

CITY OF MARGATE, FLORIDA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 31 - PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS AMENDING SECTION 31-38 - ISSUANCE OF BUILDING PERMITS, SECTION 31-54 - SPECIAL EXCEPTIONS, SECTION 31-55 PUBLIC NOTICE; AMENDING CHAPTER 23 - LANDSCAPING, SECTION 23-3 - APPLICATION OF LANDSCAPING CODE, SECTION 23-4 - PLAN REQUIRED, AND SECTION 23-9 DUMPSTER AND OTHER SCREENING REQUIREMENTS; AMENDING APPENDIX A - ZONING, ARTICLE XXXIII - OFF-STREET PARKING AND LOADING, SECTION 33.2 - PARKING DESIGN STANDARDS; PROVIDING FOR REVISION OF THE APPROVAL PROCESS FOR APPLICATIONS FOR CHANGES OF OCCUPANCY GROUP OF EXISTING STRUCTURES; PROVIDING FOR SPECIAL EXCEPTION APPLICATION REQUIREMENTS FOR EXISTING STRUCTURES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Margate City Commission finds that vacant bays in multi-tenant structures, and vacant stand-alone buildings contribute to blighted conditions in the City of Margate ("City"); and

WHEREAS, the City Commission would like to simplify the process for a business owner to obtain approval for the development of vacant bays in multi-tenant structures and vacant stand-alone buildings where the business owner is only seeking to change the interior of the structure; and

WHEREAS, the City Commission finds that by providing an alternative review process within the City's Development Services Department, the City will be able to process applications for certain developments in a more expedited process; and

WHEREAS, by processing applications for certain developments in a more expedited process, the City will reduce

1 the cost and time incurred by businesses owners who desire to  
2 locate their businesses in the City of Margate; and  
3

4 WHEREAS, the anticipated new businesses will locate  
5 within vacant bays in multi-tenant structures and in vacant  
6 stand-alone buildings, thus reducing blighted conditions within  
7 the City of Margate; and  
8

9 WHEREAS, the City of Margate Planning and Zoning Board,  
10 sitting as the City of Margate Local Planning Agency, has  
11 reviewed the Code revisions contained in this Ordinance at a  
12 duly noticed public hearing on May 3, 2022 and recommended  
13 their adoption; and  
14

15 WHEREAS, the City Commission conducted a first and  
16 second reading of this Ordinance at duly noticed public  
17 hearings, as required by law, and after having received input  
18 from and participation by interested members of the public and  
19 staff, the City Commission has determined that this Ordinance  
20 is in the best interest of health, safety, and welfare of the  
21 City, its residents, businesses, and its visitors.  
22

23 NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
24 CITY OF MARGATE, FLORIDA:  
25

26 **SECTION 1:**The Code of Ordinances of the City of Margate,  
27 Florida, Chapter 31, PLATTING, SUBDIVISION AND OTHER LAND USE  
28 REGULATIONS, is hereby amended to read as follows:

29 **Sec. 31-38. Issuance of building permits.**

30 (a) *Generally.* The department of environmental and engineering  
31 services, and the building department, may issue permits when  
32 all of the requirements in subsection (b) have been met and  
33 the applicant has further met all other applicable laws and  
34 regulations of the city, county, and state. Conditions of  
35 approval by the development review committee and statements  
36 made by a developer or his/her representative shall be reduced  
37 to writing, approved by signature of the developer,  
38 incorporated into the site plan by the committee, and shall be  
39 binding on the developer during the permitting process.

40 It shall be a violation of the Code of the City of Margate for  
41 the use of property contrary to that provided in any site  
42 plan.

43 (b) *Prerequisites:*

1 (1) Buildings other than single-family or two-family homes:  
2 Prior to issuance of a building permit, a site plan shall  
3 be approved for any building or buildings other than a  
4 single-family or two-family home on a platted lot.

5 (i) As an exception to the above, a building permit to  
6 change the occupancy group of an existing building,  
7 which does not involve any changes to the building  
8 envelope or exterior modifications to the site, does  
9 not require a site plan review by the Development  
10 Review Committee.

11 (2) Single-family or two-family homes: The director of the  
12 building department or his designee shall not approve any  
13 building permit for a single-family or two-family home  
14 unless he/she has determined that adequate services, as set  
15 out by the standards of section 31-35 of this article, are  
16 available.

17 (3) Accessory structures: Structures that are accessory to the  
18 main premises of a developed site and which require a  
19 permit pursuant to the ~~South~~ Florida Building Code but  
20 which do not meet the definition of a building permit set  
21 forth in section 31-33 shall not require a review pursuant  
22 to section 31-34. However, if the director of building and  
23 zoning determines that any such proposal does not meet the  
24 criteria of section 31-35 then he/she shall require a  
25 formal review of said proposal by the committee for  
26 approval.

