

Sec. 35-2. - Same—Information.

The plans and specifications shall include but not be limited to, ~~but shall include~~ the following:

- (a) Adequate drainage of surface water into the canal system.
- (b) ~~Reserved.~~ Details of material type, thicknesses, and compaction requirements of road substructure.
- (c) ~~Street markers.~~ Details of asphalt surface.

4477 (d) ~~Any reasonable requirements that shall be approved by the general building inspector. Details of~~
4478 ~~pavement markings and signage.~~

4479 (e) Any other requirements deemed necessary by the city engineer.

4480

4481 (Ord. No. 1200.00, § 8, 1-18-1961; Ord. No. 75-32, § 3, 12-3-1975)

4482

4483 Sec. 35-3. - Utility use.

4484 ~~Utility equipment and/or appurtenances shall be laid under street prior to paving. All new streets shall~~
4485 ~~have water and sewer mains installed prior to final asphalt surfacing. All properties accessed by new~~
4486 ~~streets shall be provided with water service connections, sanitary sewer laterals, and street lighting. The~~
4487 ~~details of these service connections and laterals shall conform to the City's Engineering Design and~~
4488 ~~Construction standards, or equal or better standard as agreed to by the city engineer.~~

4489

4490 (Ord. No. 1200.00, § 9, 1-18-1961)

4491

4492 Sec. 35-4. - Minimum right-of-way.

4493 All rights-of-way for public thoroughfares, roads or streets shall ~~be not less than fifty (50) feet in width.~~
4494 conform to Section 31-19 (A) (13) (a).

4495

4496 (Ord. No. 1200.00, § 1, 1-18-1961)

4497

4498 Sec. 35-5. - Minimum construction requirements.

4499 No street shall be constructed or approved unless provided with a compacted lime rock base of not less
4500 than eight (8) inches thick. The grade of rock used in said base shall meet such requirements as ~~may be~~
4501 ~~approved by the general building inspector.~~ approved by the City Engineer.

4502 The said base shall be topped or paved by no less than one and one-half (1½) inches of approved
4503 asphalt.

4504

4505 (Ord. No. 1200.00, § 2, 1-18-1961)

4506

4507 Sec. 35-6. - Minimum width of base and paving requirements.

4508 No street shall be constructed with a rock base less than twenty-four (24) feet wide, extending no less
4509 than one (1) foot on either side of the asphalt paving. No paving shall be less than twenty-two (22) feet,
4510 unless otherwise agreed to by the City Engineer.

4511

4512 (Ord. No. 1200.00, § 3, 1-18-1961)

4513

4514 Sec. 35-7. - Location of construction for new streets.

4515 No street shall be constructed unless the same is centered within the existing minimum dedicated right-
4516 of-way unless otherwise agreed to by the City Engineer.

4517

4518 (Ord. No. 1200.00, § 4, 1-18-1961)

4519

4520 Sec. 35-8. - Inspection. ~~The general building inspector~~ department of environmental and engineering
4521 services (DEES) shall make periodic inspections during construction of streets, water and sewer
4522 infrastructure, and streetlights in order to see ensure that all requirements and specifications are being
4523 met.

4524

(Ord. No. 1200.00, § 5, 1-18-1961)

Sec. 35-9. - Special requirements and acceptance.

(A) An additional one inch thick asphaltic concrete Type 1 wearing course shall be constructed at the end of whichever of the following periods of time occurs first:

(1) A two-year period beginning on the date of city approval of the initial road construction; or,

(2) The completion of home building activity within a subdivision or any portion of a subdivision.

(B) The City Engineer, if construction of the streets has met all requirements, shall report same in writing to the city ~~council~~ commission. The ~~council~~, commission upon duly adopted motion, may then accept such street, in which event any bonds posted for the completion of such street construction shall be released.

(Ord. No. 1200.00, § 6, 1-18-1961; Ord. No. 73-9, § 1, 5-23-1973)

Sec. 35-10. - Opening street and cutting curb—Permit required; fee.

No person shall open any street, alter or cut any curb adjacent to any street, install or otherwise cross, pass, undercross or underpass installations and materials in any and all dedicated rights-of-way, without first obtaining a permit from the City of Margate department of environmental and engineering services (DEES) authorizing such alteration, change, installations or pavement cut.

For purposes of this ordinance, a street line runs from street right-of-way line to street right-of-way line.

The applicant for said permit shall pay to the city a permit fee ~~a sum in the amount of six dollars (\$6.00) per traffic lane crossed by any such street cut~~ as set by resolution by the city commission.

Sec. 35-10.1. - Same—Bond.

In addition to the foregoing requirements, the person, developer, owner, or owners or contractor or subcontractor who shall apply for street cut permits shall furnish to the ~~city~~ department of environmental and engineering services (DEES) a good and sufficient bond, in the full amount of the cost of the required restoration of the street improvements in accordance with the requirements of this chapter. Said bond shall be furnished by a surety company of recognized standing authorized to do business in the state and having a resident agent in Broward County; provided, however, that the person, may at ~~his~~ his or their option furnish cash in the same amount, conditioned upon the completion of all required restorations within a period not to exceed the ten (10) calendar day limit set ~~hereinbefore~~ in 35-10. The contractor, subcontractor or other person making the street cut or having obtained a permit for same shall be responsible for the paving until said work is accepted by the city through its designated agent, city engineer or city building inspector and the bond is released.

The person, developer, owner or owners or contractor or subcontractor who has more than one street cut, alteration, change or installation simultaneously may post one bond covering all such permits.

(Ord. No. 1200.09, § 1, 12-8-1971; Ord. No. 73-26, § 1, 9-12-1973)

Editor's note— Section 1 of Ordinance Number 1200.09, enacted December 8, 1971, amended Ordinance No. 1200.00, from which this chapter was derived, by adding the provisions codified as

Section 35-10.1; such section number was designated at the editor's discretion.

Sec. 35-11. - Same—Restoration of pavement or street cut.

Restoration of any such pavement or street cut shall be in accordance with the approved plans and/or any technical guidelines or requirements of the city. ~~alternate methods designated method "A" and method "B" as shown on the diagram [available for viewing at the city offices].~~

Sec. 35-11.1. - Same—Removal of debris.

In addition to the restoration required under section 35-11 hereinabove, all debris surrounding the area of the pavement or street cut caused by its installation shall be removed to the satisfaction of the DEES Engineering Inspector ~~city building inspector.~~

(Ord. No. 73-26, § 2, 9-12-1973)

~~Sec. 35-12. - Same—Same—Inspection.~~

~~The city building inspector DEES Engineering Inspector shall have jurisdiction and shall inspect the restoration two (2) times during the course of the restoration. One (1) such inspection shall be made prior to the pouring of any concrete, if applicable, and the second inspection shall be a final inspection.~~

(Ord. No. 1200.08, § 4, 6-24-1970)

Sec. 35-13. - Same—Same—Time limit; extension prohibited.

Any restoration as provided for herein shall be completed within ten (10) calendar days from the date of the pavement or street or curb cutting. No time extension shall be permitted.

(Ord. No. 1200.08, § 5, 6-24-1970; Ord. No. 73-5, § 1, 3-14-1973)

Sec. 35-14. - Addresses to be displayed.

(a) For all residential buildings within the City of Margate, an address on the front of said building or door shall be required. All numbers and letters required pursuant to this subsection shall be at least four (4) inches high, displayed in a contrasting color to the surface to which it is affixed, and be visible from the street or right-of-way.

(b) For all buildings which are not residences within the City of Margate, the following shall be required:

(1) Placement of addresses on the front of said building or door; and

(2) Placement of addresses on the rear door.

(3) All numbers and letters required pursuant to this subsection shall be at least eight (8) inches high, displayed in a contrasting color to the surface to which it is affixed, and be visible from the street or right-of-way.

(c) For all buildings which have more than one (1) sprinkler riser, the address of all risers servicing such building shall be labeled on the riser.

~~(d) For all new construction, all sprinklers shall have flow alarm bells located outside of the building.~~

~~(d) —All properties within the City of Margate shall have up to and including January 15, 2017, in which to comply with the contrasting color requirements of this section.~~

(Ord. No. 8611, § 1(1)—(5), 5-21-1986; Ord. No. 92-12, § 1, 6-17-1992; Ord. No. 99-20, § 1, 10-20-1999; Ord. No. 2016-5, § 1, 6-15-2016)

~~Sec. 35-15. - Curb addresses.~~

An owner or tenant of a single family residence within the city may have a street address painted on curbing, or Miami curbing, on the publicly dedicated street in front of such residence pursuant to the following criteria:

- (1) All numbers and letters shall be three (3) inches high and visible from the street.
 - (2) All letters or numbers shall be painted with a white background.
 - (3) All addresses shall be within two (2) feet of the portion of the curb which is nearest to the required curbside mailbox.
 - (4) If no curbside mailbox is required for a residence, all street lettering shall be placed within three (3) feet of a driveway cut within the extended lines of the property line of the residence which is noted.
- (Ord. No. 94-2, § 1, 1-19-1994)

~~Sec. 35-16. Private use of public property abutting waterways.~~

~~(a) Intent. The intent of this section is to permit construction in and upon the public canals, lakes and waterways of docks, boat ramps, seawalls, chain-link fences, gates or fans, and other related structures which do not interfere with the free use of the canals, lakes and waterways, endanger life or property, or deny the public reasonable viable access to public waterways. Structures not similar in nature to those listed herein shall be prohibited.~~

~~All improvements such as docks, seawalls, boat ramps, chain-link fences, gates or fans and the like which are made or placed upon or abut such public property or public waterways by a private person or entity shall be constructed and all maintenance and repairs shall be performed according to city engineering standards and in compliance with engineering permits obtained from the city engineer.~~

~~The holder of the permit shall be responsible for maintaining improvements to the area and for beautifying a reasonable area in and around the dock location to be specified, and failure to do so shall be grounds for revocation of permission.~~

~~The holder of such permits shall not charge or collect any rent or fees from anyone using such dock constructed on or abutting public property or public waterways.~~

~~A permit to a private individual or entity to construct a dock, boat ramp, seawall, chain-link fences, gates or fans, and other related structures upon or abutting public property or public waterways and the acceptance and use of same by such private person shall constitute a guarantee from such private person to the city to indemnify and hold the city harmless for any damage or injury to any person using such facilities.~~

~~(b) Permit required.~~

~~(1) It shall be unlawful for any person to construct or erect docks, boat ramps, seawalls, or any other structure on or in canals, waterways, lakes or basins without first obtaining a permit from the city engineer. The property owner or his agent shall be required to seek necessary approvals and/or permits from other governmental agencies as applicable to certain navigable waterways.~~

~~(2) The application shall be accompanied by detailed plans and specifications for the structure at the proposed site, together with a plot plan or survey showing the location of the proposed structure in conjunction with adjoining lands, waters and lakes. Said plan shall provide for all proposed landscaping and the name of the person or entity maintaining same. The above shall be prepared by a professional engineer registered in the state. As-built drawings and final certification of completion and compliance to that engineer's design shall be submitted to the city prior to the city's certificate of occupancy being issued.~~

~~(3) Before the issuance of the permit, the owner of the abutting private property shall execute an agreement that he/she shall indemnify or hold the city harmless for any claim or suit arising out of the operation of maintenance of the structure to be constructed extending into or abutting a public waterway and that same shall be binding on the heirs, assigns and successors of the owner of record. Said document shall be recorded in the public records of Broward County.~~

~~(4) The engineering fee for a permit shall be five and one-half (5½) per cent of the cost of the proposed work with a minimum fee of one hundred dollars (\$100.00).~~

~~(c) Minimum requirements.~~

~~(1) No dock, pier or piling, chain-link fence, gate or fan on any canal, lake or waterway within the city shall extend more than four (4) feet from the seawall. When there is no seawall, the distance shall be measured from the property line unless same is not submerged, in which case the measurement shall be from the average high water line. In no case shall a dock, pier or piling be constructed or installed in such a manner that it would impede the free use of the canal, lake or waterways for public recreational purposes, navigation or free flow of water for drainage purposes as determined by the city. Reflectors shall also be required for this construction.~~

~~(2) When the lot frontage along a body of water is one hundred (100) feet or less, the dock shall not extend closer than ten (10) feet to the property line of the adjacent property.~~

~~(3) When the lot frontage along a body of water exceeds one hundred (100) feet in length, a dock shall not extend closer than twenty five (25) feet to the property line of adjacent property.~~

~~(4) Neither finger piers nor floating docks, except those owned by the city of Margate, shall be permitted within the city.~~

~~(5) No dock or pier, or construction thereon, shall be constructed built or erected to a height greater than the height of a seawall. In the event a seawall is not constructed, a dock or pier shall be limited in height to four (4) feet, six (6) inches above mean high water level. Any extension of a terrace or patio past the landward side of the seawall shall be considered part of the dock or pier and the height limitations contained herein shall apply to such terrace or patio extension.~~

~~(6) Any structure erected pursuant to this section shall be kept in good repair by the owner thereof and shall be subject to removal by the city in the event that it is unsafe or creates a hazard as determined by the city engineer, the cost thereof to be assessed against the owner.~~

~~(7) This section shall take precedent over section 18.04(b)(1)d for the purpose expressed herein.~~

(Ord. No. 95-27, § 1, 12-20-1995; Ord. No. 2000-18, § 1, 8-30-2000; Ord. No. 2007-16, § 1, 8-29-2007)

Sec. 35-4715 - Traffic-calming devices.

Installation of traffic-calming devices or reconfiguration of rights-of-way for traffic-calming purposes shall be approved as determined by the guidelines developed in the neighborhood traffic management manual as determined by the city engineer. ~~city administration~~. Said guidelines may be amended by the city administration as determined pursuant to sound principals of traffic and general safety.

...

Section 2

Chapter 40: Land Development Code

- Article 1 – Purpose
- Article 2 – Definitions
- Article 3 – Administration
- Article 4 – Subdivision
- Article 7 – Zoning & Development Regulations



ARTICLE 1

PURPOSE

ARTICLE 1 PURPOSE

40.100 Title

...

40.101 Purpose and Intent

- (A) The purpose of this article is to implement development review requirements of the city's comprehensive plan and the Broward County Land Use Plan; discourage haphazard land development; ensure that urban delivery services are not unduly overburdened by premature development; coordinate departmental review; and protect the health, safety and general welfare of the residents of the city.

...

40.105 Compliance

- (A) The provisions of this article shall apply to all applications for development permits within the city, and no development permit shall be issued except in compliance with this article.

...

ARTICLE 2

DEFINITIONS

ARTICLE 2 DEFINITIONS

40.200 General Purpose

- (A) The purpose of this article is to define the terms used herein and provide a uniform understanding of each term as it relates to the regulations set forth in this article.

40.201 Definitions

- (A) As used in the regulations outlined in this Article, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof". The word "street" includes avenue, boulevard, parkway, court, highway, lane, road, terrace, causeway, way and expressway. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, stream and canal, but does not include a lake, pond or pool without outlet. The word "may" is permissive; the words "shall" and "will" are mandatory and not merely directory.

- (B) Definitions of terms.

Alley. A minor right-of-way providing secondary vehicular access to the side or rear of properties otherwise abutting on a street.

Approval, final plat. The official action of the board city commission on a final plat which incorporates all features and provisions of a plat which has been reviewed by the city engineer and other appropriate city staff as applicable in order to bring the plat before the Board and the City Commission.

Board. Shall mean the city planning and zoning board.

Building. Any permanent structure having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind.

Building permit:

- (A) Any permit for the erection or construction of a new building, or the expansion of an existing building as required by the Florida Building Code, or other building code in force and effect at the time.
- (B) Any permit for an existing building which would:
- a. Create one or more additional dwelling units;
 - b. Involve a change in the occupancy group of a building as described in the Florida Building Code, or other building code in force and effect at the time.
- (C) Any application for local business tax receipt at an existing development which would involve a separate permitted use, e.g., truck rentals at an existing filling station or gasoline pumps at an existing convenience store.

4762 City Commission. Shall mean the City of Margate City Commission.

4763 Certified land use plan. The City of Margate Land Use Plan which has been certified by the
4764 Broward County Planning Council as being in substantial conformity with the county land
4765 use plan and which has been adopted by the city commission in compliance with the
4766 Comprehensive Planning Act of 1975, Section 163.3161, et seq., Florida Statutes.

4767 City Code. The Code of the City of Margate, Florida, as adopted on February 9, 1972, and
4768 amended from time to time.

4769 City Commission. Shall mean the City of Margate City Commission.

4770 County commission means the board of county commissioners of Broward County, Florida.

4771 Committed trip. A trip generated with the TRIPS model from an approved but not yet built
4772 development.

4773 Concurrency management system. The provisions in the City of Margate Comprehensive
4774 Plan including implementation regulations, encompassing the restrictions, methods,
4775 resources, timing and solutions intended to be compatible with and further compliance with
4776 the statutory requirement to provide public facilities and services needed to support
4777 development concurrent with the impacts of such development.

4778 Concurrency. A provision that public facilities and services needed to support development
4779 shall be available at the same time or coincidental with the impacts of such development.

4780 Constrained facility. A road segment which is not planned for a capacity improvement in the
4781 adopted Highway Network Plan of Broward County.

4782 County commission. The board of county commissioners of Broward County, Florida.

4783 Cul-de-sac. A minor street intersecting another street at one end and terminated at the other
4784 end by vehicular turnaround.

4785 Developer. A person or his agent, who undertakes the activities covered by these regulations,
4786 particularly the preparation and presentation of a subdivision plat showing the layout of the
4787 land and the public improvements involved therein. Inasmuch as the subdivision plat is merely
4788 a necessary means to the end of assuring a satisfactory development, the term "developer"
4789 is intended to include the term "subdivider", even though the persons involved in successive
4790 stages of the project may vary.

4791 Development order. An order authorizing the granting, denying or granting with conditions of
4792 an application for a development permit.

4793 Development permit. Any building permit, as defined herein, subdivision resurvey or plat
4794 approval, rezoning, special exception, site plan, site plan amendment, plat amendment, land
4795 use plan amendment, or other official action of the city having the effect of permitting the
4796 development or redevelopment of land. This does not include any variance or other official
4797 action necessary solely for the purpose of issuing a permit, other than a building permit,
4798 pursuant to the Florida Building Code, or other building code in force and effect at the time.

4799 Development permit. Any building permit, as defined herein, subdivision resurvey or plat
4800 approval, rezoning, special exception, site plan, site plan amendment, plat amendment, land
4801 use plan amendment, or other official action of the city having the effect of permitting the
4802 development or redevelopment of land.

4803 This does not include any variance or other official action necessary solely for the
4804 purpose of issuing a permit, other than a building permit, pursuant to the Florida Building
4805 Code, or other building code in force and effect at the time.

4806 Development. The meaning given in Section 380.04, Florida Statutes.

4807 Drainage facilities. A system of man-made structures or topographic land features designed
4808 to collect, convey, hold, divert or discharge stormwater, including stormwater sewers,
4809 canals, detention structures and retention structures.

