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43 44 ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, APPENDIX A ZONING, XI COMMUNITY ARTICLE FACILITY DISTRICT, SECTION 11.3 PERMITTED USES; ARTICLE VII TRANSIT ORIENTED CORRIDOR -CORRIDOR TOC-C DISTRICT, SECTION 7.3 TOC-C CORRIDOR PERMITTED USES; ARTICLE VIII TRANSIT ORIENTED CORRIDOR - GATEWAY TOC-G DISTRICT, SECTION 8.4 TOC-G GATEWAY PERMITTED USES; ARTICLE IX TRANSIT ORIENTED CORRIDOR - CITY CENTER TOC-CC DISTRICT, SECTION 9.5 TOC-CC CITY CENTER PERMITTED USES; ARTICLE XXI NEIGHBORHOOD BUSINESS B-1 DISTRICT, SECTION PERMITTED USES; ARTICLE XXII COMMUNITY BUSINESS B-2 DISTRICT, SECTION PERMITTED USES; ARTICLE XXIII COMMUNITY BUSINESS B-3 DISTRICT, SECTION 23.3 PERMITTED USES; ARTICLE III GENERAL PROVISIONS, SECTION 3.22 ALCOHOLIC BEVERAGES; PROVIDING FOR PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, AND HIGH SCHOOLS IN TO ANALYZE, REVIEW, CONSIDER, ORDER MODIFY, PROCESS FOR ADOPTION AND IMPLEMENT POTENTIAL CHANGES TO ITS COMPREHENSIVE PLAN AND/OR ITS CODE OF ORDINANCES PERTAINING TO THE IMPACT OF KINDERGARTEN THROUGH TWELTH GRADE SCHOOLS ON, AMONG OTHER THINGS, INFRASTRUCTURE, EMERGENCY AND PUBLIC SERVICE, VEHICULAR TRAFFIC, PUBLIC SAFETY, PUBLIC WELFARE AND PUBLIC FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May, 18, 2016 the City Commission adopted Ordinance 1500.621, enacting a six (6) month moratorium for any new charter schools.

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

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The Code of the City of Margate, Florida, Appendix A Zoning, Article XI Community Facility CF-1 District, Section 11.3 Permitted uses, is hereby amended to read as follows1:

#### Section 11.3. - 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 one of the following:
  - (1) Elementary, middle and senior schools that are a part of the School Board of Broward County, Florida.
  - (12) Houses of worship and schools on the same plot. Such use shall be located on a plot having at least forty thousand (40,000) square feet and at least two hundred (200) feet of street frontage. Private academic schools, including VPK, may be permitted accessory use when located on the same plot an existing house of worship.
  - (23) Hospitals, nursing and convalescent homes including correctional or mental institutions, nor veterinary hospitals. Such use shall be located on a plot having at least forty thousand (40,000) square feet and at least two hundred (200) feet of street frontage.
  - (34) Group care facilities, as defined in Section 2.2 of the Margate Zoning Code. Such use shall be located on a plot having at least forty thousand (40,000) square feet and at least two hundred (200) feet of frontage. Such facility shall occupy the entire structure or structures within which it is located and shall not share space with any other use or residence for persons other than those associated with said facility.

<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.

- (45) Municipal buildings, fire stations, libraries, public offices, parks, playgrounds, reservations, parking.
- $(\underline{56})$  Accessory structure or use which is clearly incidental or subordinate to the principal use and which use is located on the same plot.
- (B) Special exception uses. Special exception uses may be deemed appropriate to provide a complete distribution of uses within the <u>Ceity</u>, but because of their operational characteristics or area requirements need to be given individual consideration with respect to their location, access and relationship to adjacent properties and public rights-of-way, and conformity with the <u>Ceity's current</u> and future redevelopment efforts.
  - (1) The following uses are authorized upon a finding by the <u>City Ceommission</u> that a special exception to the article is warranted. The <u>City Ceommission</u> shall consider all applications for special exception approval pursuant to the procedures and criteria set forth in sections 22.9 and 22.10 for new construction and in sections 22.11 and 22.12 for use of existing buildings or sites.
    - (a) Private academic schools, including VPK (voluntary prekindergarten), elementary, middle and senior schools unless located on the same plot as a house of worship. Such use shall be located on a plot at least four (4) acres in area. Public or private elementary, middle, or high school, subject to the following:
      - 1. Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways.

        Access to schools shall not be from roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways.
      - 2. School must be located in freestanding single use structure(s), located on a parcel of at least three (3) acres. As an exception, charter schools may be permitted

as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C).

- 3. School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.
- 4. In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Economic Development Department at least nine (9) months before the start of the school year. This time requirement cannot be waived or reduced.
- (b) Public or private postsecondary educational facilities, including vocational schools. Any associated residence shall be ancillary to the permitted use, and permitted only for full-time students of the post-secondary educational facility and any staff required to preserve the safety and welfare of resident students.
- (c) Charter schools and charter lab schools properly sponsored by the School Board of Broward County or a state university.

