

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING APPENDIX A ZONING, ARTICLE III GENERAL PROVISIONS; SECTION 3.23.3; ARTICLE V ZONING DISTRICTS; SECTION 5.1, ARTICLE XII COMMUNITY FACILITY CF-2 DISTRICT PROVIDING FOR NEW CONSERVATION CON DISTRICT; ARTICLE XIII PROVIDING FOR NEW UTILITIES U-1 DISTRICT; 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.

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 follows¹:

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.

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

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

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

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

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

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

16 (c) [*Freestanding towers-Conditional.*] Freestanding
17 towers shall be deemed conditional within the
18 following zoning districts:

19
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
31 city commission obtained to determine if said
32 conditional use is appropriate in the area where
33 same is to be placed, based upon the criteria set
34 forth herein including, but not limited to, the
35 aesthetics of the proposed facility in conjunction
36 with its surrounding physical environment. The city
37 commission shall make specific written findings of
38 fact regarding the approval or denial of the
39 conditional use.

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

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

23 1. That special conditions and circumstances
24 exist which, if there is a literal and strict
25 enforcement of the provisions of this section
26 3.23, would constitute a hardship or practical
27 difficulty in the use of the property
28 involved; and

29 2. Granting of the waiver will not be contrary to
30 the public interest or the general purpose
31 sought to be accomplished by this section
32 3.23. The city commission shall make specific
33 written findings of fact regarding the
34 circumstances and conditions constituting said
35 hardship or circumstances prior to granting or
36 denying such waiver.

37 (f) *Time limit on project completion.* Once a wireless
38 communications facility is approved by the city a
39 building permit shall be obtained within six (6)
40 months.
41
42

43 **SECTION 2:** The Code of the City of Margate, Florida,
44 Appendix A Zoning, Article V Zoning Districts, Section 5.1
45 **Classes and symbols**, is hereby amended to read as follows:
46

1 **ARTICLE V. - ZONING DISTRICTS**

2
3 **Section 5.1. - Classes and symbols.**

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

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

7
8 (12)CF-1 Community Facility.

9
10 (23)R-1A, R-1B One-Family Dwelling.

11
12 (34)R-2 Two-Family Dwelling.

13
14 (45)R-3 Low-Density Multiple Dwelling.

15
16 (56)R-3A Multiple Dwelling.

17
18 (6) PRC Planned Residential Community

19
20 (7) PUD Planned Unit Development.

21
22 (8) RVRP Recreational Vehicle Resort Park

23
24 (97)B-1 Neighborhood Business.

25
26 (108)B-2 Limited Business.

27
28 (119)B-3 Liberal Business.

29
30 ~~(10)PUD Planned Unit Development.~~

31
32 (1211)TOC-C Corridor.

33
34 (1312)TOC-G Gateway.

35
36 (1413)TOC-CC City Center.

37
38 (1514)M-1 Light Industrial.

1 (16) M-1A Industrial Park

2
3 ~~(1715)~~Reserved. CON Conservation

4
5 ~~(1816)~~Reserved. U-1 Utilities

6
7 ~~(1917)~~S-1 Recreational.

8
9 ~~(2018)~~S-2 Open Space.

10
11 **SECTION 3:** The Code of the City of Margate, Florida,
12 Appendix A Zoning, Article XII Community Facility CF-2 District,
13 is hereby amended to read as follows:
14

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

16
17 ~~Section 12.1. — Application of article.~~

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

19 ~~Section 12.2. — Purpose of district.~~

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

25 ~~Section 12.3. — Permitted uses.~~

26
27 ~~(A) — Permitted uses specified. No building or structure,~~
28 ~~or part thereof, shall be erected, altered, or used, or~~
29 ~~land or water used in whole or in part, for other than~~
30 ~~one of the following:~~

31
32 ~~— Any use permitted in a CF-1 district.~~

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

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

7
8 ~~(1) Institutions for the care and rehabilitation of~~
9 ~~dependent, neglected, delinquent, or emotionally~~
10 ~~disturbed persons, or drug dependent or alcoholic~~
11 ~~patients. Such use shall be located on a plot at least~~
12 ~~two (2) acres in area and having at least two hundred~~
13 ~~(200) feet of street frontage.~~

14
15 ~~(2) Educational facilities for persons who are mentally~~
16 ~~retarded, brain damaged, emotionally disturbed, or~~
17 ~~incorrigibly disruptive. Such use shall be located on a~~
18 ~~plot at least two (2) acres in area and having at least~~
19 ~~two hundred (200) feet of street frontage.~~

20
21 ~~(3) Prisons and/or parole offices.~~

22
23 ~~(4) Depots and terminals. Such uses shall be located on~~
24 ~~a plot fronting on an arterial highway having a right-~~
25 ~~of-way of not less than one hundred six (106) feet and~~
26 ~~having at least one acre and two hundred fifty (250)-~~
27 ~~feet of street frontage.~~

28
29 ~~(5) Pain management clinic, subject to limitations and~~
30 ~~requirements of Article XXX of this Code.~~

31
32
33 ~~The following criteria shall be taken into consideration by~~
34 ~~the city commission when evaluating special exception~~
35 ~~requests for the above referenced facilities:~~

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

37
38 ~~(b) Accessibility for emergency vehicle services.~~

39
40 ~~(c) Accessibility to public transportation.~~

41
42 ~~(d) Impact on the surrounding area.~~

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

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

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

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

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

~~Section 12.4. - Limitations.~~

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

~~Section 12.5. - Height.~~

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

~~Section 12.6. - Lot coverage.~~

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

~~Section 12.7. - Setbacks.~~

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

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

2
3 **Section 12.1. - Application of article.**

4
5 The following regulations shall apply in all CON districts.