4810 Duplex. Two (2) attached dwelling units in one (1) building.

4811 Dwelling unit. A house, apartment or condominium unit, trailer, group of rooms or a single
4812 room intended for occupancy as a separate living quarter with direct access from the outside
4813 of the building or through a common hall and with complete kitchen facilities for the
4814 exclusive use of the structure or complex which are licensed by the state department of
4815 business regulation, division of hotels and restaurants, as "apartments", "rental
4816 condominiums" and "retirement housing."

4817 Easement. A right-of-way acquired by public authority to use or control property for a
4818 designated purpose.

4819 GBI. The Green Building Initiative.

4820 Green building. Generally the resource-efficient design, construction, and operation of
4821 buildings deemed to be employing environmentally sensible construction practices, systems
4822 and materials.

4823 Green Globes. The current version of the green building rating system administered by GBI.

4824 Half or partial street. A street, generally parallel and adjacent to the boundary line of a tract,
4825 having a lesser right-of-way width than that required for full development of the type of street
4826 involved.

4827 Improvement, public. Any of the following: street pavement, with or without curbs and gutters;
4828 sidewalks, alley pavement; walkway pavements; water mains; sanitary sewers; storm drains;
4829 street name signs, street trees; permanent reference monuments (PRM); permanent control
4830 points (PCP).

4831 Infrastructure. Those man-made structures which serve the common needs of the
4832 population, such as: sewage disposal systems; potable water systems; solid waste disposal
4833 sites or retention areas; stormwater systems; utilities; docks; breakwaters; bulkheads;
4834 seawalls; causeways; bridges; and roadways.

4835 Land development regulations. Ordinances enacted by governing bodies for the regulation
4836 of any aspect of development including: zoning, rezoning, subdivision, building construction,
4837 sign regulations or any other regulations controlling the development of land.

4838 LEED. The current version of the USGBC's Leadership in Energy and Environmental Design
4839 rating system in effect at the time a project is registered with the USGBC.

4840 Level of service. An indicator of the extent or degree of service provided by, or proposed to
4841 be provided by, a facility based on and regulated to the operational characteristics of the
4842 facility. Level of service shall indicate the capacity per unit of demand for each public facility.
4843 Level of service may also be referred to as "LOS."

4844 Local street. Any publicly dedicated street used primarily for access to abutting property. This
4845 definition also includes collector streets which carry traffic from local streets to regional arterial
4846 roads.

4847 Lot. A tract or parcel of land identified as a single unit in a subdivision, and intended for transfer
4848 of ownership, use or improvement.

4849 Lot depth. The mean horizontal distance between the front and rear lines of a lot.

4850 Lot width. The horizontal distance between the side lines of a lot at the front yard line or at the
4851 front lot line where no front setback is required.

4852 Margate Comprehensive Plan. The comprehensive plan of the City of Margate prepared and
4853 adopted in conformity with Florida Statutes, Section 163.

4854 Multiple dwelling. A building which provides separate living quarters for two (2) or more
4855 families.

4856 Mylar. A 24"x36" dimensionally stable plastic film in which the final plat drawing is placed
4857 upon.

4858 Net traffic impact of development. The total trips to be generated by a proposed
4859 development, as measured by the TRIPS model, less the trips, if any, estimated to be
4860 generated by the existing development to be replaced or generated by a previously
4861 approved plat.

4862 Over-all plan. A plan depicting a general layout of streets, blocks, lots, waterways, etc., for the
4863 future subdividing of an area, which may be platted in sections for each of which a preliminary
4864 plat will be filed.

4865 P.C.P. Shall mean permanent control point, each of which shall consist of a nail in a disc
4866 stamped with surveyor's registration number or brass marker, marked PCP, and shall be
4867 located as required by Broward County.

4868 Parcel. Any quantity of land capable of being described with such definiteness that its
4869 location and boundaries may be established, which is designated by its owner or developer
4870 as a unit or which has been used or developed as a unit.

4871 Permanent reference monuments (PRM). Monuments as defined by Chapter 177, Florida
4872 Statutes.

4873 Planned improvement facility. A road segment for which a capacity improvement is planned
4874 in the adopted Highway Network Plan of Broward County.

4875 Plat. A map or delineated representation of a tract or parcel of land showing the designation
4876 of such land as lot(s), block(s), parcel(s), tract(s) or other portions thereof, however the
4877 same may be designated, and which, if approved, will be submitted for recording in the plat
4878 book of the Public Records of Broward County, Florida.

4879 Plat, final. A complete and exact subdivision plan, showing proposed street and lot layout,
4880 prepared for official recording as required by statute, to identify and define property rights,
4881 dedications and public improvements, and incorporating all corrections required by the city
4882 planning and zoning board and city engineer upon review of the preliminary plat.

4883 Platted land. Any land which can be referenced to an official plat book and page number.

4884 Potable water facilities. A system of structures designed to collect, treat or distribute potable
4885 water, including water wells, treatment plants, reservoirs and distribution mains.

4886 Potable water. Water which is satisfactory for drinking, culinary and domestic purposes and
4887 which meets the quality standards of the Florida Department of Environmental Protection.

4888 Principal building. A building which is occupied by, or devoted to, a principal use or an
4889 addition to an existing principal building which is larger than the original existing building. In
4890 determining whether a building is of primary importance, the use of the entire parcel shall be
4891 considered. There may be more than one principal building on a parcel.

4892 Principal use. The primary use of a parcel of land as distinguished from secondary or
4893 accessory uses. There may be more than one principal or main use on a parcel of land.

4894 Project. Construction associated with the creation, development, major renovation, or
4895 erection of any building deemed to be eligible for an approved green building certification
4896 program.

4897 Public facilities. Major capital improvements including, but not limited to, transportation,
4898 sanitary sewer, solid waste, drainage, potable water, educational facilities, park and
4899 recreational facilities and health systems.

4900 Public utility. Any public or private utility such as, but not limited to, storm drainage, sanitary
4901 sewers, electrical power, water service, gas service or telephone lines, whether
4902 underground or overhead.

4903 Regional transportation network. Those roadways shown on the Broward County
4904 Trafficways Plan promulgated by the Broward County Planning Council, or on the Broward
4905 County Plan promulgated by the Broward County Metropolitan Planning Organization, or for
4906 which right-of-way has been delineated by the board of county commissioners.

4907 Regional transportation network. Those trafficways designated on the Broward County
4908 Trafficways Plan.

- 4909 Reserve strip. A piece of land or line on one (1) side of a street in the control of the owner of
4910 the land on the opposite side of the street which prevents access to the street by
4911 development immediately beyond the piece of land or line.
- 4912 Reverse frontage lot. A lot extending between and having frontage on a trafficway and a minor
4913 street and with no vehicular access from the trafficway.
- 4914 Right-of-way. Land reserved, used or to be used for a street, alley, walkway, drainage facility
4915 or other public purpose.
- 4916 Sanitary sewer facilities. Structures or systems designed for the collection, transmission,
4917 treatment or disposal of sewage, including trunk mains, interceptors, treatment plants and
4918 disposal systems.
- 4919 Setback or base building line. The line within a property defining the required minimum
4920 distance between any enclosed structure and the adjacent right-of-way.
- 4921 Sight distance. The minimum extent of unobstructed vision (in a horizontal or vertical plan)
4922 along a street from a vehicle located at any given point on the street.
- 4923 Single-family home. Any detached residential structure constructed with the intention that
4924 said structure be occupied by one (1) family as a separate housekeeping unit.
- 4925 Solid waste facilities. Structures or systems designed for the collection, processing or
4926 disposal of solid wastes including hazardous wastes, and also including transfer stations,
4927 processing plants, recycling plants and disposal systems.
- 4928 Solid waste. Sludge from a wastewater treatment plant, water supply treatment plant or air
4929 pollution control facility or garbage, rubbish, refuse or other discarded material including
4930 solid, liquefied, semi-solid or contained gaseous material resulting from domestic, industrial,
4931 commercial, mining, agricultural or governmental operations.
- 4932 Spot Zoning. The rezoning of a lot(s) or parcel(s) of land to benefit a property owner for a
4933 use incompatible with surrounding uses and not for the purpose or effect of furthering the
4934 policies and goals of the city's Comprehensive Plan. The proposed rezoning would give
4935 privileges not generally extended to property similarly located in the area.
- 4936 Street. A public thoroughfare which normally affords principal means of access to abutting
4937 property.
- 4938 Street, collector. A street which, in addition to giving access to abutting properties, carries
4939 traffic from minor streets to the major system of arterial streets and highways, including the
4940 principal entrance street of a residential development and streets for circulation within such a
4941 development.
- 4942 Street, marginal access. A minor street parallel to and adjacent to a traffic way, and which
4943 provides access to abutting property and protection from through traffic.
- 4944 Street, minor. A street used primarily for access to abutting property.

4945 Structure. Anything constructed, installed or portable, the use of which requires a location on
 4946 a parcel of land, such as buildings, trailers, fences, billboards, swimming pools, poles,
 4947 pipelines, transmission lines, tracks and advertising signs.

4948 Subdivider. See "Developer".

4949 Subdivision. The division of land into two (2) or more lots or parcels for purpose of transfer of
 4950 ownership or development, or if a new street is involved, any division of a parcel of land.

4951 Substantially redevelop or reconstruct. "Substantially redevelop or reconstruct" shall mean
 4952 the cost of the proposed improvement, rebuilding, repair or reconstruction will be seventy-five
 4953 (75) percent of the value of the building(s) or structures(s) as determined by the Broward
 4954 County Property Appraiser for that calendar year.

4955 Surface water management. The collection of devices, improvements or natural systems
 4956 whereby surface waters are controlled, impounded or obstructed. The term includes dams,
 4957 impoundments, reservoirs and appurtenant works as defined in Subsections 373.403 (1—4),
 4958 Florida Statutes, as well as all artificial structures including, but not limited to, ditches, canals,
 4959 conduits, channels, culverts, pipes and all other construction that conveys, impounds or
 4960 controls surface water.

4961 Trafficway. A street other than minor or collector streets, which is intended primarily for
 4962 through travel by all types of traffic for considerable distances, including freeways,
 4963 expressways, primary arterial highways, major thoroughfares and secondary thoroughfares,
 4964 or as identified on a trafficway plan.

4965 USGBC. The United States Green Building Council.

4966 Utilities. "Utilities" shall mean all utilities and similar facilities, including, but not limited to, gas,
 4967 telephone, cable, fiber, internet, broadband, telecommunications, and other communications
 4968 and electrical distribution and transmission facilities.

4969 Walkway. A right-of-way intended primarily for pedestrians, excluding self-propelled vehicles,
 4970 which cuts across a block to improve circulation and access to adjacent street, services or
 4971 properties.

4972 ...

ARTICLE 3

ADMINISTRATION

ARTICLE III ADMINISTRATION

DIVISION 1 PURPOSE AND APPLICABILITY

40.300 General Purpose

- (B) The purpose of this article is to implement development review requirements of the City's Comprehensive Plan and the Broward County Land Use Plan; discourage haphazard land development; ensure that urban delivery services are not unduly overburdened by premature development; coordinate departmental review; and protect the health, safety and general welfare of the residents of the City.
- (C) The provisions of this article shall apply to all applications for development permits within the City, and no development permit shall be issued except in compliance with this article.

DIVISION 2 APPLICATIONS, REVIEW PROCEDURES AND PUBLIC NOTICE

40.301 Site Plan

(A) Procedure

- 1) Determinations required prior to approval of a development permit. A determination that adequate services will be available to serve the needs of the proposed development shall be made when the following conditions are met:
 - a. Director of development services. The director of development services determines:
 - i. That the proposed development is consistent with the Margate Comprehensive Plan.
 - ii. That the proposed development is in conformity with the Unified Land Development Code.
 - iii. In the case of site plans, that the proposed development is in conformity with the provisions related to landscaping within Chapter 40 of this Code.
 - b. Director of Environmental and Engineering Services. The Director of the Department Environmental and Engineering Services determines:
 - i. That potable water service is available to serve the needs of the proposed development. A determination that potable water service is available shall be based upon one of the following criteria:
 - a) The water treatment plant has sufficient capacity to provide the potable water needs of the proposed development, other developments in the service area which are occupied, available for occupancy, for which building permits are in effect, or for which potable water treatment capacity has been reserved; or
 - b) The water treatment plant lacks sufficient capacity to provide the potable water needs specified in subsection (a.1. above), but such capacity can feasibly and will be made available. A finding may also be made with an express condition as to potable water service when it is determined that potable water service is

not available but will be made available. A finding that potable water service will be made available shall be based upon a demonstration that there is an economically and fiscally feasible plan to construct or expand a water treatment facility which will have sufficient capacity to provide for the potable water needs of the development proposed by the application and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect, or for which potable water treatment capacity has been reserved.

The determination that potable water service is available shall not be construed as a reservation of capacity for the development submitted unless a developer's agreement is executed with the city specifically reserving water capacity.

- c) That the proposed development includes installation of a water main system which shall be connected to a public water supply provided that the water distribution system can serve all parcels of the subdivision. Hydraulic model analysis is required at the discretion of the DEES director.
- d) The city commission may require the installation of water mains and appurtenances which are in excess of the subdivision design needs and mutually establish an equitable reimbursement program with the developer.
- ii. That wastewater treatment and disposal service is available to serve the needs of the proposed development. A determination that wastewater treatment and disposal service is available shall be based upon one of the two (2) following criteria:
 - a) The wastewater treatment plant has sufficient capacity to provide for the wastewater treatment and disposal needs of the proposed development, other developments in the service area which are occupied, available for occupancy, for which building permits are in effect, or for which wastewater treatment and disposal capacity has been reserved; or
 - b) The wastewater treatment plant lacks sufficient capacity to provide the wastewater treatment and disposal needs specified in subsection b.1. above, but such capacity can feasibly and will be made available. A finding may also be made with an express condition as to wastewater treatment and disposal services when it is determined that wastewater treatment and disposal services are not available but will be made available. A finding that wastewater and disposal services will be made available shall be based upon a demonstration that there is an economically and fiscally feasible plan to construct or expand a wastewater treatment and disposal facility which will have sufficient capacity to provide for the treatment and disposal needs of the development proposed by the application and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved.

The determination that wastewater treatment and disposal service is available shall not be construed as a reservation of capacity for the development submitted unless a developer's agreement is executed with the city specifically reserving wastewater treatment and disposal capacity.

- c) That the proposed development includes a system of sanitary sewers together with all necessary pumping stations and appurtenances adequate to serve all parcels of the subdivision.
- d) The city commission may require the installation of wastewater lines and appurtenances which are in excess of the subdivision design needs and mutually establish an equitable reimbursement program with the developer.
- iii. That the traffic generated by the proposed development will be safely and efficiently handled by the regional transportation network and local streets. Roadway improvements including, but not limited to, additional turning lanes, median openings and/or closing, and traffic-control devices may be required. An applicant for a development permit which will generate in excess of five hundred (500) trips per day according to the trip rates contained in the Broward County Trips Application's "Trip rates by Land Use" (Effective December 8, 2009 and as may be periodically updated) published by Broward County Planning and Development management Division, shall be required to submit to the city a traffic impact statement. Any such statement shall be prepared by a professional engineer registered by the state and shall assess the impact of the proposed development on all public streets and intersections within a one-mile radius of the perimeter of that development.
The Director of Environmental and Engineering Services shall use as the basis for review the standards set forth in the current editions of the following: Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways, Florida Department of Transportation; Manual on Uniform Traffic Control Devices for Streets and Highways, Federal Highway Administration; Chapter 40, Article III of this Code; the "Future Land Use Plan" of the Margate Comprehensive Plan; and the "Traffic Circulation Element" of the Margate Comprehensive Plan.
- iv. That adequate rights-of-way and easements for a surface water management system are provided pursuant to Chapter 11 and Chapter 40, Article III of this Code. In the case of site plans, that the approved minimum design criteria of the above as well as the "Basis of Review for Surface Water Management," South Florida Water Management District and the applicable drainage district are met or exceeded.
- v. That the engineering design for streets, sidewalks and other public places meet or exceed the minimum standards set forth in chapters 40 and 35 of this Code. Such determination shall include, but not be limited to, internal site vehicular traffic circulation plans, and appropriate traffic signage and pavement markings.
- vi. That the engineering design of a water distribution and wastewater collection system meets or exceeds the applicable minimum standards and requirements of the following: chapter 39 of this Code; "AWWA Standards," American Water Works Association; Broward County Environmental Protection & Growth Management; and the Florida Department of Environmental Protection.
- vii. That the collection of solid waste be provided for in a manner that serves the needs of the proposed development, in conformance with the standards set forth in Chapter 19 of this Code.
- c. Representative from the Fire Department. The representative from the Fire Department determines:

- 5110 i. That the proposed development will comply with hydrant locations and a water
5111 distribution system pursuant to Chapter 14 of this Code.
- 5112 ii. That the proposed development provides adequate driving lanes, turning radii,
5113 vertical clearance, and fire lanes to provide access for emergency vehicles.
- 5114 iii. That the proposed development will meet NFPA codes and standards.
- 5115 iv. That state statutes pertaining to trafficways are complied with.
- 5116 v. That the fire department will be able to protect life and property within the proposed
5117 development.
- 5118 d. Building official. The Building Official determines:
- 5119 i. In the case of site plans that the location of structures on the plot, the type of
5120 construction, and the use and occupancy of all structures on the site is in
5121 conformity with the building code in force and effect.
- 5122 ii. In the case of site plans, that the proposed finished floor elevation is at or above
5123 the minimum prescribed by Chapter 17 and Section 11-3 of this Code.
- 5124 e. Director of Public Works. The Director of Public Works considers the potential impacts
5125 of the proposed development to existing infrastructure; specifically:
- 5126 i. Roadways and sidewalks.
- 5127 ii. Storm water utilities, including the city's canal system.
- 5128 f. Representative from the Police Department. The representative from the Police
5129 Department considers possible public safety issues presented in proposed
5130 developments. The representative may consider as a basis for review the standards
5131 set forth in the current CPTED standards, guidelines & policies of the International
5132 Crime Prevention Through Environmental Design Association.
- 5133 g. Representative from the Margate Community Redevelopment Agency. The
5134 representative from the Community Redevelopment Agency determines that any
5135 proposed development within the CRA boundary is consistent with the Margate
5136 Community Redevelopment Plan, and the Margate CRA Building Design Regulations.
- 5137 2) Development presumed to have maximum impact permitted; use of site plan to access
5138 maximum impacts.
- 5139 a. A proposed development shall be presumed to have the maximum impact permitted
5140 under applicable land development regulations such as zoning regulations and the
5141 land use element of the Margate Comprehensive Plan.
- 5142 b. If a site plan is presented when a proposed plat, subdivision resurvey or rezoning
5143 application is submitted, it may be used as the basis to assess the maximum impact
5144 of the development. In the event that an application for a building permit is submitted
5145 which, provides more intensive uses than those indicated on the site plan or
5146 substantially deviates from the approved site plan, the application shall be referred to
5147 the development review committee for assessment. If the development review
5148 committee determines that the permit proposes more intensive uses than those
5149 indicated on the approved site plan or substantially deviates from the approved site
5150 plan, the site plan shall be revised and reviewed as a new site plan application.
- 5151 3) Underground wiring required.
- 5152 a. Easements shall be provided for the installation of underground utilities or relocating
5153 existing facilities in conformance with such size and location of easements as may be
5154 determined by the Department of Environmental and Engineering Services Director
5155 to be compatible with the requirements of all utility companies involved with respect
5156 to a particular utility service.