27 \* \* \*

28  
29 **Sec. 31-54. Special exceptions.**  
30

31 (a) *Purpose.* Special exceptions are generally compatible  
32 with other land uses permitted in a zoning district  
33 but, due to their unique characteristics or potential  
34 impacts on the surrounding neighborhood and the city as  
35 a whole, require individual review as to location,  
36 design, configuration, and/or operation for the  
37 particular use at the particular location proposed, as  
38 well as the imposition of individualized conditions in  
39 order to ensure that the use is compatible with the  
40 surrounding neighborhoods and appropriate at a  
41 particular location.  
42

1 (b) Application requirements for new construction or major  
2 renovation. No use designated as a special exception  
3 shall be established until after such use has received  
4 approval under the provisions of this section and has  
5 received all permits required by this Code of  
6 Ordinances and the Florida Building Code. An  
7 application for special exception approval involving  
8 new construction, or any application for special  
9 exception that proposes to redevelop, substantially  
10 redevelop or reconstruct an existing building, as  
11 defined in this code, shall be filed with the  
12 development services department on forms provided. The  
13 application shall include:

- 14 (1) A professionally prepared preliminary site plan,  
15 meeting the technical requirements for a final  
16 site plan and containing all relevant information  
17 necessary for review, including, but not be  
18 limited to, the following:
- 19 a. A survey meeting the technical standards of the  
20 Florida Department of Professional Regulation,  
21 Board of Land Surveyors.
  - 22 b. An accurate tree location plan, superimposed over  
23 the basic site plan, showing the species and size  
24 of all trees of three (3) inches or greater  
25 caliper, d.b.h.
  - 26 c. Site data, including floor areas, aggregate  
27 building coverage, green space, vehicular use  
28 areas, retention areas and parking ratio.
  - 29 d. Each site plan presented herewith shall be drawn  
30 to a scale of no less than one (1) inch equals  
31 fifty (50) feet, and shall include the complete  
32 dimensioning and location of:
    - 33 1. Plot lines.
    - 34 2. Existing and proposed buildings and all other  
35 proposed improvements.
    - 36 3. Off-street parking, curbing, wheel stops and  
37 interior landscape area.
    - 38 4. Street paving, drainage structures,  
39 sidewalks, driveways, intersections, medians,  
40 existing and proposed deceleration and  
41 turning lanes.
    - 42 5. Setbacks.
    - 43 6. Floor plans, and exterior sales, storage or  
44 service areas.
    - 45 7. Internal walks and pedestrian ways.

8. ~~Typical~~ Color building exterior elevation views of all sides of each building.
  9. Signs and exterior lighting.
  10. Water mains and fire hydrants; sewer laterals.
  11. Buffering and fencing or decorative masonry walls.
  12. Solid waste disposal containers and enclosures.
  13. Proposed finished floor and pavement elevations.
  14. Landscaping plan.
  15. Any other architectural, engineering or other data as may be required to permit the necessary findings.
- (2) The required application fee, as provided in section 31-39 of this Code.
- (3) A written and graphic summary of the proposed project and its relationship to the general standards of review in section 31-54(c) of this Code.
- (4) Ownership affidavit and owner's sworn to consent, if applicable.

(c) Application requirements for a special exception use of an existing building. No use designated as a special exception shall be established within an existing building or structure until after such use has received approval under the provisions of this section and has received all permits required by this Code of Ordinances and the Florida Building Code. An application for special exception approval which proposes to utilize an existing building substantially in its current form shall be filed with the development services department on forms provided. The application shall include:

- (1) A survey meeting the technical requirements of the Florida Department of Professional Regulation, Board of Land Surveyors, shall contain all relevant information necessary for review, to include, but not be limited to, the following:
  - (a) Site data, including existing floor areas, aggregate building coverage, green space and vehicular use areas.
  - (b) Existing off-street parking, curbing, wheel stops and interior landscape area.

1  
2           (c) Existing street paving, drainage structures,  
3           sidewalks and driveways.

4  
5           (2) Professionally prepared floor plan accurately depicting  
6           the proposed use.

7  
8           (3) If applicable, a professionally prepared site plan for  
9           any exterior affected areas of the subject property.

10  
11           (4) If applicable, a professionally prepared landscape and  
12           irrigation plan for any exterior affected landscape areas or  
13           required buffer areas of the subject property.

14  
15           (5) If applicable, professionally prepared color elevations  
16           for any affected areas of the exterior of the building or  
17           structure.

18  
19           (6) If applicable, professionally prepared photometric plan  
20           for any affected areas of the vehicular use area.

21  
22           (7) Any other architectural, engineering or other data as  
23           may be required to permit the necessary findings.

24  
25           (8) The required application fee, as provided in section  
26           31-39 of this Code.

27  
28           (9) A written and graphic summary of the proposed project  
29           and its relationship to the general standards of review in  
30           section 31-54(c) of this Code.

31  
32           (10) Ownership affidavit and owner's sworn to consent, if  
33           applicable.

34  
35       ~~(e)~~(d) *General standards of review.* In addition to the  
36 standards set forth in this Code of Ordinances for the  
37 particular use, all proposed special exceptions shall meet each  
38 of the following standards:

39  
40           (1) The special exception shall be consistent with the  
41               purposes, goals, objectives and policies of the  
42               Margate Comprehensive Plan and the Margate Code of  
43               Ordinances.

