

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA,
AMENDING CHAPTER 31-PLATTING, SUBDIVISION AND
OTHER LAND USE REGULATIONS; SECTION 31-19(E);
PROVIDING FOR MONEY RECEIVED FROM
TELECOMMUNICATION TOWER RENTALS; PROVIDING
FOR CONFLICT; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CODIFICATION; PROVIDING FOR
RETROACTIVE APPLICATION; PROVIDING FOR AN
EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF
MARGATE, FLORIDA:

Section 1: Chapter 31 Section 31-19(E) is hereby
amended to read as follows¹:

Sec. 31-19. - Design standards for subdivisions.

...

(E) Parks and recreational areas. Any plat shall contain a
park or recreational area deeded or dedicated to the City
of Margate consisting of such quantity of land as
represents a minimum of five (5) per cent of the
residential area to be platted, except that where there is
an overall subdivision to be developed consisting of
several individually smaller platted areas, then the
deeded or dedicated area shall be five (5) per cent of the
entire subdivision and need not be five (5) per cent of
the individual plats filed. This paragraph shall be
construed with preference to the five (5) per cent of the
overall subdivision as deeded or dedicated property rather
than five (5) per cent of an individual plat. Where the
area to be platted is less than sixty (60) acres, the
developer shall place a sum equal to five (5) per cent of
the value of the land in the city's parks and recreation

¹ **CODING:** Words in ~~struck through type~~ are deletions
from existing text; words in underscored type are
additions to existing text, and **shaded words** reflect
changes between first and second readings.

1 fund to be held in escrow and used by the city for the
2 purposes mentioned in subsection (4) below. Said five (5)
3 per cent of the value of the land may be paid into the
4 recreation trust fund at the time of plat approval or
5 incrementally as approved by the city manager at the time
6 building permits are issued for the construction of the
7 units within the approved plat. The aforementioned value
8 shall be the current appraised value of the land
9 subdivided without improvements and shall be determined
10 jointly by the city commission and the subdivider. If the
11 city commission and the subdivider cannot agree on a land
12 value, then the land value shall be established by
13 appraisal. The city commission shall appoint a
14 professional land appraiser, the subdivider shall appoint
15 a professional land appraiser and these two (2) shall
16 appoint a third. The three (3) appraisers shall then
17 determine the value of the property for the purposes of
18 these provisions. The fees for the appraiser shall be
19 divided equally between the city and the developer or
20 subdivider.

21 It shall be discretionary with the city commission whether
22 or not to accept a dedication of land pursuant to this
23 subsection where said land is encumbered by utility
24 easements of any type.

25 (1) In lieu of the dedication of land area as described in
26 paragraph (E) above, the city commission may, in its
27 discretion, accept a cash donation to the parks and
28 recreation fund of the city to be used only for parks and
29 recreational purposes an amount equal to the five (5) per
30 cent figure referred to in paragraph (E); in the event the
31 city commission and the subdivider cannot agree on the
32 land value then the donation amount shall be determined as
33 hereinabove provided for by arbitration.

34 (2) All real property donated shall be utilized for parks
35 and recreation sites or facilities unless the following is
36 found:

37 (a) The real property donated is found to be unsuitable for
38 a park or recreation site; or

39 (b) A present park or recreation facility capable of being
40 expanded for utilization by the citizens of a new
41 development, subdivision or project is in such close
42 proximity to the real property that it would provide a
43 duplication of services.

44 (3) In the event that either (a) or (b) [of paragraph
45 (E)(2)] is met, the city shall have the right to sell to

1 the highest bidder the real property donated pursuant to
2 the recreation donation, and all monies received by the
3 city for said sale shall be deposited in the City of
4 Margate Parks and Recreation Trust Fund.

5 (4) All monies utilized in the parks and recreation trust
6 fund shall be utilized only for the acquisition and
7 development of new parks and recreation facilities or the
8 expansion and addition to older parks and recreation
9 facilities so as to allow their utilization for new
10 residents of the city. In addition to the foregoing, money
11 received from all telecommunication tower rentals may be
12 utilized for improvements, enhancement or other necessary
13 expenses for parks and recreation purposes.

14
15 **SECTION 2:** All ordinances or parts of ordinances
16 in conflict herewith are repealed to the extent of such
17 conflict.

18
19 **SECTION 3:** If any section, sentence, clause, or
20 phrase of this ordinance is held to be invalid or
21 unconstitutional by a court of competent jurisdiction,
22 then said holding shall in no way affect the validity of
23 the remaining portions of this Ordinance.

24
25 **SECTION 4:** It is the intention of the City
26 Commission that the provisions of this Ordinance shall
27 become and be made a part of the City of Margate Code, and
28 that the sections of this Ordinance may be renumbered or
29 relettered and the word "ordinance" may be changed to
30 "section", "article" or such other appropriate word or
31 phrase in order to accomplish such intentions.

32
33 **SECTION 5:** This Ordinance shall be retroactive in
34 its application for the 2010 fiscal year and for each year
35 thereafter.

36
37 **SECTION 6:** This Ordinance shall become effective
38 immediately upon adoption at its second reading.

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40 PASSED ON FIRST READING THIS ____ day of _____, 2016.

41 PASSED ON SECOND READING THIS ____ day of _____, 2016.

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ATTEST:

JOSEPH KAVANAGH
CITY CLERK

MAYOR TOMMY RUZZANO

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

Simone _____
Peerman _____
Talerico _____
Ruzzano _____
Bryan _____

Simone _____
Peerman _____
Talerico _____
Bryan _____
Ruzzano _____