

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, RELATED TO DRIVEWAY IMPROVEMENTS AND PARKING REGULATIONS, AMENDING CHAPTER 23 - LANDSCAPING, ARTICLE 1. - IN GENERAL, SECTION 23-6. - DRIVEWAY LIMITATIONS, LANDSCAPING ABUTTING RIGHT-OF-WAY, VISUAL CLEARANCE; AND CHAPTER 33 - POLICE AND LAW ENFORCEMENT; OFFENSES AND MISCELLANEOUS PROVISIONS ARTICLE VI. - TRAFFIC CONTROL, SEC. 33-69.52. - SUPPLEMENTAL LOCAL REGULATIONS AND SEC. 33-72. - NOTICE AND SCHEDULE OF FINES FOR ILLEGALLY PARKED VEHICLES; AND APPENDIX A ZONING ARTICLE XL. - PROPERTY MAINTENANCE STANDARDS SECTION 40.8. - PARKING AND PAVED AREAS; PROVIDING FOR LARGER DRIVEWAYS AND ADDING RESTRICTIONS FOR PARKING VEHICLES ON GRASS AND OTHER AREAS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Code of Ordinances of the City of Margate, Florida, (hereinafter the "Code") Chapter 23 - Landscaping, Driveway limitations, landscaping abutting right-of-way, visual clearance, provides dimensional and location restrictions for driveways; and

WHEREAS, the City Commission of the City of Margate has found that the standards need to be amended to provide for larger driveways, and in conjunction with the revisions to driveway standards, the City Commission finds it necessary to revise the

1 associated vehicle parking regulations on affected property and
2 adjacent rights-of-way; and

3 WHEREAS, Chapter 33 - POLICE AND LAW ENFORCEMENT;
4 OFFENSES AND MISCELLANEOUS PROVISIONS, provides for restrictions
5 on the parking of vehicles on City right-of-way and provides for
6 penalties; and

7 WHEREAS, the City Commission of the City of Margate has
8 found that additional restrictions related to vehicle parking
9 should be adopted; and

10 WHEREAS, Appendix "A," "Zoning," of the City of Margate
11 Code of Ordinances, provides for restrictions on the type of
12 surface on which vehicles may be parked; and

13 WHEREAS, the City Commission of the City of Margate has
14 found that the surface on which vehicles may be parked should be
15 a hard, dust-free surface, except when a vehicle is being parked
16 on a temporary basis; and

17 WHEREAS, the City of Margate Planning and Zoning Board,
18 sitting as the Local Planning Agency, has reviewed the Code
19 revisions contained in this Ordinance at a duly noticed public
20 hearing on August 9, 2022, and recommended approval of the Code
21 revisions; and

22 WHEREAS, the City Commission conducted a first and second
23 reading of this Ordinance at duly noticed public hearings, as

1 required by law, and after having received input from and
2 participation by interested members of the public and staff, the
3 City Commission has determined that this Ordinance is consistent
4 with the City's Comprehensive Plan and in the best interest of
5 the City, its residents, and its visitors.

6 NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
7 THE CITY OF MARGATE, FLORIDA:

8 **SECTION 1:** The Code of Ordinances of the City of
9 Margate, Florida, Chapter 23, Article I - In General, Section
10 23-6 - Driveway limitations, landscaping abutting right-of-way,
11 visual clearance, is hereby amended to read as follows:

12 **Sec. 23-6. - Driveway limitations, landscaping abutting right-of-**
13 **way, visual clearance.**

14 (A) Driveways. The following regulations shall apply to all
15 driveways constructed or modified after the effective date of this
16 article:

17 ~~(1) In multi-family residential developments the maximum width~~
18 ~~of a driveway connection shall be sixty-five (65) feet for~~
19 ~~two-way vehicular movement that has a divided entrance with~~
20 ~~center island, thirty-six (36) feet for two-way vehicular~~
21 ~~movement and fourteen (14) feet for one-way vehicular~~
22 ~~movement.~~

1 In Multifamily residential development, the maximum driveway
2 widths shall be as follows:

3 (a) 65 feet for two-way traffic for a driveway with a
4 center island.

