

CITY OF MARGATE, FLORIDA

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

AN ORDINANCE OF THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING APPENDIX A ZONING, AMENDING ARTICLE III GENERAL PROVISIONS; SECTION 3.23.3; AMENDING ARTICLE V ZONING DISTRICTS; SECTION 5.1, AMENDING ARTICLE XII COMMUNITY FACILITY CF-2 DISTRICT PROVIDING FOR NEW CONSERVATION CON DISTRICT; AMENDING ARTICLE XIII PROVIDING FOR NEW UTILITIES U-1 DISTRICT; AMENDING ARTICLE XXVIII OPEN SPACE S-2 DISTRICT; SECTIONS 28.2 AND 28.3; PROVIDING FOR USES; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

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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 III General Provisions, Section 3.23.3 **Wireless communications facilities**, is hereby amended to read as follows<sup>1</sup>:

3.23.3. *Tower siting in certain zoning districts.* Freestanding towers shall be located in the following order of hierarchy:

(1) City-owned property.

(2) Utilities U-1 District

(23) Light industrial M-1 district.

(34) Industrial park M-1A district.

<sup>1</sup>CODING: 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.

- 1  
2 (45) Liberal business B-3 district.  
3  
4 (56) Community business B-2 district.  
5  
6 (67) Transit oriented corridor TOC-C corridor.  
7  
8 (78) Transit oriented corridor TOC-G gateway.  
9  
10 (89) Recreational S-1 district.  
11  
12 (910) Open space S-2 district.  
13  
14 ~~(10) Community facility CF-2 district.~~  
15  
16 (11) Community facility CF-1 district.  
17  
18 (12) Transit oriented corridor TOC-CC city center.  
19  
20 (13) Conservation CON District

21  
22 City-owned property shall take preference over privately  
23 owned property. If the proposed site is other than city-  
24 owned property, the applicant shall provide an affidavit  
25 stating that there is a demonstrated need for the placement  
26 of the facility at that location and that there is not a  
27 technically suitable location available to accommodate the  
28 need on city-owned property.

- 29 (a) *City-owned property.* Freestanding towers shall be  
30 deemed a permitted use on any city-owned property  
31 in accordance with an executed lease agreement  
32 acceptable to the city. The city shall have no  
33 obligation whatsoever to execute such lease even  
34 if the applicant can meet the criteria set forth  
35 herein.

36 The city may, as appropriate, to protect its property  
37 and the public interest establish additional  
38 requirements beyond the minimum requirements of a  
39 permit for city-owned property. Setback and distance  
40 requirements in Appendix A of the City of Margate Code  
41 may be, modified to the extent necessary to provide  
42 for the public interest as determined by the city  
43 commission. This provision further does not preclude

1 the city from issuing a letter of interest for the  
2 purposes of leasing sites on designated city property  
3 for the construction and installation of wireless  
4 communications facilities. For designated city-owned  
5 property, the city will encourage the installation of  
6 wireless communications facilities which have a  
7 minimal impact on the surrounding areas and are  
8 consistent with the development of the affected area.

9 (b)

10 [Freestanding towers as permitted use.] Freestanding  
11 towers shall be deemed a permitted use in light  
12 industrial M-1 and industrial park M-1A districts  
13 subject to DRC approval meeting the requirements of  
14 the minimum standards for development of towers as  
15 specified in this ordinance.

16 (c)

17 [Freestanding towers-Conditional.] Freestanding towers  
18 shall be deemed conditional within the following  
19 zoning districts:

20 Recreational S-1 district;

21 Open space S-2 district;

22 Liberal business B-3 district;

23 Community business B-2 district;

24 Community facility CF-1 district;

25 ~~Community facility CF-2 district;~~

26 Transit oriented corridor TOC-C corridor;

27 Transit oriented corridor TOC-G gateway;

28 Transit oriented corridor TOC-C city center.

29 Each conditional use pursuant to paragraph (c) above  
30 shall be reviewed by the DRC and approval of the city  
31 commission obtained to determine if said conditional  
32 use is appropriate in the area where same is to be  
33 placed, based upon the criteria set forth herein  
34 including, but not limited to, the aesthetics of the  
35 proposed facility in conjunction with its surrounding  
36 physical environment. The city commission shall make  
37 specific written findings of fact regarding the  
38 approval or denial of the conditional use.