- b. The owner or developer shall submit written evidence of a satisfactory arrangement with each of the persons, firms or corporations furnishing utility services involved with respect to a particular development before the development permit application is submitted to the city commission for its approval. For instances where an owner or developer is required to underground, but a permit application is not required to be approved by the City Commission, the above-described written evidence shall be submitted to the city prior to the issuance of a building permit.
- c. Underground placement of existing utilities:
- i. Applicability.
- a) For any permit application for nonresidential or mixed use development, or a new residential development project of five (5) dwelling units or more or to substantially redevelop or reconstruct existing nonresidential or mixed use development or an existing residential project of five (5) dwelling units or more, on property located within the Central Business District ("CBD") as provided in the Margate Comprehensive Plan, Element I Future Land Use Element, Map 1-36, as amended and approved, all utilities to be located within or in the public rights-of-way adjacent to the development and within that development even if not in the public rights-of-way shall be installed underground at the developer's and/or owner's cost. Existing overhead utilities on public rights-of-way adjacent to the new development and within that development, even if not in the public rights-of-way, shall be converted to underground utilities at the developer's and/or owner's cost, provided that, where applicable, such cost is determined pursuant to a utility's tariffs, such as those of Florida Power and Light Company, that are approved and enforceable by the Florida Public Service Commission. Where the costs are not subject to tariffs enforceable by the Florida Public Service Commission, it is the intent of this section that the city will not be responsible for any such costs, and that the apportionment of such costs between the developer, owner, and any utility shall be pursuant to a written agreement between the involved parties. For a project parcel located at a roadway intersection, or any other instance where the utilities cross a street from a project parcel or applicable right-of-way adjacent to a project parcel the developer and/or owner shall be responsible to continue the underground conversion across the intersection/street to the nearest point(s) of connection at no cost to the city. No overhead poles shall be allowed to stay adjacent to any parcel that is required to have underground utilities pursuant to this section of the City Code. If the utility poles to be removed through the undergrounding project also support street light fixtures, then the poles shall be replaced with dedicated and functional street light poles and fixtures. The material and design of the replacement street lights shall be subject to approval by the Department of Environmental and Engineering Director.
- b) For any permit application for a new residential development project of five (5) dwelling units or more, a new nonresidential or mixed use development or to substantially redevelop or reconstruct an existing residential project of five (5) dwelling units or more or existing nonresidential or mixed use development on property located within the City of Margate and outside of

the Central Business District ("CBD") as provided in the Margate Comprehensive Plan, Element I Future Land Use Element, Map 1-36, as amended and approved all utility lines, including but not limited to those required for electrical power distribution, telephone communication, internet service, street lighting and television signal services, shall be installed underground from the building(s) or structure(s) to the terminal supplied by the utility company (in most cases this shall mean that the utility lines shall be underground from the street line or pole line to the building or structure.) This section shall apply to all cable, conduits or wires forming part of an electrical distribution system, including service lines to individual properties necessary to serve the property under consideration. However, this section shall not apply to wires, conductors or associated apparatus and supporting structures where exclusive function is in transmission of electrical energy between generating stations, substations and transmission lines of other utility systems. Appurtenances such as transformer boxes, pedestal mounted terminal boxes, and meter cabinets may be placed above ground and shall be located in such a manner as to minimize noise effects upon the surrounding residential properties. If utility poles are to be removed through the undergrounding project and the removed utility poles also support street light fixtures, then the poles shall be replaced with dedicated and functional street light poles and fixtures. The material and design of the replacement street lights shall be subject to approval by the Department of Environmental and Engineering Director.

c) Exception. The following shall be exceptions to the undergrounding wiring requirements:

- a. Electrical transmission or distribution lines with a rated load of more than twenty-seven (27) kV (twenty-seven thousand (27,000) volts) shall be exempt from the requirements of this section. All electrical transmission or distribution lines with a rated load of twenty-seven (27) kV (twenty-seven thousand (27,000) volts) or less shall not be exempted from the requirements of this section.
- b. City of Margate owned property and City initiated permits including rezoning and land use plan amendments.
- c. Site plan amendments (including master parking plans), change of occupancy, or plat amendments which does not directly result in substantial redevelopment or reconstruction of a property.

- ii. City participation. Upon application and execution of an agreement by a developer or property owner consistent with this section, the city may participate as an applicant or co-applicant for undergrounding projects in order to take advantage of benefits that may be available from the utility to local government applicants. The developer or property owner shall agree to reimburse the city for the city's costs, including without limitation attorney's costs, incurred in the city's participation in the project as contemplated by this section. In certain areas or projects where the city participates to underground utilities and pays all costs up front to obtain benefits available from any utility, including without limitation from Florida Power and Light Company, AT&T, Comcast, etc., each owner and/or developer who benefits from this conversion

- 5251 or undergrounding shall pay the city all expenses related to the conversion or
5252 undergrounding, including, but not limited to, design construction and/or any
5253 fees in a pro-rated manner as determined by the city commission.
- 5254 iii. Process timing and waiver.
- 5255 a) The developer and/or owner shall evidence compliance with the
5256 requirements in this division by providing to the city a signed agreement
5257 between the developer and/or the owner and each relevant utility showing
5258 that the utility has agreed, at the developer or owner's cost, to place or
5259 convert the relevant utilities underground, or the developer and/or owner
5260 has established an agreement with the city indicating their intent to comply
5261 with the undergrounding requirements of subsection (3)(c)(i) a. above. This
5262 evidence or application for waiver shall be submitted with the permit
5263 application; if not thus submitted, then the permit application shall be
5264 deemed incomplete. The city shall require this evidence or an application
5265 for waiver, as described in subsection b., below, to accompany the review
5266 of the permit application. The city commission shall be the final authority to
5267 grant or deny said waiver application.
- 5268 b) Any developer or owner subject to the requirements of this section may
5269 apply to the city, in a form specified by the city and accompanied by the
5270 payment of a waiver application fee as set by resolution of the City
5271 Commission seeking to be relieved of the requirements of this division. This
5272 waiver application must be submitted to the city prior to the time specified
5273 in subsection a., above. If the developer or owner claims that technical
5274 reasons are the basis for the waiver application, the application shall
5275 contain a detailed statement by a professional engineer licensed in the
5276 State of Florida, qualified with respect to utility issues, explaining why, in
5277 the engineer's professional opinion, it is technically infeasible to locate such
5278 utilities underground. The waiver application shall include a detailed line-
5279 item estimate prepared by a professional engineer licensed in the State of
5280 Florida, qualified with respect to utility issues. The estimate shall clearly
5281 identify the scope of the project and include all related costs associated
5282 with the undergrounding project, including, but not limited to, all labor,
5283 materials, transitional equipment, provisions for maintenance of traffic, etc.
5284 The director of environmental and engineering services and the
5285 development services director shall review such application and shall make
5286 a recommendation to the city commission. The city commission shall have
5287 the authority to grant or deny a waiver. The city may grant a waiver if the
5288 application is supported by information detailing justifiable reasons for not
5289 pursuing the subject undergrounding, including, by way of example and not
5290 limitation, technical infeasibility or impracticability, practical infeasibility or
5291 impracticability, or the cost to relocate the utilities underground outweighs
5292 the documented benefits to the City and the public, as determined by the
5293 City Commission in its sole discretion.
- 5294 c) If a waiver is granted, the owner or developer shall deposit into the City's
5295 underground utility trust fund a dollar amount equal to the estimate
5296 provided in the waiver application, and as agreed upon by the city, prior to
5297 the development permits being issued. For instances where an owner or

5298 developer is required to underground, but a development permit is not
5299 required, the above-described dollar amount shall be required to be paid
5300 into the city's underground utility trust fund prior to building permits being
5301 issued.

5302 4) Underground utility trust fund – Established.

5303 There is hereby established an underground utility trust fund. Contributions generated
5304 from the waiver provision of section 31-2 of this Code, entitled "Underground utilities;
5305 required", shall be deposited into the underground utility trust fund. The city commission
5306 may, by resolution, designate other additional funds to be deposited into the underground
5307 utility trust fund as deemed to be in the best interest of the city.

5308 a. Restriction on expending funds.

5309 i. Funds deposited into the underground utility trust fund shall be restricted and shall
5310 be expended solely for projects that place existing or future utility lines
5311 underground as may be approved by the city commission from time to time.
5312 Projects that are eligible for the expenditure of such funds include, but are not
5313 limited to:

5314 a) The underground placement of all utilities lines and appurtenances, including,
5315 but not limited to, gas, telephone, cable, fiber, communications and electrical
5316 distribution and transmission facilities on public rights-of-way.

5317 b) Public property beautification projects, including, but not limited to, median
5318 improvements, which are occasioned by the placement of utility lines
5319 underground.

5320 c) Payment for any loan, bond, or other debt incurred for any project authorized
5321 by this section, including debt service, if any.

5322 ii. Funds deposited into the underground utility trust fund are intended to be used for
5323 projects with a rational nexus to the project or projects contributing the funds into
5324 the trust, where feasible or practicable. The rational nexus may be based on
5325 location, system integrity or other matters as determined in the discretion of the
5326 city commission.

5327 b. Prohibition against expending funds.

5328 i. Funds deposited into the underground utility trust fund shall not be used as a
5329 source of revenue to meet operating needs of the City of Margate.

5330 ii. Funds deposited into the underground utility trust fund shall not be commingled
5331 with general fund revenue and shall not be used to supplement the general
5332 fund budget.

5333 iii. All interest earnings resulting from funds deposited into the underground utility
5334 trust fund shall be transferred back into the underground utility fund on an
5335 annual basis on or by September 30 of every year.

5336 c. Authority to expend funds. Any project which meets the criteria for funding from
5337 the underground utility trust fund as set forth in subsection (a) above, shall be
5338 approved by a separate, specific resolution of the city commission for that project.
5339 Said resolution shall be separate and apart from the annual budget process.

5340 d. Amendments to or rescission of underground utility trust fund.

5341 i. The city commission may, by ordinance, temporarily cease depositing
5342 contributions from the waiver provisions of section 31-2 of this Code into the
5343 underground utility trust fund. Any ordinance that approves the temporary

- 5344 cessation of said contributions to the underground utility trust fund shall be
5345 effective for a period that shall not exceed one (1) year.
- 5346 ii. The city commission may, by ordinance, amend or rescind the underground
5347 utility trust fund.
- 5348 iii. In the event the underground utility trust fund is rescinded by subsequent
5349 ordinance, it is the intention of this subsection that all existing underground
5350 utility trust fund funds be used for the purposes contained in subsection (a)
5351 above.

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5354 40.302 Site Plan Amendment

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5358 40.303 Zoning Map Change

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5360 (A) Procedure

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- 5362 1) General. A change in zoning shall be permitted after a determination has been made by
5363 the City Commission that services are available to serve the development permitted in the
5364 zoning district which is being petitioned. A determination that services are available shall
5365 be made when the City Commission approves a report submitted by the development
5366 review committee which indicates the conditions contained in Section 40.301(D) have
5367 been met.
- 5368 2) Spot Zoning. The city shall not consider applications that meet the definition of spot
5369 zoning.
- 5370 3) Planning and Zoning Board Review:
- 5371 a. The planning and zoning board shall hold its public hearing and shall make a
5372 recommendation upon the application to the City Commission, based upon its
5373 consideration of, where applicable, whether or not:
- 5374 i. The proposed change is contrary to the adopted comprehensive plan, as
5375 amended, or any element or portion thereof;
- 5376 ii. The proposed change would create an isolated zoning district unrelated
5377 and incompatible with adjacent and nearby districts;
- 5378 iii. Existing zoning district boundaries are illogically drawn in relation to
5379 existing conditions on the property proposed for change;
- 5380 iv. The proposed change will adversely affect living conditions in the
5381 neighborhood;
- 5382 v. The proposed change will create or excessively increase automobile and
5383 vehicular traffic congestion, above that which would be anticipated with
5384 permitted intensities or densities of the underlying land use plan
5385 designation, or otherwise affect public safety;
- 5386 vi. The proposed change will adversely affect other property values;
- 5387 vii. The proposed change will be a deterrent to the improvement or
5388 development of other property in accordance with existing regulations;
- 5389 viii. The proposed change will constitute a grant of special privilege to an
5390 individual owner as contrasted with the welfare of the general public;

- 5391 ix. There are substantial reasons why the property cannot be used in accord
5392 with existing zoning;
5393 x. The proposed zoning designation is the most appropriate designation to
5394 enhance the city's tax base given the site location relative to the pattern of
5395 land use designations established on the future land use plan map,
5396 appropriate land use planning practice, and comprehensive plan policies
5397 directing land use location.
5398 b. An applicant may withdraw an application, or amend the rezoning application to a
5399 more restrictive district, at any time prior to a vote by the commission.
5400 c. The report and recommendation of the planning and zoning board required by this
5401 chapter shall be advisory only and shall not be binding upon the commission.
5402 4) City Commission Review:
5403 a. The commission shall establish a public hearing to consider the rezoning review
5404 criteria in subsection (A), above, public testimony and the planning and zoning
5405 board recommendation, and may act on the petition, deny, deny without prejudice,
5406 approve or approve with conditions, or approve an amended application for
5407 rezoning.
5408 b. The commission, upon denial without prejudice, may also waive the reapplication
5409 fee.
5410 c. Whenever the commission has acted upon an application for the rezoning of
5411 property, whether approved or denied, the planning and zoning board shall not
5412 thereafter consider any further application for the same or any other kind of
5413 rezoning of any part or all of the same property for a period of one (1) year. The
5414 above time limits may be waived by a majority vote of the commission, when the
5415 commission deems such action necessary to prevent injustice or to facilitate the
5416 proper development of the city.
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5419 40.304 Comprehensive Plan Amendment Map and Text

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5422 40.305 Plat

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5426 40.306 Special Exception

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5429 (A) Purpose. Special exceptions are generally compatible with other land uses permitted in a
5430 zoning district but, due to their unique characteristics or potential impacts on the surrounding
5431 neighborhood and the City as a whole, require individual review as to location, design,
5432 configuration, and/or operation for the particular use at the particular location proposed, as
5433 well as the imposition of individualized conditions in order to ensure that the use is compatible
5434 with the surrounding neighborhoods and appropriate at a particular location.
5435
5436 (B) Application requirements for new construction or major renovation. No use designated as a
5437 special exception shall be established until after such use has received approval under the

provisions of this section and has received all permits required by this Code of Ordinances and the Florida Building Code. An application for special exception approval involving new construction, or any application for special exception that proposes to redevelop, substantially redevelop or reconstruct an existing building, as defined in this code, shall be filed with the development services department on forms provided. The application shall include:

- 1) A professionally prepared preliminary site plan, meeting the technical requirements for a final site plan and containing all relevant information necessary for review, including, but not be limited to, the following:
 - a. A survey meeting the technical standards of the Florida Department of Professional Regulation, Board of Land Surveyors.
 - b. An accurate tree location plan, superimposed over the basic site plan, showing the species and size of all trees of three (3) inches or greater caliper, d.b.h.
 - c. Site data, including floor areas, aggregate building coverage, green space, vehicular use areas, retention areas and parking ratio.
 - d. Each site plan presented herewith shall be drawn to a scale of no less than one (1) inch equals fifty (50) feet, and shall include the complete dimensioning and location of:
 - 1) Plot lines.
 - 2) Existing and proposed buildings and all other proposed improvements.
 - 3) Off-street parking, curbing, wheel stops and interior landscape area.
 - 4) Street paving, drainage structures, sidewalks, driveways, intersections, medians, existing and proposed deceleration and turning lanes.
 - 5) Setbacks.
 - 6) Floor plans, and exterior sales, storage or service areas.
 - 7) Internal walks and pedestrian ways.
 - 8) Color building exterior elevation views of all sides of each building.
 - 9) Signs and exterior lighting, including a photometric plan.
 - 10) Water mains and fire hydrants; sewer laterals.
 - 11) Buffering and fencing or decorative masonry walls.
 - 12) Solid waste disposal containers and enclosures.
 - 13) Proposed finished floor and pavement elevations.
 - 14) Landscaping and irrigation plan.
 - 15) Any other architectural, engineering or other data as may be required to permit the necessary findings.
- 2) The required application fee, as provided by resolution of the City Commission.
- 3) A written and graphic summary of the proposed project and its relationship to the general standards of review in section 40.306(C) of this Code.
- 4) Ownership affidavit and owner's sworn to consent, if applicable.

(C) Application requirements for a special exception use of an existing building. No use designated as a special exception shall be established within an existing building or structure until after such use has received approval under the provisions of this section and has received all permits required by this Code of Ordinances and the Florida Building Code. An application for special exception approval which proposes to utilize an existing building substantially in its current form shall be filed with the development services department on forms provided. The application shall include:

- 1) A survey meeting the technical requirements of the Florida Department of Professional Regulation, Board of Land Surveyors, shall contain all relevant information necessary for review, to include, but not be limited to, the following:
- i) Site data, including existing floor areas, aggregate building overage, green space and vehicular use areas.
 - ii) Existing off-street parking, curbing, wheel stops and interior landscape area.
 - iii) Existing street paving, drainage structures, sidewalks and driveways.
- 2) Professionally prepared floor plan accurately depicting the proposed use.
- 3) If applicable, a professionally prepared site plan for any exterior affected areas of the subject property.
- 4) If applicable, a professionally prepared landscape and irrigation plan for any exterior affected landscape areas or required buffer areas of the subject property.
- 5) If applicable, professionally prepared color elevations for any affected areas of the exterior of the building or structure.
- 6) If applicable, professionally prepared photometric plan for any affected areas of the vehicular use area.
- 7) Any other architectural, engineering, or other data as may be required to permit the necessary findings.
- 8) The required application fee, as provided by resolution of the City Commission.
- 9) A written and graphic summary of the proposed project and its relationship to the general standards of review of this Code.
- 10) Ownership affidavit and owner's sworn to consent, if applicable.
- (D) General standards of review. In addition to the standards set forth in this Code of Ordinances for the particular use, all proposed special exceptions shall meet each of the following standards:
- 1) The special exception shall be consistent with the purposes, goals, objectives and policies of the Margate Comprehensive Plan and the Margate Code of Ordinances.
 - 2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
 - 3) The establishment, maintenance or operation of the proposed use shall only be approved if in the best interest of the City. It shall be determined that a genuine need for the use is present in the City to support and justify the approval order to avoid creating an excessive proliferation of said special exception use.
 - 4) The proposed use shall be compatible with the existing natural environment and community character of the properties within the immediate neighborhood.
 - 5) Utilities, roadway capacity, drainage, and other necessary public facilities, including police, fire and emergency services, shall exist at the City's adopted levels of service, or will be available concurrent with demand as provided for in the requirements of this Code of Ordinances.
 - 6) Adequate measures exist or shall be taken to provide ingress and egress to the proposed use, for both vehicles and pedestrians, in a manner that minimizes traffic congestion on public streets, and the use may not result in an increase in the amount of traffic on local streets than would result from a development permitted by right.
 - 7) There shall be adequate parking areas and off street truck loading spaces (if applicable) consistent with the parking requirements of the Code, and the layout of the parking and

vehicular use areas shall be convenient and conducive to safe operation consistent with city standards to the greatest extent possible.

