

CGA Update – 9-7-2023

ARTICLE XXXII. STREET RIGHTS-OF-WAY

Section 32.1. Base building lines established.

- (A) For the purpose of promoting a healthy and orderly growth for the City of Margate, to preserve the present street right-of-way lines and to provide protection from fire, floods, hurricanes, or any other catastrophe, access for fire-fighting equipment, free flow traffic and to promote increased safety and general welfare, base building lines are hereby established from which all required front and street side yards and setbacks are to be measured and determined.
- (B) The base building lines shall be located as specified for each of the following enumerated streets. ~~And for For~~ all other streets in the City of Margate, the base building lines shall be located ~~twenty-five (25)~~ feet from the center line of said street right-of-way. ~~except that where~~ Where the existing street right-of-way lines, other than those listed below, provide a right-of-way equal to or greater than ~~fifty (50)~~ feet, ~~such the~~ existing right-of-way lines shall constitute and be the base building line from which all required front or street side ~~yards~~ setbacks are to be measured.

	Street	Distance in Feet From Centerline to Side Right-of-Way Line
(1)	Margate Boulevard	50 feet
(2)	Royal Palm Boulevard	85 feet
(3)	Winfield Boulevard	35 feet
(4)	Lyons West Atlantic Boulevard	35 feet
(5)	Southgate Boulevard	40 feet

(Ord. No. 1500.00, § 4.1, 10-25-1967)

Section 32.2. Right-of-way use.

- (A) All street rights-of-way shall contain sidewalks, parkways, paved street with curb and gutters, sanitary sewers, underground storm drains, water mains, fire hydrants, street lights and/or any other necessary utilities.
- (B) All utility service stubs must be installed and extended not less than one (1) foot beyond the right-of-way side lines prior to street paving.

(Ord. No. 1500.00, § 4.2, 10-25-1967)

Section 32.3. Street paving [standards; improvements performance bonds; permits required.]

- (A) ~~{Street paving standards generally.}~~ The below enumerated items shall conform to the requirements of the latest edition of the Florida Department of Transportation's Standard Specifications for Road and Bridge Construction and supplements.
- (1) Earthwork.
 - (2) Clearing and grubbing.
 - (3) Preparation of roadbed.
 - (4) Rock base.
 - (5) Finishing rock base.
 - (6) Priming.
 - (7) Base course materials.
 - (8) Surface treatment—Asphaltic concrete.
 - (9) Concrete curb and gutters.
 - (10) Underground storm drains.
 - (11) Pavement markings and traffic signs.
- (B) *Minimum ~~{pavement}~~ widths.* All street pavements shall be designed and paved according to Department of Environmental and Engineering Services standards not less than ~~twenty-four (24)~~ feet ~~and, in addition, shall have a two-foot curb and gutter integral and paralleling each side of pavement, if required.~~
- (C) *Performance bonds.* It shall be necessary for any person, developer, owner or owners to furnish to the City of Margate a good and sufficient performance bond for all of the required street pavement, sidewalks and drainage facilities to be constructed within dedicated or proposed rights-of-way. Said bond shall also secure proper installation of water and sewer lines in accordance with approved specifications and plans. The required performance bond shall be calculated at ~~one-hundred-twenty-five (125) per cent~~ percent of the construction costs of the above-required facilities.

Said bond shall be furnished by a surety company of recognized standing, authorized to do business in the State of Florida and having a resident agent in Broward County. Provided, however, that the subdivider, owner or owners may, at his or their option, furnish cash or government bond security in the same amount. The subdivider may also submit an irrevocable letter of credit to the city City in place of the preceding forms of security. All irrevocable letters of credit shall be such as are acceptable at a reasonable prudent lending institution and shall be acceptable only with the approval of either the ~~city manager~~ City Manager or ~~his~~ their designee.

All improvements shall be completed within a period not to exceed ~~eighteen (18)~~ months. However, the city City may extend the time of completion based upon a showing of good cause.

The subdivider, owner or owners shall be responsible for the paving and other improvements mentioned above until said work is accepted by the city City and the bond released.

Minimum standards and permits for the excavation and construction of all canals, ditches and swales as provided for herein shall be adopted by separate ordinance, which separate ordinance shall be construed in conjunction with this section.

The performance bond required hereby shall not be released until, in addition to compliance with all of the requirements of the subdivision and platting regulations and ordinances of the city City, all street lights and street markers are in place within the subdivision.

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- (D) *Permits required.* A permit is required for all construction in the public rights-of-way, or proposed rights-of-way under City of Margate jurisdiction. Such permits shall only be issued by the engineering department with the exception of residential driveways for single family attached or detached homes which are permitted by the Building Code Services Division.

The rights-of-way under City of Margate jurisdiction are those lands dedicated, deeded, used or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress or egress or other purpose by the public.

The proposed rights-of-way are those lands to be developed prior to dedications and platting and upon completion to be dedicated to the public.

No permit will be issued for work in any right-of-way or proposed right-of-way until the required fees have been paid, and all required performance and maintenance bonds have been posted.

The inspection fee shall be equal to the sum of five and one-half (~~5.5~~ 5 ½) ~~per-cent percent~~ of the construction costs as required by subparagraph (A) above, or when the actual contractual cost or engineer's estimate for a project is in excess of ~~one million dollars (\$1,000,000.00)~~, the fees shall be the actual cost of engineering services as determined by the city engineer. The five and one-half (~~5.5~~ 5 ½) ~~per-cent percent~~ fee shall cover the administrative and engineering costs for the inspection of streets, paving, drainage facilities and all other improvements required to be constructed by the developer, subdivider or owner. As an alternative to the payment of five and one-half (~~5.5~~ 5 ½) ~~per-cent percent~~ of the performance bond at the time of filing a plat, a separate performance bond as provided in subparagraph (C) above may be submitted to the ~~city~~ City to guarantee inspection fees. Said bond shall be submitted at the time of plat approval. Twenty-five (25) ~~per-cent percent~~ of the fee shall be paid ~~thirty (30) calendar~~ days prior to construction, ~~twenty-five (25) per-cent percent~~ of the inspection fees shall be paid within ~~sixty (60) calendar~~ days of the initial payment, and the balance (or final ~~fifty (50) per-cent percent~~) of all inspection fees shall be paid at such time as the city engineer determines that ~~fifty (50) per-cent percent~~ of the total project is completed.

(Ord. No. 1500.00, § 4.3, 10-25-1967; Ord. No. 1500.28, § 1, 12-10-1969; Ord. No. 1500.41, §§ 1—3, 6-24-1970; Ord. No. 1500.72, § 1, 7-19-1972; Ord. No. 1500.89, § 1, 5-23-1973; Ord. No. 75-21, § 1, 10-1-1975; Ord. No. 1500.116, § 8, 7-21-1976; Ord. No. 78-4, § 1, 2-1-1978; Ord. No. 78-12, § 11, 6-21-1978; Ord. No. 1500.258, § 1, 6-6-1984; Ord. No. 1500.303, § 1, 7-2-1986; Ord. No. 1500.320, § 1, 5-6-1987; Ord. No. 1500.408, § 1, 3-7-1990)

Cross reference(s)—Subdivision requirements generally, § 31-1 et seq.; streets generally, Ch. 35; drainage, Ch. 11; fire hydrants, Ch. 14, § 39-4 et seq.; installation of water mains in platted areas, § 39-1 et seq.; sewer construction, § 39-39 et seq.

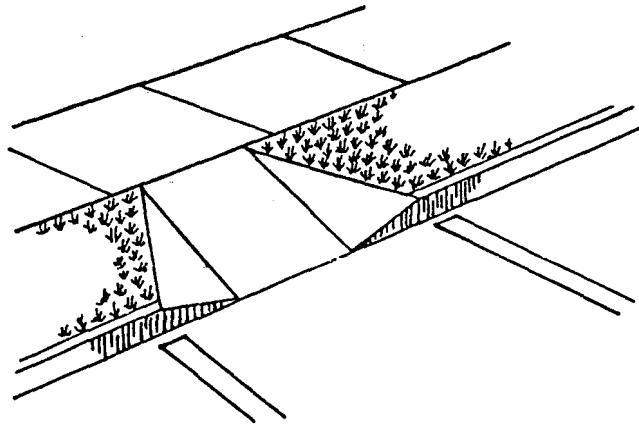
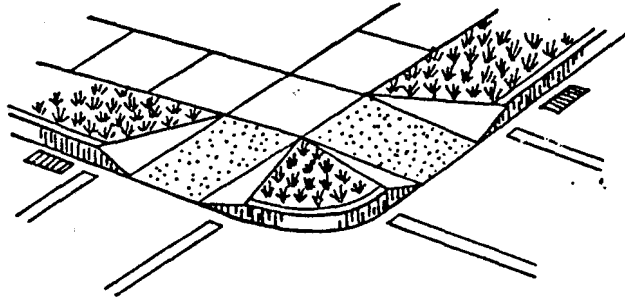
Section 32.4. Sidewalks.

All sidewalks shall be constructed of ~~two thousand five hundred (2,500)~~ psi concrete not less than five (5) feet in width for public dedicated rights-of-way and four (4) feet for private rights-of-way, or as specified in each TOC district, and having a thickness of not less than four (4) inches, provided, however, that all sidewalks crossing a vehicular driveway shall have a thickness of not less than six (6) inches.

- (1) *Location.* All sidewalks shall be parallel to and extend not less than five (5) feet from the ~~street outer limits of the~~ right-of-way ~~side-line~~ into the street right-of-way and parallel to street curbing and pavement.
- (2) *Rough grading.*
 - (a) *Clearing.* Scarify the area where vegetation occurs to a minimum depth of six (6) inches until all vegetation and other unsuitable materials are loosened and removed from the site.
 - (b) *Grade.* To proper elevation for specified minimum thickness of all sidewalks.

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- (c) *Additional fill.* If required shall be clean foundation sand mechanically compacted to achieve a solid grade.
- (3) *Installation of wheelchair ramps.* Wheelchair ramps shall be installed for any new construction of sidewalks and for any repair of sidewalks involving ~~twenty-five (25)~~ feet or more of pavement adjacent to a corner or pedestrian crossing.
- (a) Wheelchair ramps shall be provided at all intersections where curbs and sidewalks are constructed in order to give handicapped persons and persons in wheelchairs safe access to street crossings. (See Exhibits "A" ~~and "B."~~)
- (b) Wheelchair ramps shall be constructed to be in substantial conformance with the Americans with Disabilities Act (ADA Handicapped Code) and the Uniform Federal Accessibility Standards published by the General Services Administration, Department of Housing and Urban Development, Department of Defense, and the United States Postal Service.
- (4) Installation of pedestrian refuges. Pedestrian refuges shall be installed on all rights-of-way that contain a center median. Such refuges shall be a minimum of four (4) feet in width. ~~(See Exhibit "C.")~~
- (Ord. No. 1500.00, § 4.4, 10-25-1967; Ord. No. 1500.199, § 1, 11-19-1980; Ord. No. 1500.420, § 1, 5-20-1992; Ord. No. 1500-546, § 9, 10-15-2008)

EXHIBIT "A"



Section 32.5. Reserved.

Editor's note(s)—Ord. No. 75-32, § 3, adopted Dec. 3, 1975, repealed paragraph (A) of § 32.5 and redesignated paragraph (B) as a new section of Ch. 14. Said former § 32.5 had pertained to fire hydrants and had been derived from Ord. No. 1500.00, § 4.5, 10-25-1967.

ARTICLE XXXIII. OFF-STREET PARKING AND LOADING

Section 33.1. Off-street parking required.

- (A) Every building, use or structure, instituted or erected after the effective date of this ordinance shall be provided with off-street parking facilities in accordance with the provisions of this article for the use of occupants, employees, visitors or patrons.