5 (b) 36 feet for an undivided driveway with two-way
6 traffic.

7 (c) 14 feet for one-way traffic.

8 ~~(2) For all lots containing single~~ Driveway design standards
9 for single family attached and detached dwellings ~~and duplex~~
10 ~~detached dwellings.~~ Existing permitted driveways may be
11 reconstructed exactly as they were permitted regardless of
12 these regulations, and any parts may be expanded so long as
13 the new expanded area(s) complies with this Section. All
14 portions of any driveway are subject to these limitations:

15 ~~(a) All lots with forty-five (45) feet, or less, of street~~
16 ~~frontage shall be permitted to install a maximum~~
17 ~~cumulative total driveway connection(s) width up to~~
18 ~~eighteen (18) feet.~~

19 General Standards.

20 (i) Side Setbacks: 18 inches.

21 ii) Rear Setback: five (5) feet.

22 (iii) The width of driveways on the plot may not
23 exceed the maximum width allowed at the frontage.

1 (iv) Between driveway connections on the same lot:
2 20 feet.

3 (v) Circular driveways shall have a landscaped area
4 between each connection. The curve of the circular
5 driveway shall be setback at least eight (8) feet
6 at the midpoint between connections.

7 (vi) Driveways may have flares at the point of
8 intersection with the abutting roadway. Flares may
9 be a maximum of five (5) feet in width, and may have
10 a zero (0) setback measured from a straight line
11 extended from the property line to the abutting
12 roadway.

13 (vii) Turn-in or similar design where the driveway
14 turns to be parallel or almost parallel to the
15 adjacent street, eight (8) feet from the adjacent
16 property line.

17 (viii) All driveways shall be located as far away
18 from street intersections as possible.

19 (ix) A driveway may only connect to another driveway
20 in front of a home.

21 (b) Frontage. For the purposes of this section, the
22 property owner may designate which frontage is the
23 primary frontage and which is the secondary frontage for

1 the property on which the driveway is located, subject
2 to the undivided local street highway classification map
3 requirements of (c)(ii); only one (1) frontage may be
4 considered the primary frontage.

5 (c) Driveway regulations for lots with 54 feet or less
6 street frontage.

7 (i) Primary frontage: Maximum of two (2) driveways
8 with a maximum total width of 27 feet.

9 (ii) Secondary frontage: If located on an undivided
10 local street, as classified by the Broward County
11 Metropolitan Organization's Broward Highway
12 Functional Classifications Map, may have a maximum
13 of one (1) driveway with a minimum depth of 20 feet
14 entirely on the property, maximum 20 percent of the
15 width of the frontage, not less than nine (9) feet
16 in width.

17 (d) Driveway regulations for lots with more than 54 feet
18 street frontage.

19 (i) Primary frontage: Maximum of three (3) driveways
20 with a maximum total width of 50 percent of the
21 frontage, not less than 27 feet in width.

22 (ii) Secondary frontage: If located on an undivided
23 local street, as classified by the Broward County

Metropolitan Organization's Broward Highway
Functional Classifications Map, may have a maximum
of two (2) driveways with a minimum depth of 20 feet
entirely on the property, maximum 20 percent of the
width of the frontage not less than nine (9) feet
in width.

(f) Summary of single family attached and detached
dwelling driveway regulations. The driveway
requirements of this section are summarized in the table
below.