44  
45           (2) The establishment, maintenance or operation of the  
46               proposed use shall not be detrimental to or

1           endanger the    public health, safety, or general  
2           welfare.

3  
4           (3)   The establishment, maintenance or operation of the  
5           proposed use shall only be approved if in the best  
6           interest of the city. It shall be determined that  
7           a genuine need for the use is present in the city  
8           to support and justify the approval order to avoid  
9           creating an excessive proliferation of said  
10          special exception use.

11  
12          (4)   The proposed use shall be compatible with the  
13          existing natural environment and community  
14          character of the properties within the immediate  
15          neighborhood.

16  
17          (5)   Utilities, roadway capacity, drainage, and other  
18          necessary public facilities, including police,  
19          fire and emergency services, shall exist at the  
20          city's adopted levels of service, or will be  
21          available concurrent with demand as       provided  
22          for in the requirements of this Code of  
23          Ordinances.

24  
25          (6)   Adequate measures exist or shall be taken to  
26          provide ingress and egress to the proposed use,  
27          for both vehicles and pedestrians, in a manner  
28          that minimizes traffic congestion on public  
29          streets, and the use may not result in a  
30          significantly greater amount of traffic on local  
31          streets than would result from a development  
32          permitted by right.

33  
34          (7)   There shall be adequate parking areas and off  
35          street truck loading spaces (if applicable)  
36          consistent with the parking requirements of the  
37          Code, and the layout of the parking and vehicular  
38          use areas shall be convenient and conducive to  
39          safe operation consistent with city standards to  
40          the greatest extent possible.

41  
42          (8)   The establishment of the special exception shall  
43          not impede the development of surrounding  
44          properties for uses permitted in the zoning  
45          district nor have a negative impact       on       the  
46          value of those properties;

1  
2 (9) The design of the proposed use shall minimize  
3 adverse effects, including visual impacts, of the  
4 proposed use on adjacent property through the use  
5 of building orientation, setbacks, buffers,  
6 landscaping and other design criteria.  
7

8 10) The city commission finds that the granting of the  
9 application will be in the best interest of the  
10 city.  
11

12 ~~(d)~~ (e) *Review by development review committee (DRC).* A  
13 complete application which is submitted pursuant to a  
14 schedule prepared by the development services  
15 department shall be reviewed at the next available DRC  
16 meeting. The DRC shall review the proposed use based on  
17 the general standards of review, use regulations,  
18 development standards of this Code, and all other  
19 applicable development regulations. The DRC chairman  
20 shall submit a written report, incorporating the  
21 findings and recommendation of the DRC, to the planning  
22 and zoning board and city manager.  
23

24 ~~(e)~~ (f) *Meeting of the planning and zoning board.* The planning  
25 and zoning board shall conduct a public hearing in  
26 which they discuss the DRC report and the project  
27 proposal, prior to making a recommendation concerning  
28 the project to the city commission. If the planning and  
29 zoning board determines that the proposed use is in  
30 compliance with general standards of review, use  
31 regulations, and development standards of this Code,  
32 then they shall recommend approval of the special  
33 exception to the city commission, with or without  
34 conditions, as determined appropriate. If the planning  
35 and zoning board finds that the proposed special  
36 exception is not in compliance, they shall recommend  
37 denial of the application. The planning and zoning  
38 board may continue the matter until any additional  
39 information or studies requested have been completed  
40 and offered in testimony.  
41

42 ~~(f)~~ (g) *Review by city commission.* The city commission shall  
43 review all special exception applications. The director  
44 of development services shall transmit to the city  
45 manager a copy of the complete application and a  
46 written staff report summarizing the facts of the case



1 including all relevant documents and the  
2 recommendations of the planning and zoning board, if  
3 applicable. The city manager shall schedule the  
4 proposed special exception application for the next  
5 available city commission meeting providing the  
6 required notice procedures are met.  
7

8 (1) *Public hearing.* The city commission shall hold one (1)  
9 public hearing on the proposed special exception.  
10

11 (2) *Action by city commission.* In considering a special  
12 exception request, the city commission shall review the  
13 proposed special exception, based on the general  
14 purpose and standards of review set forth in this  
15 section, the report of the administration and  
16 recommendation(s) of the planning and zoning board,  
17 and any oral and written comments received before or  
18 at the public hearing. Based upon the record developed  
19 at the public hearings, the city commission may:  
20

21 a. Adopt the proposed special exception by  
22 resolution, with or without conditions;  
23

24 b. Deny the proposed special exception by  
25 resolution; or  
26

27 c. Refer the matter to the planning and zoning  
28 board or administration for further  
29 consideration.  
30

31 ~~(g)~~ (h) *Conditions.* The city commission may attach such  
32 conditions to the approval as it deems necessary to  
33 ensure the proposed use conforms to the standards set  
34 forth in section 31-54(c) general standards of review  
35 and to prevent or minimize adverse effects on other  
36 property in the neighborhood, including, but not  
37 limited to: architectural design guidelines;  
38 limitations on size, bulk and location; duration of  
39 construction period; requirements for landscaping,  
40 signage, outdoor lighting, and the provision or  
41 limitation of ingress and egress; duration of the  
42 approval; hours of operation; and the mitigation of  
43 environmental impacts.  
44