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- (B) Such off-street parking facilities shall be maintained and continued as an accessory use as long as the main use is continued.
- (C) Where a building existed at the effective date of this ordinance such building may be modernized, altered or repaired, provided there is no increase in floor area or capacity and there is no change of ~~occupancy use~~, without providing additional off-street parking facilities.
- (D) Where a building or use, which existed at the effective date of this ordinance, is enlarged in floor area, volume, capacity, or space occupied, off-street parking facilities as specified herein shall be provided for the additional floor area, volume, capacity or space so created or occupied.
- (E) It shall be unlawful for an owner or operator of any building, structure or use affected by this article to discontinue, change or dispense with, or to cause the discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this article. It shall be unlawful for any person, firm, or corporation to utilize such building, structure or use without providing the off-street parking facilities to meet the requirements of and be in compliance with this article.

(F) Areas where parking is permitted.

(a) Vehicles may only be parked in parking spaces meeting the design standards of this Code. Parking in drive aisles and loading zones is prohibited.

(b) Exception. Single-family and two-family dwellings

~~It shall be unlawful for an owner or operator of any building, structure or use, other than of residential use, to permit or allow the parking of motor vehicles on any area that is not specifically designated and approved for parking by the City of Margate for such purpose.~~

- (G) The off-street parking facilities required under this article shall be located on the same ~~plot lot~~ or parcel of land such facilities are intended to serve, or upon an additional ~~plot lot~~ of land, the nearest property line of which is located within ~~four hundred (400)~~ feet, airline measurement, of the nearest property line of the premises it is intended to serve. All off-street parking facilities required under this Article shall be located on property whereon such off-street parking use is a permissible use and shall be designed, developed and maintained in accordance with all applicable provisions of this Code Ordinance No. 1500.00, as amended, or unless specified otherwise in articles VII, VIII and IX for the TOC districts Corridor, Gateway, and City Center Districts.

All off-street parking facilities required under this article that are to be provided upon an additional ~~plot lot~~ of land as hereinbefore provided, shall be permitted through the Engineering Department, and requires that the owner of such additional ~~plot lot~~ of land to be used for off-street parking facilities and the owner of the land intended to be served by such off-street parking facilities enter into a written agreement with the City whereby the land providing the additional parking area shall never be sold or disposed of except in conjunction with the sale of the building or the use which the additional area serves, so long as such parking facilities are required, and said agreement shall be approved by the City Attorney and recorded in the public records of Broward County, Florida, at the expense of the owner, and shall be considered to be a restriction running with the land and shall bind the heirs, successors and assigns of the said owner; provided, that another additional ~~plot lot~~ or ~~plots lots~~ complying with the provisions of the zoning ordinance and subject to a recorded agreement as above specified may be substituted for the additional ~~plot lot~~ of land. Said written agreement may be voided by the City Commission if other provisions are made for off-street parking facilities pursuant to this article. In the case of a new or substitute agreement for the use of a ~~plot lot~~ of additional land to meet off-street parking requirements, the original or preceding agreement shall be voided by the execution and recording of the new agreement.

- (H) Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operations.

(I) In the case of a building occupied by a use which is not permitted as a new use in the district in which such building is located, where major repairs, substantial alterations, or extensions of the use are to be made, no such major repairs, substantial alterations or extensions of use shall be permitted unless and until the off-street parking requirements of this article, for a new use of the type involved, are applied to such existing use and are fully provided for.

(Ord. No. 1500.27, § 1, 11-12-1969; Ord. No. 1500.442, § 2, 6-15-1994; Ord. No. 1500-469, § 1, 3-22-2000; Ord. No. 2020-1500.650, § 2, 1-29-2020)

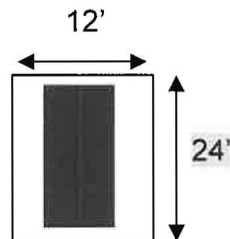
Back-out parking. Means a parking lot design which forces vehicles to use a public right-of-way to move in to and out of a parking stall, is prohibited except for where single-family and duplex structures are permitted. Back-out parking facilities are prohibited in all other zoning districts.

Section 33.2. Parking design standards.

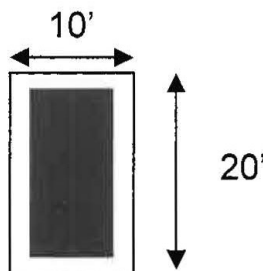
(A) Single-family and duplex residential development:

- (1) The following minimum requirements shall apply to all single-family dwellings and duplex dwellings. The following minimum requirements shall also apply to any fee-simple townhouse or villa developments which provide off-street parking in the form of driveways, carports, and/or garages when the parking facilities are not located in common area, under the same ownership as the individual unit, and contiguous to or within said unit that the facilities were built to serve:

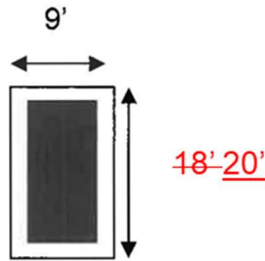
- (a) In order for parking facilities to count toward minimum required parking, said facilities must meet the minimum dimensions as described below.
- (b) A garage shall have minimum interior dimensions of ~~twenty-four~~ **24** feet deep and ~~twelve~~ **12** feet wide, with a minimum vertical clearance of eight (8) feet. This space shall not be occupied by fixtures such as cabinets, water heaters, laundry appliances, etc.



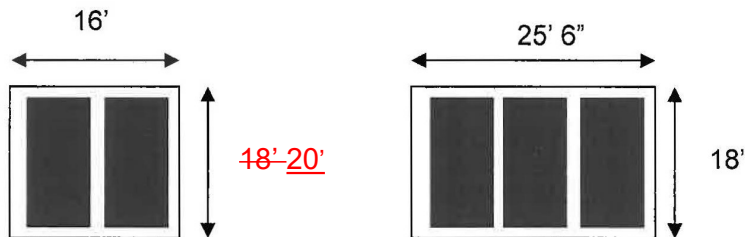
- (c) A carport shall have a minimum dimension of ~~twenty~~ **20** feet deep and ten (10) feet wide, per vehicle, with a minimum vertical clearance of eight (8) feet. This space shall be exclusive of vertical supports and shall not be occupied by storage, equipment, or inoperable vehicles.



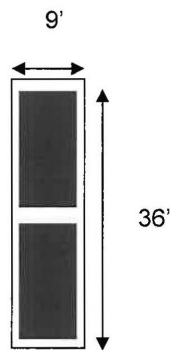
- (d) A single-width driveway shall be a minimum ~~eighteen (18)~~ 20 feet deep and nine (9) feet wide for a single vehicle.



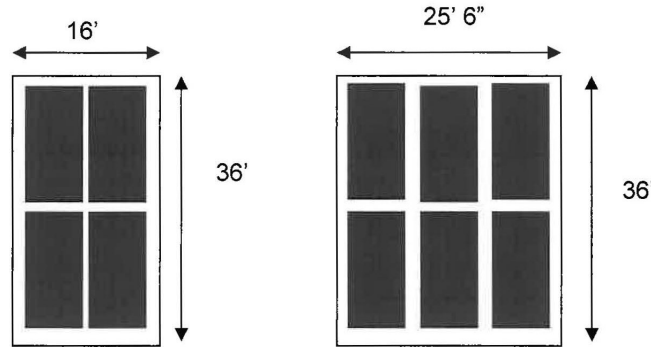
- (e) For a driveway where cars are parked side-by-side, the driveway shall be a minimum ~~eighteen (18)~~ 20 feet deep and eight (8) feet wide for each vehicle when two (2) cars are parked side-by-side. If the driveway is widened to accommodate more than two (2) vehicles side-by-side, the minimum width for each vehicle shall be eight (8) feet six (6) inches.



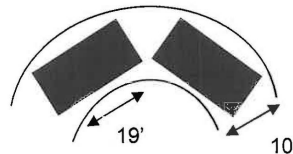
- (f) For a single-width driveway where cars are parked in tandem (front-to-back), the driveway shall be a minimum ~~eighteen (18)~~ 20 feet deep and nine (9) feet wide for each vehicle.



- (g) For a driveway where cars are parked both side-by-side and in tandem, the driveway shall be a minimum ~~eighteen (18)~~ 20 feet deep for each vehicle. The minimum width for two (2) side-by-side spaces shall be eight (8) feet for each vehicle. The minimum width for more than two (2) side-by-side spaces shall be eight feet six inches (8' 6") for each vehicle.



- (h) Where a driveway is curved for circular or turn-in designs, the quantity of parking spaces provided shall be calculated based on a minimum space that is nineteen (19) feet deep by ten (10) feet wide per vehicle, tangent to the arch of the curved portion.



- (i) Fractional measurements do not count toward minimum required parking.
- (j) Driveways shall not exceed the size limitations provided in Section 23-6 of this Code.
- (B) Multi-family and non-residential development:
- (1) Each parking space required and provided, pursuant to the provisions of this Article, shall be accessible to a street or alley via paved aisle or driveway and shall not be of lesser dimensions than specified in Table P, "Off-Street Parking Standards," provided, however, any fee-simple townhouse or villa developments which provide off-street parking in the form of driveways, carports, and/or garages when the parking facilities are not located in common area, under the same ownership as the individual unit, and contiguous to or within said unit that the facilities were built to serve shall be subject to the design standards of Paragraph A of this section. Driveways leading to parking areas shall not be less than three (3) feet from any building or structure, not less than five (5) feet from any property line, and not less than ten (10) feet from any public street right-of-way. The areas of separation for the driveway shall be landscaped and protected from vehicular encroachment.

For building sites three (3) acres or more in area or 300 feet or more in depth located on an arterial or urban collector street, parking aisles shall not intersect any access driveway within 60 feet of the right-of-way line of such trafficway or major thoroughfare. For all other building sites, regardless of location, such distance shall be at least 25 feet.

- (2) ~~The use of wheel stops shall be required for each parking stall directly abutting a walkway that is less than seven (7) feet wide and is not elevated at least six (6) inches higher than the abutting parking space(s), and when any parking space is directly abutting an outdoor seating area, walkway café, wall, or any utility infrastructure located above ground. In lieu of wheel stops, bollards meeting minimum requirements provided by the Department of Environmental and Engineering Services may be utilized in the above-described locations. Protective curbing shall be required for parking stalls directly abutting a landscaped area.~~

Vehicle barriers. Vehicle barriers adjacent to parking spaces are required as follows:

(a) When a parking space abuts sidewalks, outdoor seating areas, walkway café's, walls of a structure, or utility infrastructure bollards meeting the minimum requirements provided by the Department of Environmental Engineering Services shall be provided.

(b) When a parking space abuts a landscape area protective curbing shall be provided.

(c) Exceptions. Bollards do not have to be provided in the following situation

(i) When parking spaces are abutting sidewalks at least seven (7) feet wide elevated at least six (6) inches.

(d) Wheel stops may be removed from existing parking spaces if in compliance with the above requirements.

- (3) All interlocking ninety-degree parking stalls shall be separated by a curbed landscape median no less than seven (7) feet in width. Parking stalls of less than ~~ninety (90)~~ degrees shall be separated by a curbed median with an average width of seven (7) feet. This requirement shall only apply to new developments and redevelopments within the City. ~~Parking lots existing before the effective date of this subsection shall, at a minimum, utilize wheelstops in all interlocking parking stalls.~~
- (4) No parking stall shall be less than nine (9) feet in width and ~~eighteen (18)~~ feet in length, except that parallel parking stalls shall be no less than nine (9) feet in width and ~~twenty-two (22)~~ feet in length. Any parking stall abutting a curbed landscape area no less than seven (7) feet in width may reduce stall length by two (2) feet.
- (5) No off-street parking area drive-aisle shall be less than twenty-two (22) feet in width for two-way traffic. The following standards shall apply to one-way drive aisles in parking areas:
- (a) One-way drive-aisles for thirty-degree angled parking and parallel parking shall be no less than ~~twelve (12)~~ feet in width.
- (b) One-way drive aisles for ~~forty-five 45~~-degree angled parking shall be no less than ~~thirteen (13)~~ feet in width.
- (c) One-way drive aisles for ~~fifty-two and one-half 52 ½~~ degree angled parking shall be no less than ~~fifteen (15)~~ feet in width.
- (d) One-way drive aisles for ~~sixty 60~~-degree parking shall be no less than ~~seventeen (17)~~ feet in width.
- (e) One-way drive aisles for ~~ninety 90~~-degree parking shall be no less than ~~twenty-two (22)~~ feet in width.