39 (d)

Towers as part of existing utility poles shall be permitted as a conditional use pursuant to paragraph (c) in the Florida Power and Light easement, used for major electric transmission that traverses the city in a north-south corridor approximately two hundred eighty-five (285) feet wide. Said area is parallel to and east of Rock Island Road. No freestanding towers constructed exclusively as a wireless communications facility shall be permitted other than as provided in paragraphs (a), (b), and (c). No additional rights other than provided herein shall be deemed created by this designation.

(e)

*Prohibitions.* The location of a new tower on a property other than those specified on (a), (b), (c) or (d) shall be prohibited, except as may be granted a waiver by the city commission due to unnecessary hardship or extenuating circumstances, and after consideration of the aesthetics of the proposed facility in connection with its surrounding physical environment; in particular, the applicant must demonstrate:

1.

That special conditions and circumstances exist which, if there is a literal and strict enforcement of the provisions of this section 3.23, would constitute a hardship or practical difficulty in the use of the property involved; and

2.

Granting of the waiver will not be contrary to the public interest or the general purpose sought to be accomplished by this section 3.23. The city commission shall make specific written findings of fact regarding the circumstances and conditions constituting said hardship or circumstances prior to granting or denying such waiver.

(f)

*Time limit on project completion.* Once a wireless communications facility is approved by the city a building permit shall be obtained within six (6) months.

**SECTION 2:** The Code of the City of Margate, Florida, Appendix A Zoning, Article V Zoning Districts, Section 5.1 **Classes and symbols**, is hereby amended to read as follows:

**ARTICLE V. - ZONING DISTRICTS**

**Section 5.1. - Classes and symbols.**

The City of Margate is hereby divided into the following zoning districts:

~~(1)A-1 Limited Agricultural.~~

(~~12~~)CF-1 Community Facility.

(~~23~~)R-1A, R-1B One-Family Dwelling.

(~~34~~)R-2 Two-Family Dwelling.

(~~45~~)R-3 Low-Density Multiple Dwelling.

(~~56~~)R-3A Multiple Dwelling.

(6) PRC Planned Residential Community

(7) PUD Planned Unit Development.

(8) RVRP Recreational Vehicle Resort Park

(~~97~~)B-1 Neighborhood Business.

(~~108~~)B-2 Limited Business.

(~~119~~)B-3 Liberal Business.

~~(10)PUD Planned Unit Development.~~

(~~1211~~)TOC-C Corridor.

(~~1312~~)TOC-G Gateway.

(~~1413~~)TOC-CC City Center.

(~~1514~~)M-1 Light Industrial.

1  
2 (16) M-1A Industrial Park

3  
4 (1715)Reserved. CON Conservation

5  
6 (1816)Reserved. U-1 Utilities

7  
8 (1917)S-1 Recreational.

9  
10 (2018)S-2 Open Space.

11  
12 **SECTION 3:** The Code of the City of Margate,  
13 Florida, Appendix A Zoning, Article XII Community Facility CF-  
14 2 District, is hereby amended to read as follows:

15  
16 ~~ARTICLE XII.— COMMUNITY FACILITY CF-2 DISTRICT~~

17  
18 ~~Section 12.1. - Application of article.~~

19 ~~The following regulations shall apply in all CF-2 districts.~~

20 ~~Section 12.2. - Purpose of district.~~

21 ~~It is the purpose of this article to make provision for those~~  
22 ~~uses which are essential for social order or the public~~  
23 ~~welfare, but which, because of their adverse impact on safety~~  
24 ~~and property values, are unsuitable for location within or~~  
25 ~~adjacent to residential uses.~~