- 8) The establishment of the special exception shall not impede the development of surrounding properties for uses permitted in the zoning district nor have a negative impact on the value of those properties;
- 9) The design of the proposed use shall minimize adverse effects, including visual impacts, of the proposed use on adjacent property through the use of building orientation, setbacks, buffers, landscaping and other design criteria.
- 10) The City Commission finds that the granting of the application will be in the best interest of the City.

(E) Review by Development Review Committee (DRC). A complete application which is submitted pursuant to a schedule prepared by the development services department shall be reviewed at the next available DRC meeting. The DRC shall review the proposed use based on the general standards of review, use regulations, development standards of this Code, and all other applicable development regulations. The DRC chair shall submit the recommendation of the DRC, to the planning and zoning board and city manager.

(F) Meeting of the Planning and Zoning Board. The Planning and Zoning Board shall conduct a public hearing in which they discuss the DRC recommendation and the project proposal, prior to making a recommendation concerning the project to the City Commission. If the Planning and Zoning Board determines that the proposed use is in compliance with general standards of review, use regulations, and development standards of this Code, then they shall recommend approval of the special exception to the City Commission, with or without conditions, as determined appropriate. If the Planning and Zoning Board finds that the proposed special exception is not in compliance, they shall recommend denial of the application. The Planning and Zoning Board may continue the matter for a maximum of sixty (60) days, until any additional information or studies requested have been completed and offered in testimony.

(G) Review by City Commission. The City Commission shall review all special exception applications. The director of development services shall transmit to the City Manager a copy of the complete application and a written staff report summarizing the facts of the case including all relevant documents and the recommendations of the Planning and Zoning Board, if applicable. The City Manager shall schedule the proposed special exception application for the next available City Commission meeting providing the required notice procedures are met.

- 1) Public hearing. The City Commission shall hold one (1) public hearing on the proposed special exception.
- 2) Action by City Commission. In considering a special exception request, the City Commission shall review the proposed special exception, based on the general purpose and standards of review set forth in this section, the report of the administration and recommendation(s) of the planning and zoning board, and any oral and written comments received before or at the public hearing. Based upon the record developed at the public hearings, the City Commission may:
 - a. Adopt the proposed special exception by resolution, with or without conditions;
 - b. Deny the proposed special exception by resolution; or

- c. Defer the matter to a future meeting for a date certain; or
d. Refer the matter to the Planning and Zoning Board or administration for further consideration, comments, or additional review.

(H) Conditions. The City Commission may attach such conditions to the approval as it deems necessary to ensure the proposed use conforms to the standards set forth in section 40.306(C) general standards of review and to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: architectural design guidelines; limitations on size, bulk and location; duration of construction period; requirements for landscaping, signage, outdoor lighting, and the provision or limitation of ingress and egress; duration of the approval; hours of operation; and the mitigation of environmental impacts.

(I) Effect of approval or denial.

- 1) Eligibility to apply for building permit, etc. Approval of the application for special exception by the City Commission authorizes the applicant to proceed with any necessary applications for final site plan approval, building permits, certificates of level of service, and other permits, which the city may require for the proposed development. No permit shall be issued for work, which does not comply with the terms of the special exception approval.
- 2) Expiration of special exception approval. Unless otherwise provided in the approval, the approval of a special exception application shall be void if a building permit or engineering permit has not been issued for the proposed development within twelve (12) months after the date of the special exception approval by the City Commission. An applicant who has obtained special exception approval may request an extension of this time period by submitting within the twelve-month period a letter stating the reasons for the request. The city commission may, at a regular meeting, grant an extension of up to twelve (12) months, provided the City Commission makes the following findings:
 - a. The land use or zoning designation of the subject parcel has not changed and both designations are appropriate for the approved site plan.
 - b. The governing regulations of the subject parcel have not been significantly changed since the site plan was reviewed by the development review committee.
 - c. There have been no developments on adjacent or nearby properties that would create a conflict with the current zoning regulations.
 - d. The proposed development is consistent with the Margate Community Redevelopment Plan, as amended.
 - e. The time limit extension for special exception approval shall not exceed an additional one (1) year.
- 3) Rescission of approval by abandonment of use. Any discontinuation of an approved special exception for a period of one hundred eighty (180) consecutive days shall constitute abandonment and shall rescind the approval of the special exception. The abandonment period shall be presumed to have commenced upon the termination of electrical or water service for the user, whichever occurs first.

(J) Amendments and alterations to approved special exceptions.

- 1) Except as provided below, any expansion or change in intensity to an approved special exception and any addition to or expansion of an existing special exception shall require the same application, review and approval as required under this section for the original approval of the special exception.
- 2) Minor changes in the site plan or design details of an approved special exception which are consistent with the standards and conditions applying to the special exception and which do not result in additional external impacts, such as a minor shift in the location of a building or structure, the realignment of parking spaces and aisles, the relocation of a driveway, etc. may be approved by the DRC administratively without obtaining additional approvals. No increase in the intensity or change in use shall be considered a minor change for the purposes of this section.

40.307 Variance

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40.308 Nonconforming Use and Structure

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40.309 Building Permits

- (A) Generally. The department of environmental and engineering services, and the building department, may issue permits when all of the requirements in subsection (b) have been met and the applicant has further met all other applicable laws and regulations of the city, county, and state. Conditions of approval by the development review committee and statements made by a developer or his/her representative shall be reduced to writing, incorporated into the site plan approved by the committee, and shall be binding on the developer during the permitting process. It shall be a violation of the Code of the City of Margate for the use of property contrary to that provided in any approved site plan.

(B) Prerequisites:

- 1) Buildings other than single-family or two-family homes: Prior to issuance of a building permit, a site plan shall be approved for any building or buildings other than a single-family or two-family home on a platted lot.
- a. As an exception to the above, a building permit to change the occupancy group of an existing building, which does not involve any changes to the building envelope or exterior modifications to the site, does not require a site plan review by the Development Review Committee.
- 2) Single-family or two-family homes: The director of the building department or his designee shall not approve any building permit for a single-family or two-family home unless he/she has determined that adequate services, as set out by the standards of section 31-35 of this article, are available.
- 3) Accessory structures: Structures that are accessory to the main premises of a developed site and which require a permit pursuant to the Florida Building Code but which do not

meet the definition of a building permit set forth in section 31-33 shall not require a review pursuant to section 31-34. However, if the director of the Development Services Department determines that any such proposal does not meet the criteria of section 31-35 then he/she shall require a formal review of said proposal by the committee for approval.

(C) Time limitation on approvals. Any recommendation of the development review committee as to any application shall be reevaluated after a period of one (1) year if final action by the city commission has not taken place on that recommendation. An approval of a site plan shall be valid for one (1) year from the date of approval by the committee. The date of site plan approval shall be the date when the site plan was approved at an official development review committee meeting. If a building permit has not been issued within eighteen (18) months from the date of site plan approval then another site plan review shall be required.

If a building permit or engineering permit has not been issued within eighteen (18) months of site plan approval, an extension of the one-year time limit for site plan approval may be issued by administrative approval by the chair of the development review committee, subject to the following conditions:

- 1) The applicant has submitted a completed application for extension of the time limit, and submitted the requisite fee, as adopted in the schedule of fees by the City Commission.
- 2) The land use or zoning designation of the subject parcel has not changed and both designations are appropriate for the approved site plan.
- 3) The governing regulations of the subject parcel have not been significantly changed since the site plan was reviewed by the development review committee.
- 4) There have been no developments on adjacent or nearby properties that would create a conflict with the current zoning regulations.
- 5) The proposed development is consistent with the Margate Community Redevelopment Plan as amended.
- 6) The time limit extension for site plan approval shall not exceed an additional one (1) year.

(D) Withdrawal of application.

- 1) An owner/applicant may withdraw an application at any time prior to a final decision by the city up to and including the time of a vote on a motion before the city commission to approve or deny the application, in whole or in part.
- 2) If an owner/applicant submits an application for consideration before the development review committee (DRC), board of adjustment, planning and zoning board and/or city commission, and that application is inactive on the part of the applicant for a period of six (6) months or more, then the application shall be deemed to be automatically withdrawn.
- 3) For the purposes of this section "inactive" shall be defined as a period of six (6) months without activity by the owner/applicant, including but not limited to, a failure to respond to correspondence from the city, failure to submit or resubmit revised plans as part of the DRC process, failure to take affirmative action to move a project forward, or other nonresponsive actions by the applicant to address DRC concerns as reasonably determined by the DRC.

40.310 Public Notice Requirements

(A) Mailings. When an application for special exception, conditional use, variance, administrative appeal, reasonable accommodation, plat or plat amendment, rezoning, land use map amendment, or any other quasi-judicial land use determination is filed with the city, public notice shall be mailed to the owners of all real property lying within the City of Margate that is situated within one thousand five hundred (1,500) feet of the subject property for which said application was filed. If the application is for a subject property consisting of a single-family or two-family residential unit only, and within a zoning district that permits only those residential uses, public notice shall be mailed to the owners of all real property lying within the City of Margate that is situated within four hundred (400) feet of the subject property. The mailing radius shall be measured from the property lines of the subject property and shall include all property owners, other than the applicant, within said subject property.

- 1) Content. The mailed notification shall state "PUBLIC HEARING NOTICE" in bold print at the top of the notice and include the following information:
 - a) The applicant's name.
 - b) The address of the subject property of the application.
 - c) The type of application that was filed with the City and the file number assigned by the City.
 - d) A description of the proposed project, including the proposed use, hours of operations, acreage of parcel, square footage of structure(s), and/or number and type of residential units.
 - e) The name of the board(s) to hear the application.
 - f) The scheduled date(s) and time(s) of hearing(s).
 - g) The address of where the hearing (s) is/are to take place.
 - h) Municipal contact information for the department processing the application, to include the department name, phone number and address.
 - i) A location map (aerial map preferred) of the subject property showing the surrounding roads up to 1/4 mile from subject property.
- 2) Procedure. The city shall furnish the applicant with a list of all real property owners within the subject property and all properties within Margate situated within the required noticing radius of the subject property of said application. Ownership of surrounding real property shall be determined by the most recent tax records available from the Broward County Property Appraiser. The applicant shall send public notice described above via United States Postal Service mail to each required real property owner at least fifteen (15) calendar days prior to the scheduled hearing(s). For properties lying within a 400-foot radius of the subject property of said application that are outside the City of Margate municipal boundaries, a notice shall be provided to the applicable City Clerk.
 - a) For applications that require sequential reviews by multiple boards of the City, the notice shall include the scheduled dates, times, board names, and locations for all required hearings. For the purpose of this section, required hearings refer to those held by the City Commission, the Planning and Zoning Board, the Board of Adjustment, and any other board whose members are appointed by the City Commission.
 - i. In the event an application is tabled at a properly noticed hearing, no further mailings shall be required for the application to appear before that particular body

that tabled the application. However, if the tabling action causes hearings by other boards of the City in a sequential review of an application to be rescheduled to dates other than those provided in the mailed public notice, then the applicant shall mail a revised notice as provided in this section at least fifteen (15) calendar days prior to the rescheduled hearing(s).

ii. In the event that an application is delayed between hearings of a sequential review for any reason other than being tabled, as described above, then the applicant shall mail a revised notice as provided in this section at least fifteen (15) calendar days prior to the rescheduled hearing.

iii. In the event that an applicant appeals a board decision to a higher body of the City, or that the City Commission refers a special exception application back to the Planning and Zoning Board as described in section 40.306(F)(2)c., the applicant shall mail a revised notice as provided in this section at least fifteen (15) calendar days prior to the rescheduled hearing.

b) Upon mailing the required public notice, the applicant shall submit proof of said mailing to include a sample letter, postage receipt, certificate of mailing, and a sworn affidavit affirming that the public notice requirements of this section have been executed as described in this section. Said proof of mailing shall be provided to the City at least fourteen (14) calendar days prior to the first scheduled hearing.

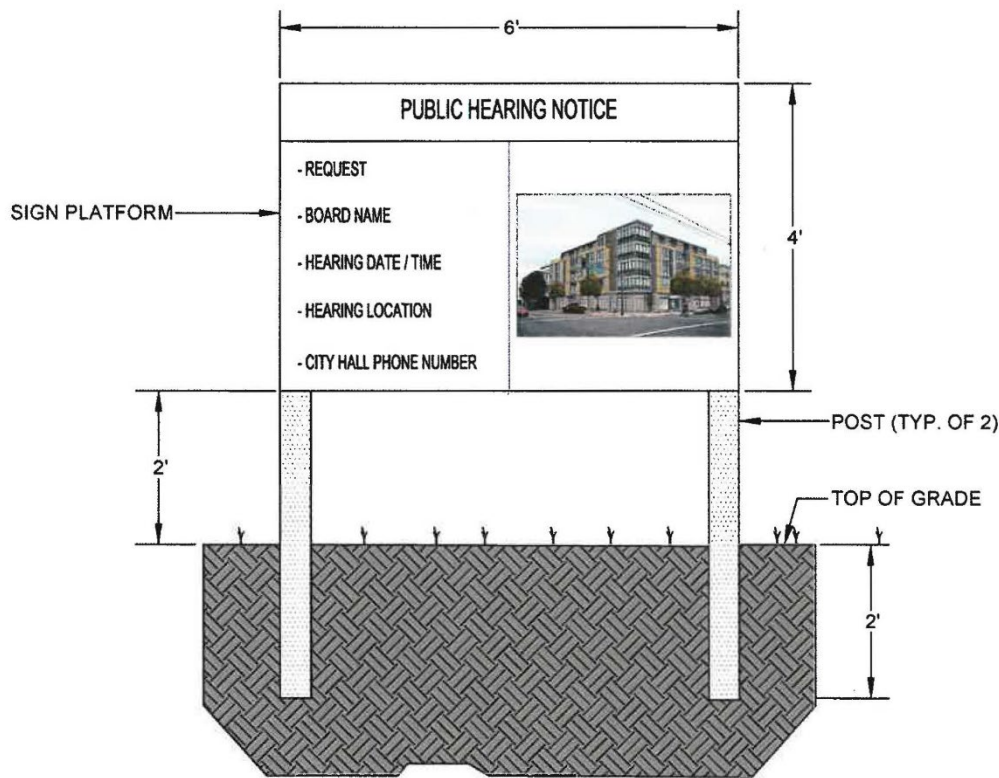
(B) Signs. When an application for special exception, conditional use, variance, reasonable accommodation, administrative appeal, plat or plat amendment, rezoning, land use map amendment, or any other quasi-judicial land use determination is filed with the City, the applicant shall be responsible for posting public hearing notice on the subject property of the application at least fourteen (14) days prior to the scheduled public hearing.

1) New construction and substantial improvements. Applications for quasi-judicial land use determinations consisting of new development, redevelopment, including substantial redevelopment or reconstruction, major renovation of an existing structure, or facade change, excluding those on an individual single-family home lot shall post signs meeting the following criteria:

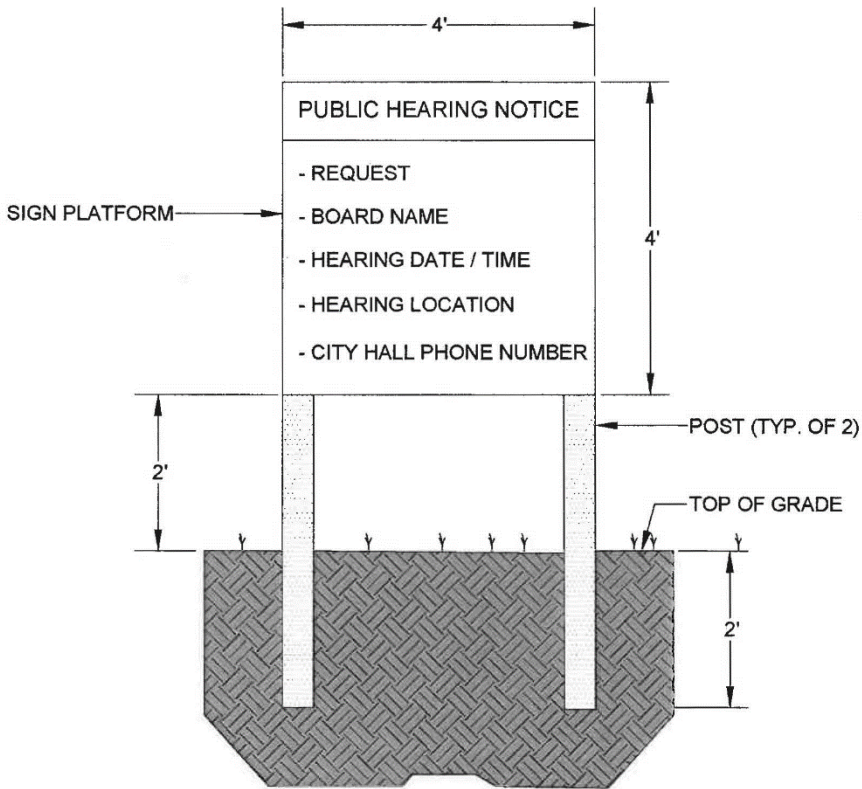
a) Freestanding, single-faced sign, posted to a height of six (6) feet above grade.

b) The sign face shall be twenty-four (24) square feet in area, such that it is six (6) feet wide by four (4) feet high.