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

7
8 The conservation district is intended to provide for the
9 continuing conservation of the natural resources located
10 within the district. The uses within this district shall be
11 consistent with, but may be more restrictive than those
12 permitted in the conservation areas of the land use plan.
13 This zoning district shall be applied to land designated
14 conservation on the City's Future Land Use Map.

15
16 **Section 12.3. - Permitted uses.**

17
18 (A) Permitted uses specified. No building or structure, or
19 part thereof, shall be erected, altered, or used, or land or
20 water used in whole or in part, for other than one of the
21 following:

22 Passive outdoor recreational uses such as wildlife
23 sanctuaries and feeding stations, nature centers and trails,
24 outdoor research stations and walkways.

1 Structures used for flood control, drainage and storm water
2 storage.

3 Uses which do not impair the natural environment or disturb
4 the natural ecosystem of the area and which are not in
5 conflict with applicable water management and wildlife
6 protection policies of local, state and federal agencies.

7 Waterways.

8
9 **SECTION 4:** The Code of the City of Margate, Florida,
10 Appendix A Zoning, Article XIII, is hereby amended to read as
11 follows:

12
13 ARTICLE XIII. - ~~RESERVED~~ UTILITIES U-1 DISTRICT

14
15 **Section 13.1. - Application of article.**

16
17 The following regulations shall apply in all U-1 districts.

18 **Section 13.2. - Purpose of district.**

19
20 The utilities U-1 district is intended to provide for all
21 utility uses. The uses within this district shall be
22 consistent with, but may be more restrictive than those
23 permitted in the utilities land use plan designation areas.
24 This zoning district may be applied to land designated
25 utilities on the City's Future Land Use Map.

26
27 **Section 13.3. - Permitted uses.**

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

5 Communication facilities, subject to requirements of
6 section 3.23 of this Code.

7
8 Electrical utility substations.

9
10 Telecommunications transmission facilities, subject to
11 requirements of section 3.23 of this Code.

12
13 Water and wastewater plants.

14
15 Wellfields.

16
17 Uses accessory to any of the above uses when located
18 on the same plot.

19
20 (B) Special exception uses. The following uses are
21 authorized upon a finding by the City Commission that
22 a special exception to the article is warranted,
23 pursuant to the procedure and criteria set forth in
24 sections 22.9 through 22.12 of this Code.

25
26 Power plants.

27
28 Solid waste disposal facility.

29
30 Waste transfer station.

1
2 **Section 13.4 Minimum lot area and width.**

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

6
7 **Section 13.5 . Maximum height.**

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

11 **Section 13.6 Setbacks.**

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

14 (A) 25 feet from all property lines

15
16 (B) No parking areas shall be located within ten (10) feet
17 of any residentially zoned property.

18
19
20 **SECTION 5:** The Code of the City of Margate, Florida,
21 Appendix A Zoning, Article XXVIII Open Space S-2 District,
22 Section 28.2 Uses Permitted, is hereby amended to read as
23 follows:
24

25 **Section 28.2. - Uses permitted.**

26
27 No building or structure or part thereof shall be erected,
28 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.~~

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

Section 28.3. - Uses prohibited.

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

~~(1) Any business or commercial use not permitted as a principal use except when meeting requirements of an~~

1 ~~accessory use. Any commercial, industrial, manufacturing,~~
2 ~~and residential uses.~~

3
4 ~~(2) Any industrial or manufacturing use.~~

5
6
7 ~~(3) Drive-in theatre, drive-in restaurant or drive-in~~
8 ~~refreshment stand.~~

9
10 ~~(4) Any residential use.~~

11
12 **SECTION 7:** All ordinances or parts of ordinances in
13 conflict herewith are repealed to the extent of such conflict.

14
15 **SECTION 8:** If any section, sentence, clause, or phrase
16 of this Ordinance is held to be invalid or unconstitutional by a
17 court of competent jurisdiction, then said holding shall in no
18 way affect the validity of the remaining portions of this
19 Ordinance.

20
21 **SECTION 9:** It is the intention of the City Commission
22 that the provisions of this Ordinance shall become and be made a
23 part of the City of Margate Code, and that the sections of this
24 Ordinance may be renumbered or relettered and the word
25 "ordinance" may be changed to "section", "article" or such other
26 appropriate word or phrase in order to accomplish such
27 intentions.

28
29 **SECTION 10:** This Ordinance shall become effective
30 immediately upon adoption at its second reading.

31
32 PASSED ON FIRST READING THIS 18TH day of JANUARY, 2017.

33
34 PASSED ON SECOND READING THIS 1ST day of FEBRUARY, 2017.

35
36 ATTEST:

37
38
39 _____
40 JOSEPH J. KAVANAGH
41 CITY CLERK

42
43 _____
44 MAYOR TOMMY RUZZANO

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

1
2
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4
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6

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8

9

Caggiano	<u>YES</u>
Simone	<u>YES</u>
Peerman	<u>YES</u>
Schwartz	<u>YES</u>
Ruzzano	<u>YES</u>

Caggiano	<u> </u>
Simone	<u> </u>
Peerman	<u> </u>
Schwartz	<u> </u>
Ruzzano	<u> </u>

DRAFT