45 ~~(h)~~ (i) *Effect of approval or denial.*  
46

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

10  
11 (2) *Expiration of special exception approval.* Unless  
12 otherwise provided in the approval, the approval of a  
13 special exception application shall be void if a  
14 building permit or engineering permit has not been  
15 issued for the proposed development within twelve (12)  
16 months after the date of the special exception  
17 approval. An applicant who has obtained special  
18 exception approval may request an extension of this  
19 time period by submitting within the twelve-month  
20 period a letter stating the reasons for the request.  
21 The city commission may, at a regular meeting, grant an  
22 extension of up to twelve (12) months, per chapter 31,  
23 section 31-38(c) of the Code of Ordinances.

24  
25 (3) *Rescission of approval by abandonment of use.* Any  
26 discontinuation of an approved special exception for a  
27 period of one hundred eighty (180) consecutive days  
28 shall constitute abandonment and shall rescind the  
29 approval of the special exception. The abandonment  
30 period shall be presumed to have commenced upon the  
31 termination of electrical or water service for the  
32 user, whichever occurs first.

33  
34 ~~(i)~~ (j) *Amendments and alterations to approved special*  
35 *exceptions.*

36  
37 (1) Except as provided under section 31-54(i)(2), any  
38 expansion to an approved special exception and any  
39 addition to or expansion of an existing special  
40 exception shall require the same application, review  
41 and approval as required under this section for the  
42 original approval of the special exception.

43  
44 (2) Minor changes in the site plan or design details of an  
45 approved special exception which are consistent with  
46 the standards and conditions applying to the special

exception and which do not result in additional external impacts, such as a minor shift in the location of a building or structure, the realignment of parking spaces and aisles, the relocation of a driveway, etc. may be approved by the DRC administratively without obtaining additional approvals. No increase in the intensity or change in use shall be considered a minor change for the purposes of this section.

**Sec. 31-55. - Public notice.**

(Aa) *Mailings.* When an application for special exception, conditional use, variance, administrative appeal, reasonable accommodation, plat or plat amendment, rezoning, land use map amendment, or any other quasi-judicial land use determination is filed with the city, the applicant shall be responsible for mailing public notice to the owners of all real property lying within one thousand five hundred (1,500) feet of the subject property for which said application was filed. The mailing radius shall be measured from the property lines of the subject property.

(1) *Content.* The mailed notification shall state "PUBLIC HEARING NOTIFICATION" in bold print at the top of the notice and include the following information:

- a. The applicant's name.
- b. The address of the subject property of the application.
- c. The type of application that was filed with the city.
- d. A description of the proposed project, including the proposed use, hours of operations, acreage of parcel, square footage of structure(s), and/or number and type of residential units.
- e. The name of the board(s) to hear the application.
- f. The scheduled date(s) and time(s) of hearing(s).
- g. The address of where the hearing (s) is/are to take place.

1 h. Municipal contact information for the department  
2 processing the application, to include the  
3 department name, phone number and address.

4 (2) *Procedure.* Within seven (7) days of receiving an  
5 application, as described in section 31-55(a), the  
6 city shall furnish the applicant with a list of all  
7 real property owners within a one thousand five  
8 hundred-foot radius of the subject property of said  
9 application. Ownership of surrounding real property  
10 shall be determined by the most recent tax records  
11 available from the Broward County Property Appraiser.  
12 The applicant shall send public notice described above  
13 via United States Postal Service mail to each required  
14 real property owner at least fourteen (14) days prior  
15 to the scheduled hearing(s).

16 a. For applications that require sequential reviews  
17 by multiple boards of the city, the notice shall  
18 include the scheduled dates, times, board names,  
19 and locations for all required hearings. For the  
20 purpose of this section, required hearings refer  
21 to those held by the city commission, the  
22 planning and zoning board, the board of  
23 adjustment, and any other board whose members are  
24 appointed by the city commission.

25 1. In the event an application is tabled at a  
26 properly noticed hearing, no further  
27 mailings shall be required for the  
28 application to appear before that particular  
29 body that tabled the application. However,  
30 if the tabling action causes hearings by  
31 other boards of the city in a sequential  
32 review of an application to be rescheduled  
33 to dates other than those provided in the  
34 mailed public notice, then the applicant  
35 shall mail a revised notice as provided in  
36 this section at least fourteen (14) days  
37 prior to the rescheduled hearing(s).

38 2. In the event that an application is delayed  
39 between hearings of a sequential review for  
40 any reason other than being tabled, as  
41 described above, then the applicant shall  
42 mail a revised notice as provided in this

section at least fourteen (14) days prior to the rescheduled hearing.

3. In the event that an applicant appeals a board decision to a higher body of the city, or that the city commission refers a special exception application back to the planning and zoning board as described in section 31-54(f)(2)c., the applicant shall mail a revised notice as provided in this section at least fourteen (14) days prior to the rescheduled hearing.