26 ~~Section 12.3. - Permitted uses.~~

27  
28 ~~(A) — Permitted uses specified. No building or structure,~~  
29 ~~or part thereof, shall be erected, altered, or used, or~~  
30 ~~land or water used in whole or in part, for other than~~  
31 ~~one of the following:~~

32  
33 ~~— Any use permitted in a CF-1 district.~~

34 ~~(B) — Special exception uses. Special exception uses may~~  
35 ~~be deemed appropriate to provide a complete~~  
36 ~~distribution of uses within the City, but because of~~  
37 ~~their operational characteristics or area requirements~~  
38 ~~need to be given individual consideration with respect to~~

1 ~~their location, access and relationship to adjacent~~  
2 ~~properties and public rights-of-way. The following uses~~  
3 ~~are authorized upon a finding by the City Commission That~~  
4 ~~a special exception to the article is warranted. The~~  
5 ~~Commission shall consider all applications for special~~  
6 ~~exception approval pursuant to the procedure and criteria~~  
7 ~~for new construction and for use of existing structures.~~

8  
9 ~~(1) Institutions for the care and rehabilitation of~~  
10 ~~dependent, neglected, delinquent, or emotionally~~  
11 ~~disturbed persons, or drug dependent or alcoholic~~  
12 ~~patients. Such use shall be located on a plot at least~~  
13 ~~two (2) acres in area and having at least two hundred~~  
14 ~~(200) feet of street frontage.~~

15  
16 ~~(2) Educational facilities for persons who are mentally~~  
17 ~~retarded, brain damaged, emotionally disturbed, or~~  
18 ~~incorrigibly disruptive. Such use shall be located on a~~  
19 ~~plot at least two (2) acres in area and having at least~~  
20 ~~two hundred (200) feet of street frontage.~~

21  
22 ~~(3) Prisons and/or parole offices.~~

23  
24 ~~(4) Depots and terminals. Such uses shall be located on~~  
25 ~~a plot fronting on an arterial highway having a right-~~  
26 ~~of-way of not less than one hundred six (106) feet and~~  
27 ~~having at least one acre and two hundred fifty (250)-~~  
28 ~~feet of street frontage.~~

29  
30 ~~(5) Pain management clinic, subject to limitations and~~  
31 ~~requirements of Article XXX of this Code.~~

32  
33  
34 ~~The following criteria shall be taken into consideration by~~  
35 ~~the city commission when evaluating special exception~~  
36 ~~requests for the above referenced facilities:~~

37 ~~(a) Proximity to hospital and emergency facilities.~~

38  
39 ~~(b) Accessibility for emergency vehicle services.~~

40  
41 ~~(c) Accessibility to public transportation.~~

42  
43 ~~(d) Impact on the surrounding area.~~

1  
2 ~~(e) Accessibility to shopping, entertainment and~~  
3 ~~other support services.~~

4  
5 ~~(f) Control of dangerous behavior by clients,~~  
6 ~~loitering and disorderly conduct.~~

7  
8 ~~(g) A demonstration that adequate building and~~  
9 ~~grounds maintenance will be provided.~~

10  
11 ~~(h) Proximity of nearest like facility. No group~~  
12 ~~care facility shall be located within six hundred~~  
13 ~~sixty (660) feet, as measured by the shortest~~  
14 ~~walking distance of any other group care facility.~~

15  
16 ~~(i) Provision of ample recreational facilities and~~  
17 ~~landscaped area.~~

18 ~~Section 12.4. - Limitations.~~

19  
20 ~~(A) No plot upon which a permitted use is erected or~~  
21 ~~placed shall be located within one thousand three hundred~~  
22 ~~and twenty (1,320) feet of a residentially zoned parcel of~~  
23 ~~land.~~