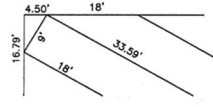
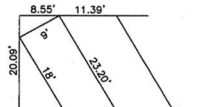
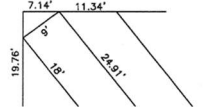
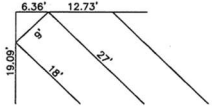

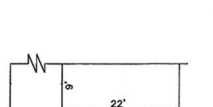



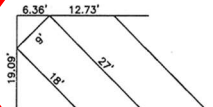
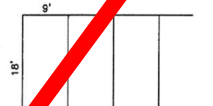
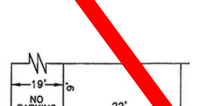
TABLE P OFF STREET PARKING STANDARDS	
 <p> AISLE: ONE WAY = 12' TWO WAY = 22' 30° PARKING </p>	 <p> AISLE: ONE WAY = 17' TWO WAY = 22' 60° PARKING </p>
 <p> AISLE: ONE WAY = 15' TWO WAY = 22' 52.5° PARKING </p>	 <p> AISLE: ONE WAY = 13' TWO WAY = 22' 45° PARKING </p>
 <p> AISLE: ONE WAY = 22' TWO WAY = 22' 90° PARKING </p>	 <p> AISLE: ONE WAY = 12' TWO WAY = 22' PARALLEL PARKING </p>

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 <p> AISLE: ONE WAY = 22' TWO WAY = 22' 90° PARKING </p>	 <p> AISLE: ONE WAY = 12' TWO WAY = 22' PARALLEL PARKING </p>

- (C) The required off-street parking facilities shall be identified as to purpose and as to location when not clearly evident from a street or alley. Off-street parking facilities including access aisles and driveways, shall be surfaced with a minimum of one (1) inch of asphaltic concrete over a six (6)-inch limerock base and maintained in a smooth, well-graded condition, ~~provided that driveways, access aisles and parking spaces for churches and for public and private schools offering academic courses may be surfaced with grass or lawn.~~
- (D) All parking facilities required by this article shall be drained so as not to cause any nuisance on adjacent or public property from runoff. Drainage will be provided by the most efficient and practical structure appropriate to the physical conditions of the site. Minimum standards shall be those established by the drainage district having jurisdiction over the area unless standards developed and adopted by this article are more stringent, in which case the more restrictive standards shall apply. A plan for on-site drainage shall be approved by the department of environmental and engineering services prior to the issuance of a building permit.
- (E) It shall be unlawful for an owner or operator of a building or use affected by this article to discontinue, change or dispense with, or to cause the discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this article. It shall be unlawful for any person, firm or corporation to utilize such building, structure or use without providing the off-street parking facilities to meet the requirements of and be in compliance with this article.
- (F) Required parking areas, landscaped areas, swales, parkways, traveled rights-of-way, and sidewalks shall not be used for either parking, repair or storage of inoperative or unregistered vehicles, boats or trailers, except in an emergency situation and for not longer than forty-eight (48) hours.

33.3. Lighting standards for off-street parking facilities

~~(E).~~ (A) The following lighting standards have been adopted for all off-street parking facilities:

- (1) *General requirements:* The following lighting requirements shall apply to all vehicular use areas and pedestrian areas in non-residential, multi-family, and mixed use developments.
- (2) *Required illumination levels for parking lots:* The lighting system shall be designed with efficiency, security, quality, and control. The required illumination levels, which are expressed in footcandles (fc), are maintained levels. Maintained levels take into account the luminaires decreased efficiency over time by a factor.

Required illuminance levels, expressed in footcandles (fc), have been established for two (2) levels of activity designated as level 1 and level 2, based on nighttime traffic and pedestrian activity.

Illumination shall be provided from dusk until dawn. The defined levels of activity for facilities are as follows:

**Table 1.
Levels of Nighttime Traffic and Pedestrian Activity**

Level of Activity	Nighttime use
Level 1	<ul style="list-style-type: none"> Facilities with businesses not operating after 7:00 p.m. <u>Sidewalks and other pedestrian areas within nonresidential or multifamily developments</u>
<u>Level 1</u>	<ul style="list-style-type: none"> Multifamily residential
Level 2	<ul style="list-style-type: none"> <u>Nonresidential uses.</u> Facilities with businesses operating after 7:00 p.m. These facilities can fall back to level 1 criteria only after the closing hours of all businesses within the center.

The required illuminance levels for the two (2) levels of activity shall be as follows:

Table 2.
Required Maintained Illuminance Levels

Feature	Level 1	Level 2
Minimum horizontal illuminance	1.0 (fc)	2.0 (fc)
Maximum Uniformity ratio (max/min) ¹	10:1	10:1
¹ Uniformity ratios shall be measured at grade level.		

- (3) *Required illumination levels for garages:* The required illuminance levels for each parking garage component shall be as specified in Table 3, below:

Table 3.
Required Maintained Illuminance Levels

Feature	General Areas	Ramps	Entrance Areas	Stairways	Rooftop
Minimum Horizontal Illuminance	2.0 (fc)	1.0 (fc)	1.0 (fc)	2.0 (fc)	2.0 (fc)
Maximum Uniformity Ratio (Max/Min)	10:1	10:1	10:1	10:1	10:1

- (4) *Light sources:* All exterior parking lot lighting fixtures must be fully shielded to prevent nuisance lighting.
- (5) *Mounting-height restrictions:* In order to prevent nuisance lighting, pole fixtures within vehicular areas shall be mounted between ~~fifteen (15)~~ feet and ~~forty (40)~~ 25 feet in height. Wall-mounted fixtures shall be mounted at a minimum height of ten (10) feet, but shall not be placed on nor extend past the roofline of any structure. Bollard light fixtures may be used to illuminate pedestrian areas.
- (6) *Obtrusive light:* Obtrusive spill light and up light shall be controlled with the use of efficient luminaires using cut-off optics and shields. Luminaires providing light to any parcel of land adjacent to any residentially zoned parcel of land shall emit no more than one-half (0.5) footcandle of light at the property line of the adjacently zoned parcel, measured horizontally six (6) feet above grade level.
- (7) *Tree canopies:* Location of light poles in new facilities and substantial rehabilitation of existing facilities shall be such that poles are placed a minimum of ~~ten (10)~~ 20 feet from ~~the edge of the~~ center of the tree ~~canopy~~. Tree canopies at existing facilities shall be trimmed in accordance with the City of Margate's Property Maintenance and Landscaping codes, in order to allow lighting to reach the parking surface.
- (8) *Photometric plans:* ~~A photometric plan shall be submitted with every DRC application for a site plan approval or amendment, change of occupancy group, or special exception use.~~ A photometric plan shall be submitted with every DRC application for a site plan approval or amendment, or special exception use applications that involve new construction, redevelopment, or substantially redeveloping or reconstructing an existing building. Said plan shall clearly and accurately designate the required parking spaces, lighting, access aisles, driveways, adjacent utility poles that provide light to the subject property, and trees (existing and proposed). Such facilities shall be arranged for the convenient access and safety of pedestrians and vehicles. Photometric plans shall delineate footcandle measurements in a grid pattern using ten-foot squares throughout the vehicular use area and measured at grade. Photometric plans shall include light contributions from all sources, including, but not limited to, pole mounted light fixtures, wall-mounted light fixtures, illuminated signs, and adjacent street lights.

For existing sites and structures, an inspection and test of all existing site lighting systems may be performed by a design professional who can certify to the Margate Department of Environmental and Engineering Services that existing site lighting facilities meet the design criteria and meet functional compliance with this Code.

- (9) *Inspection:* Prior to issuing a certificate of occupancy or certificate of completion for any application required to comply with this section, a design professional shall certify to the Margate Department of Environmental and Engineering Services that the exterior lighting facilities are in compliance with this section.

33.4. Master parking Plan Required for New Parking Area, Change of Use or Substantial Modification.

(A)(F) Before any building permit for any new parking area, new or change of use, or substantial modification to an existing parking area such as an alteration to vehicle circulation and/or an expansion of the parking area can be issued, a property owner shall submit a master parking plan to the City for review and approval, as follows:

- (1) For single-family or duplex housing, a parking plan shall be submitted with the building permit application for said single-family or duplex unit. The plan shall clearly and accurately designate the required off-street parking spaces.
- (2) For all other uses or improvements described in Paragraph (F), above, a master parking plan shall be submitted by the property owner to the Development Services Department for review and approval by the Development Review Committee (DRC). The plan shall clearly and accurately designate off-street parking spaces, landscape areas, pedestrian access, bicycle parking facilities, parking for disabled people, pedestrian drop off and pick-up areas, dumpster locations, loading zones, all truck turning movements, drainage, lighting, access aisles, driveways, and the relation to the uses or structures these off-street parking facilities are intended to serve as appropriate. If applicable to the subject property or properties, the following parking area features shall be included in the master parking plan: electric vehicle charging stations, fuel pumps, valet parking, vehicle gates, vehicle reservoir areas (queueing), short-term parking such as order online and pick-up at store parking, designated spaces for restaurants with curbside or automobile service where customers consume food in vehicles, reserved parking spaces, hydrants, freestanding signs, and all other accessory structures within the parking area. Such facilities shall be arranged for the convenient access and safety of pedestrians and vehicles.
 - (a) The master parking plan shall be prepared by a professional engineer licensed in the State of Florida.
 - (b) The master parking plan shall provide a detailed parking calculation. If this Code does not prescribe a minimum number of parking spaces for the proposed use(s), then a justification for the number of parking spaces provided shall be prepared by a qualified traffic engineer or certified planner (AICP) and submitted with the master parking plan.
 - (c) Where shared parking is proposed, the master parking plan shall identify the uses that share the parking and demonstrate the hours of peak demand by each use.
 - (d) When an application for a change of use is submitted a previously approved master parking plan may be submitted to the Development Services Director for review with an updated parking calculation and justification for the number of spaces provided. The director may approve the plan or forward it to the DRC for review and approval.
 - (e) Approval of a proposed master parking plan shall be based on the design standards of the City Code for the various components of the plan. All of the following factors shall be considered in the justification of the number of parking spaces:
 - (i) The physical constraints of the parking field.

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- (ii) The intensity of the uses on the property.
 - (iii) The use of shared parking.
 - (iv) The availability of and convenient access to transit to the site.
 - (v) Information from peer-reviewed literature regarding parking generation rates and the reduction of parking demand.
 - (vi) Experience from other sites in the City.
 - (vii) The proposed master parking plan will not create a parking problem due to customers or employees using on-street parking in the neighborhood, and that traffic problems in the neighborhood will not be materially increased.
- (f) The property owner is responsible for making all improvements described in the approved master parking plan prior to the issuance of any temporary certificate of occupancy, certificate of occupancy, or certificate of completion for any application required to comply with this section.
 - (g) A master parking plan shall be null and void if a building permit and/or engineering permit has not been issued for the improvements described therein within one year from the date of approval. The date of approval shall be the date an official DRC meeting approved the plan, or in the case of a previously approved master plan, the date of the Development Services director approval.