<u>Lot</u> <u>Frontage</u>	<u>Maximum</u> <u>Width on</u> <u>Primary</u> <u>Frontage</u>	<u>Maximum</u> <u>Width on</u> <u>Secondary</u> <u>Frontage</u>	<u>Side</u> <u>Setbacks</u>	<u>Rear</u> <u>Setbacks</u>	<u>Distance</u> <u>between</u> <u>Driveways</u>
<u>Less than</u> <u>54 feet</u>	<u>27 feet</u>	<u>20</u> <u>percent</u> <u>of the</u> <u>frontage,</u> <u>not less</u> <u>than 9</u> <u>feet</u>	<u>18 inches</u>	<u>5 feet</u>	<u>20 feet</u>
<u>Greater</u> <u>than 54</u> <u>feet</u>	<u>50</u> <u>percent,</u> <u>not less</u> <u>than 27</u> <u>feet</u>	<u>20</u> <u>percent,</u> <u>not less</u> <u>than 9</u> <u>feet</u>	<u>18 inches</u>	<u>5 feet</u>	<u>20 feet</u>

~~(b) All lots with more than forty-five (45) feet of street~~
~~frontage may have a single driveway connection no greater than~~
~~twenty-seven (27) feet in width, or forty (40) per cent of~~
~~total street frontage, whichever measurement is less. If an~~
~~additional driveway connection is desired for a circular~~
~~driveway design, then the lot may have up to a cumulative~~

1 ~~total of thirty-six (36) feet of driveway width, or forty (40)~~
2 ~~per cent of total street frontage, whichever measurement is~~
3 ~~less. Portions of a driveway located on private property shall~~
4 ~~also be subject to the width limitations described above.~~

5 ~~(c) All lots located within a Planned Residential Community~~
6 ~~(PRC) or Planned Unit Development (PUD) zoning district, and~~
7 ~~having no on-street parking available on the immediately~~
8 ~~adjacent roadway, may have a maximum cumulative total driveway~~
9 ~~width of twenty-seven (27) feet.~~

10 ~~(d) The minimum driveway setback shall be eighteen (18) inches~~
11 ~~from any side property line.~~

12 ~~(e) If an additional driveway connection is requested for~~
13 ~~circular driveways, or other similar designs utilizing two (2)~~
14 ~~driveway connections, the driveway connections must be~~
15 ~~separated by a minimum of twenty (20) feet.~~

16 ~~(f) The apex of any circular driveway shall be setback a~~
17 ~~minimum of eight (8) feet from the property line.~~

18 ~~(g) Each single-family detached dwelling and duplex detached~~
19 ~~dwelling shall be permitted a maximum of two (2) driveway~~
20 ~~connections, subject to the criteria above.~~

21 ~~(i) As an exception, corner lots may have one (1)~~
22 ~~additional driveway connection on the street side yard.~~
23 ~~This connection shall not be greater than ten (10) feet~~

1 ~~in width, and shall be used for access to the rear yard.~~
2 ~~This additional driveway must be setback a minimum of~~
3 ~~five (5) [feet] from the rear property line, and shall~~
4 ~~not connect to the primary driveway in the front yard.~~

5 (3) ~~In commercial,~~ Driveway design standards for Non-
6 residential and mixed-use ~~mixed use, and industrial~~
7 ~~developments~~ driveway design standards: ~~the maximum width of~~
8 ~~a driveway connection shall be forty (40) feet for two-way~~
9 ~~driveways and fourteen (14) feet for one-way driveways.~~

10 (a) Maximum width of 40 feet for two-way traffic.

11 (b) Maximum width of 14 feet for one-way traffic.

12 (c) Abutting properties are strongly encouraged to share
13 driveway connections where possible.

14 (d) When a driveway for the property's only legal access
15 cannot comply with the spacing requirements of this
16 Section, a driveway shall be allowed as far as possible
17 from other driveways without the need to apply for a
18 variance, subject to the requirements of the Florida
19 Department of Transportation or Broward County as
20 applicable, and the limitations below. This requirement
21 applies to both vacant and lots being redeveloped.

22 (e) When a driveway for the property cannot comply with
23 the spacing requirements of this Section, and has legal

1 access from a non-residential street or alley, or has a
2 cross-access easement with an abutting property, a
3 driveway on that frontage shall be prohibited.