24  
25 ~~Section 12.5. - Height.~~

26  
27 ~~No building or structure, or part thereof, shall be erected~~  
28 ~~or altered to a height exceeding five (5) stories or sixty~~  
29 ~~(60) feet.~~

30 ~~Section 12.6. - Lot coverage.~~

31  
32 ~~The combined ground area occupied by all buildings and~~  
33 ~~structures shall not exceed fifty (50) per cent of the total~~  
34 ~~plot area.~~

35 ~~Section 12.7. - Setbacks.~~



1 ~~Plots utilized for any permitted use shall provide yards as~~  
2 ~~specified in section 11.6 of this Code.~~

3 **ARTICLE XII. - CONSERVATION CON DISTRICT**

4  
5 **Section 12.1. - Application of article.**

6  
7 The following regulations shall apply in all CON districts.

8 **Section 12.2. - Purpose of district.**

9  
10 The conservation district is intended to provide for the  
11 continuing conservation of the natural resources located  
12 within the district. The uses within this district shall be  
13 consistent with, but may be more restrictive than those  
14 permitted in the conservation areas of the land use plan.  
15 This zoning district shall be applied to land designated  
16 conservation on the City's Future Land Use Map.

17  
18 **Section 12.3. - Permitted uses.**

19  
20 (A) Permitted uses specified. No building or structure, or  
21 part thereof, shall be erected, altered, or used, or land or  
22 water used in whole or in part, for other than one of the  
23 following:

1 Passive outdoor recreational uses such as wildlife  
2 sanctuaries and feeding stations, nature centers and trails,  
3 outdoor research stations and walkways.

4  
5 Structures used for flood control, drainage and storm water  
6 storage.

7  
8 Uses which do not impair the natural environment or disturb  
9 the natural ecosystem of the area and which are not in  
10 conflict with applicable water management and wildlife  
11 protection policies of local, state and federal agencies.

12  
13 Waterways.

14  
15  
16 **SECTION 4:** The Code of the City of Margate,  
17 Florida, Appendix A Zoning, Article XIII, is hereby amended to  
18 read as follows:  
19

20  
21 ARTICLE XIII. - ~~RESERVED~~ UTILITIES U-1 DISTRICT  
22

23 **Section 13.1. - Application of article.**  
24

25 The following regulations shall apply in all U-1 districts.

26 **Section 13.2. - Purpose of district.**  
27

28 The utilities U-1 district is intended to provide for all

1 utility uses. The uses within this district shall be  
2 consistent with, but may be more restrictive than those  
3 permitted in the utilities land use plan designation areas.  
4 This zoning district may be applied to land designated  
5 utilities on the City's Future Land Use Map.

6  
7 **Section 13.3. - Permitted uses.**  
8

9 (A) Permitted uses specified. No building or structure, or  
10 part thereof, shall be erected, altered, or used, or land  
11 or water used in whole or in part, for other than one of  
12 the following:

13  
14 Communication facilities, subject to requirements of  
15 section 3.23 of this Code.

16  
17 Electrical utility substations.

18  
19 Telecommunications transmission facilities, subject to  
20 requirements of section 3.23 of this Code.

21  
22 Water and wastewater plants.

23  
24 Wellfields.

25  
26 Uses accessory to any of the above uses when located  
27 on the same plot.

28  
29 (B) Special exception uses. The following uses are  
30 authorized upon a finding by the City Commission that  
31 a special exception to the article is warranted,

1 pursuant to the procedure and criteria set forth in  
2 sections 22.9 through 22.12 of this Code.

3  
4 Power plants.

5  
6 Solid waste disposal facility.

7  
8 Waste transfer station.

9  
10 **Section 13.4 Minimum lot area and width.**

11 Every plot upon which a structure is hereafter erected  
12 shall have a minimum lot size of 10,000 square feet in area  
13 and a lot width of not less than 100 feet.

14  
15 **Section 13.5 . Maximum height.**

16 No building or structure, or part thereof shall be erected  
17 to a height exceeding seven (7) stories or 80 feet, whichever  
18 is less.