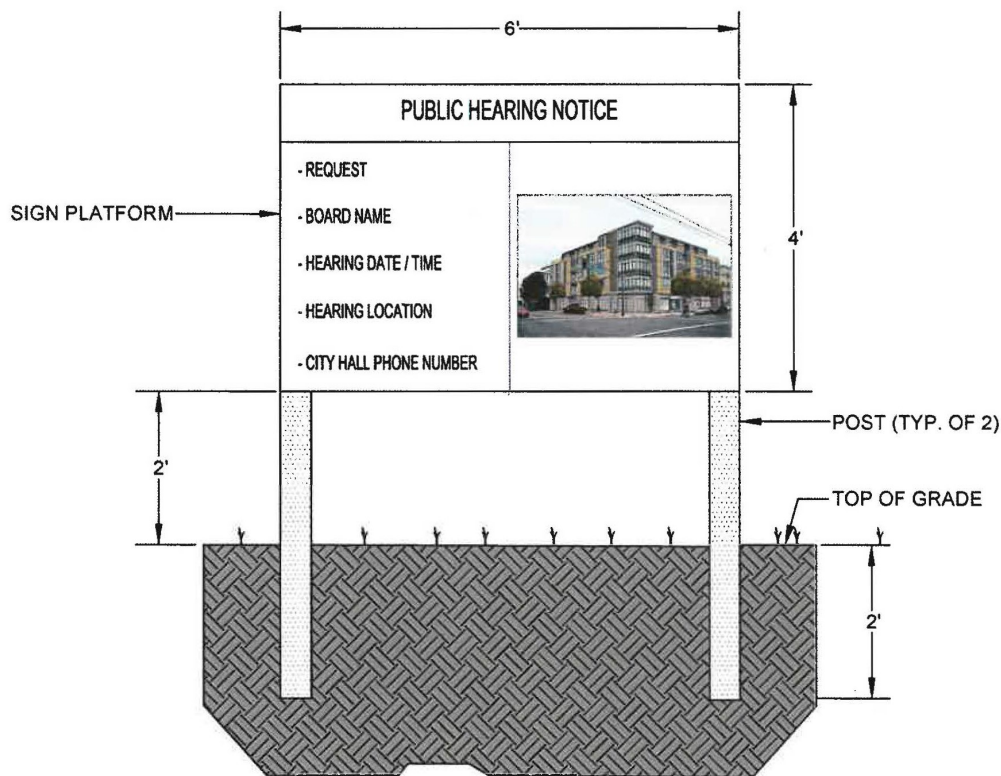
b. Upon mailing the required public notice, the applicant shall submit proof of said mailing to include a sample letter, postage receipt, and a sworn affidavit affirming that the public notice requirements of this section have been executed as described in this section. Said proof of mailing shall be provided to the city at least ten (10) days prior to the first scheduled hearing.

~~e. In the event that the applicant fails to satisfy all of the requirements of this section, the application shall not be scheduled for the planning and zoning board, board of adjustment, CRA board, or city commission, until the above requirements have been met.~~

(Bb) *Signs.* When an application for special exception, conditional use, variance, administrative appeal, reasonable accommodation, plat or plat amendment, rezoning, land use map amendment, or any other quasi-judicial land use determination is filed with the city, the applicant shall be responsible for posting public hearing notice on the subject property of the application at least fourteen (14) days prior to the scheduled public hearing.

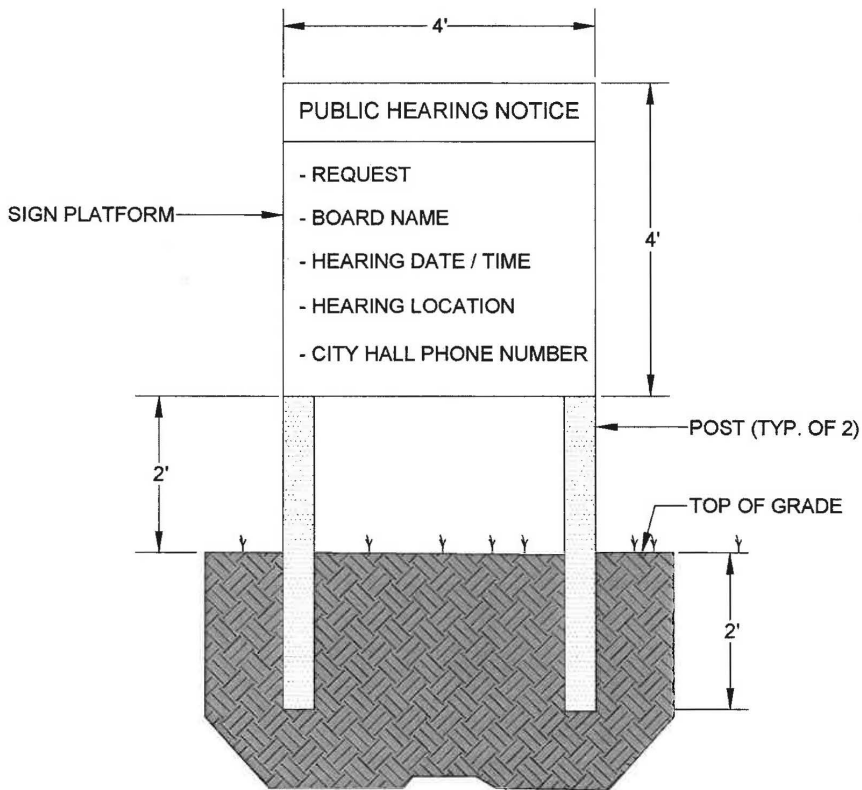
(1) *New construction.* Applications for quasi-judicial land use determinations consisting of new development, redevelopment, major renovation of an existing structure, or facade change, ~~change of use, special exception, conditional use, or any other new construction of a building or structure other than that excluding those~~ on an individual single-family home lot, shall post signs meeting the following criteria:

- a. Freestanding, single-faced sign, posted to a height of six (6) feet above grade.
- b. The sign face shall be twenty-four (24) square feet in area, such that it is six (6) feet wide by four (4) feet high.
- c. The sign face shall be laterally divided into two (2) sides. The right side of the sign shall display a colored rendering of the proposed project. The left side shall provide the information described in section 31-55(b)(4), below.



- (2) Existing structures. Applications for quasi-judicial land use determinations consisting of a variance, administrative appeal, plat or plat amendment, rezoning, Land Use Map Amendment, minor modification to an existing structure or other quasi-judicial land use determinations that do not involve a change of the existing building envelope, excluding those on an individual single-family home lot, shall post signs meeting the following criteria:

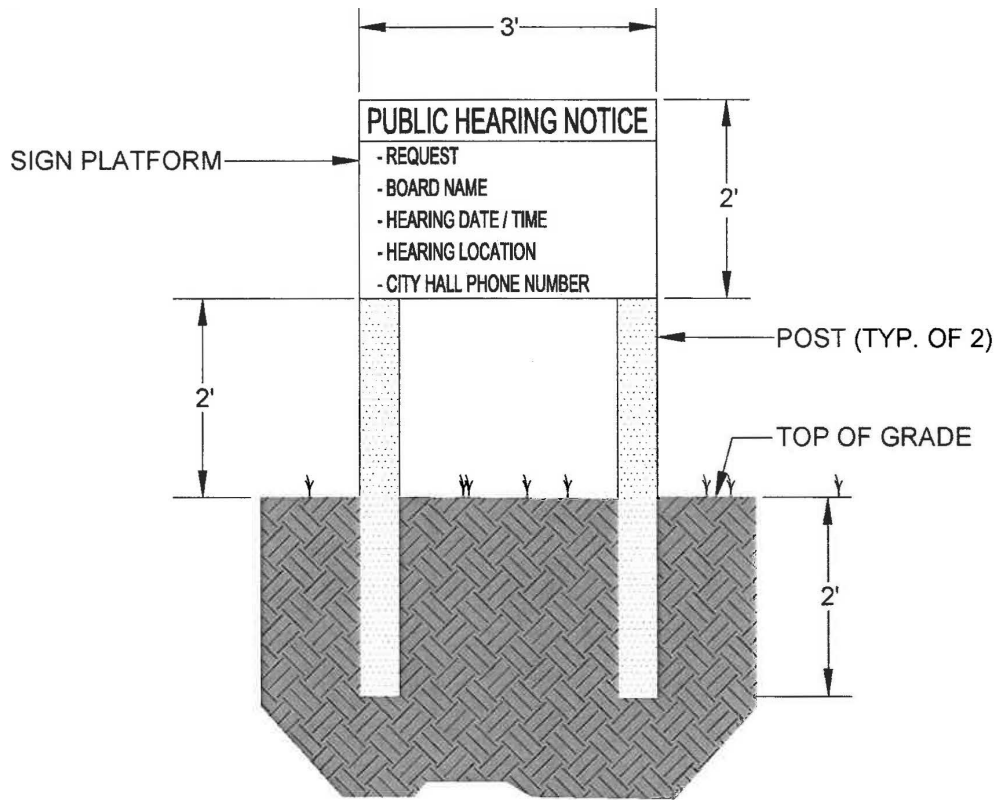
- 1 a. Freestanding, single-faced sign, posted to a  
2 height of six (6) feet above grade.
- 3 b. The sign face shall be at least sixteen (16)  
4 square feet, such it that is at least four (4)  
5 feet wide by four (4) feet high.
- 6 c. The sign(s) shall conform to section 31-55(b) (4),  
7 below.



8  
9  
10 (3) Single-family homes. Applications for quasi-judicial  
11 land use determinations for consisting of a variance,  
12 administrative appeal, or other quasi-judicial land  
13 use determinations on an individual single-family home  
14 shall post signs meeting the following criteria:

- 15 a. Freestanding, single-faced sign, posted to a  
16 height of four (4) feet above grade.
- 17 b. The sign face shall be at least six (6) square  
18 feet, such it that is at least three (3) feet  
19 wide by two (2) feet high.

c. The sign(s) shall conform to section 31-55(b)(4), below.