4 (4) In multi-family ~~residential, commercial, industrial,~~
5 nonresidential, and mixed use districts, the following shall
6 apply: no more than one (1) two-way, or two (2) one-way
7 driveways shall be permitted for any street frontage of two
8 hundred (200) lineal feet or less. The minimum spacing of two-
9 way driveways shall be two hundred (200) feet from any other
10 driveway. The minimum spacing for one-way driveways shall be
11 eighty (80) feet from any other driveway. Abutting properties
12 are encouraged to share driveway connections where possible.

13 (a) Maximum of one (1) two-way or two (2) one-way
14 driveways for any street frontage of 200 feet or less.

15 (b) Driveways shall be located as far away from a street
16 intersections as possible.

17 (c) Minimum spacing between two-way driveways of 200 feet
18 from any other driveway.

19 (d) Minimum spacing for one-way driveways of 80 feet from
20 any other driveway.

21 (5) All driveways shall be located as far away from street
22 intersections as possible.

1 (6) Back out parking, i.e. a parking lot design which forces
2 vehicles to use a public right-of-way to maneuver into or out
3 of a parking stall, is prohibited except for one- and two-
4 family sites fronting on local streets. Driveways connecting
5 same are considered to be one-way. This provision is not
6 intended to regulate on-street parking.

7 . . .

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

10 **Section 2:** The Code of Ordinances of the City of Margate,
11 Florida, Chapter 33 - Police and Law Enforcement; Offenses and
12 Miscellaneous Provisions, Article VI. - Traffic Control, Section
13 33-69-52. - Supplemental local regulations, is hereby amended to
14 read as follows:

15 **Sec. 33-69.52. - Supplemental local regulations.**

16 . . .

17 (5) Manner of parking. Except as otherwise provided in this section
18 or unless posted otherwise:

19 a. Except where angle parking or parking on one-way streets
20 is permitted by this chapter, every vehicle stopped or parked
21 upon a street shall be stopped or parked in the direction of
22 authorized traffic with the right-hand wheels of such vehicle
23 parallel with and within twelve (12) inches of the right-hand

1 curb or gutter pan (Miami curb). No parking is permitted on
2 any swale area where a curb is provided.

3 b. No person shall park any vehicle upon a street in such a
4 manner or under such conditions to leave available less than
5 ten (10) feet of the width of the roadway for free movement
6 of vehicular traffic.

7 c. Where curbs or gutter pans are not provided, the parking
8 of a car shall not extend more than twelve (12) inches into
9 the paved portion of the street.

10 d. Where a vehicle is parked on a street pursuant to this
11 section, no vehicle may be parked parallel to said vehicle on
12 a swale adjacent to the vehicle parked on the street.

13 e. No vehicle shall be parked in any area intended to be used
14 as a walkway by the general public, whether located on public
15 or private property. Blocking a clearly defined parking space
16 is prohibited.

17 f. No vehicle may be parked anytime on roadway segments with
18 double yellow lines.

19 g. Unauthorized Swale Parking. Parking in a swale shall be
20 limited to the occupants or invitee of the occupant of the
21 abutting property.

h. Mailboxes. No vehicle may be parked within ten (10) feet of either side of a mailbox Monday through Saturday between the hours of 7:00 a.m. and 8:00 p.m.

• • •

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

Section 3: The Code of Ordinances of the City of Margate, Florida, Chapter 33 - Police and Law Enforcement; Offenses and Miscellaneous Provisions, Article VI. - Traffic Control, Section 33-69-72. - Notice and schedule of fines for illegally parked vehicles, is hereby amended to read as follows:

(a) Whenever any motor vehicle is found parked, stopped, or standing in violation of any of the restrictions imposed by ordinance of the municipality, the officer finding such vehicle shall take its tag number, and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such a vehicle a parking citation, on a form provided by the office of the ~~chief of police~~ City , for the driver to answer the charge against him within the time prescribed herein.