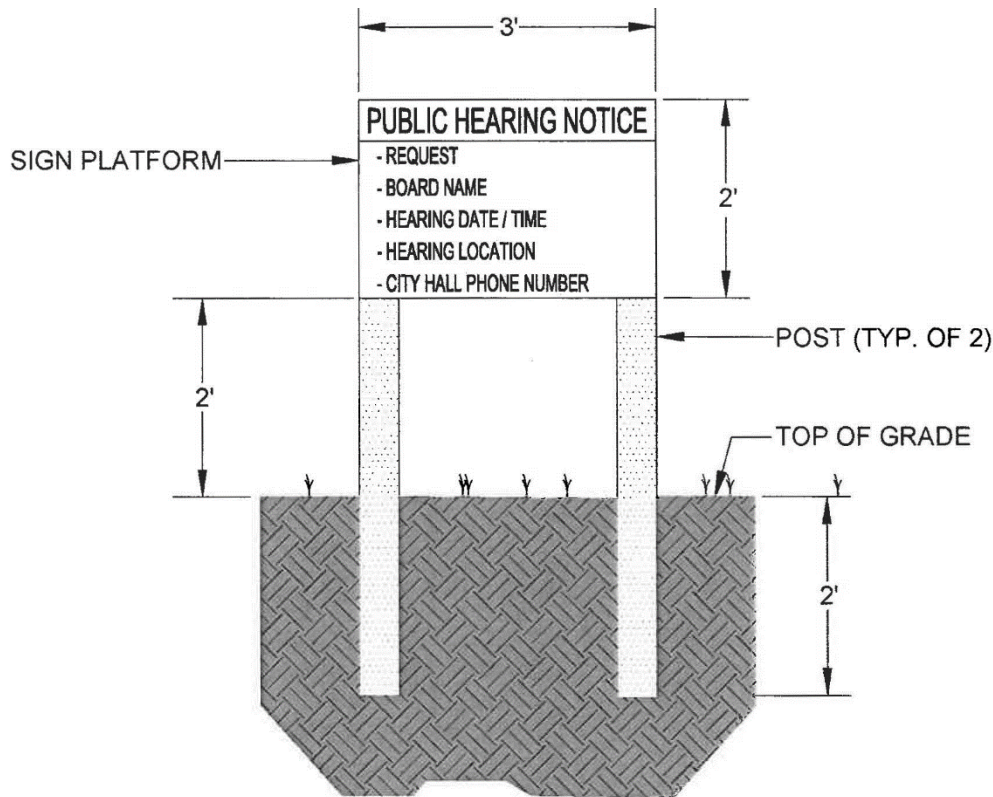
c) The sign face shall be laterally divided into two (2) sides. The right side of the sign shall display a colored rendering of the proposed project. The left side shall provide the information described in section 40.310(B)(4), below.



- 2) Existing structures. Applications for quasi-judicial land use determinations that do not involve a change of the existing building envelope, excluding those on an individual single-family home lot, shall post signs meeting the following criteria:
- Freestanding, single-faced sign, posted to a height of six (6) feet above grade.
 - The sign face shall be at least sixteen (16) square feet, such it that is at least four (4) feet wide by four (4) feet high.
 - The sign(s) shall conform to section 40.310(B)(4), below.



- 3) Single-family homes. Applications for quasi-judicial land use determinations for an individual single-family home shall post signs meeting the following criteria:
- Freestanding, single-faced sign, posted to a height of four (4) feet above grade.
 - The sign face shall be at least six (6) square feet, such it that is at least three (3) feet wide by two (2) feet high.
 - The sign(s) shall conform to section 40.310(B)(4), below.



4) Criteria. The posted notification shall satisfy the following criteria:

a) Content. The sign face shall state "PUBLIC HEARING NOTICE" in bold print at the top of the notice and include the following information in line item bullet format:

- i. The type of hearing request, and brief description of the application, for example, "SPECIAL EXCEPTION FOR GASOLINE STATION."
- ii. The board scheduled to hear the application, for example, "CITY COMMISSION."
- iii. The hearing date and time.
- iv. The hearing location.
- v. The phone number for City Hall.

b) Posting. Public hearing signs shall be posted in the following manner:

- i. One (1) public hearing sign shall be posted by the applicant facing each adjacent public right-of-way of the subject property. If the subject property does not have an adjacent right-of-way, the sign(s) shall be installed on the subject property in a manner to provide the highest level of visibility to the public, as determined by City staff. Signs must be posted on the subject property, setback five (5) feet. The intent of this section is to provide highly visible notice to the public, as such, if visual obstructions exist on the subject property such as landscaping or manmade structure(s), the height and setback may be adjusted to provide the best visibility possible, as determined by City staff.
- ii. In the event that an application is tabled, or where sequential hearings are required, the petitioner shall update the sign(s) within seventy-two (72) hours of

- the most recent hearing date. The sign must be updated at least fourteen (14) days prior to the next scheduled hearing in order to be heard.
- c) Construction. Public hearing sign faces shall be made of a durable, rigid material. Paper, cardboard, fabric or vinyl banners shall not be used in the construction of a public hearing sign. Signs must be freestanding unless otherwise authorized by staff. Signs shall feature black lettering on a white background. Lettering shall be displayed in a bold, highly visible font.
- d) Removal. The above sign(s) shall be removed within two (2) business days following a final determination on the matter. If said sign(s) is/are not removed in two (2) business days, the petitioner, on behalf of the owners of the property, authorize the administration of the City of Margate to remove said sign(s), forfeiting the bond fee.
- (C) Compliance. In the event that the applicant fails to satisfy all of the requirements of this section, the application shall not be scheduled for public hearing until the above requirements have been met.

40.311 Emergencies

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40.312 Reasonable Accommodation Procedures

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DIVISION 3 REVIEW AND DECISION MAKING AUTHORITIES

40.320 Development Services Department Staff

...

40.321 General Information on Boards and Committees

(A) Appointment procedures.

- (1) All boards and committees of the city shall be appointed by majority vote of the city commission utilizing the procedure provided in subsection B. below.
- (2) At the second city commission meeting in March every year the city commission shall appoint five (5) members of each city board for a term of one (1) year.
- (3) Upon a vacancy of any board or committee, prior to the full term of any board member or committee member, a vacancy shall be filled as provided in subsection B.
- (4) Exempted from the above shall be any board or committee appointed by the administration or composed solely of city-employed staff, or any board or committee appointed or elected as provided for by federal law, state statute or the City Charter; the community redevelopment agency board of the city; the board of the Northwest Focal Point Senior Center District; or the recreation foundation.
- (5) Temporary boards or committees that are formed by resolution of the city commission shall also be exempt from this section.

(B) Application procedures.

- (1) Individuals wishing to be considered for any vacancy on any board or committee, shall submit an application to the office of the city clerk not later than fourteen (14) days

- 5896 prior to the meeting in which the city commission shall fill said vacancy. The application
5897 shall include a request for qualification specific to the board or committee to which the
5898 individual is applying.
- 5899 (2) Incumbents who wish to be considered for reappointment to a particular board must
5900 comply with the preceding subsection.
- 5901 (3) Applications which were submitted more than two (2) years prior to the proposed date
5902 of appointment shall not be considered.
- 5903
- 5904 (C) List of Boards and Committees.
- 5905 (1) Affordable Housing Advisory Committee
- 5906 (2) Charter Review Committee
- 5907 (3) Civil Service Board
- 5908 (4) Community Redevelopment Board
- 5909 (5) Employee Benefit Trust Fund
- 5910 (6) Northwest Focal Point Senior Center
- 5911 (7) Planning and Zoning Board
- 5912 (8) Unsafe Structures Board
- 5913
- 5914 (D) Absences from board or committees of the City of Margate.
- 5915 If any member of any city board or committee of the City of Margate fails to attend three (3)
5916 regular board or committee meetings during any one (1) calendar year, said member shall
5917 automatically be deemed to have resigned from said board or committee and a new member
5918 shall be appointed by the city commission for the remainder of the term of said member. This
5919 shall not preclude the city commission from reappointing the same member to the same board
5920 or committee for the remainder of the unexpired term.
- 5921
- 5922 (E) Restriction of appointment/election to boards or committees of the City of Margate.
- 5923 (1) No person shall be appointed nor elected to more than one (1) permanently
5924 established board or committee of the City of Margate.
- 5925 (2) Any person who is serving on a permanently established board or committee shall
5926 submit with an application for a position on another board or committee a signed
5927 resignation from the permanently established board(s) or committee(s) on which the
5928 person is serving at the time of application to the city commission of the City of
5929 Margate. Said resignation shall be regularly put on the agenda for acceptance at a
5930 commission meeting of the City of Margate. Should an individual not be appointed to
5931 the board or committee for which application was made, the resignation from the first
5932 board or committee shall not be effective.
- 5933 (3) Every person appointed to a board or committee of the City of Margate shall be a
5934 resident of the City of Margate for six (6) months immediately preceding their
5935 appointment.
- 5936 (4) Subsection (4) shall not apply if the statute, ordinance or resolution creating the
5937 applicable board or committee requires or permits nonresidents to be appointed to
5938 said board. However, where a statute, ordinance or resolution which requires that a
5939 board member be either an owner or operator or be employed by a business within
5940 the City of Margate, said board member shall hold such status for six (6) months
5941 immediately preceding their appointment, unless there is a contrary intent by the
5942 approved statute, ordinance or resolution.

40.322 Development Review Committee

(A) *Establishment.* There is hereby established a development review committee comprised of representatives of City departments having a direct interest in new development. Membership of the development review committee shall include the Director of Development Services, the Director of Environmental and Engineering Services, a representative from the Fire Department, the Building Official, the Director of Public Works, a representative from the Police Department, and a representative from the Community Redevelopment Agency or any designees of the aforesaid. The director of development services shall serve as chair of the committee.

The development review committee shall have the right to make such rules as are necessary for the orderly conduct of its meetings.

(B) *Role in review of development proposals.* The development review committee shall meet on a regular basis for the purpose of reviewing and submitting to the planning and zoning board a report on all applications for any proposed plats, subdivision resurveys, land use plan amendments, or rezonings. The development review committee shall review all site plans other than those for a single-family or two-family home on a platted lot. Proposals to the development review committee shall be submitted by application for approval, and the applicant shall receive within thirty (30) days a written determination of completeness of the application and any deficiencies therein. Once the application is deemed complete, the DRC will subsequently provide the applicant with a review and hearing schedule, consistent with Florida Statue 166.033.

The development review committee, as to all proposed plats, subdivision resurveys, land use plan amendments, and rezonings, shall make a statement to the planning and zoning board assessing the adequacy of the proposal as to all City ordinances. The statements assessing the adequacy of any proposed subdivision or rezoning shall be considered by both the Planning and Zoning Board and the City Commission.

The development review committee, as to all applications submitted under its authority, shall have the following power: Each member of the committee shall have the responsibility to approve or disapprove the submitted application based upon compliance with all applicable laws and regulations, including Section 40.301(D), which come under his/her department's jurisdiction. The approval of all committee members shall constitute a demonstration of compliance.

40.323 Board of Adjustment

(A) Created; appointment; terms; officers; advisors.

(1) A board of adjustment for the city is hereby created and established consisting of five (5) members. The board members shall be appointed by the city commission and shall serve without compensation and at the pleasure of said city commission. All appointments shall be for a one-year period. The members of said board shall elect a chairperson, a vice-chairperson, and a secretary from its membership. The city manager, city building inspector, city attorney and such other officers and officials of

- 5992 the city as the board may require shall be considered as advisors to the city board of
5993 adjustment and may be called upon from time to time to meet with said board.
- 5994 (B) Substitute members.
- 5995 (1) In case of the temporary absence or disqualification of any member of the board of
5996 adjustment, the chairperson of the board shall have the right and authority to designate
5997 any member of the city planning and zoning board to serve as a substitute on the
5998 board of adjustment during the continuance of such absence or disqualification; but
5999 no substitute shall serve in such capacity for a longer period than three (3) months,
6000 nor shall more than one (1) substitute member serve on the board of adjustment at
6001 any one time. The chairperson shall seek a temporary board member substitute from
6002 the planning and zoning board in the following hierarchical order: Chairperson; vice-
6003 chairperson; secretary; and then a standard board member. In cases where
6004 substitutes are designated to serve for such limited periods, such fact shall be
6005 recorded in the official minutes of the board of adjustment before such substitute shall
6006 act in any matter presented to the board; and while serving, substitutes shall have the
6007 same powers as regular members.
- 6008 (C) Rules of procedure.
- 6009 (1) The city commission may establish and determine procedure before the city the board
6010 of adjustment, and such board shall adopt reasonable rules and regulations consistent
6011 with the provisions of such ordinance for presentation of matters before such board,
6012 for notifying interested parties, for charging and collecting an application fee, for
6013 conducting and holding hearings, and for calling advisers and assistants from time to
6014 time.
- 6015 (D) Meeting with the Board.
- 6016 (1) Meetings of the board of adjustment may be held once per month unless canceled by
6017 the Development Services Director or designee.
- 6018 (E) Powers and duties.
- 6019 (1) The board shall have the following powers:
- 6020 a. To hear and determine appeals where it is alleged there is error in any order,
6021 requirement, decision or determination made by an administrative official in the
6022 enforcement of the zoning regulations of the city.
- 6023 b. To hear and grant or deny such variances from the terms of any zoning ordinances
6024 of the city. To hear or deny such variances from the Code of the city as will not be
6025 contrary to the public interest or the general purposes sought to be accomplished
6026 by the zoning ordinances and where, owing to special conditions, a literal
6027 enforcement of the provisions of the zoning ordinances will result in unnecessary
6028 hardship in the use of the property involved.
- 6029 (2) In exercising said powers and duties, they shall not grant a variance unless:
- 6030 a. It shall be demonstrated that special conditions and circumstances exist which, if
6031 there is a literal and strict enforcement of the provisions of a zoning ordinance,
6032 would constitute a hardship or practical difficulty in the use of the property involved.
- 6033 b. Owner's preference or economic disadvantage does not constitute a hardship. A
6034 self-created hardship does not constitute grounds for a variance.
- 6035 c. No nonconforming use of neighboring lands, structures or buildings in the same
6036 district, and no permitted use of lands structures or buildings in other districts shall
6037 be considered grounds for a variance.

- d. It shall be demonstrated that special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other land or structures located in the same district.
- e. The board shall find that the granting of the variance will not be contrary to the public interest or the general purpose sought to be accomplished by the zoning ordinances, is the minimum variance possible to make reasonable use of the land or structure, and shall not constitute that granting of a special privilege. In granting a variance, the board may prescribe appropriate safeguards and conditions in conformity with the intent of the code.
- f. In granting any variance, the board shall record in its minutes the circumstances and conditions constituting the hardship or practical difficulties upon which the variance is based.
- (3) The board shall not have jurisdiction to consider any variance allowing any use of buildings or lands not permitted within any designated zoning classification.
- (F) Applications for variances and other appeals.
- (1) Applications to the board of adjustment for variance or other appeals shall be filed with the development services department on forms furnished by that department.
- (G) Proceedings on applications for variances or other appeals.
- (1) Upon the filing of an application for a variance or other appeal in proper form and the payment of the appropriate costs to the City of Margate the procedure to be followed shall be in accordance with the following appropriate regulations:
- a. If the appeal is from a decision of an administrative officer in the enforcement of zoning regulations, said appeal shall be filed within thirty (30) days of the administrative officer's decision. A copy of the appeal shall be furnished to the administrative officer who shall within fourteen (14) days prepare a statement in writing of his/her interpretation of the ordinances or regulations governing same and his/her ruling thereof and shall furnish copies of such statement to the board of adjustment and to the manager of the city.
- b. In the event the appeal or application is filed for the purpose of seeking a variance to the terms of any zoning ordinance, all public notice requirements of Section 40.310 of this Code shall apply.
- c. Where an appeal or application is filed for the purpose of seeking a variance, and in addition to the foregoing, the date and time of the hearing shall be published at least ten (10) days prior to such hearing in a daily newspaper of general circulation in the municipality.
- (H) Decisions of the board on variances or other appeals.
- (1) The concurring vote of a majority of the members of the board present shall be necessary to reverse any order, requirement, decision or determination of any officer or official upon zoning matters, or to grant a variance to the provisions of an existing zoning regulation.
- (2) Orders and decisions of the board shall be in writing, one (1) copy of which shall be kept by the board, one (1) copy shall be forwarded to the city clerk and shall become a public record, and one (1) copy shall be given to the applicant or appellant.
- (3) A decision of the board wherein a variance to a zoning regulation is granted or denied or a ruling of the administrative official charged with the enforcement of the zoning regulations is confirmed or overruled shall be final and binding unless an appeal is taken to the city commission.

- (4) Any aggrieved person or entity may appeal a variance or appeal a ruling of an administrative official if a request for an appeal is made with the city clerk's office within seven (7) days after the written decision of the board of adjustment is transmitted to the city clerk. After action of the city commission, the decision of the board of adjustment shall be deemed either confirmed or reversed. The affirmative vote of three (3) members of the city commission shall be necessary in order to reverse the recommendation on the board of adjustment.

40.324 Planning and Zoning Board and Local Planning Agency

(A) Creation; appointment; terms; officers; advisors.

- (1) A planning and zoning board for the City of Margate is hereby created and established, consisting of five (5) members. The board members shall be appointed by the city commissioners, and shall serve without compensation and at the pleasure of said city commission.
- (2) All appointments shall be for a one-year period.
- (3) The members of the said board shall elect a chairman, a vice chairman, and a secretary from its membership.
- (4) The city manager, city building inspector, city attorney, and such other officers and officials of the city as the board may require, shall be considered as advisors to the city planning and zoning board and may be called upon from time to time to meet with said board.

(B) Meetings of the planning and zoning board.

- (1) Meetings of the planning and zoning board shall be held once per month unless canceled by the administrative head due to no items being placed on the agenda. Meetings of the planning and zoning board may be held at the call of the administrative head.

(C) Rules of procedure.

- (1) The city commission may establish and determine procedure before the city planning and zoning board, and such board shall adopt reasonable rules and regulations consistent with the provisions of such ordinance for presentation of matters before such board, for notifying interested parties, for charging and collecting an application fee, for conducting and holding hearings, and for calling advisers and assistants from time to time.

(D) Duties generally.

- (1) The duties of the planning and zoning board shall be as follows:
 - a. To act as the Local Planning Agency pursuant to F.S.163.3164(12). As amended from time to time.
 - b. To act in an advisory capacity and make recommendations to the city commission on-land development actions such as a change in zoning regulations, land use plan amendments, rezoning of land, and special exceptions.
 - c. To study proposed city plans, as directed by the city commission with a view to improving same so as to provide for the development, general improvement and probable future growth of the city and make recommendations to the city commission relating to land development and new developments or for the adoption of a city comprehensive plan.

- d. To recommend approval or disapproval of all new plats, plat amendments and subdivision resurveys to be presented to the city commission.
- e. To perform such other duties as may from time to time be assigned to such board by the city commission.
- (E) Administrative head.
- (1) The director of development services or designee shall be designated as administrative head of the planning and zoning board and perform all duties as required by this designation. The administrative head shall stand in an advisory capacity to the, the planning and zoning board, the city commission and the city manager.
- (F) Substitute members.
- (1) In case of the temporary absence or disqualification of any member of the planning and zoning board, the chairperson of the planning and zoning board shall have the right and authority to designate any member of the city board of adjustment to serve as a substitute on the planning and zoning board during the continuance of such absence or disqualification; but no substitute shall serve in such capacity for a longer period than three (3) months, nor shall more than one (1) substitute members serve on the planning and zoning board at any one time. The chairperson shall seek a temporary board member substitute from the board of adjustment in the following hierarchical order: Chairperson; vice-chairperson; secretary; and then a standard board member. In cases where substitutes are designated to serve for such limited periods, such fact shall be recorded in the official minutes of the planning and zoning board before such substitute shall act in any matter presented to the board; and while serving, substitutes shall have the same powers as regular members.

