

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING APPENDIX A ZONING, ARTICLE II DEFINITIONS, SECTION 2.2 TERMS DEFINED; AMENDING ARTICLE VII TRANSIT ORIENTED CORRIDOR - CORRIDOR (TOC-C) DISTRICT, SECTION 7.3 TOC-C CORRIDOR PERMITTED USES; AMENDING ARTICLE VIII TRANSIT ORIENTED CORRIDOR - GATEWAY (TOC-G) DISTRICT, SECTION 8.4 TOC-G GATEWAY PERMITTED USES; AMENDING ARTICLE XXIII LIBERAL BUSINESS B-3 DISTRICT, SECTION 23.3 PERMITTED USES; AMENDING ARTICLE XXIV LIGHT INDUSTRIAL M-1 DISTRICT, SECTION 24.3 PERMITTED USES; PROVIDING FOR AUTOMOBILE DEALERSHIP, PROVIDING FOR VEHICLE SALES AGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: The Code of the City of Margate, Florida, Appendix A Zoning, Article II Definitions, Section 2.2 Terms defined, is hereby amended to read as follows¹:

Section 2.2. - Terms defined.

. . . .

Automobile dealership: An establishment primarily for the sale of new vehicles that includes as incidental accessory uses the sale of used vehicles, service and repair of vehicles, and sale of parts within a site area that includes (1) an enclosed

¹CODING: Words in ~~struck through~~ text are deletions from existing text, words in underscored text are additions to existing text, and **shaded** text are changes between First and Second Readings.

showroom for merchandise, (2) outdoor display and storage of automobile inventory, (3) service and repair facilities within a fully enclosed building, and (4) parts sales occurring within a fully enclosed building.

. . .

Vehicle sales agency: An establishment licensed to sell any of the following: new and/or used automobiles, commercial vehicles, truck, trailer, boats, motorcycles, and recreational vehicles. Automobile dealerships, as defined in this section, may also be permitted under this use.

. . .

[Note to Municipal Code: The rest of this section shall remain as codified.]

SECTION 2: The Code of the City of Margate, Florida, Appendix A Zoning, Article VII Transit Oriented Corridor - Corridor (TOC-C) District, Section 7.3 TOC-C Corridor permitted uses, is hereby amended to read as follows:

Section 7.3. - TOC-C Corridor permitted uses.

- (A) *[Permitted uses.]* No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than any of the uses specified below.

. . .

Automobile dealership, new, subject to the following limitations and requirements:

- (a) Minimum size of three (3) acres of contiguous land

. . .

- (B) *Special exception uses.* Special exception uses may be deemed appropriate to provide a complete distribution of commercial uses within the city, but because of their

1 operational characteristics or area requirements need to be
2 given individual consideration with respect to their
3 location, access and relationship to adjacent properties
4 and public rights-of-way, and conformity with the city's
5 current and future redevelopment efforts.
6

7 (1) The following uses are authorized upon a finding by
8 the city commission that a special exception to the
9 article is warranted, pursuant to the procedure and
10 criteria set forth in sections 22.9 through 22.12 of
11 this Code.
12

13 (a) Amusement arcade centers in accordance with all
14 provisions of Article XXXVI of the Margate
15 Zoning Code and F.S. Chapter 849.
16

17 (b) Animal clinics, pet hospitals, subject to the
18 following limitations:
19

20 1. Adequate soundproofing in any area where
21 animals are contained or treated; and
22

23 2. All boarding activities shall be ancillary
24 to the primary use; [and]
25

26 3. Subject to restrictions set forth in
27 chapter 6 of the Margate Code of
28 Ordinances.
29

30 (c) Auction gallery for art goods, jewelry, rugs,
31 furniture, and other similar items.
32

33 (d) Automobile detailing, washing and polishing.
34 Subject to requirements of section 33.11 of
35 this Code.
36

37 ~~(e) Automobile sales agency, new and used~~
38 ~~automobile, commercial vehicle, truck, trailer,~~
39 ~~boat, and recreational vehicle display, sales~~
40 ~~and repair. Not permitted within one hundred~~
41 ~~(100) feet of any residential district or use.~~
42

43 (ef) Automobile tires, new. Not permitted within one
44 hundred (100) feet of any residential district
45 or use.