• • •

(c) The penalty for parking within fifteen (15) feet of a fire hydrant, parking within fifteen (15) feet of fire department

1 connections, ~~and~~ parking within the fire lanes, parking within
2 ten (10) feet of either side of a mailbox Monday through
3 Saturday between the hours of 7:00 a.m. and 8:00 p.m., anytime
4 on roadway segments with double yellow lines, or unauthorized
5 parking in a swale, shall be fifty dollars (\$50.00).

6 . . .

7 (g) Any person who elects to appear before a county judge or
8 Special Magistrate to present evidence regarding a parking
9 citation shall be deemed to have waived his right to pay the
10 civil penalty provisions as provided for in this section. The
11 county judge or Special Magistrate, after hearing, shall make
12 a determination as to whether a parking violation has been
13 committed and shall impose a civil penalty of one hundred
14 dollars (\$100.00) (two hundred fifty dollars (\$250.00) for
15 parking in a disabled space), plus any court, hearing, or
16 administrative costs. Any person who fails to pay the civil
17 penalty within the time allowed by the court or Special
18 Magistrate shall be deemed to have been convicted of a parking
19 ticket violation, and the court or City shall take appropriate
20 measures to enforce collection of the fine.

21 . . .

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

1 Section 3: The Code of Ordinances of the City of Margate,
2 Florida, Appendix A Zoning, Article XL. - Property Maintenance
3 Standards, Section 40.8 - Parking and paved areas, is hereby amended
4 to read as follows:

5 **Section 40.8. - Parking and paved areas.**

6 (a) Grass parking: Parking shall be prohibited in landscaped
7 areas except for permitted parking at churches and schools,
8 and during a temporary special residential or community event,
9 whether or not a Temporary Use Permit is required, such as a
10 gathering or community event being held by the subject
11 property owner or occupant for a period not to exceed eight
12 (8) hours provided this is not between the hours of 2:00 a.m.
13 and 7:00 a.m.

14
15 (b) ~~It shall be the responsibility of all persons to maintain~~
16 all ~~All~~ parking and paved areas including curbs and wheel
17 stops ~~shall be maintained~~ in a neat and clean condition. In
18 addition, all parking and paved areas shall be maintained in
19 a good state of repair, which shall include proper drainage
20 and the routine cleaning/clearing of french drains to prevent
21 the accumulation of pools of water and the correction and
22 removal of all ruts, potholes, and broken pavement. In parking
23 areas, the parking spaces shall be maintained in a manner

1 which clearly delineates said spaces and shall include
2 maintenance of parking space striping, directional markings,
3 stop bars, or other indicators. Wheel stops, curbing and any
4 other paved surfaces shall be free of breaks, cracks and other
5 deficiencies. Additionally, all parking areas shall be
6 maintained in the original constructed condition as required
7 by Article XXXIII of Appendix-A Zoning of the City of Margate
8 Code of Ordinances. This section shall apply to all paved
9 areas, including but not limited to parking areas and ingress
10 or egress driveways. Additionally, a building permit shall be
11 required for all resurfacing, resealing, restriping, or
12 replacement of parking areas.

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

15 **SECTION 5:** If any section, sentence, clause, or phrase of
16 this Ordinance is held to be invalid or unconstitutional by a
17 court of competent jurisdiction, then said holding shall in no
18 way affect the validity of the remaining portions of this
19 Ordinance.

20 **SECTION 6:** It is the intention of the City Commission that
21 the provisions of this Ordinance shall become and be made a part
22 of the City of Margate Code, and that the sections of this
23 Ordinance may be renumbered or relettered and the word

"ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

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

PASSED ON FIRST READING THIS ____ day of _____ 2022.

PASSED ON SECOND READING THIS ____ day of _____ 2022.

ATTEST:

JENNIFER JOHNSON
CITY CLERK

MAYOR ANTONIO V. ARSERIO

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

Simone _____
Schwartz _____
Ruzzano _____
Caggiano _____
Arserio _____

Simone _____
Schwartz _____
Ruzzano _____
Caggiano _____
Arserio _____