40.325 City Commission

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DIVISION 4 QUASI-JUDICIAL PROCEDURES

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40.330 Purpose

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40.331 Applicability

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40.332 Special Exceptions

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DIVISION 5 CONCURRENCY MANAGEMENT SYSTEM

40.340 Purpose

The purpose of this article is to assure that all development activity in the City of Margate is concurrent, consistent and in substantial conformity with the City of Margate and the Broward County Comprehensive Plans; and to assure that no new development be approved unless there

is sufficient capacity available at the prescribed levels of service established in the City of Margate Comprehensive Plan.

40.341 Development Subject to Adequacy Determination

- (A) Every development requiring County adequacy determination must meet requirements set forth in Section 5-182 of the Broward County code.

40.342 Application Requirements for Concurrency Determination

An application for a development permit that is subject to concurrency review shall be accompanied by the following information in addition to any other requirements contained within the City Code.

- (A) Project description: Applicant, location, land use and zoning, density or intensity, project phasing and other pertinent information as determined by city staff to properly review the application.
- (B) Transportation system: An analysis performed by Broward County prepared in accordance with the Broward County TRIPS model, as amended from time to time.
- (C) Drainage, solid waste, water and wastewater: Documentation from the appropriate service provider regarding provision of services.

40.343 Vested Rights

- (A) A request for a vested rights determination shall be made by the applicant in a letter to the city attorney, with a copy of the letter simultaneously sent to the city manager, the development services director, the mayor and each city commissioner.
- (B) Accompanying the copy of the letter to the town administrator shall be a fee as set by resolution to cover the cost to the town for making the vested rights determination.
- (C) The letter requesting a vested rights determination shall state with specificity each and every reason and each and every fact upon which the applicant is relying in order to support its claim for a vested right, and the specific vested right that the applicant desires. The applicant shall also enclose with the letter, and all copies of the letter, all evidence and proof which it is relying upon to support its claim for vested rights.
- (D) The city attorney shall review the letter and the evidence and proof submitted. The city attorney shall be entitled to request all additional information that they believe is helpful to them and/or their staff in making the vested right determination. Such additional information requested can include, but is not limited to, the following: questions to the applicant and officers, directors, shareholders, employees, agents and experts of the applicant, documents from the applicant and officers, directors, shareholders, employees, agents and experts of the applicant, affidavits from the applicant and officers, directors, shareholders, employees, agents and experts of the applicant, taking sworn statements from the applicant and officers, directors, shareholders, employees, agents, and experts of the applicant and in meeting with the applicant or officers, directors, shareholders,

employees, agents or experts of the applicant. In making the vested rights determination, the applicant or the applicant's officers, directors, shareholders, employees, agents and experts failure to provide what is requested from the city attorney may be considered negatively toward the applicant's request for a vested rights determination or in a supplemental vested rights determination.

(E) The city attorney, once the information has been provided and once they are of the opinion that the vested rights determination can be given, shall provide a vested rights determination in writing. The applicant is limited to the information which has been provided. The applicant cannot provide new information without first requesting permission from the city attorney to do so.

(F) The written vested rights determination or supplemental vested rights determination of the city attorney shall be sent via certified mail to either the applicant, its attorney or its agent.

(G) The vested rights determination or supplemental vested rights determination remains final and binding upon the applicant unless the applicant appeals the city attorney's determination within twenty (20) days of the date of the city attorney's determination. In the event that the applicant fails to timely appeal the vested rights determination or, in the event of a supplemental vested rights determination fails to appeal the supplemental vested rights determination, of the city attorney, it is conclusively presumed that the city attorney's determination is final. In the event that the applicant desires to challenge the vested rights determination or supplemental vested rights determination of the city attorney, the applicant must deliver to the city manager by 4:00 p.m. within twenty (20) calendar days of the date of the city attorney's determination a notice of appeal of the city attorney's determination (if the twentieth (20th) day is on a Saturday, Sunday or legal holiday in which the city manager's office is closed, then the appeal may be timely delivered on the immediate next business day that the city manager's office is open). The notice of appeal shall be strictly limited to advising of the desire to appeal and the relief that the applicant is requesting. No further statements or argument are permitted in the notice of appeal.

(H) The city manager shall place this appeal on the agenda of a city commission meeting on such date that the city manager considers appropriate.

(I) The city commission shall consider the appeal at the city commission meeting when the appeal is on the agenda, but the city commission is permitted to table the appeal to such time as the city commission considers appropriate. The city commission is also empowered to request that the city attorney obtain additional information from the applicant and officers, directors, shareholders, employees, agents and experts of the applicant. The city commission is also entitled, should it so chose, to obtain input from the public concerning the vested rights determination. The applicant is not entitled to speak during the appeal unless the city commission permits the public to speak or unless the city commission permits the applicant to speak. In the event that the city commission requests or solicits additional information, the matter shall be sent back to the city attorney for a supplemental vested rights determination in light of the additional information requested or given. When that supplemental vested rights determination is provided by the city attorney, they shall provide notice as described in subsection (F), and that supplemental vested rights determination shall be described as indicated in subsection (G), and in the event of an appeal of that supplemental vested rights determination it shall be placed on the agenda as described in subsection (H), and shall be treated by the city commission as described in this subsection.

(J) When the city commission makes its determination on the appeal, the appeal shall be based on the information in the record, which information is the information provided by the applicant, the information provided by staff, the information provided from all other sources which are in the record, and information provided by the city attorney. In making the vested rights determination or supplemental vested rights determination, the applicant or the applicant's officers, directors, shareholders, employees, agents and experts failure to provide what is requested from the city attorney or the city commission may be considered negatively toward the applicant in its request for a determination. The determination of the city commission in the appeal is final.

(K) The applicant has not exhausted its administrative remedies until such time as it has complied with this procedure.

40.344 Measurement of Capacities

(A) Trafficways. The procedure for the initial measuring of highway capacities is the Florida Department of Transportation Table of Generalized Daily Level of Service Maximum Volumes. The measurement of capacity may also be determined by substantiation in the form of engineering studies or other data. Traffic analysis techniques must be technically sound and justifiable as determined by Broward County and the city department of environmental and engineering services. Alterations to capacity on the state highway network shall require the opportunity for FDOT review. Measurement of county and state roads shall be in accordance with the development review requirements of the Broward County Land Development Code, Sections 5-198 and 5.182, before a development permit is approved.

1) Determination of concurrency for regional transportation network:

- a. The determination of concurrency with the regional transportation network shall be made by Broward County when a development is subject to concurrency review under the Broward County Land Development Code.
- b. The determination of concurrency with the regional transportation network for developments which are not reviewed under the Broward County Land Development Code shall be made by the city through the required traffic analysis.
- c. The determination of concurrency for impacts on City-maintained local and collector roads will be made by the city either at the time of platting for areas subject to the Broward County Land Development Code or at the time of site plan review for developments not subject to the Broward County Land Development Code through the required traffic analysis. Developments subject to concurrency shall design all local streets for level of service "C."

(B) Potable water and wastewater. Measurement of potable water and wastewater facilities shall be based on design capacities and service flows. Usage and discharge will be based on adopted level of service standards. These levels may be amended after consideration and substantiation of engineering studies and/or an amendment to the City of Margate Comprehensive Plan.

(C) Drainage.

- 6319 1) Measurement of drainage facilities shall be based on the water management district basin
6320 design standards. Variations may exist for specific parcels but the overall effect of an
6321 area's drainage system must meet established water management practices criteria.
6322 2) Where the City of Margate is not the service provider, the City shall rely on documentation
6323 provided by the applicable water control/improvement district. However, determination of
6324 concurrency for drainage capacity for building pads, streets and parking lots shall be the
6325 responsibility of the department of environmental and engineering services. The
6326 documentation shall identify:
6327 a. That the water control/improvement district will accept stormwater runoff from the
6328 proposed development;
6329 b. That the district has the capacity to satisfy drainage of the proposed development at
6330 the required level of service;
6331 c. That the district has improvements that will provide capacity at the required level of
6332 service;
6333 d. Conditions or phasing exist that the City should incorporate in its approval to ensure
6334 adequate capacity.
6335
6336 (D) Solid waste. Measurement of solid waste shall be based on assumed generation rates and
6337 the design capacity of the landfill and the solid waste energy recovery facilities developed by
6338 the county. The City shall rely on the obligations established in the City's franchise agreement
6339 for solid waste collection and disposal services to provide the required level of service.
6340
6341 (E) Recreation. Measurement of recreation and open space shall be based on the requirement of
6342 three (3) acres per one thousand (1,000) residents.
6343
6344

6345 40.345 Level of Service Standards

6346

- 6347 (A) No development activity may be approved unless it meets the following requirements
6348 designed to ensure that certain public services are available at prescribed levels of service
6349 concurrent with the impacts of development.
6350
6351 (B) Notwithstanding the foregoing, the prescribed levels of service may be degraded during
6352 construction of new facilities in a specific area if upon completion of the new facilities the
6353 prescribed levels of service will be met.
6354
6355 (C) For the purposes of these regulations the available capacity of a facility shall be determined
6356 by:
6357
6358 1) Adding together:
6359 a. The total design capacity of existing facilities operating at the required level of service;
6360 and
6361 b. The total design capacity of new facilities that will become available concurrent with
6362 the impact of the development. The capacity of new facilities may be counted only if it
6363 meets the criteria of section 40.344(A)(1) above.
6364 2) Subtracting from that number the sum of:
6365 a. The design demand for the service created by existing development; and

- b. The new design demand for the service (by phase or otherwise) that will be created concurrent with the impacts of the proposed development by the anticipated completion of other presently approved developments.

- (D) The burden of showing compliance with these levels of service requirements shall be upon the developer. Applications for development approval shall provide sufficient and verifiable information showing compliance with these standards.

40.346 Concurrency Monitoring System

- (A) The Director of Development Services, through their duties and authority of chair of the development review committee, shall be responsible for monitoring development activity to ensure the development is consistent with the City of Margate Comprehensive Plan.

- (B) Applications for all development permits shall be submitted to the development review committee. Processing shall be in accordance with regularly scheduled meetings of the development review committee, planning and zoning board and City Commission.

- (C) Compliance will be calculated and capacity reserved at time of final action of an approved site plan or enforceable developer's agreement for those concurrency matters within the authority of the City of Margate. Applications for development approval shall be chronologically logged to determine rights to available capacity.

- (D) The effective time limit for site plans shall be eighteen (18) months. An extension of one (1) year may be issued by administrative approval as provided by Section 40.301. At each annual renewal of public performance bonds, the City of Margate shall make a determination if the bonds shall be drawn upon for construction. Building and engineering permits shall have a concurrency time limit of one hundred eighty (180) days as long as construction and inspections continue and said construction is not idle for more than 31 continuous calendar days after construction commences

- (E) Development permits shall be processed to the fullest degree possible. If adequacy determinations of a project show unacceptable levels of service in any one (1) of the necessary public facility or service standards, the application(s) shall be denied until such time as capacity becomes available, or a revised application is submitted to, and accepted by the DRC.

40.347 Levels of Service

- (A) Potable water. New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for potable water as established in the potable water sub-element of the City of Margate Comprehensive Plan. The level of service standards for the City's potable water facilities is three hundred thirty-five (335) gallons per day (gpd) per equivalent residential ERC and provide minimum fire flow requirements with

6412 a residual pressure of twenty (20) pounds per square inch (psi). All other levels of service
6413 standards follow table shown under (b) wastewater.
6414 (B) Wastewater. New development shall not be approved unless there is sufficient available
6415 design capacity to sustain the following levels of service for wastewater treatment as
6416 established in the sanitary sewer sub-element of the City of Margate Comprehensive Plan.
6417 The level of service standard for the city's sanitary facilities is three hundred thirty-five (335)
6418 gallons per day (gpd) per equivalent residential connection (ERC). All other levels of service
6419 standards are as follows:
6420

<u>Type of Structure</u>	<u>Specific Condition/Unit</u>	<u>Per unit in Gallons per day</u>
<u>Assembly Halls</u>	<u>(a) per seat</u>	<u>2</u>
<u>Barber and beauty shops</u>	<u>(a) per dry service chair</u>	<u>100</u>
	<u>(b) per wet service chair</u>	<u>200</u>
<u>Bar and cocktail lounges (No food service)</u>	<u>(a) per seat</u>	<u>20</u>
<u>Bowling alleys</u>	<u>(a) per lane (no food operation)</u>	<u>100</u>
<u>Camper or RV trailer park</u>	<u>(a) per space</u>	<u>150</u>
<u>Car wash</u>	<u>(a) automatic type</u>	<u>3500</u>
	<u>(b) automatic type (recycled water)</u>	<u>350</u>
	<u>(c) hand wash</u>	<u>1750</u>
<u>Churches</u>	<u>(a) per sanctuary seat</u>	<u>3</u>
<u>Dance halls</u>	<u>(a) per person</u>	<u>2</u>
<u>Dentist offices:</u>	<u>(a) per dentist</u>	<u>250</u>
	<u>(b) plus per wet service chair</u>	<u>200</u>
<u>Doctor offices:</u>	<u>(a) per physician</u>	<u>250</u>
	<u>(b) plus per square foot of office space</u>	<u>0.20</u>
<u>Drive-in theater</u>	<u>(a) per car space</u>	<u>5</u>
<u>Fire station</u>	<u>(a) per bed</u>	<u>100</u>
<u>Health spa</u>	<u>(a) per square foot (does not include food service)</u>	<u>0.35</u>
<u>Hospitals and nursing homes</u>	<u>(a) per bed space (does not include public food service areas and offices)</u>	<u>210</u>

<u>Institutions</u>	<u>(a) per person (including resident staff)</u>	<u>100</u>
<u>Kennels</u>	<u>(a) per animal space</u>	<u>30</u>
	<u>(b) per veterinarian</u>	<u>250</u>
<u>Laundries</u>	<u>(a) per coin-operated machine</u>	<u>400</u>
	<u>(b) per commercial not coin-operated machine</u>	<u>650</u>
<u>Office Building</u>	<u>(a) per square foot of floor space</u>	<u>0.20</u>
<u>Parks, public with comfort stations</u>	<u>(a) per visitor</u>	<u>10</u>
<u>Pet grooming parlors</u>	<u>(a) per wash basin (does not include retail sales)</u>	<u>200</u>
<u>Recreation/pool buildings</u>	<u>(a) per person (300 gallon minimum)</u>	<u>2</u>
<u>Residences</u>	<u>(a) Single family, detached each</u>	<u>300</u>
	<u>(b) Multiple family per dwelling unit</u>	<u>250</u>
	<u>(c) Motel/hotel units, per bedroom</u>	<u>150</u>
	<u>(d) Bedroom additions to single family residence</u>	<u>150</u>
	<u>(e) Mobil homes, each</u>	<u>300</u>
	<u>(f) Condominium/Apartments, each</u>	<u>141</u>
<u>Restaurants</u>	<u>(a) open 24 hours, per seat including bar</u>	<u>50</u>
	<u>(b) open less than 24 hours, per seat including bar</u>	<u>30</u>
	<u>(c) open less than 24 hours, with drive-through window, per seat including bar</u>	<u>35</u>
	<u>(d) drive-ins, per space</u>	<u>50</u>
	<u>(e) carry out food service only per 100 square feet</u>	<u>50</u>
<u>Schools:</u>		
<u>Elementary/Middle</u>	<u>(a) per pupil per day</u>	<u>10</u>
	<u>(b) add for shower/pupil</u>	<u>5</u>
	<u>(c) add for cafeteria/pupil</u>	<u>5</u>
<u>High School</u>	<u>(a) per pupil per day</u>	<u>15</u>
	<u>(b) add for shower/pupil</u>	<u>5</u>
	<u>(c) add for cafeteria/pupil</u>	<u>5</u>

<u>Boarding School</u>	<u>(a) per pupil</u>	<u>100</u>
<u>Service stations and</u>		
<u>auto repair shops</u>	<u>(a) per water closet</u>	<u>250</u>
	<u>(b) plus per service bay</u>	<u>100</u>
<u>Shopping centers</u>		
<u>and retail shops</u>	<u>(a) per square foot of floor space</u>	<u>0.10</u>
	<u>(does not include food service or laundry)</u>	
<u>Theaters and auditoriums</u>	<u>(a) per seat</u>	<u>5</u>
<u>Warehouse, mini-storage, with</u>		
<u>resident manager</u>	<u>(a) per square foot of floor space</u>	<u>0.01</u>
	<u>(b) plus residence</u>	<u>250</u>
<u>Warehouses</u>	<u>(a) per square foot of floor space</u>	<u>0.10</u>

- (C) Transportation. New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for transportation systems as established in the Traffic Circulation Element of the City of Margate Comprehensive Plan.

<u>Type of Facility</u>	<u>Peak Hour Level of Service</u>
<u>Principal Arterial</u>	<u>D</u>
<u>Collector Street</u>	<u>D</u>
<u>Local Road</u>	<u>C</u>

- 1) The area of impact of the development (a traffic shed) shall be determined. The limits of the affected traffic shed shall be determined in accordance with the Broward County Land Development Code Trafficways Plan criteria. The traffic shed shall be that area where the primary impact of traffic to and from the site occurs. If the city/county has designated sectors of the City for determining development impacts and planning capital improvements, such sectors or planning areas may be used. If the application is for a building permit for a single-family or duplex development, the impact shall be presumed to be limited to the collector or arterial serving the local street giving access to the lot, or to the collector or arterial giving direct access to the lot.
- 2) The projected level of service for arterials and collectors within the traffic shed shall be calculated based upon estimated trips to be generated by the project, or where applicable, the first phase of the project, and taking into consideration the impact of other approved but not yet completed developments within the traffic shed. Information on committed development within the traffic shed shall be provided by Broward County.

- (D) Drainage. New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for the drainage system as established in

the drainage sub-element of the City of Margate Comprehensive Plan and chapter 17 of the City code.

1) Subject/level of service.

Road protection. Residential streets with rights-of-way not greater than fifty (50) feet to have crown elevations no lower than the elevation for the respected area depicted on the ten (10) year "Flood Criteria Map." Rights-of-way greater than fifty (50) feet to have an ultimate edge of pavement no lower than the elevation for the respective area depicted on the ten (10) year "Flood Criteria Map."

Buildings. Floor elevation shall be consistent with the flood resistant development requirements of Section 17.10 of this code.

Off-site discharge. Not to exceed the inflow limit of SFWMD primary receiving canal or the local conveyance system, whichever is less.

Storm sewers. Design frequency minimum to be three-year rainfall intensity off the State DOT Zone 10 Rainfall curves.

Floodplain routing. Calculated flood elevations based on the ten-year and 100-year return frequency rainfall of three-day duration shall not exceed the corresponding elevations of the ten-year "Flood Criteria Map" and the "100-Year Flood Elevation Map."

Antecedent water level. The higher elevation of either the control elevation or the elevation depicted on the map "Average Wet Season Water Levels."

On-site storage. Minimum capacity above antecedent water level and below floodplain routing elevations to be design rainfall volumes minus off-site discharge occurring during design rainfall.