19 **Section 13.6 Setbacks.**

20 Every plot upon which a structure is hereafter erected  
21 shall have minimum setbacks as follows:

22  
23 (A) 25 feet from all property lines  
24

(B) No parking areas shall be located within ten (10) feet of any residentially zoned property.

**SECTION 5:** The Code of the City of Margate, Florida, Appendix A Zoning, Article XXVIII Open Space S-2 District, Section 28.2 Uses Permitted, is hereby amended to read as follows:

**Section 28.2. - Uses permitted.**

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 one (1) or more of the following specified uses, subject to the procedure specified in Section 28.4 following:

~~(1) Bathing beach or swimming pool.~~

~~(12)~~ Boat ramp.

~~(23)~~ Bridle, foot or bicycle path.

~~(4) A commons.~~

~~(5) Country club~~ (3) Open land areas or commons

~~(6) Golf course (18-hole, 9-hole, par-3 course, pitch and putt, executive, etc., where in natural grass and greens are provided), excluding miniature golf course.~~

(47) Open water areas.

~~(8)~~ (5) Picnic area.

~~(69)~~ Accessory uses or structures to uses permitted in this section

~~(9) Library.~~

1  
2       **SECTION 6:**       The Code of the City of Margate,  
3 Florida, Appendix A Zoning, Article XXVIII Open Space S-2  
4 District, Section 28.3 Uses Prohibited, is hereby amended to  
5 read as follows:  
6  
7

8       **Section 28.3. - Uses prohibited.**  
9

10       The permissible uses enumerated in Section 28.2 above shall  
11 not be construed to include either as a principal or  
12 accessory use any of the following which are listed for  
13 emphasis:

14       ~~(1) Any business or commercial use not permitted as a~~  
15 ~~principal use except when meeting requirements of an~~  
16 ~~accessory use. Any commercial, industrial, manufacturing,~~  
17 ~~and residential uses.~~

18  
19       ~~(2) Any industrial or manufacturing use.~~

20  
21  
22       ~~(3) Drive-in theatre, drive-in restaurant or drive-in~~  
23 ~~refreshment stand.~~

24  
25       ~~(4) Any residential use.~~  
26

27       **SECTION 7:**       All ordinances or parts of ordinances  
28 in conflict herewith are and the same is hereby repealed to  
29 the extent of such conflict.  
30

31       **SECTION 8:**       If any section, sentence, clause, or  
32 phrase of this ordinance is held to be invalid or  
33 unconstitutional by a court of competent jurisdiction, then  
34 said holding shall in no way affect the validity of the  
35 remaining portions of this ordinance.  
36

37       **SECTION 9:**       It is the intention of the City  
38 Commission that the provisions of this ordinance shall become  
39 and be made a part of the City of Margate Code, and that the  
40 sections of this ordinance may be renumbered or relettered and  
41 the word "ordinance" may be changed to "section", "article"  
42 or such other appropriate word or phrase in order to  
43 accomplish such intentions.

**SECTION 10:** This ordinance shall become effective immediately upon adoption at its second reading.

PASSED ON FIRST READING THIS \_\_\_\_ day of \_\_\_\_\_ 2017.

PASSED ON SECOND READING THIS \_\_\_\_ day of \_\_\_\_\_ 2017.

ATTEST:

\_\_\_\_\_  
JOSEPH KAVANAGH  
CITY CLERK

\_\_\_\_\_  
MAYOR TOMMY RUZZANO

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

Simone \_\_\_\_\_  
Peerman \_\_\_\_\_  
TBD \_\_\_\_\_  
TBD \_\_\_\_\_  
Ruzzano \_\_\_\_\_

Simone \_\_\_\_\_  
Peerman \_\_\_\_\_  
TBD \_\_\_\_\_  
TBD \_\_\_\_\_  
Ruzzano \_\_\_\_\_