(4) *Criteria.* The posted notification shall satisfy the following criteria:

a. *Content.* The sign face shall state "PUBLIC HEARING NOTICE NOTIFICATION" in bold print at the top of the notice and include the following information in line item bullet format:

1. The type of hearing request, and brief description of the application, for example, "SPECIAL EXCEPTION FOR GASOLINE STATION."
2. The board scheduled to hear the application, for example, "CITY COMMISSION."
3. The hearing date and time.
4. The hearing location.
5. The phone number for City Hall.



b. *Posting.* Public hearing signs shall be posted in the following manner:

1. One (1) public hearing sign shall be posted by the applicant facing each adjacent public right-of-way of the subject property. If the subject property does not have an adjacent right-of-way, the sign(s) shall be installed on the subject property in a manner to provide the highest level of visibility to the public, as determined by city staff. Signs must be posted on the subject property, setback five (5) feet. The intent of this section is to provide highly visible notice to the public, as such, if visual obstructions exist on the subject property such as landscaping or manmade structure(s), the height and setback may be adjusted to provide the best visibility possible, as determined by city staff.

2. In the event that an application is tabled, or where sequential hearings are required, the petitioner shall update the sign(s) within seventy-two (72) hours of the most recent hearing date. The sign must be updated at least fourteen (14) days prior to the next scheduled hearing in order to be heard.

c. *Construction.* Public hearing sign faces shall be made of a durable, rigid material. Paper, cardboard, fabric or vinyl banners shall not be used in the construction of a public hearing sign. Signs must be freestanding unless otherwise authorized by staff. Signs shall feature black lettering on a white background. Lettering shall be displayed in a bold, highly visible font.

d. *Bond.* Petitioner shall execute a public hearing sign bond agreement with the city acknowledging that the above sign(s) shall be removed within two (2) business days following a final determination on the matter. If said sign(s) is/are not removed in two (2) business days, the petitioner, on behalf of the owners of the property, authorize the administration of the

City of Margate to remove said sign(s),  
forfeiting the bond fee.

(C) Compliance. In the event that the applicant fails to  
satisfy all of the requirements of this section, the  
application shall not be scheduled for public hearing until  
the above requirements have been met.

**SECTION 2:** The Code of Ordinances of the City of Margate,  
Florida, Chapter 23 - LANDSCAPING, is hereby amended to read as  
follows:

**Sec. 23-3. - Application of landscaping code.**

(A) No new building or vehicular use area shall be erected or  
paved, unless in conformity with the regulations specified  
herein.

(B) The provisions of this landscaping code regarding the  
installation of new landscaping material (other than  
replacement landscaping material) shall apply in the  
following instances: ~~when any existing building or  
vehicular use area is expanded, extended, redeveloped, or  
enlarged, or when there is a change in the occupancy group  
of a building, as described in the Florida Building Code or  
other building code in force and effect at the time, or for  
any application for a special exception use. However,  
single-family homes undergoing a driveway expansion or  
repave shall not be required to install new landscaping at  
the time of permitting.~~

(1) When any existing building or vehicular use area is  
expanded, extended, redeveloped, or enlarged; however,  
single-family homes undergoing a driveway expansion or  
repave shall not be required to install new  
landscaping at the time of permitting.

(2) For any special exception use application that  
involves new construction, redevelopment, or  
substantially redeveloping or reconstructing an  
existing building.

(3) Any exterior affected areas related to an application  
for special exception use within an existing building,  
other than described above.

(4) Any exterior affected areas related to a change of occupancy application.

- (C) The standards for landscaping maintenance shall be applicable to all landscaping within the city regardless of when same was installed.

**Sec. 23-4. Plan required.**

- (A) A landscaping plan and irrigation plan shall be submitted with every DRC application for site plan approval or amendment, ~~change of occupancy group~~ or special exception. Said landscaping plan shall be prepared by a Florida registered landscape architect ~~or a recognized landscape designer in good standing with the Florida Nurseryman and Growers Association.~~

\* \* \*

**Sec. 23-9. Dumpster and other screening requirements.**

- (A) All dumpsters, compactors, and sites containing five (5) or more garbage cans within the city shall be located on a reinforced concrete pad and screened by a durable opaque enclosure that is not less than six (6) feet in height. Said enclosure shall not be made of chain link or any other similar material. Each enclosure shall be equipped with durable gates. A combination of hedges and ground covers shall be planted on any side of the enclosure that is visible from any right-of-way or residential property ~~three (3) sides of the enclosure,~~ in a planting bed not less than three (3) feet in width.

Previously developed sites that are legally non-conforming with this section shall be required to comply at the time of any DRC application for site plan approval or amendment, ~~change of occupancy group,~~ or special exception that involves new construction, redevelopment, or substantially redeveloping or reconstructing an existing building.

To achieve the objectives of this section, existing off-street parking facilities may be reduced upon administrative review and approval of a site plan amendment by the development review committee.



1 facilities meet the design criteria and meet  
2 functional compliance with this Code.