Best management practices (BMP). Prior to discharge to surface or ground water, BMPs will be used to reduce pollutant discharge.

- (E) Solid waste. New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for solid waste as established in the solid waste sub-element of the City of Margate Comprehensive Plan. A review of proposed capacity designs may be requested by the DRC.

<u>Type of Use</u>	<u>Level of Service</u>
<u>Residential</u>	<u>8.9 lbs. per unit/day</u>
<u>Industrial & Commercial</u>	<u>2 lbs. per 100 sq. ft. / day</u>
<u>Office building</u>	<u>1.0 lbs. per 100 sq. ft. / day</u>
<u>Factory/Warehouse</u>	<u>2.0 lbs. per 100 sq. ft. / day</u>
<u>Supermarket</u>	<u>9.0 lbs. per 100 sq. ft. / day</u>

Department Store	4.0 lbs. per 100 sq. ft. / day
Restaurant	2.0 lbs. per 100 sq. ft. / day
Grade School	10.0 lbs. per room and 1/4 lbs. per pupil per day
Middle / High School	8.0 lbs. per room and 1/4 lbs. per student per day
Nurse or Intern Home	3.0 lbs. per person/day
Hospital	8.0 lbs. per bed/day
Home for Aged	3.0 lbs. per person/day
Rest Home	3.0 lbs. per person/day

- (F) Recreation. New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreational facilities in the recreation and open space element of the City of Margate Comprehensive Plan.

<u>Type of Facility</u>	<u>Level of Service</u>
Local Parks	3 acres per 1,000 residents

40.348 Development Concurrency Approval

The City of Margate shall make determinations that there are adequate facilities to service the proposed development and that the proposed development will not degrade those facilities below the minimum level of service established herein. Development permits will be processed to the fullest degree possible. The City will make a concurrency determination for: (a) approval, (b) approval with conditions including phasing, (c) approval subject to further review of a subsequent development permit as allowed elsewhere in this article, or (d) denial with notice of the reasons for same. Approval of a development for concurrency does not remove any obligation a property owner or successor may have to satisfy other requirements contained within the City Code.

DIVISION 6 CODE ENFORCEMENT AND PENALTIES

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DIVISION 7 FLEXIBILITY

40.360 Flexibility, Reserve and Redevelopment Units

- (A) Provisions regarding applying certain types of comprehensive plan flexibility.

- (1) Intent and purpose: The city has a limited amount of flexibility available pursuant to its comprehensive plan, Broward Next with policies clarified within the Broward Next Administrative Rules document. The advantage to utilizing flexibility is to encourage development the city deems desirable in terms of increasing employment, raising the tax base, or providing other benefits. The chief advantage to utilizing flexibility is that it shortens the time otherwise needed for regulatory review and approvals needed to obtain

building permits. All decisions approving the utilization of flexibility, as well as decisions to waive or not apply a provision of this section in connection with such approval, shall be evidenced by a resolution which was considered and approved by the City Commission.

- (2) Commercial-residential flex allows for up to twenty (20) percent of the lands designated commercial to be converted to residential land use to allocate flexibility, reserve or redevelopment units.

- i. The City, by recommendation of the Development Review Committee, may allocate flexibility, reserve or redevelopment units per the requirements set forth in the City's Comprehensive Plan and established within Broward Next. Flexibility units equal the difference between the number of units allowed on the Broward County Land Use Plan and the City's Future Land Use Plan Map. Reserve units equal 2% of the total units allowed per the City's certified land use plan map. Redevelopment units can be requested by a municipality to allocate residential units within the municipality in locations the City desires additional density. The City shall maintain a table of these units and update the table annually.

- ii. Process to complete the allocation of these units:

- i. An applicant must request to allocate these units to a specific process through an application provided by the City;
ii. The proposed density shall not exceed the average residential density for the contiguous residential property (contiguous meaning adjacent to or only separated by streets, canals, or easements) up to a maximum of 25 units per acre.
iii. The applicant shall provide a School Capacity Availability Determination (SCAD) report from the School Board of Broward County;
iv. The applicant shall also show compliance with the requirements set forth in this chapter, the City's Comprehensive Plan and requirements within the Administrative Rules Document of Broward Next;

- (3) Residential-neighborhood commercial flex allows for up to five (5) percent of the area designated residential within a flexibility zone to neighborhood commercial land use.

- i. The City will consider allowing flexibility under this provision only for low intensity neighborhood offices, neighborhood retail sales of merchandise, or neighborhood retail sales of services which are limited in hours, which are compatible with residential uses, and which do not tend to create compatibility conflicts as a result of noise, odors, or high traffic generation.

- (4) Industrial-limited commercial flex allows for up to twenty (20) percent of the lands designated industrial to be converted to commercial land use.

- i. The City will consider allowing flexibility to utilize up to twenty (20) percent of industrial land use for commercial flex if acreage is available per the requirements set forth in the City's Comprehensive plan and Broward Next.

- (5) For any allocation of flexibility, the City shall review the application for completeness with all of the requirements set forth in the City Code and Broward County Next regulations;

- i. The City shall prepare a staff report detailing whether the application meets the appropriate requirements;
ii. The City Commission shall review the City staff report including all of these requirements as well as those set forth in the City's Comprehensive Plan;
iii. The approval shall be completed as part of a site plan process;

- iv. The allocation of this flexibility shall be allocated at the time of site plan approval. If the site plan expires, the flexibility allocated to the site plan will be null and void and shall go back to the City's allocation so that the flexibility can be reallocated to another site plan approval.
- i. Criteria to consider and approve this application:
- i. The project should be consistent in scale, building height, mass, and elevations with the predominant nearby residential buildings
 - ii. If there is a change in population, socio-economic factors, or physical development of property near or affecting the subject property, which change was unforeseen or unanticipated, and which change has created a present problem or opportunity that justifies utilizing the flexibility;
 - iii. Whether the project as proposed offers significant benefits not otherwise available to the city if the city's land development regulations were otherwise followed;
 - iv. The extent to which the project contributes to the tax base, adds employment, and provides other positive economic impacts;
 - v. The extent to which the project impacts public services (e.g., fire, EMS, school, police, water, wastewater, and other services), and generates negative secondary effects of odors, fumes, noise, traffic, or crime;
 - vi. The extent to which the property has potential to be developed in a desirable manner under its present land use and zoning scheme without the application of flexibility and whether such foreseeable development is or is not more beneficial to the community;
 - vii. The nature and types of uses surrounding the subject property and whether the development proposal is compatible and complements those uses;
 - viii. Specific goals, objectives or policies of the city comprehensive plan and other city plans that are consistent or inconsistent with the development proposed;
 - ix. The extent to which the type of flexibility proposed to be utilized will remain available for future use by the city under this section's requirements and under any possible regulatory scheme;
 - x. The extent to which the utilization of flexibility serves or does not serve the public's health, safety, or welfare;
 - xi. The future land use and needs of the community; and
 - xii. Such other policy considerations that may not be set forth above but which are nonetheless considered by the city governing body to be reasonable and appropriate under the circumstances.

ARTICLE 4

SUBDIVISION

ARTICLE 4 SUBDIVISION

40.400 Purpose

(D) Purpose of platting regulations.

- (1) To assure that orderly and efficient development of the City of Margate.
- (2) To establish uniform standards for the preparation of subdivision plats.
- (3) To assure consistent and equitable treatment for engineers, surveyors and subdividers in the review and processing of their plats.
- (4) To coordinate the zoning and subdivision improvement regulations of the City of Margate.

(E) Requirements generally.

- (1) No structure, except as provided in this code, shall be erected within the city limits without its being erected upon a lot shown on a plat which has been:
 - a. Approved by the city commission and recorded in the public records of Broward County, Florida; or
 - b. If the property owner receives written authorization from Broward County stating that platting is not required.
- (2) All plats shall conform with and be processed in accordance with all requirements of this Code.
- (3) All public improvements within subdivisions, including, but not limited to, street pavement, curbs, gutters, sidewalks, storm drainage, canals, bridges, bulkheads, sanitary sewers and water distribution systems shall be provided for all platted areas in accordance with the requirements of this Code.

When in the judgement of the city engineer, it is determined that curbs and gutters are not required in certain subdivisions, he shall submit such recommendation in writing to the city commission for their approval.

This section does not require any additional developer's performance bonds or inspection fees not otherwise provided for by city ordinance.
- (4) Notwithstanding the provisions of this section, structures may be constructed on unplatted property which structures are to be used exclusively and temporarily as models for sales purposes, provided that the "models" meet all other requirements of the building code and that the developer has received prior approval of the planning and zoning board of the city for such structure or model
- (5) Provided, however, that no part of the deeded or dedicated area required by this platting ordinance shall be part of or in any way encumbered by or located in any easement or right-of-way.

6649 **40.401 Platting Required**

- 6650
- 6651 (A) No application for construction of a principal building on a parcel of land shall be granted
- 6652 unless a plat including the parcel or parcels of land have been approved by the Broward
- 6653 county commission and recorded in the official records of Broward County subsequent to June
- 6654 4, 1953.
- 6655
- 6656 (B) This provision will not apply to applications for a building permit for the construction of a
- 6657 building or structure on any specifically delineated single-family lot or parcel or on any
- 6658 specifically delineated multifamily or nonresidential lot or parcel less than ten (10) acres in
- 6659 size, the majority of which has been specifically delineated on a plat recorded on or before
- 6660 June 4, 1953, and is unrelated to any adjacent development, provided that the development
- 6661 services director determines that the following conditions have been met:
- 6662 (1) A property development plan containing all of the applicable information requirements
- 6663 of this chapter shall be prepared by a registered engineer or surveyor.
- 6664 (2) Any land within the lot or parcel which is necessary to comply with the Broward County
- 6665 trafficways plan and needed for the realization of any improvements proposed within
- 6666 which has been conveyed to the public by fee simple deed or grant of easement.
- 6667
- 6668 (C) Subdivision Resurvey Required.

6669 ...

6670

6671 **40.402 Plat Submissions, Procedures and Requirements**

6672

6673 (A) Purpose

- 6674
- 6675 1) To assure that orderly and efficient development of the City of Margate.
- 6676 2) To establish uniform standards for the preparation of subdivision plats.
- 6677 3) To assure consistent and equitable treatment for engineers, surveyors and subdividers in
- 6678 the review and processing of their plats.
- 6679 4) To coordinate the zoning and subdivision improvement regulations of the City of Margate.
- 6680

6681 (B) Applicability

- 6682
- 6683 (1) No application for construction of a principal building on a parcel of land shall be granted
- 6684 unless a plat including the parcel or parcels of land have been approved by the Broward
- 6685 County Commission and recorded in the official records of Broward County subsequent
- 6686 to June 4, 1953.
- 6687 (2) This provision will not apply to applications for a building permit for the construction of a
- 6688 building or structure on any specifically delineated single-family lot or parcel or on any
- 6689 specifically delineated multifamily or nonresidential lot or parcel less than ten (10) acres
- 6690 in size, the majority of which has been specifically delineated on a plat recorded on or
- 6691 before June 4, 1953, and is unrelated to any adjacent development, provided that the
- 6692 Development Services Director determines that the following conditions have been met:
- 6693 a. A property development plan containing all of the applicable information requirements
- 6694 of Section 40.305(D) below shall be prepared by a registered engineer or surveyor.

- b. Any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan and needed for the realization of any improvements proposed within which has been conveyed to the public by fee simple deed or grant of easement.

(C) Procedure

(1) Over-all plan.

a. Submission.

- i. An over-all plan for any proposed subdivision which is to be recorded in sections shall be filed with the board for review in advance of preliminary plats for a part of the area after the application receives a recommendation of approval from the development review committee (DRC).
- ii. The plan will then be considered by the board at the next available regular meeting.
- iii. Approval of over-all plan. Where an over-all plan is submitted for approval and provided that the plan meets all of the requirements of the city ordinances, such approval shall be given tentatively by the planning and zoning board. All plats submitted following such over-all plan approved shall meet all of the requirements of the city ordinances and shall be in substantial conformity with the over-all plan. Such over-all plan approval shall be valid for no longer than one hundred eighty (180) days following approval. However, the subdivider or developer may apply for and receive an extension of the tentative approval upon showing that the over-all plan is in conformity with all city ordinances and that he intends to make any necessary changes to assure that any and all future developments within the purview of the over-all plan shall be in accordance with all city ordinances in existence at the time the extension of the tentative approval is requested.

b. Processing.

- i. A subdivider seeking approval of an over-all plan shall apply to the development review committee. Once the development review committee has reviewed the application and provided a recommendation of approval, a subdivider shall submit the plan and all supporting documents to the board through the Development Services Department. The plat application shall be referred to the city engineer, the utility department, any drainage district in which the plan may lie, and any adjacent municipality which abuts the proposed plan. The agencies involved shall report their comments and recommendations to the board prior to scheduling the application for a board meeting.
 - (1) The city engineer shall check the plan for general engineering and drainage requirements, and conformity with the applicable trafficways plan for the city.
 - (2) The city utility department shall determine any utility easements that may be required.
 - (3) The planning and zoning board shall check the plat for general conformance to the zoning requirements.

c. Requirements for over-all plan if one (1) is prepared.

- 6739 i. The over-all plan shall be of a scale of not more than two hundred (200) feet to the
6740 inch except that a scale of three hundred (300) feet to the inch may be used for
6741 very large areas.
- 6742 ii. The over-all plan shall show or be accompanied by the following information:
- 6743 (1) Proposed subdivision name.
6744 (2) North arrow, scale, and date.
6745 (3) Name of registered engineer or surveyor responsible for the plan.
6746 (4) Subdivision boundaries.
6747 (5) All existing watercourses, canals, bodies of water and major drainage districts.
6748 (6) All existing streets and alleys on, or adjacent to, the tract.
6749 (7) All existing property lines, easements and rights-of-way.
6750 (8) Location and width of all proposed streets, alleys, rights-of-way and proposed
6751 lot lines, playgrounds, public areas and parcels of land reserved for public
6752 use.
6753 (9) A location sketch for easy identification of the area covered.
6754 (10) Relationship to section corners, section lines, or any other major land line(s)
6755 including approximate distances from such known points or lines.
6756
- 6757 (2) Preliminary plats
- 6758 a. Submission.
- 6759 i. Preliminary plats for all proposed subdivisions of land lying within the City of
6760 Margate, shall be filed with the board for review.
- 6761 ii. Plats will be considered by the board at the next regular meeting occurring at least
6762 thirty (30) calendar days subsequent to filing.
- 6763 b. Processing.
- 6764 i. A subdivider seeking approval of a preliminary plat shall apply to the development
6765 review committee. Once the development review committee has reviewed the
6766 application and provided a recommendation of approval, a subdivider shall
6767 transmit the preliminary plat and all supporting documents to the board. The
6768 application shall then be referred by the board, to the city engineer, utility
6769 department and any drainage district in which the plat may lie and the area
6770 planning board and any municipality adjacent to the proposed plat.
- 6771 ii. The city engineer shall examine and check the preliminary plat for general
6772 engineering and drainage requirements, and conformity to the applicable
6773 trafficways plan for the city.
- 6774 iii. The utility department shall check against known utility facilities and easements,
6775 or such new ones as may be required.
- 6776 iv. The drainage district shall check to make sure all drainage needs are fulfilled, and
6777 that no trafficway proposed on the plat interferes with present drainage facilities,
6778 or those planned for the future.
- 6779 v. The city planning and zoning board shall check lot sizes to assure conformity with
6780 minimum standards set forth by the zoning requirements, and shall coordinate the
6781 recommendations of the several agencies above mentioned.

- 6782 vi. The city department of environmental and engineering services shall assign street
6783 addresses to the lots.
- 6784 c. Requirements.
- 6785 i. The preliminary plat shall be at a scale of not more than one hundred (100) feet to
6786 the inch, provided that a scale of two hundred (200) feet to the inch may be used
6787 for large areas.
- 6788 ii. The preliminary plat shall show or be accompanied by the following information:
- 6789 (1) Proposed subdivision name or identifying title which shall not duplicate nor
6790 closely approximate the name of any other subdivision in the county except in
6791 cases where the subdivision is an added section to a former subdivision or
6792 where it is a re-plat of a portion or all of a former subdivision.
- 6793 (2) Location sketch with section.
- 6794 (3) North arrow, scale and date.
- 6795 (4) Name of the owner of the property or his authorized agent.
- 6796 (5) Name of the registered engineer or surveyor responsible for the plat.
- 6797 (6) Locations and names of adjacent subdivisions.
- 6798 (7) Subdivision boundaries with angles and distances. Boundaries must be clearly
6799 marked with heavy line.
- 6800 (8) All existing watercourses, canals, and bodies of water.
- 6801 (9) All existing streets and alleys on or adjacent to the tract, including name and
6802 right-of-way width.
- 6803 (10) All existing property lines, easements and rights-of-way and the purpose
6804 for which the easements or rights-of-way have been established, where known
6805 to the engineer or
- 6806 (11) Location and width of all proposed streets, alleys, right-of-way easements;
6807 proposed lot lines with dimensions, playgrounds, public areas, and parcels of
6808 land proposed or reserved for public use.
- 6809 d. Limitations on plat approval.
- 6810 i. The following limitations and conditions are placed on the preliminary plat
6811 approvals given by the board:
- 6812 (1) The approval of the board shall have full force and effect for a period of
6813 eighteen (18) months from the date of approval.
- 6814 (2) If no final plat has been filed for the area covered by the preliminary plat before
6815 the approval period has elapsed, the approval shall become suspended. If final
6816 plats are filed for only a portion of the preliminary plat, the approval on the
6817 remaining portions shall become suspended.
- 6818 (3) Final plats.
- 6819 a. Submission.