~~(G)—It shall be unlawful for an owner or operator of a building or use affected by this article to discontinue, change or dispense with, or to cause the discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this article. It shall be unlawful for any person, firm or corporation to utilize such building, structure or use without providing the off-street parking facilities to meet the requirements of and be in compliance with this article.~~

~~(H)—Required parking areas, landscaped areas, swales, parkways, traveled rights-of-way, and sidewalks shall not be used for either parking, repair or storage of inoperative or unregistered vehicles, boats or trailers, except in an emergency situation and for not longer than forty-eight (48) hours.~~

(Ord. No. 1500.21, § 1, 11-12-1969; Ord. No. 1500.154, § 1, 1-3-1979; Ord. No. 1500.172, § 1, 7-18-1979; Ord. No. 1500.205, § 1, 4-15-1981; Ord. No. 1500.213, § 1, 2-3-1982; Ord. No. 1500.279, § 6, 5-15-1985; Ord. No. 1500.421, § 1, 5-20-1992; Ord. No. 1500.442, § 2, 6-15-1994; Ord. No. 1500.486, § 1, 1-29-2003; Ord. No. 1500.513, § 1, 9-21-2005; Ord. No. 1500.521, § 1, 5-3-2006; Ord. No. 1500.530, § 1, 9-17-2007; Ord. No. 1500.540, § 1, 6-4-2008; Ord. No. 1500-546, § 10, 10-15-2008; Ord. No. 1500.559, §§ 1, 2, 7-7-2010; Ord. No. 1500.583, § 1, 3-7-2012; Ord. No. 2016-1500.619, § 1, 5-4-2016 ; Ord. No. 2018-1500.644, § 1, 9-5-2018 ; Ord. No. 2020-1500.650, § 3, 1-29-2020)

Section ~~33.3~~ 33.4. Amount of off-street parking.

The off-street parking required by this article shall be provided and maintained on the basis of the following minimum requirements:

- (1) *Dwelling, single-family and two-family:*
 - (a) For single-family and two-family dwellings developed prior to September 5, 2018, including additions thereto and the reconstruction of those properties after catastrophe, the following minimum parking requirements shall apply: Two (2) parking spaces for each dwelling unit. Any combination of indoor garage, carport or driveway parking facilities is to be considered as complying with this section.

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- (b) For single-family and two-family dwellings developed after September 5, 2018: A minimum of two (2) parking spaces for ~~each dwelling unit of two (2) bedrooms or less. One fires the first bedroom, plus one~~ (1) additional parking space ~~is required~~ for each additional bedroom.
- ~~(i) Any combination of indoor garage, carport, or driveway parking facilities shall be considered as complying with this section, provided that a garage shall only count as one (1) parking space regardless if it is larger than the minimum size required.~~
- ~~(i) Carports with the dimensions of Section 33.2 shall count as required parking.~~
- ~~(ii) Single car garages shall have a minimum unobstructed area of 12 feet by 20 feet and not count as a required space.~~
- Commentary: In South Florida, single-car garages are often used for storage instead of parking, given the absence of basements. For this reason, single-car garages do not count toward required parking.*
- ~~(iii) Two (2) car garages that have an unobstructed area of minimum 20 feet by 20 feet and may count as one (1) required parking space. Additional garage area that meets the dimensions of Section 33.2 may also count towards required parking.~~
- (c) The number of parking spaces a driveway will provide depends on the dimensions of said driveway, as described in Section 33.2 of this Code:
- (2) *Dwelling, multiple-family:*
- (a) For multiple-family dwellings developed prior to September 5, 2018, including the reconstruction of those properties after catastrophe, the following minimum parking requirements shall apply:
- (i) One (1) parking space for each efficiency.
- (ii) A minimum of two (2) parking spaces for each dwelling unit of one (1) or more bedrooms.
- (iii) Garages shall not be considered as complying with this section.
- (iv) In addition to the above requirements, ~~supplemental~~ guest parking shall be provided on the basis of one (1) space for each five (5) dwelling units.
- (v) Housing which is zoned or deed restricted for exclusive use by persons ~~sixty-two (62)~~ years of age or older, one (1) space dwelling unit plus an additional one (1) space for each five (5) dwelling units for guest parking.
- (b) For multiple-family dwellings developed after September 5, 2018, including additions to existing developments: A minimum of two (2) parking spaces for each dwelling unit of two (2) bedrooms or less. One (1) additional parking space is required for each additional bedroom. ~~In addition to the above requirements, supplemental guest parking shall be provided on the basis of not less than fifteen (15) per cent.~~
- ~~(i) Individual garages shall count as one (1) parking space if each garage provides a minimum interior dimensions of twenty-four (24) feet deep and twelve (12) feet wide, with a minimum vertical clearance of eight (8) feet. This space shall not be occupied by fixtures such as cabinets, water heaters, laundry appliances, etc. An individual garage shall only count as one (1) parking space regardless if it is larger than the minimum size required.~~
- ~~(i) Guest parking for developments with more than eight (8) units shall be provided at a rate of 15 percent.~~
- ~~(ii) Carports with the dimensions of Section 33.2 shall count as required parking.~~

(iii) Single car garages shall have a minimum unobstructed area of 12 feet by 20 feet and not count as a required space.

(iv) Guest parking must be provided on common areas owned by the multifamily development.

Commentary: In South Florida, single-car garages are often used for storage instead of parking, given the absence of basements. For this reason, single-car garages do not count toward required parking.

(iv) Two (2) car garages that have an unobstructed area of minimum 20 feet by 20 feet may count as one (1) required parking space.

(ii-v) Each parking space within a parking structure, ~~as defined in Section 2.2 of this Code,~~ shall count toward required parking provided the parking dimensions satisfy the minimum requirements of Table P provided in this Article.

~~(3) Rooming houses, lodging houses, boardinghouses: One (1) parking space for each rental unit, plus one (1) parking space for the owner or operator, plus an additional one (1) space for each five (5) dwelling units for guest parking.~~

~~(4) Dormitories, fraternities: One (1) parking space for each two (2) beds, plus one (1) parking space for the manager or operator, plus one (1) parking space for each two (2) employees, plus an additional one (1) space for each five (5) dwelling units for guest parking.~~

~~(5) Trailer courts: One (1) parking space for each trailer site.~~

~~(6)(3) Convalescent homes, nursing homes, retirement homes, and other similar institutions for the care of the aged and infirm, infirmed:~~ One (1) parking space for each five (5) beds for patients or inmates, and one (1) parking space for each employee.

~~(7)(4) Uses not specifically mentioned:~~ The requirements for off-street parking for any residential uses not specifically mentioned in this section shall be the same as provided in this section for the use most similar to the one sought, it being the intent to require all residential uses to provide off-street parking as described above. All non-residential uses shall be required to provide off-street parking, in accordance with an approved Master Parking Plan.

~~(8)(5) Fractional measurements:~~ When units or measurements determining number of required off-street parking spaces result in requirements of fractional space, any such fraction shall require a full off-street parking space.

(Ord. No. 1500.27, § 1, 11-12-1969; Ord. No. 1500.30, § 1, 1-28-1970; Ord. No. 1500.35, § 1, 3-11-1970; Ord. No. 1500.39, § 1, 6-10-1970; Ord. No. 1500.56, § 1, 6-9-1971; Ord. No. 1500.155, § 1, 1-3-1979; Ord. No. 1500.156, § 1, 1-3-1979; Ord. No. 1500.167, § 1, 5-16-1979; Ord. No. 1500.223, § 2, 7-14-1982; Ord. No. 1500.257, § 1, 5-16-1984; Ord. No. 1500.268, § 1, 10-3-1984; Ord. No. 1500.432, § 1, 2-17-1993; Ord. No. 1500.442, § 2, 6-15-1994; Ord. No. 1500.507, § 6, 2-16-2005; Ord. No. 1500.514, § 1, 9-21-2005; Ord. No. 1500-546, § 11, 10-15-2008; Ord. No. 1500.559, § 3, 7-7-2010; Ord. No. 2018-1500.644, § 2, 9-5-2018 ; Ord. No. 2018-1500.645, § 12, 9-5-2018 ; Ord. No. 2020-1500.650, § 4, 1-29-2020)

~~Section 33.4. Combined off street parking.~~

~~Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operations.~~

(Ord. No. 1500.27, § 1, 11-12-1969; Ord. No. 1500.442, § 2, 6-15-1994; Ord. No. 2020-1500.650, § 5, 1-29-2020)

Section 33.5. Nonconforming uses.

~~In the case of a building occupied by a use which is not permitted as a new use in the district in which such building is located, where major repairs, substantial alterations, or extensions of the use are to be made, no such major repairs, substantial alterations or extensions of use shall be permitted unless and until the off-street parking requirements of this article, for a new use of the type involved, are applied to such existing use and are fully provided for.~~

(Ord. No. 1500.27, § 1, 11-12-1969; Ord. No. 1500.442, § 2, 6-15-1994)

Sections ~~33.5.~~ - ~~33.6~~ 33.7. Reserved.

Editor's note(s)—Sec. 13 of Ord. No. 2018-1500.645, adopted Sept. 5, 2018, repealed § 33.6, which pertained to use of required off-street parking by another building, and derived from Ord. No. 1500.27, adopted Nov. 12, 1969; Ord. No. 1500.432, adopted Feb. 17, 1993; Ord. No. 1500.442, adopted June 15, 1994; and Ord. No. 1500.546, adopted Oct. 15, 2002.

Section 33.7. Modification of requirements.

~~(A) In specific cases, the board of adjustment Board of Adjustment may authorize a reduction in the minimum requirements of Section 33.3, when:~~

~~(1) There is a public parking lot judged adequate to handle the parking demand of the use within four hundred (400) feet of site; or~~

~~(2) There is on-street parking judged adequate to handle the present and probable future parking demand of the use in the neighborhood; or~~

~~(3) There are adequate commercial or private parking lots within four hundred (400) feet of the site judged adequate to handle the present and probable future parking demand of the proposed use.~~

~~(B) Provided, however, that the board shall find that such reduction of the parking requirements will not create a parking problem due to customers or employees using on-street parking in the neighborhood, and that traffic problems in the neighborhood will not be materially increased.~~

(Ord. No. 1500.27, § 1, 11-12-1969; Ord. No. 1500.442, § 2, 6-15-1994)

Section 33.8. Parking of commercial vehicles.

Off-street parking facilities supplied by the owner or operator to meet the requirements of this article shall not be used by commercial vehicles owned, operated or used in the business of such owner or operator during regular hours of business.

(Ord. No. 1500.27, § 1, 11-12-1969; Ord. No. 1500.442, § 2, 6-15-1994)

Section 33.9. Off-street loading.

(A) On the same ~~plot~~ lot with every structure or use hereafter erected or created, there shall be provided and maintained adequate space for loading and unloading of materials, goods or things and for delivery and shipping, so that vehicles for these services may use this space without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

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- (B) Where any structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading space under this section, the full amount of off-street loading space shall be supplied and maintained to comply with this section.
- (C) For the purposes of this section, an off-street loading space shall be an area at grade level at least ~~twelve (12)~~ feet wide by ~~forty-five (45)~~ feet long with ~~fourteen and a half (14½)~~ foot vertical clearance. For lots or developments containing an aggregate amount of less than 10,000 square feet of Gross Floor Area of Buildings including office buildings and banks, an off-street loading space may be reduced to 12 feet in width by 25 feet long. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space, and arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Such loading space shall also be accessible from the interior of any building it is intended to serve.
- (D) Off-street loading spaces shall be provided and maintained in accordance with the following schedule:
- (1) For each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, funeral home, laundry, dry cleaning establishment or similar use which has an aggregate gross floor area of:
 - (a) Over 10,000 sq. ft. but not over 25,000 sq. ft. 1 space
 - (b) Over 25,000 sq. ft. but not over 60,000 sq. ft. 2 spaces
 - (c) Over 60,000 sq. ft. but not over 120,000 sq. ft. 3 spaces
 - (d) Over 120,000 sq. ft. but not over 200,000 sq. ft. 4 spaces
 - (e) Over 200,000 sq. ft. but not over 290,000 sq. ft. 5 spaces
 - (f) Plus for each additional 90,000 sq. ft. over 290,000 sq. ft. or major fraction thereof 1 space
 - (2) For each multiple dwelling or apartment hotel having at least ~~fifty (50)~~ dwelling units but not over a ~~hundred (100)~~ dwelling units: One (1) space.
For each multiple dwelling having over a ~~hundred (100)~~ dwelling units: One (1) space plus one (1) space for each additional ~~one hundred (100)~~ dwelling units or major fraction thereof.
 - (3) For each auditorium, convention hall, exhibition hall, museum, hotel, office building, sports arena, stadium, hospital, sanitarium, welfare institution or similar use which has an aggregate gross floor area of:
 - (a) Over 20,000 sq. ft. but not over 40,000 sq. ft. 1 space
 - (b) Plus for each additional 60,000 sq. ft. over 40,000 sq. ft. or major fraction thereof 1 space
 - (4) For any use not specifically mentioned in this section, the requirements for off-street loading for a use which is so mentioned and to which the unmentioned use is similar shall apply.
- (E) Off-street loading facilities supplied to meet the needs of one (1) use shall not be considered as meeting the off-street loading needs of any other use.
- (F) No parking facilities supplied to meet the required off-street parking facilities for a use shall be utilized for or be deemed to meet the requirements of this article for off-street loading facilities.
- (G) Nothing in this section shall prevent the collective, joint or combined provision of off-street loading facilities for two (2) or more buildings or uses, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.