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:

(A

(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.

. . .

School of instruction, non-academic. Subject to requirements of section 33.11 of this Code.

. . . . .

- (B) Special exception uses. Special exception uses may be deemed appropriate to provide a complete distribution of commercial uses with the <u>Ceity</u>, but because of their operational characteristics or area requirements need to be given individual consideration with respect to their location, access and relationship to adjacent properties and public rights-of-way, and conformity with the <u>Ceity's current</u> and future redevelopment efforts.
  - (1) The following uses are authorized upon a finding by the <u>Ceity Ceommission</u> 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.

. . .

- (s) Promotional events that are accessory to a permitted use and temporary in nature shall be permitted after a finding by the <u>Delevelopment Review Ceommittee</u> that such event meets the criteria as set forth in section 22.13 of this Code.
- (t) Public or private elementary, middle, or high school, subject to the following:
  - 1. Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways. Access to schools shall not be from roadways

classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways.

- 2. School must be located in freestanding single use structure(s), located on a parcel of at least three (3) acres. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C).
- 3. School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.
- required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Economic Development Department at least nine (9) months before the start of the school year. This time requirement cannot be waived or reduced.
- $(\underline{u} \pm)$  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 from one-family dwelling districts; such distance shall be measured from front door of the establishment to the single-family property line; and

- 2. All applicable city codes and regulations must be complied with as of the time of application.
- $(\underline{vu})$  Theater, outdoor. Subject to requirements of section 33.11 of this Code.
- (wv) Vehicle rental business.
- ( $\underline{x}$  $\underline{w}$ ) Walkway cafes greater than four hundred (400) square feet in area, subject to the criteria and limitations in section 22.3(B) of this Code.

. .

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

## Section 8.4. - TOC-G Gateway 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.

. . . .

School of instruction, non-academic. Subject to requirements of section 33.11 of this Code.

. . .

(B) Special exception uses. Special exception uses may be deemed appropriate to provide a complete distribution of commercial uses with the <u>Ceity</u>, but because of their operational characteristics or area requirements need to be given individual consideration with respect to their location, access and relationship to adjacent properties and public rights-of-way, and conformity with the <u>Ceity's current</u> and future redevelopment efforts.

(1) The following uses are authorized upon a finding by the <u>Ceity Ceommission</u> 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.

. . .

- (k) 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.
- (1) Public or private elementary, middle, or high school, subject to the following:
  - 1. Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways.

    Access to schools shall not be from roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways.
  - 2. School must be located in freestanding single use structure(s), located on a parcel of at least 3 acres. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service, museum, performing arts, theatre, cinema, church, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C).
  - for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.

- 4. In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Economic Development Department at least nine (9) months before the start of the school year. This time requirement cannot be waived or reduced.
- $(\underline{m}\pm)$  Theater, outdoor. Subject to requirements of section 33.11 of this Code.
- $(\underline{nm})$  Walkway cafes greater than four hundred (400) square feet in area, subject to the criteria and limitations in section 22.3(B) of this Code.

[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 IX Transit Oriented Corridor - City Center (TOC-CC) District, Section 9.5 TOC-CC City Center permitted uses, is hereby amended to read as follows:

# Section 9.5. - TOC-CC City Center 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.

. . .

School of instruction, non-academic. Subject to requirements of section 33.11 of this Code.

. . .

(B) Special exception uses. Special exception uses may be deemed appropriate to provide a complete distribution of commercial uses with the <u>Ceity</u>, but because of their operational characteristics or area requirements need to be

given individual consideration with respect to their location, access and relationship to adjacent properties and public rights-of-way, and conformity with the  $\underline{Ce}$ ity's current and future redevelopment efforts.

(1) The following uses are authorized upon a finding by the <u>Ceity Ceommission</u> 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.

. . .

- (h) 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.
- (i) Public or private elementary, middle, or high school, subject to the following:
  - classified by Broward County Metropolitan
    Organization's Broward Highway Functional
    Classifications Map as arterial roadways.
    Access to schools shall not be from roadways
    classified by Broward County Metropolitan
    Organization's Broward Highway Functional
    Classifications Map as arterial roadways.
  - single use structure(s), located on a parcel of at least three (3) acres. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C).
  - 3. School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere

with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.

- 4. In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Economic Development Department at least nine (9) months before the start of the school year. This time requirement cannot be waived or reduced.
- $(\underline{j}\pm)$  Theater, outdoor. Subject to requirements of section 33.11 of this Code.
- $(\underline{k}\dot{\underline{j}})$  Walkway cafes greater than four hundred (400) square feet in area, subject to the criteria and limitations in section 22.3(B) of this Code.