- 6820 i. The original of the final plat, together with all supporting documents, shall be
6821 submitted to the city for review at least thirty (30) days prior to a city commission
6822 meeting considering same. The final plat shall be accompanied by the following:
- 6823 (1) Pavement and drainage plan approval.
6824 (2) Utility plan approval (water and sewer).
6825 (3) Drainage district approval, as applicable.
6826 (4) Opinion of title from a licensed Florida attorney.
- 6827 ii. Should final approval from an agency other than the city be pending on any of the
6828 items listed above, the application for final plat may still be submitted for
6829 consideration by the city commission for conditional approval. Such application for
6830 final plat approval shall be accompanied by proof of submission of the required
6831 application(s) to the respective agencies for which final approval is pending.
6832 Whenever available, confirmation of receipt of an application by the agency shall
6833 also be submitted with the application for final plat approval. Any approval of a final
6834 plat application submitted pursuant to this subsection shall be conditioned and
6835 contingent upon receipt of final approval from the respective agencies.
- 6836 b. Processing.
- 6837 i. The city engineer shall check all final plats to verify conformity with the preliminary
6838 plat as approved by the board.
- 6839 ii. Upon approval by the city engineer, the final plat shall be transmitted by the board
6840 to the city commission, for final approval.
- 6841 iii. The approval of the final plat by the city commission shall have full force and effect
6842 for a period of one (1) year from the date of approval.
- 6843 iv. No later than one (1) year following formal approval by the city commission, the
6844 subdivider shall submit to the city clerk:
- 6845 (1) Subdivider's performance bond for subdivision improvements, as otherwise
6846 required in the ordinances of the City of Margate.
6847 (2) Subdivision improvement inspection fees.
6848
- 6849 v. Upon approval by the city commission, the affixing of the corporate seal of the City
6850 of Margate, the signatures of the board chair, mayor, and city clerk, the receipt of
6851 any documents required by the city commission's approval of the final plat, and
6852 receipt of the required bonds and fees, the final plat shall be forwarded to the city
6853 engineer for their signature. The city engineer in turn shall forward the final plat to
6854 the Broward County engineering department for further processing.
- 6855 vi. If the final plat is not submitted to the city engineer within one (1) year of approval
6856 by the city commission, the approval of the plat shall be suspended and of no
6857 further force and effect. The city shall require the filing of a new application for a
6858 new final plat.
- 6859 c. Requirements.
- 6860 i. The final plat mylar shall be prepared in accordance with the state plat law, Chapter
6861 177, Florida Statutes, and with these regulations. The over-all size shall be twenty-

- 6862 four inches by thirty-six inches (24" x 36") with borders as required by Broward
6863 County.
- 6864 ii. The following features shall be incorporated in a prominent location on the plat. (If
6865 more than one (1) sheet is required, these items shall be placed on the first sheet
6866 or page.)
- 6867 (1) Plat title (all lettering same type and size).
6868 (2) Section, township and range.
6869 (3) City of Margate, Broward County, Florida.
6870 (4) Graphic scale.
6871 (5) Legal description.
6872 (6) Location sketch.
- 6873 iii. The final plat shall exhibit the below listed certificates, signatures, and approvals
6874 in the currently accepted format:
- 6875 (1) Dedication by owner(s) witnessed (if by corporation, two (2) designated
6876 officers' signatures and corporate seal).
6877 (2) Acknowledgment of dedication by notary public.
6878 (3) Surveyor's certificate, signature and seal.
6879 (4) City commission's approval.
6880 (5) City engineer's approval.
6881 (6) County engineer's approval.
6882 (7) Area planning board's approval.
6883 (8) Mortgagee approval(s).
6884 (9) Certificate of the clerk of the circuit court.
- 6885 iv. The delineation of the plat at a scale no smaller than one (1) inch equals one
6886 hundred (100) feet shall show the following information and features:
- 6887 (1) Plat boundary with all courses and dimensions with ties to two (2) or more land
6888 corners, to a recorded subdivision corner and one (1) land corner.
6889 (2) North arrow.
6890 (3) Width of all streets, alleys, rights-of-way and easements.
6891 (4) Street names.
6892 (5) Lot and block numbers or designations.
6893 (6) Permanent reference monuments.
6894 (7) Horizontal control points.
6895 (8) Block corner radii.
6896 (9) Lot dimensions to the nearest hundredth of a foot, except where riparian
6897 boundaries are involved.
6898 (10) Arc length and central angles on all curvilinear lot dimensions.
6899 (11) Angles or bearings indicating the direction of all lines.
6900 (12) Centerline dimensions of all streets including arc lengths, central angles,
6901 radii and tangents of all curves.

6902
6903 **40.403 Design Standards for Subdivisions**

6904 **(A) Streets and alleys.**

- 6905 (1) Conformity to trafficways plan. The location, direction and width of all highways shall
6906 conform to the Broward County Trafficways Plan.
- 6907 (2) Relation to existing street system. The arrangement of streets in new subdivisions shall
6908 make provisions for proper extension of existing dedicated streets in existing
6909 subdivisions where in the opinion of the city engineer such extension is required to
6910 access undeveloped or redeveloped land.
- 6911 (3) Provision for platting adjoining unplatted areas. The arrangement of streets in new
6912 subdivision shall be such as to facilitate, and coordinate with the desirable future platting
6913 of adjoining unplatted property of a similar character, and to provide for local circulation
6914 and convenient access to neighborhood facilities.
- 6915 (4) Protection from through traffic. Residential streets shall be laid out and arranged so as
6916 to discourage their use by high speed non-residential through traffic. Residential streets
6917 shall not connect with industrial areas unless unavoidable.
- 6918 (5) Trafficway frontage. Where a residential subdivision or residential property abuts on
6919 existing or proposed trafficway, the City may require marginal access streets, reverse
6920 frontage with screen planting contained in a non-access strip along the rear property line,
6921 deep lots with or without rear service alleys, or such other treatment as may be
6922 necessary for adequate protection of residential properties and to minimize conflict of
6923 through and local traffic.
- 6924 (6) Plats adjacent to railroad or expressway right-of-way. Where a subdivision borders on or
6925 contains a right-of-way for a railroad, expressway, drainage canal or waterway, the City
6926 may require a street or easement approximately parallel to and on each side of such
6927 right-of-way, at a distance suitable for the appropriate use of the intervening land. Such
6928 distances shall also be determined with due regard for the requirements of approach
6929 grades for future grade separations.
- 6930 (7) Reserve strips. Reserve strips controlling access to streets shall be prohibited except
6931 where their control is definitely placed under conditions approved by the City.
- 6932 (8) Private streets. Every subdivided lot or parcel shall be served from a publicly dedicated
6933 street unless approved as part of a PUD or PRC. This requirement may be waived by
6934 the board in other special situations where the board finds public safety, convenience
6935 and welfare can be adequately served by other means.
- 6936 (9) Half streets. New half or partial streets shall not be permitted except where essential to
6937 reasonable subdivision of a tract in conformance with these regulations or where
6938 satisfactory assurance for dedication of the remaining part of the street is provided.
6939 Whenever a tract to be subdivided borders on an existing half or partial street the other
6940 part of the street shall be dedicated within such tract.
- 6941 (10) Future resubdivision. If lots resulting from original subdivision are large enough to permit
6942 or require resubdivision, or if a portion of the tract is not subdivided, adequate street
6943 right-of-way to permit future subdivision shall be provided as necessary.
- 6944 (11) Dead-end streets. Dead-end streets shall be prohibited, except where appropriate as
6945 stubs to permit future street extension into adjoining unsubdivided tracts, or when
6946 designed as cul-de-sacs.
- 6947 (12) Cul-de-sacs.
- 6948 (a) Streets having cul-de-sacs, shall not exceed four hundred (400) feet in length,
6949 except in special circumstances warranting extra length.

6950 (b) Cul-de-sacs shall be provided at the closed end with a circular dedicated area not
 6951 less than seventy (70) feet in diameter for turnaround purposes. Turnarounds in
 6952 business, commercial and industrial areas shall be one hundred (100) feet in
 6953 diameter.

6954 (13) Street rights-of-way.

6955 (a) Unless otherwise indicated or required by the trafficways plan, or specifically
 6956 accepted by the planning and zoning board, street rights-of-way shall not be less
 6957 than the following:

<u>Street type</u>	<u>Rights-of-way—Feet</u>
<u>Freeway</u>	<u>300</u>
<u>Expressway</u>	<u>200</u>
<u>Primary arterial highway</u>	<u>120</u>
<u>Major thoroughfare</u>	<u>106*</u>
<u>Secondary thoroughfare</u>	<u>80</u>
<u>Collector</u>	<u>60</u>
<u>Minor, and marginal access</u>	<u>50</u>
<u>Alley, two-way</u>	<u>20 Business or industrial district</u> <u>16 Residential district</u>
<u>Alley, one-way</u>	<u>16 Residential district</u>

6958 *(Except trafficway previously established at one hundred (100) feet width of right-of-way as
 6959 shown in the Zoning Regulations of the City of Margate).

6960 (b) Additional right-of-way width may be required to promote public safety and
 6961 convenience, or to assure adequate access, circulation and parking in high density
 6962 residential areas, commercial areas and industrial areas.

6963 (c) Where a subdivision abuts or contains an existing street of inadequate right-of-way
 6964 width, additional right-of-way in conformance with the above standards may be
 6965 required.

6966 (14) Alleys.

6967 (a) Alleys should be provided to serve multiple dwellings, business, commercial and
 6968 industrial areas, except that the board may waive this requirement where other
 6969 definite and assured provision is made for service access, off-street loading,
 6970 unloading and parking consistent with and adequate for the uses permissible on the
 6971 property involved.

6972 (b) The width of an alley shall be at least twenty (20) feet in a non-residential district, or
 6973 at least sixteen (16) feet in a residential district.

6974 (c) Changes in alignment or intersections of alleys shall be made on a center line radius
6975 of not less than thirty-five (35) feet minimum.

6976 (d) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be
6977 provided with adequate turnaround facilities for service trucks at dead-end, with a
6978 minimum external diameter of one hundred (100) feet, or as determined to be
6979 adequate by the city engineer.

6980 (e) Block corners adjacent to alleys shall have a minimum radius of fifteen (15) feet in
6981 residential areas and twenty-five (25) feet in business, commercial and industrial
6982 areas.

6983 (15) Easements.

6984 (a) Easement shall be provided for public utilities where necessary and as required by
6985 the utilities involved and shall be at least ten (10) feet in total width.

6986 (b) Where a subdivision is traversed by a watercourse, drainage way, canal, or stream,
6987 there shall be provided a drainage easement or right-of-way conforming
6988 substantially with the lines of such watercourses. Parallel streets or maintenance
6989 easements may be required where necessary for service or maintenance.

6990 (c) Easements may be required for drainage purposes of such size and location as may
6991 be determined by the city engineer, or by a drainage district if the plat lies within its
6992 jurisdiction.

6993 (16) Street alignment.

6994 (a) Curvilinear streets are recommended for residential minor and collector streets in
6995 order to discourage excessive vehicular speeds and to provide attractive vistas.

6996 (b) Whenever a street changes direction, or connecting street lines deflect from each
6997 other, by more than ten (10) degrees, there shall be a horizontal curve.

6998 (c) To ensure adequate sight distance, minimum centerline radii for horizontal curves
6999 shall be as follows:

<u>Major thoroughfare</u>	<u>750 feet</u>
<u>Secondary thoroughfare</u>	<u>500 feet</u>
<u>Collector streets</u>	<u>300 feet</u>
<u>Minor streets</u>	<u>150 feet</u>

7000
7001 (d) A tangent of at least one hundred (100) feet shall be inserted between horizontal
7002 curves in opposite directions on collector streets. On secondary thoroughfares this
7003 tangent shall be one hundred fifty (150) feet. Said tangent distances on major
7004 thoroughfares will be evaluated considering the over-all plat layout, intersections,
7005 etc.

7006 (17) Street intersections.

7007 (a) Streets shall be laid out to intersect as nearly as possible at right angles. No street
7008 shall intersect another at an angle of less than sixty (60) degrees, except at a "Y"
7009 intersection of two (2) minor streets.

- 7010 (b) Multiple intersections involving junction of more than two (2) streets shall be
7011 prohibited except where found to be unavoidable by the board.
- 7012 (c) "T" intersections of minor and collector streets are to be encouraged.
- 7013 (d) As far as possible, intersections with trafficways other than secondary thoroughfares
7014 shall be located not less than eight hundred (800) feet apart, measured from
7015 centerline to centerline. Driveways, streets, and alleys intersecting with a Broward
7016 County Trafficway shall adhere to the criteria and requirements contained in the
7017 Broward County Land Development Code.
- 7018 (e) Street intersections shall be a minimum of one hundred twenty-five (125) feet apart,
7019 except where both centerlines are continuous through the intersection.
- 7020 (f) Property line corners at intersections shall have a minimum radii of twenty-five (25)
7021 feet. Where the angle of intersection is less than sixty (60) degrees, a greater radius
7022 may be required by the city engineer.
- 7023 (18) Excessive street widths. Streets shall not be platted to a width of more than two hundred
7024 (200) per cent of the minimum width specified in these regulations for the type of street
7025 involved.
- 7026 (19) Connection to public streets. The street system of any area to be platted shall have a
7027 direct connection, over public rights-of-way, to streets or trafficways.
- 7028 (B) Blocks.
- 7029 (1) The length, width and shape of blocks shall be determined with due regard to:
- 7030 (a) Provision of building sites adequate for the contemplated use.
- 7031 (b) Zoning requirements.
- 7032 (c) Need for convenient and safe access, circulation, control of pedestrian and vehicular
7033 traffic.
- 7034 (d) Limitations and opportunities of topographic features.
- 7035 (2) Block length shall not exceed one thousand three hundred twenty (1,320) feet nor be
7036 less than five hundred (500) feet, unless found unavoidable by the Development Review
7037 Committee.
- 7038 (3) Where found necessary, pedestrian crosswalks, not less than ten (10) feet in width, may
7039 be required in blocks over one thousand (1,000) feet in length to provide safe and
7040 convenient access to schools, playgrounds, shopping centers, transportation or other
7041 community facilities.
- 7042 (C) Lots.
- 7043 (1) The lot arrangement and design shall be such that all lots will provide satisfactory and
7044 desirable building sites, properly related to topography and to the character of the
7045 surrounding development.
- 7046 (2) Lot dimensions and areas shall not be less than specified by applicable provisions of the
7047 zoning regulations.
- 7048 (3) Corner lots shall be a minimum of five (5) feet wider than the minimum width required by
7049 the zoning regulations for interior lots.
- 7050 (4) Side lot lines shall be substantially at right angles or radial to street lines.

(5) Double frontage and reverse lots for residential use shall be avoided, except where essential to provide separation of residential development from trafficways or to overcome complications of topography and orientation. A landscaped easement providing a planting screen of at least five (5) feet, and across which there shall be no right of vehicular movement or use, shall be provided along the property line of lots abutting such trafficway or other disadvantageous situation.

(6) Every lot shall abut upon and have permanent legal access to a street. Residential lots shall have a street frontage of not less than twenty (20) feet, unless relevant zoning district regulations otherwise permit. Non-residential lots shall have a street frontage determined by the regulations of the relevant zoning district.

(7) Lot arrangement and design shall be properly related to topography, to nature of contiguous property and to the character of surrounding development.

(D) Canals and water areas.

(1) Canals or water areas connecting to navigable waterways accessible to the public shall not be dedicated to the public unless a maintenance easement of twenty (20) feet is provided along each side of the canal dedication. The minimum width of canal dedication shall be sixty (60) feet.

(2) Canal and water area improvements shall conform to any requirements set forth under authority of the local drainage district. Should a continuous canal retaining wall ~~shall~~ be required, it shall be constructed along both sides of the canal concurrently with the excavation of the canal in accordance with the specifications of section 11-17.

(E) Parks and recreational areas. Any plat shall contain a park or recreational area deeded or dedicated to the City of Margate consisting of such quantity of land as represents the level of service standards outlined in the Margate Comprehensive Plan. Where the area to be platted is less than sixty (60) acres, the developer shall place a sum equal to the value of the land which would be set aside for parks and recreational areas into the city's parks and recreation fund to be held in escrow and used by the city for the purposes mentioned in subsection (4) below. Said value of the land may be paid into the recreation trust fund at the time of plat approval or incrementally as approved by the city manager at the time building permits are issued for the construction of the units within the approved plat. The aforementioned value shall be the current appraised value of the land subdivided without improvements and shall be determined jointly by the city commission and the subdivider. If the city commission and the subdivider cannot agree on a land value, then the land value shall be established by appraisal. The city commission shall appoint a professional land appraiser, the subdivider shall appoint a professional land appraiser and these two (2) shall appoint a third. The three (3) appraisers shall then determine the value of the property for the purposes of these provisions. The fees for the appraiser shall be divided equally between the city and the developer or subdivider.

It shall be discretionary with the city commission whether or not to accept a dedication of land pursuant to this subsection where said land is encumbered by utility easements of any type.

(1) In lieu of the dedication of land area as described in paragraph (E) above, the city commission may, in its discretion, accept a cash donation to the parks and recreation fund of the city to be used only for parks and recreational purposes an amount equal to the figure referred to in paragraph (E); in the event the city commission and the subdivider cannot agree on the land value then the donation amount shall be determined as hereinabove provided for by arbitration.

7097 (2) All real property donated shall be utilized for parks and recreation sites or facilities unless
7098 the following is found:

7099 (a) The real property donated is found to be unsuitable for a park or recreation site; or
7100 (b) A present park or recreation facility capable of being expanded for utilization by the
7101 citizens of a new development, subdivision or project is in such close proximity to
7102 the real property that it would provide a duplication of services.

7103 (3) In the event that either (a) or (b) [of paragraph (E)(2)] is met, the city shall have the right
7104 to sell to the highest bidder the real property donated pursuant to the recreation donation,
7105 and all monies received by the city for said sale shall be deposited in the City of Margate
7106 Parks and Recreation Trust Fund.

7107 (4) All monies utilized in the parks and recreation trust fund shall be utilized only for the
7108 acquisition and development of new parks and recreation facilities or the expansion and
7109 addition to older parks and recreation facilities so as to allow their utilization for new
7110 residents of the city. In addition to the foregoing, money received from all
7111 telecommunication tower rentals may be utilized for improvements, enhancements or
7112 other necessary expenses for parks and recreation purposes.

7113 ...

ARTICLE 7
ZONING &
DEVELOPMENT
REGULATIONS

ARTICLE 7 ZONING AND DEVELOPMENT REGULATIONS

40.700 General Provisions

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40.707 Sustainability & Green Building Policy

(A) Purpose.

- (1) The purpose of the city's green building policy is to provide the city with a certified-based green building program. This program will provide sustainable and environmentally friendly practices of construction and design. It shall be the policy of the city to have all new city-owned and operated buildings evaluated by the design professional to the minimum certification level of the USGBC LEED, GBI Green Globes green building certification programs or other equivalent certification program as determined by the city. All renovation projects to city-owned and operated buildings including major renovation involving elements of HVAC renovation, significant envelope modifications and major interior rehabilitation, which meets the USGBC or GBI definition for major renovation, shall be evaluated by the design professional to "certified" status. In order to ensure that city construction projects meet the green building standards, all city construction projects deemed to be eligible for the program shall be registered with the appropriate green building program and the project team, including, but not limited to, the architect, engineer, general contractor, and city agencies responsible for the projects, shall seek certification of registered projects. Design submittals for all such projects shall be reviewed and marked as "credit anticipated" prior to the submission of a petition to the development review committee.

(B) Green building rating policy.

- (1) The LEED and Green Globes rating systems are certification tools. Points shall be awarded to building projects that incorporate the design and construction practices and technologies listed in the appropriate rating system. Applicants shall submit an itemized list with a development application which will demonstrate the individual criteria by which the development intends to meet certification requirements to be reviewed by the DEES department. The project shall be subject to review by a qualified city staff member or third party who has been trained and certified as a LEED accredited professional (LEED AP) or Green Globes professional (GGP). For purposes of the program, "third party" means any person or entity authorized by USGBC or GBI to verify that a project has satisfied any or all of the requirements associated with LEED or GBI standard designated for a particular project. The city must maintain green building components for the life of the building.

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