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- (H) Plans for buildings or uses requiring off-street loading facilities under the provision of this section shall clearly indicate the location, dimensions, clearances and access of all such required off-street loading facilities.

(Ord. No. 1500.27, § 1, 11-12-1969; Ord. No. 1500.442, § 2, 6-15-1994)

Section 33.10. Parking spaces for disabled persons.

- (A) Parking spaces as for disabled persons shall be provided as required by the ~~South~~ Florida Building Code, Accessibility Section 502 as may be amended from time to time shall be designated for use by disabled persons and shall be provided in the immediate vicinity of any building maintained for use by the public, whether said building shall be a public or quasi-public building, or which is a multi-unit residential use.
- ~~(B) Said parking space shall be accessible to a curb ramp or curb cut to allow access to the buildings served and shall be located so that users will not be compelled to wheel behind parking vehicles.~~
- ~~(C) Diagonal or perpendicular parking spaces shall be a minimum of twelve (12) feet wide.~~
- ~~(D) Parallel parking spaces shall be located either at the beginning or end of a block or adjacent alley entrances. Said parking spaces shall be located in the corners, ends or beginnings of the parking area immediately adjacent to the buildings or as close thereto as the first parking space may be. In the absence of being able to reasonably comply herewith the location of the parking space required by this section shall be designated by the building department of the City of Margate.~~
- ~~(E) Each parking space shall be prominently outlined with paint (as required by state statute, rule or regulation) and posted at the middle of the head of each space with an individual nonmovable sign of a color and design bearing the internationally accepted wheelchair symbol and the caption, "Parking by Disabled Permit Only." Below the sign and caption as previously stated, an additional caption shall state the amount of the fine for unlawful parking in a space for the disabled. The language shall state "Fine Amount." (The amount shall be that amount of fine which is approved by ordinance of the City of Margate.) Sign must be a minimum size of twelve (12) inches wide and eighteen (18) inches high with lettering at a minimum of one (1) inch in height. The lettering designating the amount of fine shall be a minimum size of two (2) inches in height. Said sign shall be no less than five (5) feet and no more than seven (7) feet from the ground.~~
- ~~(F) It shall be unlawful for any person to utilize the above designated parking spaces except those with the following: License plate issued by the State of Florida having thereon the designated wheelchair symbol or any other state symbol or design denoting that the driver or owner of said vehicle is a handicapped individual, or displaying a disabled parking permit as provided for by state statute. Violation of this subsection shall be a municipal violation punishable by a fine of two hundred fifty dollars (\$250.00).~~
- ~~For any offense under this section, there shall be imposed a dismissal fee of five dollars (\$5.00) upon presentation of a disabled parking permit issued for a person who has a disability, which permit was valid at the time the violation occurred, and a sworn affidavit from the holder of the disabled parking permit stating that the holder was being transported in the vehicle cited at the time the violation occurred. Said fee shall be paid to the city prior to the time a violation has been filed with the court. Said fee shall be paid to the clerk of the court subsequent to the time a violation has been filed with the court.~~
- ~~(G) This section shall be deemed to retroactively apply to all existing buildings within the confines of the City of Margate:~~
- ~~(1) That all owners and on-site managers, or other agents on-site, responsible for the maintenance of the parking lots governed hereunder shall be responsible for compliance herein.~~
- ~~(2) The city hereby agrees to waive any permit or construction fees for any improvements necessitated by this ordinance within the City of Margate.~~

~~(3) For any construction necessitated by this section, should same necessitate the utilization of parking spaces which would cause any parking to fall below the minimum number of parking spaces necessary pursuant to the Code, same shall not be deemed a violation of this Code.~~

~~(H) Violation of this ordinance shall be punishable pursuant to Section 1-8 of the Margate City Code.~~

~~(I) The retroactivity of this section shall not apply to multifamily residential areas. However, where disabled parking has been provided in multifamily residential areas, it shall be unlawful to utilize said parking, except as provided in subsection (F) above.~~

(Ord. No. 1500.117, § 1, 11-10-1976; Ord. No. 1500.190, § 1, 7-16-1980; Ord. No. 1500.221, § 1, 7-7-1982; Ord. No. 1500.243, § 1, 11-2-1983; Ord. No. 1500.254, § 1, 3-7-1984; Ord. No. 1500.265, § 1, 9-19-1984; Ord. No. 1500.309, § 1, 1-21-1987; Ord. No. 1500.314, § 1, 2-18-1987; Ord. No. 1500.416, § 1, 11-6-1991; Ord. No. 1500.442, § 2, 6-15-1994; Ord. No. 1500.444, § 1, 9-6-1995; Ord. No. 1500.448, § 1, 5-15-1996; Ord. No. 1500.492, § 1, 4-2-2003)

Section 33.11. Vehicular reservoir areas for drive-through facilities.

- (A) All facilities which render goods and/or services directly to patrons within vehicles shall be required to provide reservoir areas for inbound vehicles. The purpose of these areas is to ensure that the vehicles using the facility do not interfere with the flow of vehicular and pedestrian traffic within public rights-of-way, nor interfere with parking circulation or loading within the facility.
- (B) Each reservoir area required pursuant to this article shall be a minimum of ten (10) feet wide by twenty (20) feet long and each reservoir area shall not block parking stalls, parking aisles, driveways or pedestrian ways. For the purposes of this section, the space occupied by the vehicle being served by the facility is considered one (1) reservoir area.
- (C) The number of reservoir areas required shall be provided and maintained on the basis of the following minimum requirements:

	Number of <u>inbound</u> reservoir areas	<u>Number of</u> <u>outbound</u> reservoir areas
Automatic car wash, spaces per service lane	4	<u>4</u>
Child care center, day nursery, nursery school, spaces at drop-off point	3	<u>2</u>
Drive-through beverage or food sales, spaces per service lane	4	<u>1</u>
Drive-in bank, savings and loan, spaces per service lane	4	<u>1</u>
Dry cleaning pickup station, spaces per service lane	2	<u>1</u>
Filling station, spaces per side, each island	3	<u>1</u>
Gatehouse or ticket booth, spaces inbound and outbound	3	<u>1</u>
Package stores, spaces per service lane	2	<u>2</u>
Pharmacies with drive-through prescription facilities, spaces per service lane	3	<u>2</u>
Photograph developing, spaces per service lane	2	
Self-service car wash, spaces per wash stall	2	<u>2</u>
Skating rink, bowling alley, spaces at drop-off point	3	<u>1</u>
Valet parking, spaces at drop-off point	3	<u>2</u>
<u>All other facilities</u>	<u>4</u>	<u>2</u>

33.12 Escape Lane

- (A) A separate and distinct escape lane shall be provided if necessary to prevent entrapment of vehicles on that portion of the site if no other reasonable point of egress is available other than through the drive-through facility. An escape lane shall not be required if the drive-through lane is designed and located in such a way as to be segregated from the normal Traffic flow of the site, and signed appropriately to prevent accidental entry.
- (B) Drive-through lanes and escape lanes shall not conflict, or otherwise hamper access, to or from any parking space.

(Ord. No. 1500.244, § 5, 11-16-1983; Ord. No. 1500.439, § 2, 2-2-1994; Ord. No. 1500.442, § 2, 6-15-1994)

ARTICLE XXXVII. ADMINISTRATION

Section 37.1. Enforcement.

The ~~Development Services Department together with the Building and Code Services Department building department of the City of Margate~~ and all officers, inspectors and employees thereof shall enforce the provisions of the zoning ordinance.

(Ord. No. 1500.00, § 39.1, 10-25-1967)

Section 37.2. Permits not to be issued.

- (A) No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land or water, which is not in conformity with all the provisions of the zoning ordinance.
- (B) No license or permit shall be issued by the building department or by any department, agency or official of the City of Margate for the use of any premises or the operation of any business, enterprise, occupation, trade, profession or activity which would involve in any way, or constitute a violation of the zoning ordinance.

(Ord. No. 1500.00, § 39.2, 10-25-1967)

Section 37.3. ~~Plot~~ Lot plan.

All applications for building permits shall contain, or be accompanied by a ~~plot~~ lot plan in duplicate drawn to scale, showing the actual dimensions of the ~~plot~~ lot involved in the application, the location of the use proposed and or the building to be erected or altered, yards and setbacks, and all other uses and buildings on the ~~plot~~ lot as well as such other pertinent information as may be necessary for the enforcement of the zoning ordinance.

(Ord. No. 1500.00, § 39.3, 10-25-1967)

Section 37.4. Permits for new use of land.

No land heretofore vacant shall hereafter be put to use, or an existing use of land be hereafter changed to a new or different use, unless ~~a building permit approval from the City of Margate~~ is first obtained for the new or different use, provided that this requirement shall not apply to agricultural uses of land in an agricultural district.

(Ord. No. 1500.00, § 39.4, 10-25-1967)

Section 37.5. Permits for new use of building.

No building or structure, or part thereof, shall be changed to or occupied by, a use of a different kind, unless a building permit is first obtained for the new or different use.

(Ord. No. 1500.00, § 39.5, 10-25-1967)

Section 37.6. Permits required.

- (A) No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have first been obtained for such work.
- (B) The term "altered" and "repaired" shall include any change in structural parts, stairways, type of construction, kind or class of occupancy, light or ventilation, means of ingress and egress, or other changes affecting, or regulated by the building code or this ordinance, except for minor repairs or changes not involving any of the aforesaid features.

(Ord. No. 1500.00, § 39.6, 10-25-1967)

Section 37.7. Certificates required.

No building or structure, or part thereof, or premises which are hereafter erected or altered or changed in occupancy or land upon which a new or different use is established, shall be occupied or used until a certificate of occupancy shall have been issued ~~therefor~~ pursuant to the Florida Building Code.

(Ord. No. 1500.00, § 39.7, 10-25-1967)

~~Section 37.8. Certificates for existing uses.~~ – Section 37.10. Reserved.

~~Certificates shall be issued for existing buildings, structures, or part thereof, or existing use of land, if after inspection it is found that such buildings, structures or use of land are in conformity with the applicable provisions of the ordinance.~~

~~(Ord. No. 1500.00, § 39.8, 10-25-1967)~~

~~Section 37.9. Temporary certificates.~~

~~Temporary certificates may be issued for a non-conforming use, provided that such temporary certificate shall not be effective for a period in excess of six (6) months.~~

~~(Ord. No. 1500.00, § 39.9, 10-25-1967)~~

~~Section 37.10. Record of certificates.~~

~~A record of all certificates issued pursuant to the provisions of this ordinance shall be kept on file in the office of the building department and copies of such certificates shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.~~

~~(Ord. No. 1500.00, § 39.10, 10-25-1967)~~

Section 37.11. Certificates for dwelling residential or commercial accessory buildings and/or uses.