[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 XXI Neighborhood Business B-1 District, Section 21.3 Permitted uses, is hereby amended to read as follows:

## Section 21.3. - Permitted uses.

. . .

(B) Special exception uses. The following uses are authorized upon a finding by the <u>Ceity Ceommission</u> that a special exception to the article is warranted. The <u>City Ceommission</u> shall consider all applications for a special exception approval pursuant to the procedure and criteria set forth in sections <u>23.9 and 23.10 for new construction and in sections 23.11 and 23.12 for uses at existing buildings 22.9 through 22.12 of this Code.</u>

Animal clinic, pet hospital, subject to the following limitations:

- (1) Must be less than three thousand (3,000) square feet in area.
- (2) Adequate soundproofing in any area where animals are contained or treated.
- (3) All boarding activities shall be ancillary to the primary use.
- (4) Subject to the restrictions set forth in chapter 6 of the Margate Code of Ordinances.

Outdoor sales, service and display, as an accessory to a permitted use.

Public or private elementary, middle, or high school, subject to the following:

- classified by Broward County Metropolitan
  Organization's Broward Highway Functional
  Classifications Map as arterial roadways.
  Access to schools shall not be from roadways
  classified by Broward County Metropolitan
  Organization's Broward Highway Functional
  Classifications Map as arterial roadways.
- School must be located in freestanding (2) single use structure(s), located on a parcel of at least three (3) acres. As an exception, charter schools may permitted as an accessory use if located existing library, community within an service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C).

- (3) School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.
- (4) In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Economic Development Department at least nine (9) months before the start of the school year. This time requirement cannot be waived or reduced.

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

SECTION 6: The Code of the City of Margate, Florida, Appendix A Zoning, Article XXII Community Business B-2 District, Section 22.3 Permitted uses, is hereby amended to read as follows:

#### Section 22.3. - Permitted uses.

. .

(B) Special exception uses. The following uses are authorized upon a finding by the <u>Ceity Ceommission</u> 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.

. . .

Public or private elementary, middle, or high school, subject to the following:

(1) Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional

Classifications Map as arterial roadways.

Access to schools shall not be from roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways.

- (2) School must be located in freestanding single use structure(s), located on a parcel of at least three (3) acres. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, religious institution, church, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C).
- (3) School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.
- (4) In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Economic Development Department at least nine (9) months before the start of the school year. This time requirement cannot be waived or reduced.

. . .

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

SECTION 7: 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 <u>Ceity Ceommission</u> 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.

. . . .

Public or private elementary, middle, or high school, subject to the following:

- (1) Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways.

  Access to schools shall not be from roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways.
- (2) School must be located in freestanding single use structure(s), located on a parcel of at least three (3) acres. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C).
- (3) School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate

length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.

(4) In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Economic Development Department at least nine (9) months before the start of the school year. This time requirement cannot be waived or reduced.

. .

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

SECTION 8: The Code of the City of Margate, Florida, Appendix A Zoning, Article III General Provisions, Section 3.22 Alcoholic beverages, is hereby amended to read as follows:

# Section 3.22 Alcoholic beverages

. . . .

(VIII) Distance restrictions.

Distance restrictions from a house of worship, or school, (A)or daycare. No liquor license approval or beer and wine license approval for consumption on the premises shall be issued where the place of business designated in the application therefore is within one thousand (1,000) feet of a house of worship or a public or private elementary, middle or high school, or child care center. The distance shall be measured from the main entrance or front door of such house of worship, or school, or daycare to the main entrance of such place of business in accordance with subsection (IX). For any location within designated under any business classification to which a license for the sale of liquor or beer and wine for consumption on the premises has previously been issued, and which license is subsisting and in use, no house of worship, nonacademic public or private elementary, middle,

or high school, of instruction or child care center shall be permitted within one thousand (1,000) feet of said location. The distance shall be measured from the front door of the licensee to the main entrance of the house of worship, nonacademic school, of instruction or child care center. Any proposed use not meeting the specific distance restrictions listed above shall be prohibited.

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

**SECTION 9:** All ordinances or parts of ordinances in conflict are repealed to the extent of such conflict.

SECTION 10: If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 11: It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City of Margate Code, and that the sections of this 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 12:** This Ordinance shall become effective immediately upon adoption at its second reading.

PASSED ON FIRST READING THI	S, 2017
PASSED ON SECOND READING TH	IS day of, 2017.
ATTEST:	
JOSEPH KAVANAGH CITY CLERK	MAYOR TOMMY RUZZANO
RECORD OF VOTE - 1ST READING	RECORD OF VOTE - 2ND READING
Caggiano	Caggiano
Simone	Simone
Peerman	Peerman
Schwartz	Schwartz
Ruzzano	Ruzzano