

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 follows<sup>1</sup>:

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

<sup>1</sup> **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.

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

39  
40 PASSED ON FIRST READING THIS 19<sup>TH</sup> day of OCTOBER, 2016.

41  
42 PASSED ON SECOND READING THIS 2<sup>ND</sup> day of NOVEMBER, 2016.

ATTEST:

JOSEPH J. KAVANAGH  
CITY CLERK

MAYOR TOMMY RUZZANO

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

Simone	<u>YES</u>
Peerman	<u>YES</u>
Talerico	<u>YES</u>
Ruzzano	<u>YES</u>
Bryan	<u>YES</u>

Simone	<u>          </u>
Peerman	<u>          </u>
Talerico	<u>          </u>
Bryan	<u>          </u>
Ruzzano	<u>          </u>