- (a) Uses accessory to a residential structure shall not require separate certificates but may be included in the certificate for the residential structure when shown on the ~~plot~~ lot plan.
- (b) Uses accessory to a commercial structure shall not require separate certificates but may be included in the certificate for the commercial use when shown on the ~~plot~~ lot plan.

(Ord. No. 1500.00, § 39.11, 10-25-1967; Ord. No. 1500.501, § 2, 10-6-2004)

~~Section 37.12. Record of non-conforming uses. Reserved.~~

~~All non-conforming uses existing at the effective date of this ordinance shall be ascertained, identified and recorded for the purpose of effectuating the provision of this ordinance.~~

~~(Ord. No. 1500.00, § 39.12, 10-25-1967)~~

~~Section 37.13. Procedure on violations.~~

~~Where it is found that any of the provisions of this ordinance are being violated, the person responsible for such violation shall be given notice in writing. Such notice shall indicate the nature of the violation. The officers and employees of the building department shall order discontinuance of the use of land or buildings, removal of buildings, additions, alterations, alteration of structures, discontinuance of any work being done, or shall take any and all other action necessary to correct violations and obtain compliance with all the provisions of this ordinance.~~

~~(Ord. No. 1500.00, § 39.13, 10-25-1967)~~

Section 37.14. Duties of enforcers.

The building department through its officers and inspectors shall be charged with the duty of making inspections, approving plans and specifications, issuing permits, and certificate of occupancy, maintaining records of applications, permits and certificates and taking any and all steps or actions necessary to enforce the provisions of the ordinance.

(Ord. No. 1500.00, § 39.14, 10-25-1967)

~~Section 37.15. Right of entry.~~

~~For the purpose of enforcing the provisions of this ordinance, inspectors of the building department shall have the right of entry into private property and into private buildings, at any reasonable time, whenever said inspectors find such entry necessary for proper discharge of their duties under this ordinance. Any person refusing or obstructing such entry shall be guilty of a violation of this ordinance.~~

~~(Ord. No. 1500.00, § 39.15, 10-25-1967)~~

~~(Ord. No. 1500.00, § 39.16, 10-25-1967; Ord. No. 1500.452, § 1, 2-19-1997)~~

~~(Ord. No. 1500.00, § 39.17, 10-25-1967)~~

~~Section 37.18. Repealer.~~

~~The ordinance previously designated as Ordinance 1500, which was passed on second reading on September 2, 1959, and Ordinances 1500.01 through 1500.05; Ordinance 1500.08 through 1500.10; and Ordinance 300.04, 800.00 through 800.04, are hereby repealed and all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.~~

~~(Ord. No. 1500.00, § 39.18, 10-25-1967; Ord. No. 1500.13, § 1, 2-28-1968; Ord. No. 1500.18, § 1, 7-24-1968)~~

~~Section 37.19. Severability.~~

~~If any word, sentence, paragraph or section of this ordinance is held invalid it shall not affect the validity of the remaining portions thereof.~~

~~(Ord. No. 1500.00, § 39.19, 10-25-1967)~~

ARTICLE XL. PROPERTY MAINTENANCE STANDARDS

Section 40.1. Purpose and scope.

~~There~~ It is hereby promulgated and established a set of minimum exterior building and property standards relating to the maintenance of residential and nonresidential buildings and property within the City of Margate. All properties shall be maintained in accordance with the requirements of this article as well as the standards of the ICC Property Maintenance Code.

These provisions shall apply to the exterior portion of every building or structure and its accessory structures, as well as any and all adjoining grounds, areas or other premises or undeveloped property in the city. In all situations where a provision of this article conflicts with other building, health, safety or zoning regulations, the more restrictive standard shall prevail.

No person owning, leasing, occupying or having charge of any residential or nonresidential building or property within the limits of the City of Margate shall maintain any residential or non-residential building or property contrary to standards provided in this article.

(Ord. No. 1500.470, § 2, 5-17-2000; Ord. No. 2009-16, § 1, 12-2-2009)

Section 40.2. Definitions.

The following words, terms and phrases, when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

Alteration shall mean any change in size, shape, character, occupancy or use of a building or structure.

Approved shall mean authorized as provided by law.

Blemish shall mean a noticeable imperfection that impairs appearance.

Blighting influence shall mean any physical condition of building or property, which directly or indirectly causes a reduction in the value of surrounding properties.

Brush shall mean any dense growth or bushes, shrubs or weeds, or any accumulation of, but not limited to: Grass clippings, hedge and tree trimmings, palm fronds, leaves, and other such debris.

Code compliance officer shall mean any employee or agent of the City of Margate duly authorized by the ~~city manager~~ City Manager to enforce city ordinances.

Deficiency shall mean a condition of deterioration that is not in violation of this article; however, such condition can be expected to become a violation within a short period of time.

Deterioration shall mean the condition or appearance of any structure or grounds, or parts thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.

Dilapidated shall mean a condition of structural disrepair or deterioration to the extent requiring rehabilitation, reconstruction or demolition.

Dwelling shall mean any building which is wholly or partly used or intended to be used for living, sleeping, cooking and eating, providing that temporary housing as hereinafter defined shall not be regarded as a dwelling.

Electrical shall mean all work, materials and/or system of electrical wiring for use of light, heat or power, and all appurtenances, apparatus or equipment used in connection therewith, inside of or attached to any building or structure, lot or premises.

Fire hazard shall mean anything or any act which violates the prevailing fire codes of the ~~city~~ City.

Garbage shall mean the animal and/or vegetable waste resulting from the handling, preparation, cooking, and/or consumption of food; and wastepaper, plastic or related materials used in the packaging and preparation of foods.

Good state of repair shall mean that a building, structure or parcel of land is safe and habitable for its ordinary and intended use, and that the materials used in any structure or fixture are sound, stable and conform to its original purpose and performing the function for which intended and not in need of maintenance.

Habitable shall mean any building or structure or portion thereof that is used, or intended for use, on a day-to-day basis by people for residential purposes, or for purposes of conducting a commercial or industrial business, or for purposes of a similar nature.

Non-residentially zoned parcel shall mean any parcel of land whose zoning designation is C, G, CC, B-1, B-2, B-2A, B-3, M-1, M-1A, CF-1, CF-2, S-1, S-2 or any business areas of a PUD.

Nuisance shall mean anything that violates the standards provided herein, or any other city, county, state or federal law.

Occupant shall mean any person living, sleeping or having actual possession of a dwelling.

Occupy shall mean the residing of an individual in a dwelling unit or the installation, storage, or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

Operator shall mean any person who has charge, care or control of a building, structure or parcel of land, or part thereof.

Owner shall mean any person or legal entity who, alone or jointly has legal, equitable or beneficial title to any building or structure, or part thereof, which is subject to this article.

Person shall mean and include any individual, firm, corporation, association or partnership.

Rubbish shall mean all combustible and noncombustible waste materials except garbage, including but not limited to nonoperative toys, bicycles, motorcycles, automobiles, mechanical equipment and machines or parts thereof.

Structurally sound shall mean free of imperfections which affect the intended use of the structure so as not to endanger the health, safety and welfare of the inhabitants or neighbors.

Supplied shall mean paid for, furnished or provided by or under control of the owner or operator.

Swale shall mean all unpaved portions of right-of-way located between the edge of pavement and the property line or an easement located on property adjacent to the right-of-way line.

Trash shall mean all small discarded materials from around a premises which can be deposited in an approved trash receptacle for collection and can be burned or otherwise properly handled at an incinerator.

Vermin shall mean all common harmful or objectionable animals or insects that are difficult to control.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.3. Jurisdiction; enforcement.

The City of Margate shall have jurisdiction to issue citations in which violations of this article are alleged pursuant to section 1-8 of the City of Margate Code of Ordinances; provided, however, allegations regarding unsafe buildings and structures shall be administered in accordance with the procedures set forth in the City of Margate Code of Ordinances and/or the ~~South~~ Florida Building Code, Broward County Edition, as amended.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.4. Exterior maintenance of structure and premises.

- (a) All exterior surfaces of buildings or sheds, excluding roofs, shall be properly maintained and protected from the elements by paint or other protective coating applied in a workmanlike fashion. Painted or protective coatings shall be uniform in color without blemishes throughout the exterior and shall be in accordance with the color palette of the City of Margate adopted by resolution. Trim paint shall be uniform in color and in accordance with the adopted color palette of the City of Margate without blemishes.
- (b) Every foundation, exterior wall, window, roof and all other exterior surfaces shall be free of holes, cracks, breaks, loose or rotted wood and any condition which might allow rain or moisture, vermin, pests or insects to enter the interior portions of the walls or to the occupied spaces of any dwelling, commercial building or structure.
- (c) Roofs shall be structurally sound, watertight and shall prevent rainwater or moisture from entering the walls, ceilings or any other portion of the dwelling, commercial building or structure.

(1) All building roofs and gutters shall be kept free of faded or chipped paint and shall be maintained in good repair and in good condition to prevent deterioration, and must be cleaned (pressure and/or chemical), repainted or recovered with like material(s) when ~~twenty-five (25) per cent or more of~~ any exposed roof surface becomes discolored or is scaling.

(2) In the event a roof shingle or tile is replaced, the replacement shingle or tile shall be of the closest possible color and shade to the existing roofing shingles or tiles.

(3) A tarp or other temporary repair is permitted while a building permit application for roof is processing and while the permit is active. The building official is authorized to permit a tarp following the declaration of a state of emergency issued by the Governor for a natural emergency as defined in F.S.252.34(8) as may be amended from time to time.

- (d) Fences, exterior walls, exterior doors, exterior windows, dumpster enclosures, decorative walls, perimeter hedges, playground equipment, trellis, swimming pools, screen enclosures, modular storage structures, and similar utility enclosures shall be maintained in a good state of repair.

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- (e) Each exterior wall surface of buildings and structures shall be kept free of faded or chipped paint, and shall be maintained in a good state of repair and good condition to prevent deterioration, and must be cleaned (pressure and/or chemical), repainted or recovered with like material(s) ~~when twenty five (25) per cent or more~~ any exposed surface becomes discolored or is peeling.
- (1) All subdivision walls or walls separating residential areas from commercial areas shall be painted or have a finished surface and all concrete walls shall be stuccoed and painted on the side facing the property adjoining the property on which the wall is situated. ~~All subdivision or common development walls, fences, barriers or barricades shall be constructed in a uniform design, material, pattern and color throughout the length of the same development, as stated in section 3.14 of this Code.~~
- (f) Any awning or marquee and its supporting structural members shall be maintained in a good state of repair. Awnings or marquees made of cloth, plastic or of a similar material shall not show evidence of excessive weathering, discoloration, ripping, tearing or other damage.
- (g) All signage shall be maintained in the originally permitted and constructed condition as required by this Code Appendix.
- (h) Rubbish, brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash and debris shall not be permitted on any premises. This subsection shall not apply to garbage, trash and debris, which is containerized in approved receptacles for appropriate collection and removal.
- (i) Dead and/or dying trees and limbs or other natural growth which constitute a health or safety hazard to persons or property shall be removed and replaced if required by city code requirements or site plan approval. Trees shall be kept pruned and trimmed to prevent the occurrence of a health or safety hazard as provided by section 23-17 of the City of Margate Code of Ordinances. The pruning, trimming, removal, or replanting of, or mitigation to, a tree on residential property shall be in accordance with Section 23-20 of the City of Margate Code of Ordinances.
- (j) Loose or overhanging objects which constitute a danger of falling on persons or property shall be removed.
- (k) Ground surface hazards such as holes, excavations, breaks, projections, obstructions and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas, and other portions of the premises shall be repaired or removed.
- (l) Premises and adjacent swales shall be kept landscaped, irrigated with rust free systems, mowed and maintained in good repair. All landscaping on non-residential property shall be in compliance with the approved site plan. ~~Any person who increases the area of a primary structure by more than twenty (20) per cent shall comply with all landscaping requirements in effect at the time of alteration unless said person applies for and is granted an adjustment of standards from the City of Margate Beautification Committee.~~
- (m) All off-street parking spaces shall be paved asphalt or constructed of concrete or block and shall have smooth surfaces in good repair and be in compliance with Article XXXIII of Appendix A—Zoning of the City of Margate Code of Ordinances.
- (n) All walkways and sidewalks shall be regularly cleaned and maintained, and shall remain free of dirt, mold, mildew, or other substances that could create a trip or slip hazard.

