

CITY OF MARGATE, FLORIDA

ORDINANCE NO.2008-07

AN ORDINANCE AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, CHAPTER 2 ADMINISTRATION. ADDING NEW SECTION 2-80; PROCEEDINGS ON APPLICATIONS FOR VARIANCES OR OTHER APPEALS; PROVIDING FOR POSTING; PROVIDING FOR REPEAL; 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 Ordinances of the City of Margate, Florida, Chapter 2. Administration, Section 2-80, is hereby amended to read as follows:

**Sec. 2-80. Proceedings on applications for variances or other appeals.**

Upon the filing of an application for a variance or other appeal in proper form and the payment of the appropriate costs to the City of Margate the procedure to be followed shall be in accordance with the following appropriate regulations:

(a) If the appeal is from a decision of an administrative officer in the enforcement of zoning regulations, said appeal shall be filed within thirty (30) days of the administrative officer's decision. A copy of the appeal shall be furnished to the administrative officer who shall within two (2) days prepare a statement in writing of points involved and his interpretation of the ordinances or regulations governing same and his ruling thereof and shall furnish copies of such statement to the board of adjustment and to the manager of the city.

(b) In the event the appeal or application is filed for the purpose of seeking a variance or special exception to the terms of any zoning ordinance, a sign meeting all of the requirements as contained in Section 22.4(d) of Appendix A of the City Code shall be posted and said code provision complied with the owners of all lands lying

1 within three hundred (300) feet of the area for which a  
2 special exception or variance is requested shall be  
3 notified of the appeal and request for special exception or  
4 variance and of the meeting at which such appeal shall be  
5 considered by the board. This shall not be applicable and  
6 shall exclude application for special exceptions for three  
7 (3) or less amusement devices as provided for by the zoning  
8 ordinance of the City of Margate. All notices shall be  
9 provided to the applicant and the city manager of the city,  
10 and to such other persons or parties as the board shall  
11 deem necessary and proper. As regards the notices to  
12 surrounding property owners where a variance or special  
13 exception is requested the notice shall be mailed by United  
14 States mail to the persons shown upon the tax records at  
15 the Broward County courthouse to be the owners of the  
16 affected lands, such notice to be mailed at least ten (10)  
17 days before the hearing at which such appeals shall be  
18 considered by the board of adjustment.

19  
20 (c) Where an appeal or application is filed for the purpose  
21 of seeking a variance or special exception, and in addition  
22 to the foregoing, the date and time of the hearing shall be  
23 published at least ten (10) days prior to such hearing in a  
24 daily newspaper of general circulation in the municipality.

25  
26 ~~(d) If the application is for a permit for a nonconforming~~  
27 ~~use of buildings or lands, the procedure shall be the same~~  
28 ~~as provided for the application for a variance or special~~  
29 ~~exception.~~

30  
31 SECTION 2: All ordinances or parts of ordinances in  
32 conflict herewith are and the same is hereby repealed to  
33 the extent of such conflict.

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35 SECTION 3: If any section, sentence, clause, or phrase  
36 of this ordinance is held to be invalid or unconstitutional  
37 by a court of competent jurisdiction, then said holding  
38 shall in no way affect the validity of the remaining  
39 portions of this ordinance.

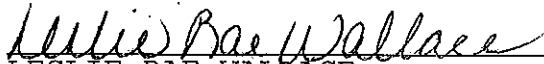
40  
41 SECTION 4: It is the intention of the City Commission  
42 that the provisions of this ordinance shall become and be  
43 made a part of the City of Margate Code, and that the  
44 sections of this ordinance may be renumbered or relettered  
45 and the word "ordinance" may be changed to "section",  
46 "article" or such other appropriate word or phrase in order  
47 to accomplish such intentions.

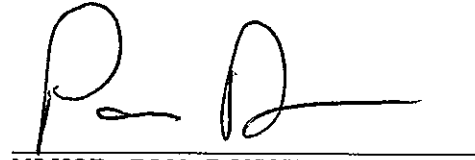
48  
49 SECTION 5: This ordinance shall become effective  
50 immediately upon adoption at its second reading.  
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1 PASSED ON FIRST READING THIS 21<sup>ST</sup> DAY OF MAY, 2008.

2 PASSED ON SECOND READING THIS 4<sup>TH</sup> DAY OF JUNE, 2008.

3 ATTEST: /

4   
5 LESLIE RAE WALLACE  
6 CITY CLERK  
7

  
MAYOR PAM DONOVAN

8  
9 RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING  
10 McLean Absent McLean Yes  
11 Talerico Aye Talerico Aye  
12 Varsallone Aye Varsallone Yes  
13 Bross Absent Bross Aye  
14 Donovan Yes Donovan Yes  
15  
16  
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3  
CODING: Words in ~~struck through type~~ are deletions  
from existing text; Words in underscored type are  
additions.