1
2 (f~~g~~) Bowling alley. Subject to requirements of
3 section 33.11 of this Code.
4

5 (g~~h~~) Car wash rack. Not permitted within one
6 thousand (1,000) feet of any other car wash
7 rack. Not permitted within one hundred (100)
8 feet of any residential district or use.
9

10 (h~~i~~) Commercial recreation (outdoor).
11

12 (i~~j~~) Drive through facilities (with a permitted
13 use). Subject to requirements of section 33.11.
14

15 (j~~k~~) Gasoline service station. Subject to
16 requirements and limitations of section 3.18 of
17 this Code. Fuel pumps not permitted within
18 sixty (60) feet of any residential district or
19 use.
20

21 (k~~l~~) Hotels and motels, subject to the following
22 conditions and limitations:
23

24 1. Any outdoor recreation areas including
25 swimming pools shall be located at least
26 twenty-five (25) feet from the plot line
27 of any adjacent residentially zoned
28 property; and
29

30 2. The minimum floor area of rental sleeping
31 room in a motel or hotel, which includes
32 all areas to be individually rented by a
33 customer, shall be three hundred (300)
34 square feet.
35

36 (l~~m~~) Laundries, coin operated (extended hours of
37 operation).
38

39 (m~~n~~) Limited access self-service storage facilities
40 (SSSF) subject to the following restrictions:
41

42 1. No sales, service, outside storage nor any
43 other local business tax receipt shall be
44 permitted within the SSSF premises; and

2. All SSSFs shall be located as part of a planned commercial development containing at least three (3) acres. No more than fifty (50) per cent of the subject property shall be occupied by the SSSF, including all required driveways, landscaping and parking areas; and
3. The area so designated for SSSFs shall be clearly delineated upon the site plan accompanying the application for a planned commercial development. Occupancy will be issued to the SSSF concurrent with at least one (1) other building within the planned commercial development. In the event of a multiple phased development, no SSSF shall be permitted for construction in phase I without at least one (1) other building being constructed concurrently to ensure that no self-storage facility exists independently, prior to the construction of other uses; and
4. The exterior colors, facades, windows, roof, architectural treatments and features, and building materials of all structures shall be compatible and complimentary with the character of the surrounding area; and
5. Individual storage units or private postal boxes in an SSSF shall not be considered a premises for the purpose of assigning a legal address in order to obtain a local business tax receipt to do business; and
6. All SSSFs shall have a common entrance to be used by its tenants. Access for individual bays shall be from the interior of the SSSF. Individual external entrances shall be prohibited; and
7. One (1) parking space shall be provided for every two hundred (200) bays within a limited access SSSF. In no case shall the

amount of parking provided be less than five (5) spaces. In the event of conflicting data within this Code [appendix], this section shall govern the parking requirements for all SSSFs.

(n☐) Limousine or taxi service (three (3) or fewer vehicles; proof of adequate parking facilities shall be demonstrated).

(o☐) Night clubs, teen clubs, catering halls or dance halls, with an occupancy greater than two hundred fifty (250). Minimum separation of one thousand (1,000) feet to nearest school or adult bookstore/theater. Subject to limitations of section 33.11 of this Code.

(p☐) Outside sales, display, service, and/or storage. Outside sales, display, service, and/or storage with a permitted use are authorized upon a finding by the city commission that a special exception to this article is warranted. in addition, all areas not completely enclosed which are used for the storage or processing of raw materials must be effectively screened from view of the adjoining streets and parcels through the use of durable fence, wall or hedge, or combination thereof.

(q☐) Pain management clinic, subject to limitations and requirements of Article XXX of this Code.

(r☐) Promotional events that are accessory to a permitted use and temporary in nature shall be permitted after a finding by the development review committee that such event meets the criteria as set forth in section 22.13 of this Code.

(s☐) Restaurants with curb or automobile service. Such approval shall also be subject to the following restrictions:

1. Subject property shall be located a minimum of seven hundred fifty (750) feet

1 from one-family dwelling districts; such
2 distance shall be measured from front door
3 of the establishment to the single-family
4 property line; and

5
6 2. All applicable city codes and regulations
7 must be complied with as of the time of
8 application.