(Ord. No. 1500.470, § 2, 5-17-2000; Ord. No. 1500.531, § 1, 9-19-2007; Ord. No. 2019-1500.648, § 5, 11-20-2019)

Section 40.5. Exterior building or structure color.

- (A) (1) *Standards.* The visible exterior of all new structures or any existing structure(s) or parts thereof including signs and sign structure(s) within all nonresidentially zoned districts of the city (C,G,CC, B-1, B-2, B-2A, B-3, CF, CF-1, M-1, M-1A, S-1, S-2, non-residential portions of a PUD, and any other zoning district which is

hereinafter approved which is not exclusively residential), which is to be painted, repainted, surfaced, resurfaced or installed having the effect of establishing or changing the color, surface or appearance, (hereinafter referred to as painting), shall be approved only pursuant to the color palette of the City of Margate. The color palette shall be approved by resolution of the City of Margate.

- (2) Any structure coming within the terms of this ordinance, except as provided in subsection (C), may seek a variance before the Margate Board of Adjustment. ~~with conformity to the following boards:~~
- ~~(i) The Community Redevelopment Board of the Margate Community Redevelopment Agency if a structure(s) is within the Community Redevelopment District of the City of Margate;~~
- ~~(ii) The Margate Board of Adjustment if a structure(s) is outside of the Community Redevelopment District of the City of Margate.~~
- (3) Each of the above boards shall approve, or disapprove, the painting of any structure(s) in a nonresidential district of the city. Approval shall be granted by the above boards of the ~~city~~ City based upon the following:
- (a) The location of the structure(s);
- (b) The size of the structure(s);
- (c) The architectural style of the structure(s);
- (d) Compatibility of the painting with surrounding structure(s);
- (e) Compatibility with the official color palette adopted by resolution of the ~~city commission~~ City Commission. Said compatibility shall not be the sole determining factor;
- (f) Such other factors as each board determines will have on the aesthetics of the City of Margate.
- (4) For the purposes and procedure provided in this subsection, both white, black and the absence of color, or any other surface or appearance shall be considered as painting, subject to this section.
- (5) *Fee.* There shall be a fee ~~of two hundred dollars (\$200.00) payable to established by resolution by~~ the City of Margate for each application for color palette waiver.
- (B) *Uniform sign plans.* All uniform sign plans as provided for in section ~~41-10~~ 39.10 of this Code shall be considered, pursuant to subsection (A) of this section.
- (C) *Exemption.*
- (1) All painting for buildings or structures within a nonresidentially zoned parcel whose exterior has conformed to the official color palette approved pursuant to Ordinance No. 1500.470 at the time of the adoption of Ordinance No. 1500.499, [Oct. 6, 2004,] shall not be required to comply with subsection (A) of this section within the two-year amortization period as provided for in subsection (C) of this section.
- (2) All signs erected pursuant to an approved uniform sign plan shall not be required to be approved, pursuant to this section on an individual basis.
- (D) *Exemptions for posting.* Approvals or appeals for approvals for exterior building or structure painting shall not be required to post a sign as provided under subsection 39.4(d) or provide mail notification as provided under section 31-55 of this Code.
- (E) Any aggrieved person or entity may appeal a decision made pursuant to subsection (A) to the ~~city commission~~ City Commission if a request for an appeal shall be made with the ~~city clerk's~~ City Clerk's office within seven (7) calendar days after the written decision of the applicable board is transmitted to the ~~city clerk~~ City Clerk. After action of the ~~city commission~~ City Commission, the decision of the applicable board shall be deemed either confirmed or, depending on the motion, reversed. The affirmative vote of three (3)

members of the ~~city commission~~ City Commission shall be necessary in order to reverse the recommendation of the applicable board.

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

(Ord. No. 1500.470, § 2, 5-17-2000; Ord. No. 1500-494, § 1, 8-20-2003; Ord. No. 1500.499, § 1, 10-6-2004; Ord. No. 1500.509, § 1, 4-13-2005; Ord. No. 1500.542, § 1, 6-4-2008)

Section 40.6. Trash container areas.

(a) All trash container areas shall be maintained in a manner which prevents the accumulation of trash, debris, rubbish and litter by providing sufficient dumpsters and sufficient frequency of trash pickups.

(b) In the case of single-family residences, trash containers shall be set out no earlier than 5:00 p.m. the day before the designated pick-up and left out no longer than 8:00 p.m. the designated day of pick-up.

(1) When not out during pick-up, trash containers shall not be stored in the following locations:

(a) In front yards. For the purposes of this section, the front yard of a home is considered to be the yard where the home has its primary entrance and fronts the adjacent road.

(b) Street side setbacks unless screened by a wall or fence.

(b)(c) All new dumpsters, existing dumpsters, including dumpsters for recycling material, and other containers shall be constructed and shall be located and maintained in such a manner so as to provide screening from public view as required by section 23-9, City of Margate Code of Ordinances.

(c)(d) All dumpster locations shall allow pick up and emptying without impact to traffic flows and inconvenience to residents.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.7. Accumulation of stagnant water.

No person owning, operating or having possession of any property within the city shall allow the accumulation of stagnant water in excess of two (2) inches for a period of exceeding twenty-four (24) hours following the cessation of the most recent measurable rainfall. Roofs or other structures or improvements designed for the retention of water are exempt from this section but shall be subject to the design capabilities of said roof, structure or improvement or other governing codes.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.8. Parking and paved areas.

It shall be the responsibility of all persons to maintain all parking and paved areas including curbs and wheel stops in a neat and clean condition. In addition, all parking and paved areas shall be maintained in a good state of repair, which shall include proper drainage and the routine cleaning/clearing of french drains to prevent the accumulation of pools of water and the correction and removal of all ruts, potholes, and broken pavement. In parking areas, the parking spaces shall be maintained in a manner which clearly delineates said spaces and shall include maintenance of parking space striping, directional markings, stop bars, or other indicators. Wheel stops, curbing and any other paved surfaces shall be free of breaks, cracks and other deficiencies. Additionally, all parking

areas shall be maintained in the original constructed condition as required by Article XXXIII of Appendix—A Zoning of the City of Margate Code of Ordinances. This section shall apply to all paved area, including but not limited to parking areas and ingress or egress driveways. Additionally, a building permit shall be required for all resurfacing, resealing, restriping, replacement of parking areas.

An Engineering Permit shall be required if excavation of base-course material will occur to repair areas that include not limited to settlement, washout, or utility damage.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.9. Landscaping maintenance requirements.

All owners of land shall be responsible for the maintenance of all landscaping. This includes mowing and maintaining abutting rights-of-way, swales, lake and canal banks. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area. Landscaping shall be maintained such that it will not cause property damage and public safety hazards, including removal of living, dead or decaying plant material, removal of low hanging branches below twelve (12) feet above grade and those obstructing street lighting. Landscaping shall be maintained in accordance with the following standards:

- (a) *Insects, disease, etc.:* Landscaping shall be kept free of visible signs of insects and disease and appropriately irrigated and fertilized to enable landscaping to be in a healthy condition.
- (b) *Mulching:* Three (3) inches of clean, weed-free, appropriately sterilized organic mulch shall be maintained over all areas originally mulched at all times until landscaped area matures to ~~one hundred~~ {100}percent coverage.
- (c) *Turf edge trimming:* All roadways, curbs and sidewalks shall be edged to prevent encroachment from the adjacent turfed areas.
- (d) *Maintenance of irrigation systems:* Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation system and shall not be installed or operated to place water on roads.
- (e) *Replacement requirements:* An owner is responsible to ensure that living material are replaced with like material if such living material or trees die, or are abused.
- (f) *Removal of root systems:* Removal of root systems which show evidence of destroying public or private property is required.
- (g) *Tree abuse:* Tree abuse is prohibited within the City in accordance with section 23-16 of the City of Margate Code of Ordinances.
- (h) *Tree pruning:*
 - (1) All owners of land must prune trees in accordance with the National Arborist Association Standards. Any pruning performed without conformance to the National Arborist Association Standards shall be subject to enforcement by the city.
 - (2) All tree pruners or removers that provide services for a fee within the City of Margate shall hold a valid occupational license in either Broward, Palm Beach, or Miami-Dade Counties.

~~(3)—Residential property is exempt from the requirements of this subsection.~~

~~(4)(3) The pruning of fruit trees is exempt from the requirements of this subsection.~~

(Ord. No. 1500.470, § 2, 5-17-2000; Ord. No. 2019-1500.648, § 6, 11-20-2019)

Section 40.10. Maintenance of swales.

- (a) *Maintenance responsibility.* It shall be the responsibility of the adjacent property owner to maintain the swale area to the following minimum standards:
- (1) Free of debris; and
 - (2) Grass and or weeds cut no higher than six (6) inches and edged away from the sidewalk and roadway; and
 - (3) Shrubs shall be kept trimmed to a height not to exceed ~~twenty-four (24)~~ inches and provide unrestricted visibility at driveways and street intersections. Shrubs shall be trimmed to prevent encroachment into adjacent sidewalks and streets; and
 - (4) Overhanging branches of trees shall be pruned to provide a vertical clearance of eight (8) feet above the sidewalk, and a minimum vertical clearance of ~~fourteen (14)~~ feet above the road; and
 - (5) The swale shall be kept free and clear of prohibited species, as set forth in section 23-10 of the City of Margate Code of Ordinances.

(Ord. No. 1500.470, § 2, 5-17-2000; Ord. No. 1500.589, § 9, 7-3-2012)

Section 40.11. Maintenance of canal right-of-way or easements.

No owner of land or any persons in their employ or under their control shall deposit in any of the waters of the lakes, ponds, canals, ditches or waterways within the city, any rubbish, filth, construction debris, litter, garbage, grass cuttings or poisonous or deleterious substance or substances liable to affect the health, safety and welfare of persons or fish within the waterways.

It shall be the responsibility of the property owner to maintain the appearance of the canal right-of-way, easement or waterway area to the following minimum standards:

- (1) Free of debris; and
- (2) Grass and or weeds ~~shall cut not exceed higher than~~ six (6) inches; and
- (3) Overhanging branches of trees shall be pruned to a height of at least ~~twelve (12)~~ feet from the water surface of the canal and be free and clear of the waterway, and
- (4) The canal right-of-way or easement area shall be kept free and clear of prohibited species, as defined in the Code of the City of Margate.
- (5) All canals, lakes and other bodies of water shall be kept free of nuisance aquatic plants and in no instance shall any body of water have a surface covering of any type or species of aquatic plant.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.12. Boarded up buildings.

The ~~city~~City recognizes that from time to time it may be necessary to secure real property because of abandonment, disrepair, public hazard or natural disaster. Unsecured property can lead to vandalism problems, occupancy safety problems and appearance problems. The ~~city~~City feels it is necessary to create certain criteria for securing structures.

- (1) Real property may be secured via boarding up windows, doors, or other openings upon the requirement of the building official, fire official, code officers or by a private party, for the purpose of

ensuring public safety and protecting private property, provided a permit is issued by the city prior to securing a property.

- (2) Any means of securing property including crime prevention devices shall be subject to review by the building official for safety and compliance with the building code. In no instance shall safety bars, grating, or other similar apparatus be allowed over any window, door, or other opening of any building.

~~(3) If real property in any zoning district other than an R-3 or R-3A is secured for more than thirty (30) calendar days, except in the case of a natural disaster, the boards, panels or other means of securing structural openings shall be painted to match the exterior color of the building.~~

- (4) The owner of ~~an occupied~~ any structure shall promptly repair any broken door or window so that a temporary boarded up condition is limited. A building permit to replace the door(s) or window(s) shall be obtained within 30 days of notice being made by the City. A temporary board up is permitted while a building permit application to replace the window(s) or door(s) is processing and while the permit is active.