3  
4 \* \* \*

5  
6 (F) Before any building or engineering permit for any new  
7 parking area, new or change of use, or substantial  
8 modification to an existing parking area such as an  
9 alteration to vehicle circulation and/or an expansion or  
10 reduction of the parking area can be issued, a property  
11 owner shall submit a master parking plan to the City for  
12 review and approval, as follows:

13  
14 (1) For single-family or duplex housing, a parking plan  
15 shall be submitted with the building permit application  
16 for said single-family or duplex unit. The plan shall  
17 clearly and accurately designate the required off-  
18 street parking spaces.

19 (2) For building permits involving the change of occupancy  
20 group of a building, as described in the Florida  
21 Building Code, a detailed parking calculation shall be  
22 submitted with the permit application. If this Code  
23 does not prescribe a minimum number of parking spaces  
24 for the proposed use(s), then a justification for the  
25 number of parking spaces provided shall be prepared by  
26 qualified traffic engineer or certified planner (AICP)  
27 and submitted with the permit application. Any such  
28 traffic engineer shall be a professional engineer  
29 licensed in the State of Florida. The parking  
30 calculation may be approved by staff based on the  
31 criteria provided below, in Section 33.2(F)(3)(e) of  
32 this Code.

33 (23) For all other uses or improvements described in  
34 Paragraph (F), above, a master parking plan shall be  
35 submitted by the property owner to the Development  
36 Services Department for review and approval by the  
37 Development Review Committee (DRC). The plan shall  
38 clearly and accurately designate off-street parking  
39 spaces, landscape areas, pedestrian access, bicycle  
40 parking facilities, parking for disabled people,  
41 pedestrian drop off and pick-up areas, dumpster  
42 locations, loading zones, all truck turning movements,  
43 drainage, lighting, access aisles, driveways, and the  
44 relation to the uses or structures these off-street

1 parking facilities are intended to serve as  
2 appropriate. If applicable to the subject property or  
3 properties, the following parking area features shall  
4 be included in the master parking plan: electric  
5 vehicle charging stations, fuel pumps, valet parking,  
6 vehicle gates, vehicle reservoir areas (queueing),  
7 short-term parking such as order online and pick-up at  
8 store parking, designated spaces for restaurants with  
9 curbside or automobile service where customers consume  
10 food in vehicles, reserved parking spaces, hydrants,  
11 freestanding signs, and all other accessory structures  
12 within the parking area. Such facilities shall be  
13 arranged for the convenient access and safety of  
14 pedestrians and vehicles.

15 (a) The master parking plan shall be prepared by a  
16 professional engineer licensed in the State of  
17 Florida.

18 (b) The master parking plan shall provide a detailed  
19 parking calculation. If this Code does not  
20 prescribe a minimum number of parking spaces for  
21 the proposed use(s), then a justification for the  
22 number of parking spaces provided shall be  
23 prepared by a qualified traffic engineer or  
24 certified planner (AICP) and submitted with the  
25 master parking plan. Any such traffic engineer  
26 shall be a professional engineer licensed in the  
27 State of Florida.

28 (c) Where shared parking is proposed, the master  
29 parking plan shall identify the uses that share  
30 the parking and demonstrate the hours of peak  
31 demand by each use.

32 (d) When an application for a change of use is  
33 submitted a previously approved master parking  
34 plan may be submitted to the Development Services  
35 Director for review with an updated parking  
36 calculation and justification for the number of  
37 spaces provided. The director may approve the plan  
38 or forward it to the DRC for review and approval.

39 (e) Approval of a proposed master parking plan shall  
40 be based on the design standards of the City Code  
41 for the various components of the plan. All of the  
42 following factors shall be considered in the  
43 justification of the number of parking spaces:

- (i) The physical constraints of the parking field.
- (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.

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

**SECTION 5:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no

1 way affect the validity of the remaining portions of this  
2 Ordinance.

3  
4 **SECTION 6:** It is the intention of the City Commission  
5 that the provisions of this Ordinance shall become and be made a  
6 part of the City of Margate Code, and that the sections of this  
7 Ordinance may be renumbered or relettered and the word  
8 "ordinance" may be changed to "section", "article" or such other  
9 appropriate word or phrase in order to accomplish such  
10 intentions.

11  
12 **SECTION 7:** This Ordinance shall become effective  
13 immediately upon adoption at its second reading.

14  
15 PASSED ON FIRST READING THIS \_\_\_\_ day of \_\_\_\_\_ 2022.

16 PASSED ON SECOND READING THIS \_\_\_\_ day of \_\_\_\_\_ 2022.

17 ATTEST:

18  
19  
20 \_\_\_\_\_  
21 JENNIFER M. JOHNSON  
22 CITY CLERK

\_\_\_\_\_  
ANTONIO V. ARSERIO  
MAYOR

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

24  
25 Simone \_\_\_\_\_  
26 Schwartz \_\_\_\_\_  
27 Ruzzano \_\_\_\_\_  
28 Caggiano \_\_\_\_\_  
29 Arserio \_\_\_\_\_

Simone \_\_\_\_\_  
Schwartz \_\_\_\_\_  
Ruzzano \_\_\_\_\_  
Caggiano \_\_\_\_\_  
Arserio \_\_\_\_\_