9
10 (~~t~~) Theater, outdoor. Subject to requirements of
11 section 33.11 of this Code.

12
13 (u) Vehicle sales agency. Not permitted within one
14 hundred (100) feet of any residential district
15 or use.

16
17 (v) Vehicle rental business.

18
19 (w) Walkway cafes greater than four hundred (400)
20 square feet in area, subject to the criteria
21 and limitations in section 22.3(B) of this
22 Code.

23
24
25 [Note to Municipal Code: The rest of this section shall remain
26 as codified.]

27
28 **SECTION 3:** The Code of the City of Margate,
29 Florida, Appendix A Zoning, Article VIII Transit Oriented
30 Corridor - Gateway (TOC-G) District, Section 8.4 TOC-C
31 Gateway permitted uses, is hereby amended to read as
32 follows:

33
34 **Section 8.4. - TOC-G Gateway permitted uses.**

35
36 (A) [Permitted uses.] No building or structure, or part thereof,
37 shall be erected, altered or used, or land or water used,
38 in whole or in part, for other than any of the uses
39 specified below.

40
41 . . .
42 Automobile dealership, new, subject to the following
43 limitations and requirements:

44
45 (a) Minimum size of three (3) acres of
46 contiguous land

[Note to Municipal Code: The rest of this section shall remain as codified.]

SECTION 4: The Code of the City of Margate, Florida, Appendix A Zoning, Article XXIII Liberal Business B-3 District, Section 23.3 Permitted uses, is hereby amended to read as follows:

Section 23.3. - Permitted uses.

- (B) *Special exception uses.* The following uses are authorized upon a finding by the city commission that a special exception to the article is warranted, pursuant to the procedure and criteria set forth in sections 22.9 through 22.12 of this Code.

~~Automobile sales agency, new and used automobile, commercial vehicle, truck, trailer and recreational vehicle display, sales and repair, subject to the following limitation(s):~~

~~(1) Not permitted within one hundred (100) feet of any residential district.~~

Vehicle sales agency. Not permitted within one hundred (100) feet of any residential district.

[Note to Municipal Code: The rest of this section shall remain as codified.]

SECTION 5: The Code of the City of Margate, Florida, Appendix A Zoning, Article XXIV Light Industrial M-1 District, Section 24.3 Permitted uses, is hereby amended to read as follows:

Section 24.3. - Permitted uses.

1
2 (A) *[Permitted uses.]* No building or structure, or part thereof,
3 shall be erected, altered or used, or land or water used,
4 in whole or in part, for other than the following specified
5 uses:

6 . . .

7
8 ~~Automobile sales agency, new and used automobile,~~
9 ~~commercial vehicle, truck, trailer and~~
10 ~~recreational vehicle display, sales and repair,~~
11 ~~subject to the following limitation(s):~~

12 ~~(1) Not permitted within one hundred (100) feet of~~
13 ~~any residential district.~~

14
15 . . .

16
17 Vehicle sales agency. Not permitted within one
18 hundred (100) feet of any residential district.

19
20 . . .

21
22 [Note to Municipal Code: The rest of this section shall remain as
23 codified.]

24
25
26 **SECTION 6:** All ordinances or parts of ordinances
27 in conflict herewith are repealed to the extent of such
28 conflict.

29
30 **SECTION 7:** If any section, sentence, clause, or
31 phrase of this Ordinance is held to be invalid or
32 unconstitutional by a court of competent jurisdiction,
33 then said holding shall in no way affect the validity of
34 the remaining portions of this Ordinance.

35
36 **SECTION 8:** It is the intention of the City
37 Commission that the provisions of this Ordinance shall
38 become and be made a part of the City of Margate Code, and
39 that the sections of this Ordinance may be renumbered or
40 relettered and the word "ordinance" may be changed to
41 "section", "article" or such other appropriate word or
42 phrase in order to accomplish such intentions.

43
44 **SECTION 9:** This Ordinance shall become effective
45 immediately upon adoption at its second reading.
46

PASSED ON FIRST READING THIS 19TH day of OCTOBER, 2016.

PASSED ON SECOND READING THIS 2ND 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	_____
Peerman	_____
Talerico	_____
Bryan	_____
Ruzzano	_____