(a) The building official is authorized to permit a board up following the declaration of a state of emergency issued by the Governor for a natural emergency as defined in F.S.252.34(8). Any such repair, other than in the case of a natural disaster, shall be made within ten (10) days

- (5) Any device (including wood or approved hurricane shutters) used for the securing of a property during a declared hurricane or tropical storm shall be removed no later than ten (10) calendar days after the lifting of any hurricane or tropical storm warning or watch. ~~This provision may be suspended by the city manager in the event that the posting of any other storm warnings or watches are imminent.~~

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.13. Determination of need for correction.

Structures and properties failing to meet the standards for a nonblighting influence will be considered "deficient." A blighting influence on the surrounding neighborhood in violation of this article exists when a deficiency or combination of deficiencies represents more than ~~twenty-five (25) per cent~~ percent of the area on any wall, exterior premises, structure, roof or paved surface as viewed from any single vantage point off the property.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.14. Repairs and installations.

Repairs and installation shall be made so as to comply with the Code of the City of Margate and the ~~South~~ Florida Building Code, the provisions contained herein and/or the approved site plan. All work shall proceed in a timely fashion and be done in workmanlike manner.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.15. Violation.

The City shall enforce this article as set forth in section 1-8 of the City of Margate Code of Ordinances.

(Ord. No. 1500.470, § 2, 5-17-2000)

Section 40.16. Foreclosure real property and abandoned personal property.

- (1) *Purpose and intent.* It is the purpose and intent of the City Commission to amend the process to limit and reduce the amount of abandoned personal and real property in foreclosure located within the City. It is the City Commission's further intent to amend the foreclosure property program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties subject to foreclosure.

- (2) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned personal property means wrecked or derelict property which has been left abandoned and unprotected from the elements and shall include wrecked, inoperative or partially machinery, dismantled motor vehicles, trailers, boats, refrigerators, washing machines, plumbing fixtures, furniture and any other similar article which has been left abandoned and unprotected from the elements.

Accessible property means a property that is accessible through a comprised/breached gate, fence, wall, etc.

Accessible structure means a structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

Enforcement officer means any law enforcement officer, fire department official, building official, zoning inspector or code compliance officer employed within the city.

Evidence of vacancy means any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, overgrown and/or dead vegetation, accumulation of abandoned personal property or an absence of home furnishings or personal property, as defined herein, statements by neighbors, passersby, delivery agents or government agents, among other evidence that the property is vacant.

Foreclosure means the legal proceedings initiated by a creditor to repossess the collateral for a residential or commercial loan that is in default.

Foreclosure property means any property that is under a current notice of default and/or notice of mortgagee's sale, or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure, any properties transferred under a deed in lieu of foreclosure or sale or any properties transferred or pending transfer as part of bankruptcy proceedings. See also Registrable property.

Nominal salvage value means the value of an article of abandoned or derelict ~~proper-ty~~ property which a reasonably prudent person would believe the fair market value of the property would be nominally greater than the costs of salvage including the removal, transportation, storage and sale of same. (This shall take into consideration its useful life, earning capacity or replacement cost, less depreciation and items of general or special depreciation.)

Private property means all lands and improvements other than public lands and improvements.

Public property means canals, all waterways, lands and improvements owned by a governmental body or any governmental agency including, but not limited to, easements and rights-of-way, but excluding the campus of any institution of the state university system.

Real property means any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number located within the ~~city~~ City limits.

Registrable Property means:

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- a. Any Real Property located in the ~~city~~ City, whether vacant or occupied, that is subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or trustee and a judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the Foreclosure Action has been dismissed.

Registry means a web-based electronic database of searchable real property records, used by the City to allow Mortgagees the opportunity to register properties and pay applicable fees as required in this Section.

Residential building means any improved real property, or portion thereof, situated in the City, designed or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property.

Semi-Annual Registration means six (6) months from the date of the first action that requires registration, as determined by the City, or its designee, and every subsequent six (6) months the property is Registrable. The date of the initial registration may be different than the date of the first action that required registration.

Vacant means any building/structure that is not legally occupied.

- (3) *Applicability.* This article shall be considered cumulative and not superseding or subject to any other law or provision for same, but shall rather be an additional remedy available to the ~~city~~ City above and beyond any other state, county and/or local provisions for same.
- (4) *Penalties.* Any person who shall violate the provisions of this article shall, upon conviction, be punished as provided in section 1-8.
- (5) *Placement of abandoned personal property prohibited.*
- (a) It shall be unlawful for any person to abandon personal property upon private property:
1. Without receiving the property owner's consent; or
 2. In violation of this or any other applicable law, ordinance or regulation.
- (b) Nothing in this section shall be deemed to apply to abandoned personal property authorized to be left on private business property properly operated, licensed and zoned in the city for the purpose of accepting abandoned property.
- (6) *Public nuisance.* All abandoned personal property and foreclosure real property is hereby declared to be a public nuisance, the abatement of which is hereby declared to be necessary for the health, welfare and safety of the residents of the city.
- (7) *Notification procedure.* When an enforcement officer ascertains that an article of personal property having nominal salvage value lies abandoned or derelict upon private property, that officer shall:
- (a) Cause a notice to be placed upon such abandoned property in the substantially following form:
- NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY THIS PROPERTY,
TO WIT: (setting forth brief description)
- LOCATED AT: (setting forth brief description of location) is:
- IMPROPERLY STORED AND IS IN VIOLATION OF (setting forth ordinance or violation violated)
- AND MUST BE REMOVED WITHIN TEN (10) ~~CALENDAR~~ DAYS FROM THE DATE OF THIS NOTICE;
OTHERWISE IT SHALL BE PRESUMED TO BE ABANDONED PROPERTY AND WILL BE REMOVED AND SOLD
OR DESTROYED BY ORDER OF THE GOVERNING BODY OF THE CITY OF MARGATE, FLORIDA

DATED THIS: (setting forth the date of posting of notice);

SIGNED (setting forth name, title, address and telephone number of enforcement officer.)

Such notice shall be not less than eight (8) inches by ten (10) inches and be sufficiently weatherproof to withstand normal exposure to the elements.

- (b) The enforcement officer shall also make reasonable effort to ascertain the name and address of the owner of the abandoned property and, if such address is reasonably available, the officer shall mail by certified mail a copy of the notice to the owner on or before the date of posting the above-described notice on the abandoned personal property.
- (c) The enforcement officer shall mail, by certified mail, a copy of the above-described notice to the owner of the real property upon which the abandoned personal property is located, as shown by the real estate tax records used by the county, on or before the date of posting such notice.

(8) *Removal of abandoned personal property.*

- (a) If at the end of ten (10) calendar days after posting notice under this article, the owner or any person interested in such abandoned personal property described in the notice has not removed same, the enforcement officer may cause the article of abandoned personal property to be removed and destroyed or sold, and the salvage value, if any, of such article shall be retained by the local government to be applied against the cost of removal and destruction thereof.
- (b) Before sale or destruction, as determined by the City of Margate, any owner or lienholder of the abandoned personal property shall be permitted to regain possession thereof upon proof of ownership or lien rights entitling the lienholder to possession, upon payment of storage charges and all expenses incurred by the enforcement officer and/or the city City.

(9) *Registration of foreclosure property.*

- (a) Any mortgagee who holds a mortgage on real property located within the city shall perform an inspection of the property that is the security for the mortgage, upon issuance of a notice of default. The mortgagee shall, within ten (10) calendar days of the inspection, register the property with the code compliance unit of the City of Margate, or designee.
- (b) Properties shall be inspected by the mortgagee or designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) calendar days of that inspection, update the property with the code compliance unit of the of the City of Margate, or designee.
- (c) Registration pursuant to this section shall contain the name of the mortgagee, the direct mailing address of the mortgagee, a direct contact name and telephone number of mortgagee and, in the case of a corporation or out-of-area mortgagee, the local property management company responsible for the security and maintenance of the property.
- (d) A non-refundable semi-annual fee in the amount of ~~three hundred dollars (\$300.00)~~ shall accompany the registration form. Fees shall be tendered in U.S dollars.
- (e) Each individual property on the Registry that has been registered for ~~twelve (12)~~ months or more prior to the Effective Date shall have ~~thirty (30)~~ calendar days to renew the registration and pay the non-refundable ~~three hundred dollars (\$300.00)~~ Semi-Annual Registration fee. Properties registered less than ~~twelve (12)~~ months prior to the Effective Date shall renew the registration every six (6) months from the expiration of the original registration renewal date and shall pay the non-refundable ~~three hundred dollars (\$300.00)~~ Semi-Annual Registration fee.
- (f) If the mortgage and/or servicing on a property is sold or transferred, the new Mortgagee is subject to all the terms of this Section. Within ten (10) calendar days of the transfer, the new Mortgagee shall

register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.

- (g) If the Mortgagee sells or transfers the Registrable Property in a non-arm 's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) calendar days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
 - (h) This section shall also apply to properties that have been the subject to a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
 - (i) If the Foreclosure Property is not registered, or the registration fee is not paid within thirty (30) calendar days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten (10) ~~per-cent~~ percent of the Semi-Annual Registration fee shall be charged for every thirty-day period, or portion thereof, the property is not registered and shall be due and payable with the registration.
 - (j) Properties subject to this remain under the semi-annual section shall registration requirement, security and maintenance standards of this section as long as they remain Registrable Property.
 - (k) Any person or corporation that has registered a property under this section must report any change of information contained in the registration within ten (10) calendar days of the change.
- (10) *Maintenance requirements.*
- (a) Properties subject to this article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
 - (b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
 - (c) Visible front, side and rear yards shall be landscaped and maintained to the neighborhood standard at the time registration was required. All rear yards shall be maintained such that they do not attract wildlife such as rats, raccoons, stray cats, etc.
 - (d) Landscape shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
 - (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting, and mowing of required landscape and removal or all trimmings.
 - (f) Pools and spas shall be kept in working order so the water remains free and clear of pollutants and debris. Pools and spas shall comply with the enclosure requirements of the City Code of Ordinances and Florida Building Code, as amended from time to time.

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- (g) Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of the City Code and citation by the City's code compliance unit. Pursuant to a finding and determination by the special magistrate, the City may take the necessary action to ensure compliance with this section.
- (11) *Security requirements.*
- (a) Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
 - (b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property and/or structure. Broken windows shall be secured by reglazing.
 - (c) If the property is owned by a corporation and/or out-of-area mortgagee, a local property manager or management company shall be contracted to perform monthly inspections to verify compliance with the requirements of this section, and any other applicable laws.
 - (d) The local property management company shall inspect the property on a monthly basis to ensure that the property is in compliance with this chapter and keep a log of same. Said log shall be produced to the City of Margate upon request.
 - (e) Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of the City Code and citation by the City's code compliance unit pursuant to a finding and determination by the special magistrate, the City may take the necessary action to ensure compliance with this section.
- (12) *Opposing, obstructing enforcement officer; penalty.* Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this article, upon conviction shall be punished as provided in section 1-8.
- (13) *Immunity of enforcement officer.* Any enforcement officer or any person authorized by the enforcement officer shall be immune from prosecution, civil or criminal, for reasonable, good-faith trespass upon real property while in the discharge of duties imposed by this article.
- (14) *Additional authority.* The City's Code Compliance Unit shall have authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all door, window or other openings, employment of an on-site security guard, or other measures as may be reasonably required to prevent a decline of the property.
- (15) *Adoption of rules; expenditure of funds; declaration of city purpose.* The governing body is authorized and empowered to adopt rules and regulations and expend City funds as may be reasonably necessary and available to carry out the terms of this article, the expenditure of such funds being declared a proper city purpose.
- (Ord. No. 1500.545, § 2, 7-2-2008; Ord. No. 2021-1500.654, § 2, 5-5-2021)